
INTERVIEWS OF WITNESSES

BEFORE THE
SELECT COMMITTEE ON
THE EVENTS SURROUNDING
THE 2012 TERRORIST
ATTACK IN BENGHAZI
HOUSE OF REPRESENTATIVES
ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, 2012–2016

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**INTERVIEW OF
SENSOR OPERATOR 1**

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, JUNE 9, 2016

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FOR THE SELECT COMMITTEE ON BENGHAZI

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Major * * *, *Legislative Liaison*

Mr. Tolar. Let's go on the record, please.

This is a transcribed interview of Technical Sergeant (REDACTED), United States Air Force, conducted by the House Select Committee on Benghazi. This interview is being conducted voluntarily as part of the committee's investigation into the attacks on the U.S. diplomatic facilities in Benghazi, Libya, and related matters, pursuant to House Resolution 567 of the 113th Congress, as well as House Resolution 5 of the 114th Congress.

Would the witness please state your full name for the record?

Sergeant (REDACTED)

Mr. Tolar. Thank you, sir. Thank you for your service. And we really appreciate you being here today to help us out with the investigation. It's very important.

Again, my name is Mac Tolar, and I'm with the committee staff. I would ask at this time that everyone in the room introduce themselves for the record.

Mr. Clarke. Sheria Clarke, committee staff.

Mr. Westmoreland. Congressman Lynn Westmoreland from Georgia.

Ms. Green. Shannon Green with the minority staff.

Mr. Hudson. Bill Hudson from the Department of Defense, Office of the General Counsel.

Mr. Richards. Edward Richards, DOD OGC.

Colonel (REDACTED) Colonel (REDACTED) Air Force Legislative

Affairs.

Mr. Kiko. Phil Kiko, committee staff.

Mr. Jordan. Jim Jordan.

Mr. Tolar. Sir, as you can see, we have got an official reporter here taking down everything we say in order to make a written record of this conversation. As such, I would ask that you provide verbal responses to all questions that you're asked. Please try to avoid nodding your head and saying things like "uh-huh" or "huh-uh," things of that nature.

Sergeant (REDACTED) Yes, sir.

Mr. Tolar. If either of us do that, I'm going to ask the ladies to step in and keep us in line.

Sergeant (REDACTED) Yes, sir.

Mr. Tolar. I want you to understand that although you are not under oath, you are required by law to answer questions from Congress truthfully, including questions posed by congressional staff in an interview such as this. Do you understand this?

Sergeant (REDACTED) Yes, sir.

Mr. Tolar. Is there any reason you are unable to provide truthful answers to today's questions?

Sergeant (REDACTED) No, sir.

Mr. Tolar. Shannon, anything?

Ms. Green. No. We just appreciate you coming in voluntarily to talk with us, and we look forward to hearing from you.

Mr. Tolar. It is now 5 minutes after 10. We're going to begin

the first hour of questioning.

EXAMINATION

BY MR. TOLAR:

Q Sir, prior to today, have you ever been questioned about the events surrounding Benghazi and/or DOD's response to those events?

A No, sir.

Q Do you know what the Accountability Review Board is?

A No, sir.

Q Other than military assignments, walk me through your military career, other than your military school assignments.

A Yes, sir.

Q Walk me through kind of your military career in terms of your jobs.

A Yes, sir. I joined in 2002. I became a communication and navigation mission systems apprentice. So I had worked on communication and navigation equipment at Minot Air Force Base on the B-52. Shortly after that, I had applied to go in the Air Force Academy and went to the preparatory school for 1 year. Upon successful graduation of the preparatory school, I declined to go to the Air Force Academy to stay on the enlisted side to pursue becoming an imagery analyst.

I then went to Travis Air Force Base following the preparatory school. I worked for Comanche for a year and a half, still underneath my communication and navigation job.

Upon termination of myself being an executive assistant, I then

applied to retrain to become an imagery analyst, successfully graduated that, and I was then stationed at Creech Air Force Base at the 18th Reconnaissance Squadron, where I first became a sensor operator for the MQ-1B Predator. I was there for 3 and a half years. And then in 2013 I had PSC'ed, a permanent change of station, to Beale Air Force Base to be on the RQ-4 Global Hawk, to where I am presently located.

Q All right. So you're currently at Beale, and you're currently with the 12th Reconnaissance Squadron?

A Yes, sir.

Q Who is your commanding officer?

A Lieutenant Colonel (REDACTED)

Q Is that the gentleman in the hall?

A Yes, sir.

Q At the time of the attack, what was your job?

A I was a sensor operator.

Q And you were at Creech at the time?

A Creech Air Force Base, yes, sir, the 18th Reconnaissance Squadron.

Q Who was your commanding officer then?

A It was Lieutenant Colonel (REDACTED) and I do not recall the subsequent commander. I believe it was Lieutenant Colonel (REDACTED) if I'm not mistaken.

Q Subsequent to (REDACTED)?

A After (REDACTED) sir.

Q Okay. And was (REDACTED) your CEO at the time of the

attacks?

A No, sir.

Q So he was your initial -- when did you get to Creech? How about that?

A July of 2009.

Q And when did you leave Creech?

A January 3 of 2013.

Q And (REDACTED) was your initial commander, and you say you think (REDACTED)?

A (REDACTED), yes, sir.

Q At the time of the attacks, correct?

A Yes, sir.

Q Okay. In May of 2013, someone called into the Sean Hannity radio program. He referred to himself as John from Iowa and said he was a sensor operator over Benghazi during the attacks. Was that you?

A Yes, sir.

Q At some point did your unit, the 18th Reconnaissance Squadron, realize that you had called into that radio show?

A Yes, sir.

Q How did they come to that realization?

A Sir, at the time when I made the phone call to the Sean Hannity radio program, I had already been at Beale Air Force Base at the time. I was notified by one of my former coworkers that a three-letter agency had basically been in the squadron to try to locate me. I presume this three-letter agency was the Office of Special Investigations, OSI, for

the Air Force.

And what I was informed on was that there was a staff officer for the wing commander, which was the 432nd Wing at Creech Air Force Base, that he was apparently listening to the Hannity show live. When he had heard the conversation, he went down to the security officer and informed him that, hey, someone's making, you know, is doing a phone call, whether or not it was real or fake at the time. And then I believe that security officer then had contacted OSI.

So OSI had went to my squadron, I presume had played the tapes, and had asked members to identify the voice, to which they said, yes, that was (REDACTED)

Then, at that time, I did not hear anything for about a week. So this was on a, when I'd done the initial phone call, I believe it was May 6, 2013, which was a Monday, if my memory serves my correctly. I was due to depart to go down to the Noncommissioned Officer Academy on Sunday, where I had then received a phone call prior to myself departing from my first sergeant, which was Master Sergeant (REDACTED)

He said, you know, have you departed yet? I responded, no, I have not. He said, okay, well, I'm going to need you to report in your service dress to the commander on Monday morning at 0800.

Q What was the date of that Monday, roughly?

A May 13, 2013?

Q And who was the commanding officer?

A Lieutenant Colonel (REDACTED)

Q (REDACTED)?

A Yes, sir.

Q He was the commanding officer of the 12th?

A Yes, sir, 12th Reconnaissance Squadron.

Q So on May 13, you were told to report on May 13 to the commanding officer, Lieutenant Colonel (REDACTED) by your Master Sergeant (REDACTED)?

A First sergeant, yes, sir.

Q First sergeant?

A Yeah. He was the first sergeant, and then rank was master sergeant.

Q Got it. Okay. So go ahead, please.

A So I said, yes, sir, I will be there at 0800 or 0830 in my service dress. So I showed up, to which he had just asked me, one statement. He asked did, you call into the Sean Hannity radio show? I said, yes, I did. To where I had received then a letter of reprimand which had stated that you had disclosed for-official-use-only information.

I had written my response back basically to make my formal rebuttal. And I was also removed from the NCO Academy at the time due to poor judgment.

The next available Noncommissioned Officer Academy class I was able to go to, which would have been in October of 2013, successfully graduated and that letter of reprimand had stayed in my file for approximately 2 years, 2-1/2. It has since been removed.

So my previous commander, prior to Lieutenant Colonel (REDACTED),

was Lieutenant Colonel (REDACTED) and he had removed that letter of reprimand from my file. And as far as I know, all copies in my official record are nonexistent.

Q What was Lieutenant Colonel (REDACTED) commanding?

A He was the commander of the 12th Reconnaissance Squadron after Lieutenant Colonel (REDACTED) and previous to Lieutenant Colonel (REDACTED).

Q And how do you know he removed that letter of reprimand from your file?

A I went in to go see him in the morning to speak on some weapons and tactics information for the squadron, and he had just, when we were done with our conversation, he said, oh, by the way, I wanted to show you something. So he went to my file, took it out, and shredded it.

Q So you're talking about physically a paper file?

A Yes, sir.

Q And inside it there's a letter of reprimand from your prior commanding officer saying you did wrong?

A Yes, sir.

Q And he took that letter out, and he put it in the shredder?

A Yes, sir.

Q Thank you. Is there anything else in your file that you think still exists regarding this incident?

A No, sir.

Q Is it fair to say that the Air Force knew on May 6, when you called into that show, they knew right then that that was you? How

quickly did they determine that?

A I had a phone call from my coworker within 2, 3 hours.

Q So within 2 or 3 hours of May 6 of 2013, other folks knew that was you, and your commanding officer knew a week later?

A Yes, sir.

Q Okay. When you left Creech in 2013 and moved over to Beale --

A Yes, sir.

Q -- who at Beale was aware that you had called in to that program? Let's stop. Back up. Going back to your previous assignment when you were still at -- where were you -- before Beale, at Creech?

A At Creech Air Force Base.

Q When you were at Creech, was it common knowledge after a week, 2 weeks, 3 weeks, that you were that guy?

A I believe so. Just from the individuals, my one co worker who had called me had let me know that -- I was under the impression that they had played it for the entire squadron to identify my voice, and it was, what I had been informed, that they had subsequently played it basically saying what not to do for the squadron.

Q So it was used like a training tool?

A Yes, sir.

Q And so your commanding officer knew about it?

A Yes, sir.

Q Your first sergeant knew about it?

A Yes, sir.

Q Everybody in your chain of command knew about it as far as you knew?

A Yes, sir.

Q And your commanding officer was the commanding officer of the Reconnaissance Squadron?

A Yes.

Q Do you know if his superior officer was informed of this?

A I do not know, sir.

Q Okay. So now you move over to Beale?

A Yes, sir.

Q When you got to Beale, did you know if anybody in your chain of command was aware that you had done this? Obviously, subsequently, you figured that out because he talked to you about it.

A Yes, sir. So Lieutenant Colonel (REDACTED) was the commander of the 12th Reconnaissance Squadron, and he was the commander that initially gave me the letter of reprimand. So I'm not sure from the Creech Air Force Base who all in the chain of command actually knew that it was me.

So the first sergeant and the commander were at the 12th Reconnaissance Squadron at Beale Air Force Base, so I had already departed Creech Air Force Base and was stationed at Beale Air Force Base when I made the phone call.

Q I'm sorry. Okay. Got it.

A Yes, sir.

Q All right. When you say you were told that they played it

to the squadron to try and identify who the caller was, were you there that day?

A No, sir.

Q How many people are in the squadron, approximately?

A At the time when I had left would have been -- so in January 2013, prior to --

Q What I'm trying to get at is potentially how many people were in that room when that tape was played to try to identify who that caller was?

A This would be a pure guess on my part, but I would venture to say a couple dozen at least, because they would have been members that were on my shift when I had left.

Q Okay. And of the folks that were potentially there at that time, how many are still located there that you're aware of?

A I don't know of any that are still located there. I know one is out of the military now.

Q And does your current commander know about this?

A Yes, sir.

Q And how did he find out, if it was removed from your record?

A I know for a fact that he found out when I was made aware of an article that was done on April 28 that had stated that the --

Q April 28 of when?

A 2016. So I was sent an article from a coworker at Beale Air Force Base that I work with. So he had asked me, hey, are you seeing this, this article regarding the committee that is looking for an

individual named John from Iowa, which also had a link to a letter from the assistant secretary of defense, Stephen Hedger.

And when I had saw that information, I had just taken it to Lieutenant Colonel (REDACTED) who was the commander at the time, and Lieutenant Colonel (REDACTED) was in the room as well. And since Lieutenant Colonel (REDACTED) had known about it, I did not know fully if Lieutenant Colonel (REDACTED) was aware previously, but I just let them know, hey, I'm not going to say anything, but something may come of this because now my name has resurfaced again.

Q So you said the article was dated April 28, or is that when you had the conversation?

A I believe I had the conversation on April 29. So the letter from the assistant secretary of defense, I believe was dated April 28, if I'm not mistaken, and I saw the article on April -- it would have been that same -- April 29.

Q So it's safe to say sometime in late April, your superior officer and your commanding officer were aware, connected the dots, to include your current commanding officer became aware of that also?

A Yes, sir.

Q Okay. Were you given any guidance at that time about the committee, Benghazi, your previous incident?

A The only guidance that was given to me was just don't go out of your way to make any contact because you've already been slapped on the wrist before with a letter of reprimand, so I said will do. And then if they -- if we have any notification that we need to speak with

you, we'll let it come through the official channels. I said okay, I will remain silent.

Chairman Gowdy. While Mac is talking to co-counsel, my name is Trey Gowdy. I'm from South Carolina. What do you recall about the letter from the, I think his title was congressional liaison, if I remember correctly? What do you recall from that letter that you read?

Sergeant (REDACTED). The key point that I recall is that the committee had requested to speak with a few pilots. There was also a mechanic that had made a statement apparently on his Facebook page. And then there was a 17-, 18-line paragraph that specifically regarded this John from Iowa, saying that they were trying to locate an individual who matched that description and that they had spent significant resources and they could not find this person.

Chairman Gowdy. How did that strike you when you read that paragraph?

Sergeant (REDACTED) As shocking.

Chairman Gowdy. In what way?

Sergeant (REDACTED). Because they found me within a couple hours, as soon as I made the phone call back on May 6, 2013. So surely my name was somewhere, and I had been reprimanded as well. So I want to think that those files of myself being reprimanded, the nature of the situation of being removed from the NCO Academy, that they would not know who I was.

Chairman Gowdy. At the time that letter was sent to Congress, would you have a conservative estimate of how many people would have

known that both there was a John from Iowa and that he actually did exist?

Sergeant (REDACTED). A few dozen individuals at least.

Chairman Gowdy. Okay.

BY MR. TOLAR:

Q Other than the 18th Reconnaissance Squadron, was any other Air Force squadron unit operating ISR, drones, Predators over Benghazi the night of the attack?

A Not to my knowledge.

Q Other than your unit, there wouldn't have been anybody else?

A That is correct.

Q And to the best of your knowledge, were all the pilots and sensor operators that were conducting those missions over Benghazi with the 18th Reconnaissance Squadron?

A Yes, sir.

Q So the only potential field of people, of enlisted personnel, who were sensor operators, that could have made that call, would have been in your unit?

A That is correct, sir.

Q And how many sensor operators were with you in your unit at that time that were working on, let's say, the 11th and 12th of September that year, approximately?

A Approximately, we'll say 45.

Q So there's 45 sensor operators that could have been operating on September 11 and 12 during the time of the attacks?

A Yes, sir.

Q And they were all, again, the 18th Reconnaissance Squadron located with you at Creech Air Force Base?

A Yes, sir.

Q Thanks. When were you informed that you needed to be here today? When was the first time somebody reached out to you and said you got to go to D.C.?

A It was approximately 2 weeks ago. Not sure of the exact date, but it was a Thursday or a Friday.

Q How were you informed? Who told you? What did they say, et cetera?

A I had been outside of my squadron at the time. I was still on the base. My director of operations, Major (REDACTED), had given me a call. He had asked, hey, where are you? I just said, oh, I'm just outside talking with some of my fellow coworkers. He asked me, could you come back in, the commander needs to speak with you. And at the time that was Lieutenant Colonel (REDACTED). So I said okay. So I immediately went inside, and then Lieutenant Colonel (REDACTED) had let me know that I was being sought.

Q What does that mean?

A I was being asked to come out to Washington, D.C.

Q So that was 2 weeks ago?

A Yes, sir, approximately.

Q Were you on duty at that time?

A Yes, sir, I was.

Q Were you in any kind of leave -- have you taken any leave

in the month of May? Did you take any leave?

A No, sir.

Q Were you on any kind of high priority assignments, any kind of exercises or missions?

A No, sir.

Q Was there anything going on in your squadron that would have made you irreplaceable and/or had a negative impact on the squadron's ability to operate in the month of May?

A No, sir.

Q Prior to you being notified 2 weeks ago that you needed to come to D.C., had anybody indicated to you that we wanted you to be here sooner than that, that we wanted you to be here 2 weeks ago?

A No, sir.

Q So you have no knowledge that the committee wanted you to be here 2 weeks ago? Does that make sense? I don't want to confuse you here. Are you aware that this committee had tried to have you come to D.C. to be here 2 weeks ago to talk with us? Are you aware of that?

A Yes, sir. So approximately 2 weeks ago, when the official notification came down from my commander, Lieutenant Colonel (REDACTED), and I believe that, yeah, they wanted me out there just on that following Wednesday, and I just passed a message saying I can be there if that is what is being asked of me. At the time I was going through moving out of my house at the time because the owner was selling it from underneath me. I was renting. It was a turbulent time just in my personal time.

Q Sure. Got it. Okay. So you were aware that we wanted you to be here a couple weeks ago, but you had this house issue, and it would have been complicated if you had done that. Is that fair?

A Yes, sir. Yes, sir.

Q Okay. Thank you. So Major (REDACTED) informed that you that, we're looking for you, you need to be here. What else did he tell you?

A So Major (REDACTED) had just passed the message along to go see my commander, Lieutenant Colonel (REDACTED). When I walked into Lieutenant Colonel (REDACTED) office, so he asked me about my availability, that the Select Committee wants to speak with you, the wing commander, which was Colonel (REDACTED), he had called then as I was in the office, and then we had gone through the process of setting up the secure VTC. They were going to send the email back, I'm not sure who they were corresponding with, letting them know if it's possible to push back the date, that that would be more ideal for the member.

And then I had been -- I have not been on any of the email chains because they have been trying to keep my name off of email. So that is basically the sum of what I was told that day. And I just said, okay, I'll stand by, and I'll try to get everything squared away.

Q What wing is that?

A It is the 9th Reconnaissance Wing.

Q And did you receive any other guidance prior to your appearance today?

A No, sir.

Q Have you seen the video footage since the night that you shot it?

A No, sir.

Q Have you reviewed any other information or anything in order to a prepare for your appearance today?

A No, sir.

Q In the summer of 2012, approximately August timeframe, ISR missions over Benghazi and Tripoli were suspended due to alleged complaints from Libyans. What do you recall about this issue?

A Could you repeat that one more time, sir?

Q Sure. So in August of 2012, we were conducting ISR missions over Libya.

A Yes, sir.

Q Apparently at some point during that time, the Libyans were complaining about this, and allegedly our operations were suspended, impacted, or something. Do you have any knowledge of that?

A I do not.

Q Do you recall any kind of restrictions in the Air Force being able to conduct Predator missions over Libya during that timeframe?

A I do not recall any restrictions.

Q Did you, at any time while you were conducting operations in Libya, did you ever conduct ISR operations with your Predator in conjunction with P-3 ISR assets operating at the same time?

A I did not, not that I recall.

Q Would that ever happen?

A It could potentially happen if the assets are in the area.

Q Sure. Is there any kind of technical reason or other reason why they couldn't operate simultaneously?

A There is no reason why they could not operate simultaneously.

Q Thanks. Just talk to me briefly about the Predator, the aircraft, and what its capabilities are. Don't get in the weeds on me here.

A Roger. So it is a low-altitude, high-endurance aircraft. It can carry two air-to-ground missiles. They're known as Hellfires. We can also carry signals intelligence payloads. And the typical loiter time is 20 to 22 hours. It can be extended a little bit longer depending on if you don't have both missiles on the aircraft. It travels at approximately 110 knots. (REDACTED)

Q Is 110 knots, is that the average air speed, per se?

A That's about pushing it.

Q Oh, is it?

A Yes, sir.

Q Would you ever travel with just one Hellfire vice two? Would you ever load up just one?

A Yes, sir.

Q And do you have an appreciation of the impact that flying or operating with two Hellfires has on your gas consumption, your gas capacity, fuel capacity, things of that nature?

A So our vulnerability times, which is for the sortie itself, so we're normally slated for a 20- to 22-hour flight, and that is with

both missiles on there. So the actual endurance of the Predator itself could be extended out to about 28 hours, right, if you remove those missiles and depending on the fuel load. But because it's planned itself to be at that 20- to 22-hour mark with both Hellfire missiles, I'm not trying to say that there is no impact, but it's already just scheduled to be that, it'll a 22-hour mission. You'll land 2 hours later, after they refuel and load up two missiles, if you happen to expend those, you will launch again, and 24/7 operations.

Q Do you happen to know, are the Predators pre- -- I'm not sure what the word is -- but preconfigured with the brackets necessary to hold a Hellfire missile? Like, I understand -- bear with me here, I'm not an Air Force guy -- like, for example, if you want to put it on a fast mover, you've got to put the brackets on the fast mover and then put the weapon systems on there. Is that the same thing for the Predator, or you got little clips or hooks already there, you just put it on?

A Just put them on. Depending on what theater that you're operating in, so I can't speak of the launch and recovery element that was (REDACTED). which is where the Predators were operating out of, but I had deployed to Balad Air Force Base in 2010, at the launch and recovery element out there. And our Predators at the time, they were always, they always had the Hellfire missiles on in the hangars so that when we needed to take off, they were ready to go. So they are already preconfigured, to answer that question, for the theater that you're in.

Q You were physically at a launch and recovery unit in Balad?

A In 2010, yes, sir.

Q Did you see someone mount a Hellfire on a Predator?

A I never physically saw them mount the Hellfires, no, sir.

Q Based on your experience, how long do you think it takes to physically mount a Hellfire on a Predator?

A I would -- this is pure guess, as I'm not a munitions expert -- but it would be, I would say if you have the missile --

Mr. Richards. Mac, he just said he's never seen it nor is it his specialty. But you're asking him to speculate. He's enlisted level. And so I think it's inappropriate, and I would just request you not force him to speculate on something he knows nothing about.

BY MR. TOLAR:

Q Previously in your experience, have you ever operated a Predator or been exposed to a Predator being operated where it was landed basically and was being reconfigured to be relaunched again? Approximately what is the turnaround time for that, based on what you've witnessed or experienced, whether it was (REDACTED), Balad, anywhere?

A Two hours.

Q Two hours. What happens in 2 hours?

A They will refuel the aircraft, which is what normally takes the bulk of the time.

Q All right.

A They will check if there's any faults that the air crew had annotated during the flight, and these can range just from regular gear and brake faults to potentially needing some calibrations of the sensor

itself prior to it taking off again, and then if it needed to be rearmed, they would also rearm it.

And so with these vulnerability periods, right, or our sortie times happening concurrently, back to back with each other, yeah, it would have been a 2-hour turnaround time. And from April of 2011 to September 2011, during the height of Operation Unified Protector and Operation Odyssey Dawn, we had three aircraft primarily operating over Libya, and we had two missiles, two Hellfire missiles on each Predator, and we would come back with both of those missiles expended every single time, and 2 hours later we took off with two more.

Q And, again, you say it's your understanding or appreciation that the bulk of that 2 hours is devoted to refueling the aircraft?

A Yes, sir.

Q Okay. And at the time of the operations in Benghazi, the attacks, do you know if you all were operating -- how many Predators were you operating?

A To my knowledge, there was just one Predator at the time during the night of the Benghazi attack.

Q Clearly, you were in a Predator?

A Yes, sir.

Q And there was a Predator that replaced you?

A Yes, sir.

Q So that's two Predators?

A Yes, sir.

Q It's more than one?

A Right. Could you repeat the question? I'm sorry.

Q Sure. I guess my question to you is, in the September 11, 12, 13 timeframe, how many Predators was the 18th Reconnaissance Squadron supporting, operating, whatever? Do you know? Was it more than two?

Mr. Richards. Where? What area are you speaking of?

BY MR. TOLAR:

Q Well, when you were conducting your missions, irrespective of where they were -- over Libya.

A Yes, sir.

Q How many Predators were dedicated to Libya, that you're aware of, in the September 11, 12, 13 timeframe?

A So I believe during the September 11 timeframe, that we were only scheduled, right, just to have one Predator over at a given time. So while there were multiple aircraft that were (REDACTED) that could replace another Predator if it had to land, there was only one that was scheduled.

During the height of Operation Unified Protector, right, about a year previous to that, we had three different CAPs, which are combat air patrols, that were flying simultaneously, but that had drawn down after Qadhafi had been removed.

Q Is there a formal name for a -- I understand the 18th Reconnaissance Squadron owns people. It doesn't own assets. Is that fair?

A That is fair, yes, sir.

Q What do you call the organization that owns the Predators? You know what I'm saying? Those Predators (REDACTED) that you were flying, what unit owns those?

A The air operations center or the combatant command that they're going to be operating in typically owns the aircraft.

Q I guess what I'm trying to figure out, like in a fixed aircraft wing or squadron or whatever, that's a table of organization for how many assets that unit has, typically?

A Yes, sir. Right.

Q What I'm trying to figure out, is there something similar for Predators? Do we know that a Predator launch and recovery unit typically has three Preds, has five Preds, has two Preds? Can you say something like that? Do you know?

A I would not be able to give an accurate answer on that.

Q That's okay. And, listen, at any time if you're not sure of an answer, please don't speculate. I don't want you to do that. If you don't know it, just tell me that.

A Yes, sir.

Q If you know somebody who can potentially answer the question, please tell me that, too.

A Yes, sir.

Q Thank you so much.

And, again, in terms of the 18th Reconnaissance Squadron, all the pilots, sensor operators, and all the intelligence folks where all collocated at Creech Air Force Base, correct?

A Yes, sir.

Q Talk to me a little bit about what the intelligence person does. What do you call them, mission intelligence?

A Mission intelligence coordinator. So the mission intelligence coordinator is our conduit to our supported units on the ground, so they are in our (REDACTED), which can be on the TS, top secret side, the secret side. We also had (REDACTED) as well, and they would help us coordinate on if information is being passed in this (REDACTED), right, since when you have the pilot flying the aircraft, that's where their focus is.

The sensor operator is focusing on actually positioning the camera where it needs to be, but both the pilot and the sensor operator also have (REDACTED) that are immediately to the left and right of each individual so we can (REDACTED). But when you get into a kinetic or a dynamic situation, that's where the mission intelligence coordinator will help you to relay the information to check to see if you have a valid rule of engagement. Did you have a valid nine line. They're checking weather and just helping the mission go smoothly if you need to have that.

Q I want to get back to one other thing. When you were operating or conducting missions and whatnot, at what point did you all stop conducting missions preloaded with Hellfire missiles?

A So to the best of my knowledge, it was approximately 5 months -- April -- April to May. It was approximately September, October of 2011.

And the reasoning that I had received, and this is coming down at some of our mass briefings that we do prior to your shift that you would go on, was that because that specific U.N. resolution had ended for OOD or OUP, and we were transitioning into Operation Jukebox Lotus or Operation Juniper Shield, I don't recall exactly which one came where.

Q Sure.

A But that (REDACTED), since the U.N. resolution had ended, they said, well, we no longer want you to preconfigure and have Hellfire missiles attached to your aircraft.

So I would say for approximately 5 months, for the entire time that the U.N. resolution was going on, we had always them preconfigured with Hellfire missiles, and once that ended, we did not.

Q Subsequent to that, did you ever -- did you ever conduct a mission where your aircraft was preloaded with Hellfire missiles in Libya or anywhere else, anywhere else?

A In Libya, no. The 18th Reconnaissance Squadron had, as soon as we had gotten involved in the Operation Unified Protector, I mean, I would venture to say that potentially the first one, two, or three missions did not have Hellfire missiles but that is because they were being shipped over from wherever they were, but once we had them they were always preconfigured.

As far as other theater of operations, it would, dependent on the stockpile at the time that that theater would have would dictate whether you are operating with one missile and/or without. Normally that came up to the joint terminal air controller that you were working with.

Q What other theaters did you operate in subsequent to the ending of Odyssey Dawn or NATO operations?

A I was in Operation Iraqi, which was Iraq, and Operation Enduring Freedom with Afghanistan.

Q Were those aircraft being launched (REDACTED)?

A No, sir.

Q Okay. Did you, subsequent to the end of the NATO mission, were any Predators that you were involved with or you have knowledge of launched (REDACTED) with weapons?

A Not to my direct knowledge, but I would -- not to my direct knowledge.

Q Do you have reason to believe that some were?

A Potentially, dependent on who would -- the supported unit -- or any supported unit that you're working for potentially could request to have a Predator loaded with a Hellfire missile, but with these operations going on 24 hours a day, 7 days a week, I can't be aware of every mission.

Q Sure.

A So I mean, it would be safe to assume that if a supported unit wanted a missile, they would get one.

Q Walk me through September 10. Where were you on September 10 of 2012, just a couple days or a day prior to the attack? Did you work that day? Do you recall?

A I do not recall. I believe I would have.

Q Did you receive any kind of guidance from your higher

headquarters about the anniversary of 9/11, this that and the other, we're going to be doing special missions, anything like that at all?

A No, sir.

Q Talk to me about September 11.

A Yes, sir. On September 11, I went to work. So I was -- my shift was the 8 a.m. to 4 p.m. This is Pacific standard time. So we have our mass briefing that occurs in the morning where you can get a situation update on all the missions that are partaken in, that your squadron is on. So some of these included Libya. Some of them included Afghanistan and Iraq. But there was nothing significant at that -- during this mass brief that I had keyed in on.

Approximately -- during the lunch hour then, I had stopped by my operations superintendent office just to have a casual talk with him, and he had mentioned to me that he was going to be getting onto the Libya line because there was -- he said, yeah, we're probably going to be going down to the consulate or to the Annex. So I said okay.

But there was nothing -- at this moment, you're still not thinking there's any significance of it. And the reason I say that is in the 3-1/2 years that I had been on the Predator, you can be told that there are multiple missions that are having preemptive nine lines, which would give you the authorization to strike, but those could end up being a dime a dozen. So my operations superintendent then had hinted, right, that that's where we were going to be going.

Q What's the lunch hour, 12 to 1?

A Eleven -- yeah, 11 to 1 o'clock. And then at approximately,

I would say, 1:30 to 2 o'clock, I had then taken the seat of the line, and the seat being operating the controls of the Predator. I do not recall who I did changeover with, but when I had gotten into the seat, the camera was already on the consulate, which I have now been made aware that apparently it was the Special Mission Compound.

And it was -- the building itself was already engulfed in flames at this time, and there were numerous individuals that were around it. (REDACTED) then after I had eyes on there for maybe about 5 to 10 minutes, we were told to move the camera to the CIA Annex, and the intent was to ensure that they were not going to be coming under attack.

Q Let's hold on, hold that thought for a minute, if you don't mind.

A Yes, sir.

Q Let's go back to, prior to getting in the seat?

A Yes, sir.

Q How much knowledge did you have about what you were going to be looking for, et cetera?

A Zero knowledge.

Q Okay. Before you get in the seat, do you stand over your predecessor's shoulder and kind of look at stuff, or you just literally get in the seat and put on the headphones?

A So after you get approved to go out to the launch, you make sure that all your currencies are good, right, that you're actually qualified to fly the aircraft. You walk into the ground control station, and it's normally about 10 minutes before that you're scheduled

to actually fly the line. So if I'm scheduled to fly at 2 o'clock, I would be in there about 1:45, 1:50, and that is to do an adequate changeover.

So the sensor operator that I'm going to relieve is staying in the seat, and they're going over what you're looking at, if the cameras are calibrated, who you're talking to, what has the weather been like, where have you been.

You have target return buttons that you can -- you basically -- if I'm looking at this bottle of water, I can designate it on my screen saying if I want to come back here, and I can set a target I can just click on later to go there. So they go over what they already had preselected. So, again, this is the Annex, so if you wanted to go there, just click this. If you want to go over to skyscraper 1.

And so that normally can be done, depending on how proficient you are, in just a couple minutes. Then and as long as there is nothing kinetic that is about to take place or there's nothing dynamic, you're not doing any type of vehicle follow, that sensor operator checks off, and then they move out of the way. Then I take the seat.

Q And when you took the seat, were there any specific targets that had already been designated, to the best of your knowledge?

A Not that I recall.

Q You get in. You see buildings on fire, whatnot. What else did you see at that time?

A So there were, again, the multiple, numerous individuals that had been surrounding that building that was in flames on my screen,

so I'll try to designate basically up, down, left, and right, because it doesn't necessarily correlate to north, south, east, and west. But at the bottom of my screen I recall a road where there were vehicles that were driving by. A few had stopped. And so I was not able to get a full, like a situational awareness on that building, when I then had been asked to move the eyes to the Annex.

Q Were you focused on one particular building or the compound writ large?

A The compound at large. So I had been in a zoom level and I could see everything that was going on.

Q Could you see folks running around on the ground?

A I won't say running, but I knew it was -- yes, sir.

Q Could you tell if they were armed or not?

A At that specific time, I could not.

Q Anything else that jumped out at you that you noticed there that you observed? Anything else?

A Nothing else that I'd observed. Again, just being over that, the compound that was on fire, I did not have time to zoom in on anything that I potentially would have done because I had already been asked to move my camera to another location, so I would take their guidance.

Mr. Jordan. Did you stay on the -- so at 5 o'clock, you step into the seat. You are told initially to go from the temporary mission facility, which is on fire, move directly to the Annex. Did you stay on the Annex then the rest of your time or did you move back and forth?

Sergeant (REDACTED). To my recollection, I had stayed on the CIA Annex for the next hour and a half. There may have been small portions to where I had zoomed out, you know, tried to look in the vicinity of the temporary compound, but that would have all been done with me trying to keep the Annex and the field of view of the camera because I'm trying not to --

Mr. Jordan. So for the next hour and a half, you are locked on the Annex. Anything in that -- Mac, if I'm getting ahead of you, I apologize -- in that hour and a half when you're watching the Annex, what did you see happen there?

Sergeant (REDACTED). So I did not notice any activity that was going on outside of that compound, which is normally a good thing. What I did take note was there were, I believe, about four to five buildings that were inside that CIA Annex building, and two to three individuals would be on the rooftops of them, and they would look in the direction towards, again, towards what I thought was the consulate at the time. And the way you can tell that they're looking in that direction is when they get up on the roof, right, and they're walking from one corner to the other, it's safe to presume that they're probably looking over at what is going on a mile and a half away.

Mr. Jordan. Okay. And that's at 2 o'clock Pacific time, you step into the seat?

Sergeant (REDACTED). Yes, sir, approximately.

Mr. Jordan. And you were there for 5 hours?

Sergeant (REDACTED). No, sir. So I would have done a turnover,

a changeover at 4 p.m.

Mr. Jordan. 4 p.m.?

Sergeant (REDACTED). Yes, sir.

Mr. Jordan. I thought you said your shift goes from 11 to 7, so what happens after 4 p.m.

Sergeant (REDACTED). So my shift was from 8 a.m. to 4 p.m., and the 11 a.m., I believe, came in because that was during that lunch hour when I had spoken with my operations superintendent.

Mr. Jordan. Okay. Got it.

BY MR. TOLAR:

Q When the Predator is in an orbit, does it need to relocate in order for you to zoom in on the Annex, or is it simply a function of you moving your camera and you all stay in your track?

A Right. So the Predator itself can be in the loiter or the orbit. It can be about (REDACTED), which is a safe distance for me to be able to zoom in. I mean, there's several different zoom that you go from greater to as close. I'm not necessarily cognizant of where my pilot is flying because I just maintain, staying zoomed in, and keeping the target of interest in the field of view.

Q When you were directed to move your sensors or cameras over to the Annex, how did you know how to find the Annex? Did they give you a grid? Or how do you know to find it?

A So coordinates where passed in (REDACTED) go down to these coordinates. And then also you have your mission intelligence coordinator, you know, that helps you type them in and say, hey, you're

looking for a -- zoom out, kind of go south, next to two roads. So you start off wide, and then you work your way in, and you get talked on.

Q Did you have any trouble doing that that night?

A No.

Q And what were you told about what you were looking for in terms of what the facility was, what was happening there, friendlies, bad guys, et cetera?

A The only information that I had right that evening was just to ensure that the individuals that were in that compound, who I didn't -- right, I didn't know who they were, who they worked for at the time -- was just make sure that, you know, there's nothing suspicious or nothing that is happening right with that specific target of interest.

We, to my recollection, we did not have any direct communication with the individuals on the ground from the Predator to itself. So the members, the unit that is (REDACTED), right, when they're asking us to make sure that there's nothing, right, that is about to happen, that's more or less us relaying (REDACTED) if they happen to be taking care of other business wherever they may be located.

Q Sure.

A Saying check in, check in. We have got -- there's a large group of members coming to this compound.

But for the 2 hours, right, that I was in the seat watching the Annex, you know, that compound, which I found out was the Annex later, I did not note any movement towards that compound at that time.

Q And talk about (REDACTED).

A Yes.

Q Is that fair?

A Yes, sir.

Q So you're on there. Mission intelligence on there?

A Yes, sir.

Q Air operations center is on there?

A Yes, sir.

Q Pilots on there?

A Yes, sir.

Q Who else potentially is on that?

A (REDACTED)

Q (REDACTED)

A Yes, sir. (REDACTED)

Q (REDACTED)

A (REDACTED)

BY MS. CLARKE:

Q So you said that when you got on the seat, you had already been given instructions to move the cameras to view the Annex?

A Yes, ma'am.

Q When did you that, were you able to see -- did you know whether or not individuals had already relocated from the compound to the Annex at that time?

A I did not know if anybody had moved from the -- from that Special Mission Compound, which is what I thought was the. I didn't know if anybody was in there. I didn't know if anybody had moved. I

would have presumed that it was -- that there was no danger because there was nothing that was (REDACTED) that were saying, hey, somebody's been injured or somebody's been killed or -- it's just, hey, this building's on fire. So I would have assumed that they all got out and then that they were in the CIA Annex, which is why they wanted us to stay and be focused on that and not the other compound.

Q And when you said -- when you relieved the other sensor operator who was operating prior to you --

A Yes, ma'am.

Q -- did he indicate to you that he had watched or seen any cars leaving the compound and going to the Annex?

A I do not recall if that would have been stated or not, ma'am.

Q I think earlier you mentioned something about a preemptive nine line?

A Yes, ma'am.

Mr. Jordan. Hang on 1 second. Did you see anything, when you stepped in, did you see any vehicles travelling from anywhere outside the Annex actually pull into the Annex?

Sergeant (REDACTED). Not that I recall. I believe at the time that I was watching all the -- nobody had left or had come in, to the best of my knowledge. I don't recall that. I just recall, remember seeing them, remember seeing the individuals primarily on the rooftops, and that's what I was focused on, was trying to just gauge and count how many people were on each roof.

Mr. Jordan. So in the time you were on the Annex, you never saw

any vehicles enter?

Sergeant (REDACTED). Not to my recollection.

Mr. Jordan. Got you.

BY MS. CLARKE:

Q I think earlier you mentioned or you talked about a preemptive nine line, and I just wanted to know what exactly that is?

A Yes, ma'am. So there was no preemptive nine line given out on this mission. A preemptive nine line is when a joint terminal air controller, who normally will give you the clearance to release a missile to go kinetic on a target, there are nine pieces of information that are on this nine line. It's telling you where your target is at, the elevation. It's longitude and latitude, where the friendlies are, what missile you're going to be using, what type RON'ing that you're going to do.

So it has all the information that you need for the air crew to employ the missile. And this is -- it's normally given right after you have had -- positively ID'd, so the PID, you've PID'd the target.

And so why it's got a preemptive nine line, though, is that the JTACs will, if they know that they're going to be on a specific compound where a high-value target will be, such as in Afghanistan or Iraq, due to our signals intelligence, then they will already give it, saying if we can geolocate this individual and they get into their vehicle, we're going to -- here's your preemptive nine line, right, it's basically here's all the information, and all you're going to have to do is wait for the JTAC to say you are cleared hot, which is your authorization

then to strike. It's within the valid rules of engagement too.

Q Where is that JTAC located, on the ground?

A Sometimes they are located on the ground. Other times they are located within the Combined Air Operations Center, which can be down in Al Udeid, or in Germany at the time. I believe it was CAOC5 that was handling the Libya operations.

Q So during your experience with Operation Unified Protector, the JTACs, where were they located?

A So during Operation Unified Protector, we weren't necessarily working with JTACs. We were operating under the mission called SCAR, the Strike Coordination and Reconnaissance.

And there is a SCAR commander, which is what we were normally filling as the Predator, and you are given each day by the CAOC, right, that your forward line of troops -- and these are regime forces of Qadhafi and then the rebels who we were trying to support -- so given where they're located.

So when you know where the Qadhafi regime forces are, you're operating within that kind of space, and you're trying to find targets of opportunity. And you have certain pieces of identification, so if they're using all green flags were a good tell that they were Qadhafi's forces because the rebels were using their standard black, red and, I don't remember, green.

So once you find a target, the sensor operator and the pilot themselves will (REDACTED) and this is going back to CAOC5 in Germany, and you're relaying a message of basically your own nine line to them

asking a collateral damage estimate member, right, to basically pull up the feed, look at it, and say, all right, so we want to strike this tank. You know, we're seeking authorization to do so. So the collateral damage estimate individual would look at your feed, and they would let you know at what CDE level that you are at.

Q What is CDE?

A CDE is the collateral damage estimate. So you need a certain amount of distance away from other structures, other people, right, to prevent, you know, CIVGAS and damaging these things that are not military targets. And once they gave you the CDE level, as long as it fell within approval to strike, then they would also pass you're cleared to engage.

So I don't believe that this collateral damage estimate individual was a JTAC. It was just a member that was certified to do collateral damage estimates. And then whether or not they had a JAG officer behind them or some other type of military member that's saying, okay, yeah, the CDE is good, you can tell them to strike. So we weren't working for a JTAC per se.

Q So the individual that does the collateral damage estimate --

A Yes, ma'am.

Q -- he is making that estimate off of what he's seeing on the screen?

A Yes, ma'am. Off the full motion video feed that we have, yes, ma'am.

Mr. Tolar. Mr. Chairman?

Chairman Gowdy. What day did you call into the radio show?

Sergeant (REDACTED). May 6 of 2013, sir.

Chairman Gowdy. May 6, 2013. And whose show was it?

Sergeant (REDACTED). The Sean Hannity radio program.

Chairman Gowdy. And how did you identify of yourself?

Sergeant (REDACTED). John from Iowa.

Chairman Gowdy. John from Iowa. What was your name at the time you identified yourself as John from Iowa?

Sergeant (REDACTED). Could you repeat that one more time, sir.

Chairman Gowdy. What was your name at the time you identified yourself as John from Iowa?

Sergeant (REDACTED). (REDACTED)

Chairman Gowdy. And what did you go by?

Sergeant (REDACTED). Normally (REDACTED)

Chairman Gowdy. How did you enlist in the military? Under what name did you enlist?

Sergeant (REDACTED). (REDACTED)

Chairman Gowdy. And were you -- are you from Iowa?

Sergeant (REDACTED). Yes, sir.

Chairman Gowdy. So you didn't make a really Herculean effort to disguise who you were? I could have given you some better suggestions if your effort was to obscure your identity.

Sergeant (REDACTED). Yes, sir.

Chairman Gowdy. And it apparently didn't work because you got a phone call how quickly?

Sergeant (REDACTED). Within a couple hours I had a phone call from one of my coworkers back at Creech Air Force Base that told me that what I presumed to be the Office of Special Investigations for the Air Force was looking for me.

Chairman Gowdy. So it took a couple of hours for them to at least muse that perhaps there really was a John from Iowa. And you identified yourself by what title? What was your craft when you called into the radio show?

Sergeant (REDACTED). I just -- I just let them know that I was a sensor operator on a remote piloted aircraft that was operating over that night.

Chairman Gowdy. What is the full universe of sensor operators in the U.S. military? What are those numbers?

Sergeant (REDACTED). Maybe 4- or 500 individuals at the time.

Chairman Gowdy. Do you log in on the days that you work the camera?

Sergeant (REDACTED). Yes, sir.

Chairman Gowdy. So if one wanted to go to September 11 or September 12, 2012, and see who actually was operating the camera in Libya that day, how laborious would that task be?

Sergeant (REDACTED). It would be fairly simple as long as you knew what date that you were going for. So the program that we used was, it's called Skynet, and that's where we would log -- this is both pilots and sensors and mission intel coordinators -- you open up this program, which is on SIPRNet, and that is where you're logging your 781 information, which is your flight times, what authorization codes you

have, so if you're experienced or inexperienced.

And that is all -- it's all cataloged. So every squadron aviation resource management and the host aviation resource management, they have all the 781s. They're all in the file. You can find the information. It's not that difficult.

Chairman Gowdy. It doesn't sound like it's that difficult.

Sergeant (REDACTED). No, sir.

Chairman Gowdy. It sounds like you used your middle name when you called into a national radio show. You identified yourself by your proper title or your operational title.

Sergeant (REDACTED). Yes, sir.

Chairman Gowdy. You said that you were working over Libya on the date in question.

Sergeant (REDACTED). Yes, sir.

Chairman Gowdy. And it wouldn't be that tough to find the full universe of people who were operating as camera operators in Libya on September 11 or 12 of 2012?

Sergeant (REDACTED). That is true. And just to provide clarification, if we're also talking, just so when I was giving the 4- to 500 sensor operator number, that is in every squadron. But there was only one squadron which was involved in Libya, so now we just cut that 500 sensor operators to under 100 easily.

Chairman Gowdy. Okay.

Mr. Tolar. Just to be clear, earlier you said about 45. I apologize, sir. Is that more accurate?

Sergeant (REDACTED). So a hundred sensor operators that are approximately in the squadron itself as a whole. And then I believe your question was just on September 11 to September 12, how many sensor operators could have been partaking. So that's where, if I just do a rough math, 12 to 15 sensor operators on a given shift. So that's where the 45 did come from.

Mr. Tolar. I apologize, sir.

Chairman Gowdy. And I guess the best evidence that you didn't do a great job of disguising yourself is it only took them a couple hours to figure out who you were?

Sergeant (REDACTED). Correct, sir.

Chairman Gowdy. And how many people in uniform did you interact with that knew it was you that called into the radio show after?

Sergeant (REDACTED). I would say there was probably at least 50, 50 individuals, you know, that I've talked to, and they're normally coworkers and close friends. It was -- I didn't go around and it wasn't me boasting about that I done this phone call.

Chairman Gowdy. No, no, you wouldn't have to because you had a letter of reprimand in your file. You wouldn't have to be too much, I wouldn't think, would you?

Sergeant (REDACTED). Correct.

Chairman Gowdy. So who signed the letter of reprimand?

Sergeant (REDACTED). It was my commander at the time of the 12th Reconnaissance Squadron. So I was already at Beale Air Force at this time when I made the phone call. That was Lieutenant Colonel (REDACTED)

Chairman Gowdy. I guess what I'm struggling to reconcile is your testimony and the facts with a letter from a Stephen Hedger, and, here, we'll go through it: "The committee has requested to interview an individual identified as John from Iowa who described himself as a remotely piloted aircraft camera operator." Is that what you were?

Sergeant (REDACTED). Yes, sir.

Chairman Gowdy. And your middle name is John?

Sergeant (REDACTED). Yes, sir.

Chairman Gowdy. And you are from Iowa?

Sergeant (REDACTED). Yes, sir.

Chairman Gowdy. "Where he described what he allegedly saw in the video feed from the night of the attack."

So we have narrowed the universe down to those who might possibly have been in a position to watch any part of Benghazi on the night or morning of the attack.

Sergeant (REDACTED). Yes, sir.

Chairman Gowdy. All right. As if John from Iowa wasn't limiting enough, we have gone ahead and limited down a little bit more.

Sergeant (REDACTED). Yes, sir.

Chairman Gowdy. Then he says, "The department has extended significant resources to locate anyone who might match the description of this person, to no avail."

I'm just wondering what the hell they did. Could they find you when it was time to give you the letter of reprimand?

Sergeant (REDACTED). Yes, sir.

Chairman Gowdy. Did they have any trouble finding you?

Sergeant (REDACTED). No, sir.

Chairman Gowdy. Well, I guess what we will have to do is just get Mr. Hedger to come in and explain to us what significant resources he used to no avail.

You're going to write a letter to Congress representing this and then leak it to the media after you coordinate it with other people, and it took them no time to find you when they wanted to reprimand you, but when Congress wanted to talk to you, they couldn't find you. I appreciate your testimony, but some of these questions will only be able to be answered by Mr. Hedger.

Sergeant (REDACTED). Yes, sir.

Mr. Tolar. Let's go off the record.

[Recess.]

[11:25 a.m.]

EXAMINATION

BY MS. GREEN:

Q Back on the record, the time is 11:25.

Mr. (REDACTED). Is that correct?

A (REDACTED). Yes, ma'am.

Q Again my name is Shannon Green with the minority staff. This is our staff director, Susanne Sachsman Grooms and we appreciate you being here.

A Yes, ma'am.

Q I wanted to start off by just clarifying for myself when exactly you were in the seat that night. You gave us the times I think you worked that day from --

A 8:00 a.m. to 4:00 p.m., that is Pacific standard time in Creech.

Q Pacific standard time. What time would that be local?

Mr. Richards. Can we go off the record please?

[Discussion off the record.]

BY MS. GREEN:

Q And so (REDACTED), you had mentioned in the last hour that you took the seat some time between 1:30 and 2:00 p.m. Pacific daylight time. Is that right?

A To the best of my recollection, yes, ma'am.

Q And again, I just want to clarify for myself and for the record exactly when you were in the seat that night or that day. So

1:30 to 2:00, Pacific daylight time would be between 10:30 and 11:00 p.m. eastern European time, which is local Benghazi time. Is that your understanding as well?

A Yes, ma'am.

Q I am happy to explain the time differentials, if that is helpful.

A That appears correct. Yes, ma'am.

Q Okay. And you've mentioned that the Predator was already over the compound in Benghazi when you took the seat. Is that correct?

A Yes, ma'am.

Q And you were in the seat there for about 5 minutes, is that right, before you were told to move to the Annex?

A Yes, ma'am.

Q Could you describe again what you saw in that 5 minutes?

A So the compound which I have later found out was the Special Mission Compound, so there was already an IR bloom again to the best of my recollection. There were multiple individuals that were --

Q I am sorry. What is an IR bloom?

A Sorry. When, you are utilizing the infrared camera and there is a fire. So you have the fire itself and then the heat that is coming off the fire is also -- because the infrared camera picks up thermal signatures, it will -- so the bloom is the thermal aspect of the fire that you can't see. So when you see those radiating lines when there is significant heat, well on an IR camera, that is a larger area. So a small fire can appear to be larger than what it actually is.

Ms. Sachsman Grooms. Okay. And is the significance of the IR bloom that is hard to see what is going on?

Sergeant (REDACTED). Yes. It can mask certain features and certain characteristics of whatever you may be looking at. If you have individuals that are walking closer to that fire, the heat of the fire will mask them, because normally a fire is hotter than a person, a persons IR signature. So that is what the significance of the blooms are, of the IR blooms.

BY MS. GREEN:

Q Okay. Would that make it harder to distinguish individuals with the fire?

A It would.

Q And for the timing of this record, according to the DOD, unclassified timeline that you have before you, the diverted surveillance aircraft arrived on station over the Benghazi facility at 11:10 p.m. local Benghazi time.

A Yes, ma'am.

Q Could it have been a little bit later that you took the seat? It seems from this timeline that the Predator arrived over Benghazi around 11:10 p.m. So that would have about 2:10 p.m. your time -- yeah, 2:10 p.m.?

A Yes, ma'am, 2:10 p.m.

Q Is it possible that is around when you took the seat?

A Yes, ma'am.

Q And then you mentioned you were in the seat for about 5

minutes over the compound and then diverted to the Annex. Is that correct?

A Yes, ma'am.

Q How long were you in the seat over the Annex before you left for the day?

A I believe it would have been for approximately 90 minutes, an hour and a half, because it would have -- from the moment that I had taken the seat, I was in there up until my shift ended, which was 4:00 p.m. I mean it is possible that it went a couple minutes afterwards or due to -- if I had to do a changeover or the previous sensor operator was running late. But I don't recall. To my knowledge, that I had stayed significantly later than 4:00 p.m.

Q Very good.

A That is just --

Q Okay. And 4:00 p.m. would have been 1:00 a.m. local Benghazi. So that would have been approximately when you left the seat. Is that correct?

A Yes, ma'am.

Q And so generously speaking, we will say you were in the seat from 11:10 p.m., local Benghazi, which is essentially when the aircraft arrived until 1:00 in the morning, approximately 2 hours?

A Yes, ma'am.

Q I think you mentioned in the first hour that you didn't see any vehicles going into the Annex during the time that you were in the seat. Is that correct?

A Not that I recall, no. But as previously stated, I have not reseen the video footage from nearly 4 years ago.

Q I understand.

BY MS. SACHSMAN GROOMS:

Q Can you just go back to explaining? I think you were starting to explain what you saw during the sort of 5 minutes you were over the Special Mission Compound. Can you just describe to us what you saw?

Sergeant (REDACTED). So I recall seeing multiple individuals that were around the compound. And again the compound was at the top of my screen, which I previously stated that doesn't necessarily mean I was north the route is a cardinal direction, but at the top of the screen and whether or not it was a legitimate road is, you know, I want to be able to answer that, but at the bottom of the screen, I recall seeing vehicles that were driving, you know, through my screen, through the field of regard as we call it. There were a few vehicles that had stopped.

But there was nothing that I had specifically noted that was of interest because right when -- I guess I started to get my bearings on the situation or what I was looking at is one. We were told to move the sensor, the actual camera to the other location.

Q Okay. So during the 5 minutes over the Special Mission Compound, what you -- I just want to walk through it to make sure I totally get it?

A Yes, ma'am.

Q What you saw was I think the fire and you described the bloom from the fire?

A Yes, ma'am.

Q You said you saw individuals around the compound. Do you mean on the outside of the walls of the compound or inside of the compound itself?

A With it being so long ago I can't tell you if they were inside of the wall or outside -- I don't recall that specific where a wall was or where a wall was not. I just recall there were multiple individuals that were around the -- that I would at least would state were associated with the building that was on fire in question.

Q Okay. And could you tell who those individuals were from your view?

A No. In the infrared camera, you can't tell -- I mean this goes back to I guess the specifics on who somebody is, dependent on your altitude and if it is actually daylight. If you have already had somebody that has ID'd an individual on the ground, then it is easy to follow them out, especially if they are wearing a certain color of robe or driving any type of vehicle right with the colors and so forth. There are different ways we can ID a certain vehicle.

But my only assumption would be that if it is known that the compound in question is a friendly compound and there are more individuals on the outside kind of moving -- moving towards, right, that they would be the aggressors and not necessarily anybody that is friendly, because our friendlies would be trying to get out of that

location. But that is a --

BY MS. GREEN:

Q Have you been briefed on this? Were you aware of who have was friendly, like the friendly militias versus who might not be?

A No, ma'am. So the knowledge is all knowledge that I had gained in the 3 years, 3-1/5 years that I had been a sensor operator up until that point.

So you start to realize there are different patterns on, you know, how people walk, how people act, obviously different individuals.

BY MS. SACHSMAN GROOMS:

Q So on that night -- And I just want it focus on what you saw and you could tell from that evening?

A Yes, ma'am.

Q So on that night you are observing individuals, it is not daylight and nobody has told you who those people are. Is that accurate?

A That is accurate, ma'am.

Q Okay. And so what you are viewing is infrared people. Does that make sense?

A Yes, yes, ma'am, black and white. White is hot, black is not.

Q Okay. And you don't right now recall if the individuals you were seeing were on the inside of the walls of the compound are on the outside of the walls of the compound?

A I do not recall. Without obviously seeing the video, I would not recall.

Q And you recall seeing cars traveling along a road. Is that right?

A It may not have been a road, but there were vehicles, yes, ma'am.

Q And is it fair to say that you described it as some of the cars were stopping around the compound or some of them were just traveling past it?

A Yes, ma'am.

Q Okay. So is it fair to say during that 5 minutes were you trying to get your bearings about what you were actually looking at?

A That is a fair statement.

Q And could you tell from the infrared sort of view that evening whether the individuals you were looking at were good guys or bad guys?

A No, ma'am.

BY MS. GREEN:

Q Okay. And did you have the chance to speak with anyone on the ground there at the compound during that time limit?

A No, ma'am. To my recollection, we did not have any -- the air crews and myself and the pilot did not have any communication with the -- direct communication with the individuals on the ground. So all of our communication was done through the supported unit (REDACTED). And I don't remember 4 years ago who were working for.

Q Understandable?

BY MS. SACHSMAN GROOMS:

Q And in that sort of immediate time period before you take

over the chair --

A Yes, ma'am.

Q -- are you given some kind of a briefing about what you are supposed to be doing or what is going on?

A Yes, ma'am. So the change over time from one sensor operator to the other, is where you are going over what altitude you are at, what you are looking at, the weather. How the camera has been operating if there is any drift to the camera and drift being that if you -- if I just put the camera on a specific point, will the camera just naturally move and that's just given, how it is built at the end of the aircraft.

But there was no specific communication from the previous sensor operator that hey, you are, you know, supporting this, or you are doing that specifically on -- that there has been I guess a legitimate attack. I wasn't briefed that. So whether or not the previous sensor operator had known anything or, you know, it is beyond -- I did not know.

Q So you were given technical aspects of how to perform your job so that you could take over the sensor?

A Yes, ma'am.

Q Okay. But no general description of what was going on or anything like that?

A No, ma'am, just that you are looking at this compound right now, and this compound being the one that was on fire, and you are working for this individual so -- if they need you to move, they will tell you to move.

Q Okay. And then you are working for an individual who makes

the judgment about whether or not to move? Is that fair to say?

A That is fair to say, yes(REDACTED).

Q Okay and so when that person tells you move here, you move?

A Yes, usually it is just the camera unless it is significantly farther away is where you would move the aircraft, but it is all built around where they want the actual full motion video feed. So --

Q But you don't have a personal judgment sort of aspect of this. You are operating the camera. Is that accurate?

A Correct. Yes. I am operating the camera so when they are just given -- when you are past the target, then it is up to you as the sensor operator to then do your kind of perimeter scans of the location, by getting a good situational awareness of the area, so if anybody works -- like where are the entry and exit points to the target that you are actually looking at -- are there vehicles, what makes it distinguishable.

What is hot and what it not right from the thermal signatures. If it is daylight you switch your electrooptical camera and you pick out what features are there. So that is where you are getting all your -- so you have some freedom of movement right to control your camera being the expert, but it is always done by keeping that target in your field of view. So you can zoom out and move the camera to keep the target in each specific corner which helps you to watch the entire area. So that way you are not just tunnel vision.

Q And is your job as and I apologize because I don't really know what all the different roles are, but is your job while you are

moving the camera to then be doing the interpretation of what you are viewing? I mean I understand lots of people are able to see then what you are viewing. Are you in real-time giving an interpretation of what you are viewing to someone?

A So we have the ability to (REDACTED) and it is a co-effort between the sensor operator typing up what they see to the mission intelligence coordinator who is also in the same building. They just don't happen to be located right next to the pilot and sensor operator. They can pass the information along.

Sometimes the imagery analysts that are at the distributing ground stations tell the Intel analysts so they can look at the slow motion feed they are charged with exploiting the imagery. A lot of it just normally will come down to what that supported unit has asked for. So they will say to the distributed ground station, the DGS, I want you guys to exploit it or they will say we handle the call outs, so if anybody leaves or any vehicles move, that is when a unit will pass along who they want to do it.

So while I have the ability and as well as the pilot and everybody else in that, who is watching the feed and has a keyboard in front of them. Anybody can start to type and say what they see. There are times where you might miss a specific detail, if I am focused on one building as opposed to another, hey, somebody just left that location.

Q And were you doing -- on that night were you doing the exploiting of the video?

A To my recollection I don't think I typed anything at all

(REDACTED).

Q Okay. So someone else was doing the exploiting of the videos that night?

A Yes, ma'am.

Q Okay. And so then you are told, just to get back into our sequence, approximately 5 minutes after you have been watching the compound you are told by someone to move to the Annex. Is that accurate?

A That is, yes, ma'am.

BY MS. GREEN:

Q Can I just ask something? Did you have a sense of whether the sensor operator who you replaced had been at the Annex -- the compound for any period of time or had that individual just arrived?

A I am not sure how long they -- if they just got there. When I had taken the seat it was under my presumption that we had just gotten into the area. I didn't recall if the Predator had taken off (REDACTED) or if it was -- came from another -- if it was already overhead Libya.

Q So were you not aware of where the Predator was prior to arriving over Benghazi?

A To my knowledge, I thought it was that it had taken off. That is what I had thought. So the sensor operator that I relieved I presume was part of the takeoff crew, but not saying that they couldn't have still been the takeoff crew and they were somewhere else and then were moved there.

Q And how long did it take you to divert the camera from the compound to the Annex?

A A couple minutes, max. I was very proficient at my job at that time. So being able to type in the coordinates on where I need to go or zooming out and doing the coordinate conversion in my head on where I have to go, I was able to quickly realize I need to go southwest, or northeast, or wherever -- again this is all relative to where my target is at on the screen and where we are situated in space because north could be down or left. It kind of gets complicated.

Q It sounds complicated.

A So --

Q So you are focused on moving the camera to a new coordinate. Is that fair to say, rather than watching the ground as you move from one coordinate to the next?

A Yes, ma'am, yes. So usually when you are -- you learn to read coordinates obviously as a sensor operator, so you can tell if something is going to be several, several miles away or if it is just going to be maybe a couple hundred meters.

So once you are given new coordinates, you are already just trained subconsciously to figure out that math. And in doing so then you zoom out, because there is no point in taking the sensor -- the camera off the target that you were on just to have it go look off into the sky. So you might as well leave it on that, because who knows what might happen.

So when you zoom out then you are starting to realize okay, so it is we'll say 600 meters away, I am speaking in general not in regard to where the Annex was.

Q Sure.

A Six-hundred meters is going to be to the south. So I am zoomed out and I start moving my camera down to that location. While at the same time the mission intelligence coordinator is telling me what specifically I should look at, hey, it should be at a T intersection or there is a round about in the area once you get there. Here is what you will be liking at. They can send a grid reference graphic or an Google Earth picture of what I was supposed to be looking at as well and just right over (REDACTED).

And that is how you transition from one location to the other and then you start out large and you get your bearings on what I am looking at, what is in the area and then you slowly zoom in each specific point until you get all the way down to the target. That again it is just building up situational awareness, that way if you ever heaven forbid the sensor just shoots off and it goes --

Q And it only took you 2 minutes, 2- or 3-minutes to do all of that?

A To my recollection -- I was pretty darn good at what I did. Without viewing the video again of course I can't tell you. But I would definitely be able to explain exactly what I was probably doing at each point. So if I were to zoom out then I was just sitting for 3 minutes staring off into the, you know, the ocean. Well I wonder why I was doing that -- I could probably give you an accurate assessment. I could get it down very quickly to where I needed to go.

Q So based on the timeline it seems that you would have arrived

over the Annex at approximately 11:20 p.m. Is that about right?

A That would be about accurate, to my knowledge.

Q What did you see once you got there?

A On the Annex?

Q Right.

A So I recall that it was again four or five buildings that were in a, I believe it was a rectangular compound, it could have been a five sided, wall-to-wall compound as well. And so I am getting -- I was just trying to get my bearings on what was inside how many vehicles are inside the compound.

I believe I mentioned earlier that one the distinguishing features that I saw was there was I believe a pool next to one of the buildings. Things take on weird shapes when you look at them through an infrared camera, so you kind of pick up on who is where and what is going on.

And then after had I gotten my general overview is when I start figuring out where people are or who is doing what. I still don't know who is who, but I do know that it is a -- That I am looking at a friendly location. I'll say that that is known. So then it is all right, on building one, right -- so as we are flying and watching our targets, we internally are, to ourself, to the pilot and myself, are we'll identify this building here we are going to call building Alpha, this one will be Bravo and that's so we can talk to each other in a more cohesive and quick manner.

So we will start noting there are two members on building Alpha right across on the Bravo building there are three members. However

they are looking how do they get up there, are there ladders around?
I can't tell you if I recall seeing a ladder but --

Q Were these friendlies or were these unfriendlies?

A I believe them to be friendlies at this time because I am watching an actual Annex.

BY MS. SACHSMAN GROOMS:

Q How did you know -- I'm sorry to interrupt but, how did you know it was the Annex, I think you said you understood that you had moved to a friendly location. Did someone tell you that?

A So yes, went in the supported unit, that we were working for -- so I can't for 100 percent say that they called it the actual CIA Annex so I would definitely apologize if I am using a term that I know what it was, but when -- the supported unit did not say you are looking at a terrorist compound or -- I mean -- it was known that it was friendly. And then when they say of course make sure that -- hey, we are just trying to make sure that nothing comes under attack there. Well, that also would lead me to believe this is a friendly location. So that --

Q And somebody told you that that night? Someone said we are watching this to make sure they don't come under attack?

A Yes -- whoever was (REDACTED), yes, said to watch that location. Make sure it doesn't come under attack. That could be obviously very, very broad. I am not saying that individual knew was going on either who was on the other end of that, but you would like to think that they -- I would presume that they would know something,

because I don't know why else you would say, make sure they don't become under attack. Okay. Normally we just don't watch buildings just to watch buildings.

Q But the instructions given to you, were something to the effect of this is either a CIA Annex or this is a friendly compound and we are watching to make sure they don't come under attack?

A Yes, ma'am.

Q Okay. And now you are observing what is going on over there?

A Yes, ma'am.

Q What exactly do you recall seeing during that timeframe?

A So I believe I recall one or two distinct vehicles that were actually in the compound itself. Then again I believe it was four to five buildings, one of them had the pool and then what I focused on, right after I gathered all that data and that is in a matter of just a few minutes to figure all that out is now I am watching the members that are on the rooftops. Sometimes there was one person on a rooftop, other times there were up to three and we are talking at kind of different -- on the different buildings. So there could have been a good, you know, I'll say 8 to 12 members in there. I can't give you an accurate number, this is 4 years later.

But the key thing that I noted was that they would be looking at -- they were looking towards the direction of the building that was on fire. And so my actions then would have been to zoom out and keeping a perimeter scan on watching to see if they are noting anything coming their way, as well as trying to watch the other three I guess cardinal

directions that they are not specifically looking at, to make sure that nobody is sneaking up behind them.

But you can't -- the more you zoom out, the less details you are going to get. So if you can see individuals at one zoom level. If you go out just one more, you may not be able to see vehicles, but you can tell vehicles are coming.

Q Just to get back to that night, you said you saw people looking out towards the compound or towards the direction of the compound?

A Yes, ma'am.

Q And then you would have zoomed out. Do you recall that you did zoom out? Or just that --

A I don't recall. I would have thought that I would have, just given all again the 1,700 hours that I have in the Predator, but I can't tell you if I did or did not for sure.

Q You don't recall specifically but that would be --

A That would have been something that I would have thought that I would have done.

Q And do you recall seeing during that time period when you are watching the individuals on the roof other individuals approaching them from outside the compound?

A Not that I recall. I don't recall making any call outs as we would call them to my mission intelligence coordinator. Again, this is not to say that I did not. I just don't recall ever doing that. I would have thought that something on those notes would have stuck out

to me.

Q So you don't recall seeing any bad guys approaching?

A No. No, ma'am, I do not.

Q Okay. And do you remember seeing any shooting? I mean, I am kind of making an assumption that you would see shooting because you have an infrared?

A Yes, you would be able to tell if any individual was shooting, because again you are thinking of combustion of a shell it is hot and you are going to see the muzzle flash. I have seen many of them occur, but I do not recall ever seeing any muzzle flashes and making any specific call outs right to that end. But my mentality would have been also during this time that I know that I have no Hellfire missile. And so this is sort of like going fishing without a hook. I don't know what I would have been able to have done anyways.

So when you sit there and -- as I am sitting there watching what is going on, the most that I can do is just pass a message saying, hey, they are shooting at somebody. I don't know what you expect. Just letting you know. I know I -- sorry go ahead.

BY MS. GREEN:

Q So, during the hour and 40 minutes that you were over the Annex, you don't recall seeing any shootings?

A No, I don't. Correct. I bring that up just because on the other 18 -- you know, 18 other engagements that I have had over my time in the Predator, I can specifically recall every single one of them and how I employed that Hellfire missile.

So I made it a point to go find and neutralize terrorists, but I knew that I wouldn't be able to do anything at that point. Basically what I am trying to get at, if there was a muzzle flash, in the back of my head I'm thinking I can't solve the problem.

Q Surely you can help solve the problem by communicating. I think that the Predator has other functions other than dropping Hellfire missiles. Is that correct?

A Yes, ma'am. That is true. And I would have -- and those messages would have been passed. What I am -- the point that I was trying to make is that all my other kinetic strikes I can recall specifically what was going on and so had I engaged -- if we would have had the opportunity to engage then I would have been able to easily tell you yeah, it was because they were firing off on the in the northeast direction and I went to see that there were members come coming this way.

Q I have a clarifying question.

A Yes, ma'am.

Q Do you generally follow the rules of engagement?

A Oh, yes, ma'am.

Q And at the times in the past where you have dropped Hellfire missiles, were those in war zones?

A Every kinetic strike that I took occurred during Operation Unified Protector. So that was all under the U.N. NATO resolution in the SCAR.

Q Have you ever dropped a Hellfire missile in a sovereign

nation where there is no military operation going on?

A No.

Q Okay.

Ms. Sachsman Grooms. Okay. So going back to our timeline, you are over the Annex or however -- how long was he at the Annex for?

Ms. Green. An hour an 40 minutes.

BY MS. SACHSMAN GROOMS:

Q For about an hour an 40 minutes until about 1:00 a.m. You don't recall seeing any bad guys approaching or any shooting. Is that right?

A That's correct.

Q And then at what point do you -- are you given any other instructions while you are sort of sitting there?

A Not that I recall. I mean it was take note of where the entries and exits are. Make sure that the individuals that were in that compound remain safe.

Q And then at what point do you leave? Like, can you describe how that happens?

A That I actually leave the controls of the --

Q Yes.

A So the shift would have been coming to a close, which would have been around 4:00 p.m., PDT. And the oncoming shift -- so they would have gotten all the briefings, what is going on with each different mission, somebody could have been in Afghanistan or Iraq and they get cleared to fly.

And then the sensor operator and the pilot for the oncoming shift they walk in and they say, all right, I'm ready for turn over or change over. And then I go through the exact same process at the previous sensor operator did. We have an actual change over check list where it is going over all your information. And I would have gave that to the oncoming sensor operator and then I would have stepped away.

Q And the instructions you would have given to the incoming sensor operators were those the technical instructions that we discussed before about how to operate the video camera?

A Yes, ma'am. Yeah. So it would have been going over right here, your weather, if you have a missile what your looking at. But then there are -- so you are also passing along though now the added information that I have gained since I have been in the seat. Hey, there is a target return button so there are buttons that are on the screen that could you put your mouse over and click on, not like a physical button.

And one of them was -- I probably named it fire, on fire building, I can't tell you what I called it, but something that would at least key me on where I needed to go. So I would let them know that this is a building that is approximately X amount of meters away from where you are in this direction. You know, the supported unit that we are working for might tell you to go there, they may not. I don't know. But what you are currently looking at is a friendly location. I have counted the police up to whatever I'd counted up to that time. I can't give you the accurate count now. I have counted this many individuals.

So your best guess is only how many people you can actually see. Because if somebody goes into a building right and then comes back out you can't tell if that is a new person right or the same person. So you pass that information along. And you say -- and they say okay, I have got it. And then if they have any further questions, they'll ask.

And the questions could range from are we utilizing any signals intelligence at the same time off of our aircraft, or is there any kind of drift with the camera. So the questions can range from minute to -- that is probably not the best way to describe it -- from things that just are on the plane itself for the mission.

Q And do you remember specifically what you said to the person you were passing off the --

A I do not recall.

Q Okay. And during the time period you were operating the sensor, does all of that get recorded, to your knowledge?

A Yes, it does.

Q Okay. Are you in charge of recording it or is someone else?

A I am in charge -- so the takeoff crew initially will setup having it recorded on to the digital hard drives. And then each oncoming sensor operator, this is part of their -- before they ever get to me as the actual sensor operator, so they will look at various other computer screens that are behind me to verify that things are still being recorded, right and that it is set up.

So each sensor operator verifies right, that things are still being recorded, but the actual person that would say start record for that

entire mission is the takeoff crew.

Q And is there anything that you would have been able to see that one can't observe from watching the video?

A No.

Q No. Okay.

A Right. I mean, the only information that -- there are certain aircraft diagnostics that are on the screen, right, so dependent on -- they should be all on there if you have set it up correctly. Right, so there is a show under the depression angle, what coordinates you are looking at, high above terrain, what altitude you are at if you are firing a laser. So that should all be on there. But you can set it up to where it is not.

So again, without seeing the -- because every sensor operator can change that. They could happen to make that mistake. So without watching the video I wouldn't be able to tell you that, oh, well, this is why you don't know what altitude they are at, because they turned it off. And then (REDACTED) well that is nothing that you can obviously visually see like a slow motion video, but obviously that would help to piece some information for who we worked for, obviously I don't have that information, because that is not necessarily saved unless you have gone kinetic right over their space, significant action right on the target.

Q And that didn't happen that night?

A That the (REDACTED) logs were saved?

Q Yeah. That you know of.

A Not that I know of.

Q Okay. Because there was no kinetic action that evening, as far as you know?

A Correct.

Q Certainly not when you --

A Yes, correct.

Q And you have described for us what you recall I don't know how many years later we are now, 3 plus years after that night seeing -- from watching the video camera.

Would it be more accurate for us to view the video camera than to rely on your recollection of what was that night?

A Wait, say that one more time, please.

Q Yes. So I guess my point is if there is a discrepancy between what you are recalling from that evening in terms of what individuals were where, or whether you saw bad guys, or whether you saw fire between your recollections 3 plus years later and the video, should we rely on your recollection or the video?

A The video.

Q Okay.

Ms. Green. We can go off the record.

[Discussion off the record.]

BY MR. TOLAR:

Q I have about 12:12. Let's go back on the record, please.

I want to apologize, I am going to bounce around a few just to clean up some things and get some answers. First of all, who was the pilot

the night you were in the seat?

A I do not recall.

Q Could it have been a pilot from another country? Does that refresh your recollection at all?

A It is possible. We had individuals from other countries, but I --

Q Who did you replace in the seat?

A I do not recall.

Q Who relieved you in the seat?

A I do not recall.

Q Is it possible that you replaced (REDACTED) that night? Would that help you?

A That is very possible that (REDACTED) was the operation superintendent who I initially talked to that morning.

Q Do you recall if that's who replaced you? Now that I have given you the name?

A I still do not recall.

Q Okay. That's all right. And is it possible -- did (REDACTED) replace you?

A I don't specifically recall, but it is very possible.

Q That is all right. All right. After you got out of seat, did you hang around at all and kind of watch what was going on?

A No, sir.

Q Subsequently the next day or two did you ever discuss kind of what went down that day at the compound, at the Annex with anybody

just casually or otherwise?

A I did not.

Q Are you aware that there was a mortar attack on one of the buildings at the Annex?

A I am aware at this time. I was not aware at that time.

Q At that time.

A I was not aware.

Q When did you first become aware?

A I --

Q Approximately? A month ago, a year ago, 3 years ago?

A About 3 years ago.

Q Was it within the days or weeks following the attack?

A Yes, sir.

Q And how did you become aware, generally?

A The news.

Q Okay. Did you ever become aware who the sensor operator was or the pilot that was in the seat when that happened?

A No, sir.

Q Okay. You said you had 1,700 hours in the seat as a sensor operator for a Predator. Is that a lot?

A It is significant. At this juncture now they have flown a lot -- they are flying a lot more, so that number could be dwarfed by a lot greater numbers. But at that time when you got up into the 1,500 to 2,000 hours it was quite -- it was a lot, it was significant.

Q When you were over either the facilities -- let me ask you

this, when you identify something on the screen that you want to tag or label -- what was the word you use?

A It's a target return button, a TRB.

Q All right. So if you want to do a TRB to something, do you move a cursor over that and label it or would you ever have the need to take the laser point it on to identify it?

A In order to create a target return button so I just would pull on the trigger twice. So the trigger that is on the actual joy stick.

Q Check.

A That will move the camera.

Q Okay.

A You can go into your heads down displays which can right manipulate what each button or what each trigger -- so there are two indents for this trigger, your first indent is just half a click in.

Q Check.

A Then you have a second indent and you can set those to do different functions. So normally the standard function is that, squeezing it all the way will set a target return button. That is right where you are looking and it will just mark those coords. And that is how the software reads it, it is the coordinate that you are looking at, it will put it as a target return button. You can only have five interactively on your screen at any given time.

Q Check.

A But you can have an entire list that you can access then to

make it show up on your screen later.

Q Who was the supported unit that you were working for that night?

A I do not recall, sir.

Q Would you normally know who it was?

A Normally, yes. Yes, sir.

Q Did you have did you ever conduct missions for non DOD requests, that you know of?

A No, sir. The only clarification I would add to that is operating Operation Enduring Freedom or Iraqi Freedom. Sometimes you are working for United Kingdom, JTACs but they are all authorized within the special instructions and ROEs.

Q I want to go back to something you said earlier to make sure I understand.

A Yes, sir.

Q Just to be clear, it is possible to conduct kinetic CSAR mission without having a JTAC on the ground, is that accurate?

A Yes, that is accurate without having a JTAC on the ground.

Q Because the CAOC in theory could have somebody in that room who could identify the target to tell the pilot that is it, hit it?

A Yes, sir. And that call is normally called a chariot's direct.

Q Chariot's direct. And so that is when somebody in a room in Stuttgart, Germany, or wherever the CAOC is tells the pilot hit that target.

A Yes.

Q And the pilot says, I see it. Can do, will do?

A Chariot is normally the CAOC commander.

Q Have you ever conducted operations where the JTAC or JFAC on the ground was not an Air Force person?

A I would not be able to tell you specifically.

Q Are you aware -- is it possible for somebody who is not in the Air Force are to operate as a JTAC or JFAC in order to conduct a kinetic strike?

A No.

Q Why do you say that?

A Because they are all -- authorized with special instructions and it is our training to lever munitions from there, you know, DOD assets.

Q Let me rephrase this.

A Okay.

Q Is it possible for someone who's in (REDACTED) to call in an IMI in order to elicit a kinetic strike from a Predator flown by an Air Force person?

A Yes, sir.

Q Is it possible for someone (REDACTED) to call in an IMI in order to conduct the kinetic strike from an Air Force operated Predator?

A Yes, sir.

Q Thank you. Had you been armed that night, were there any targets of opportunity that you witnessed or observed, that you felt

warranted engagement?

A If we were able to have been armed that night, my next action would have been to go to request to go back to the compound that was actually on fire, because that was where I would expect to have any targets that would be legal targets and then that would of course then start a communication with other supported unit and figure it out okay, are we able to go kinetic on these individuals? What would be the ROE? Who do we need to get the approval from?

There would have been nothing at least at the Annex at the time that I was looking at where I was just watching what was going to be friendlies that I would say would be a viable target because there were no -- they weren't under any duress, but there also would have been more communication -- I would have requested the pilot too at the time to try to figure out what -- how do we need to get in contact with whoever is on the ground because we need to ask them --

Q I understand. Notwithstanding all that, I guess -- explain to me the consequences of conducting a kinetic strike. In what you saw between the Annex and the compound had a kinetic strike been conducted, could it have been done with minimal collateral damage or what do you think?

Mr. Hudson. Isn't that a little speculative, Mac? I think you've asked the witnesses not to speculate. And now you are giving a pretty speculative question.

Mr. Tolar. It is based on his experience and the fact that he conducts kinetic strikes, I believe he has the experience in order to

answer my question.

Mr. Richardson. He has never given a collateral damage estimate.

Mr. Hudson. That's not his specialty.

Mr. Richardson. And you are asking him for one in a hypothetical after you told him not to speculate. We have asked you to stop forcing speculation out of enlisted personnel. Thank you.

BY MR. TOLAR:

Q In the past when you conducted kinetic strikes --

A Yes, sir.

Q -- what did you witness as a consequence of that kinetic strike being conducted? What happened after the kinetic strike hit the target? What did you see?

A So normally the fragmentation of the Hellfire missile, the best way I can explain if you envision a Super Soaker depending on the angle -- -

Q What is a Super Soaker?

A It is a water gun that children use.

Q Okay.

A (REDACTED)

Now there is a danger close estimate on the Hellfire missiles.
(REDACTED)

And so that danger close typically means that on all of the testings that the Air Force has done with that specific missile, that it has been known that a fragmentation can go out to that piece. So you need to know that, that way if there are any friendlies that are within

(REDACTED) that is when it becomes a danger close situation. And you will need in previous strikes that are taking place in Afghanistan and Iraq you will normally get the ground commander's initials to say that yes, I understand that this is going to be danger close or if it is a self defense situation where that JTAC meets that missile, they will pass those route commander initials. Now you are talking about obviously saving people's lives and they will take that risk to neutralize the threat.

So again, you are the (REDACTED) that you will be able to neutralize targets that are in that area. The Hellfire missile was designed to be a surgically precise weapon and specifically designed to take out tanks, which I have taken out two of those as well in Libya.

Q So as precise as it is, within (REDACTED) of the impact --

A Yes.

Q -- in theory anybody in that area is potentially going to be killed and the danger zone is (REDACTED).

A Yes, sir. And that is barring that there is no right -- I mean you can mitigate these risks, depending on if you have a wall next to it or not. Obviously it helps to know the makeup of that wall because if it is just made out of hay it won't really do much good.

Q Were there any challenges that you or that craft experience that night operating or conducting your mission whether it was with the aircraft, whether it was with the Government of Libya for any reason?

A Can you say the part first of that question?

Q Yeah. Were there any challenges, problems, issues that

arose while you were at the scene?

A Not to my knowledge.

Q What made you call into the Hannity show?

A So this it was approximately 8 months after the night of September 11th, and September 12th, and I had not heard of any comments referring to the actual video from the Predator that was overhead.

And so the reason why I had called was that I had wanted to basically just state that and say, hey, look, I don't know if the Members of Congress, right, are aware -- I would like to think that they were, but since I hadn't heard anything being discussed about it I just want to say has anybody ever seen that video, because for me and what I had recalled seeing at that time, that it would help to discern, right, that was it a protest or did it seem more of there was more coordination. And if you are not seeing the build up of individuals around the building, by depending on the one that we got on station, because again I don't know how long the previous sensor operator had been over the compound that was initially on fire, but the logical thought would be that the hours of footage would at least show well, things were progressively getting worse.

So regardless of how it started, you know, why is there not a call to assist those individuals in more ways than what occurred? So that was, the intent of my phone call was to ask has the video been made aware or has that been destroyed. And I used destroyed in the sense of if nobody thought that there was anything significant initially back on that September 11th, after a period of time it does get rewritten over.

Q You have shared a lot of information with us today. Is there anything else that you can think of that you think is important for us to know, that it is important for us to think about? Anything at all?

A The only other piece that I would add is depending on one it would have been actually known that this was an attack. I did not know what the compound on fire was, but if it was already known, and if this Predator happened to be diverted from another location already in the area and it wasn't, it didn't take off as I had thought that it did from the location, I don't think we got rid of all the other predators that were (REDACTED).

And it would be obviously shocking to me that we could not make a -- someone couldn't make a phone call over to (REDACTED) and say put a missile on a bird, because it would take approximately 3 hours to get down there. Maybe nothing would have come of it, but the opposite being just that -- again my time being a sensor operator was I wanted to do everything I possibly could to neutralize any threat, no matter what theater I was in. So --

Q Subsequent to that night when was the next time you were in the seat operating over Libya?

A Following that night?

Q Yeah.

A I can't tell you if I had been in the seat on Libya after September 11th or 12th.

Q You don't know if you flew over Libya again after the night of the attacks?

A I --

Q You don't recall?

A I don't recall. If I did there was definitely nothing significant that --

Mr. Westmoreland. Mac, may I ask a question?

Mr. Tolar. Yes, sir. Absolutely.

Mr. Westmoreland. And I'm sorry if I missed this earlier. What time did you actually get in the seat for that Predator?

Sergeant (REDACTED). So I believe that I took the seat between 1:30 and 2 o'clock. And I use that time because I remember leaving for the day after --

Mr. Westmoreland. What kind of time was that Pacific, central, eastern, Libyan?

Sergeant (REDACTED). So 1:30 would have been Pacific daylight time, Creech Air Force Base time.

Mr. Westmoreland. That would have been roughly 4:30?

Sergeant (REDACTED). Eastern standard time, yes, sir.

Mr. Westmoreland. And they had ordered that this surveillance aircraft the Predator at 3:59 is what we've been told, that it was ordered to reposition over the Benghazi facility. So you were in the chair -- when you got in the chair it was already on its way to --

Sergeant (REDACTED). When I took the seat -- again this is all from what I recall 4 years ago.

Mr. Westmoreland. Sure.

Sergeant (REDACTED). I was already over the compound that was on

fire. That is what I recall.

Mr. Westmoreland. And that would have been 4:30 Pacific, I mean, eastern time, 4:30 eastern time?

Sergeant (REDACTED). Approximately. And I am getting my -- I know for a fact that I was in there for 2 hours, at least from 2:00 to 4:00. And where the extra half hour comes into play was prior to me coming out here, I had relooked at my 781s just to confirm what plane I was on and it was tail 3208. And then it said that I had logged 2-1/2 hours. So that is why I am going back for that 4:00, 4:00 p.m. 7:00 p.m., eastern standard time and then 2-1/2 hours back. That is where I got to the 1:30, sir.

Mr. Westmoreland. Okay. Because what the DOD is saying is that it did not arrive at the facility until 5:10 eastern standard time.

Mr. Hudson. Eastern daylight time.

Mr. Richardson. Eastern daylight time.

Mr. Westmoreland. I am just going back.

Mr. Richardson. EDT.

Sergeant (REDACTED). What was the question?

Mr. Westmoreland. I am just saying, maybe I missed something. This says the Predator didn't arrive over the facility until 5:10 p.m. eastern daylight time.

Sergeant (REDACTED). Yeah, sir. So for Creech Air Force Base that would have been 2:10 p.m. so it is very -- right, so I guess I am trying to understand I guess, where potentially the disagreement is. Again, if I took at seat at 2 o'clock it is very possible there were

10 minutes then that I was still driving to it and I was zooming in, but what I -- you tend to remember the significant events and so the significant event that I remember is when I took the seat there was -- The compound was on fire.

Mr. Westmoreland. But you didn't see them leaving the compound?

Sergeant (REDACTED). No, sir, no, sir.

BY MR. TOLAR:

Q Anybody else that you have spoken with or that you feel like it would behoove us to talk to as we continue to kind of flesh out the details of this event? Any of your peers, comrades, officers, anyone else?

A The only other individuals that I would think that would maybe be of interest would be those that are on the 781 for the flight log for that evening.

Q And flesh that out for me again. The 781 is everybody that was operating that night, is that what you are talking about?

A The 781 is the document that air crew members sign that logs their flight hours. So their name, the last four of their Social and how many hours that they flew. So --

Mr. Tolar. Let's go off the record.

Mr. Gowdy. Before you do that. If you were to see the video feed again, would that refresh your recollection, given the fact it has been over 3 years?

Sergeant (REDACTED). Yes, sir.

Mr. Gowdy. Is there any prohibition against the Department of

Defense allowing to you see that video again?

Sergeant (REDACTED). Not to my knowledge.

Mr. Gowdy. How long are you in town?

Sergeant (REDACTED). I am due to leave tomorrow morning, sir.

Mr. Hudson. And just to get it on the record, Mr. Chairman, Mac Tolar and I both agreed that because we showed the videos to the pilots a couple of weeks ago, Mac and I say it would be probably better not to show the videos to these two sensor operators, to make sure that they remember to the best of their recollection. We have to problem showing the video, but per Mac and I think you concur Mac, that we agreed that we better perhaps not to show the videos to --

Mr. Gowdy. I am not challenged you or any decision you made in any way, shape or form. I think it is just tough for a witness to be asked with a level of granularity, that both sides have asked, to recall things.

And what I am trying to avoid is anybody citing any memory deficits on behalf of this witness if he had not seen the video. If there is an agreement not to, then there is an agreement not to. I don't want the witness being prejudiced by the fact that he hasn't seen something in 3 years.

Mr. Hudson. Mac would you care to comment at all on what we agreed on, Mac?

Mr. Tolar. I agree.

Mr. Gowdy. What specifically were you reprimanded for?

Sergeant (REDACTED). That I disclosed for official use only

information.

Mr. Gowdy. Is it classified or --

Sergeant (REDACTED). They only stated for official use only information. I have a letter of reprimand in a file right in front of me as well, and my rebuttal.

Mr. Gowdy. Was the disclosure the fact that we have drones? What specifically was the disclosure?

Sergeant (REDACTED). So when I was given the letter of reprimand, I had gone down to the air defense counsel at Beale Air Force Base, and the air defense counsel at the time -- we basically came to the conclusion that on the letter of reprimand because all it states is that, it has been determined that you had discussed for official use only information.

We were going to ask them to provide us what is dictated, was that for official use only information? But the lawyer and I both agreed that we did not think such a report existed, and had we asked for one, that they would have went then minute by minute of the interview and would try to get me on a lot more. So I believe, as well as all my peers have been sensor operators, as well as a few pilots who have heard that interview they don't know what was for official use only information. They definitely agree that there was nothing classified.

So on my enlisted performance report an unclassified document it specifically states, that I was overhead during the initial Benghazi attack and monitored the U.S. agents I have that documented as well.

So to answer your question that is specific, the letter of

reprimand just stated you disclosed for official use only information.

Mr. Gowdy. So the person who delivered that letter to you is who?

Sergeant (REDACTED). That was Lieutenant Colonel (REDACTED) that was my commander at the time, this is of the 12th reconnoissance squadron. And this is just my personal belief that he was a conduit to give me that letter of reprimand, from somebody else.

Mr. Gowdy. But we don't know that.

Sergeant (REDACTED). Correct. That is a pure guess on my part because obviously he had the information sent to him but that was through the office of special investigations from Creech Air Force Base and to the OSI office at Beale Air Force Base so I am not sure who made that call.

I mean, it is safe to assume that he is not in the position to make determination on what would have been FOUO just as a commander. So somebody else had to kind of, I would presume, to give him that knowledge.

Mr. Gowdy. Does the legal department within the Air Force draft these letters of reprimand or does the Lieutenant Colonel draft it himself?

Sergeant (REDACTED). The commanders normally have that they will seek assistance from the judge advocate general local office to ensure that it is written within the legal confines, that way it can be utilized correctly if there was ever some type of court marshal, because if they are not drafted the right way then they can be thrown out.

[12:41 p.m.]

Mr. Gowdy. And you were told by your peers that within hours of being on that radio show they had been asked, did they recognize the voice?

Sergeant (REDACTED). Yes, sir. That is accurate.

Mr. Gowdy. Again, it just seems like there was a fairly large universe of people who were both aware that you called a radio show and aware that there was a John who actually was from Iowa --

Sergeant (REDACTED). Yes, sir.

Mr. Gowdy. -- and he actually had the title that he said he had. I'm just trying to figure out why it took the Department of Defense so long to find you.

Sergeant (REDACTED). Sir, I can't make a --

Mr. Gowdy. With all of the -- let me get this right -- significant resources expended to locate you, I'll just be damned if I can figure out how it was so tough to find you. But we may have to ask another witness that question.

Sergeant (REDACTED). Yes, sir.

Mr. Gowdy. Thank you.

BY MR. TOLAR:

Q One followup real quick. I think on the show you mentioned some kind of unclassified report that talked about what you did that night or words to that effect.

A Yes.

Q Tell me specifically what reports you're talking about.

A So that unclassified report is my enlisted performance report.

Q And that's what you get every year.

A Yes, sir.

Q Okay. And in that annual enlisted performance report, it said that you operated over Benghazi that night.

A Yes, sir.

Q Were there any other unclassified reports that you were referring to that night on the call-in show?

A No, that was the only report that I was referring to.

Q Subsequent to that, at any time did you write any kind of after-action report about what you see, what you did that night?

A No, sir.

Q And did you ever participate in any kind of discussion about any after-action report about how that operation took place?

A No, sir.

Q Okay. All right. Thank you again.

Mr. Tolar. Let's go off the record.

[Recess.]

BY MS. SACHSMAN GROOMS:

Q Okay. I just want to be super-clear that I totally understand what personal knowledge that you have brought to us today. Your purpose for calling the Hannity radio show was to encourage people to look at the drone video. Is that right?

A Yes, Members of Congress. You know, I mean, the committee,

yeah, not just random.

Q Not random people.

A Right.

Q Investigators.

A Yes.

Q You thought it was important that investigators look at the drone video.

A Right, at least to make a call one way or the other, at least just to -- again, nothing speaks more truth than the actual video --

Q Right.

A -- nobody's voice.

Q And you don't know what was on that video before you took over the sensor, and you don't know what was on it after. Is --

A That is correct.

Q -- that right?

A That is correct, ma'am.

Q And, from your recollection, you don't recall seeing any bad guys were firing while you watched the video that night. Is that right?

A That is accurate, but my assessment when I was -- when I had viewed the compound that was on fire, right, with all the individuals around it, just going off my experience, right, that that was not a good situation, right? So whether or not they were, you know, good, bad or indifferent, you know, is -- at the time, you're right, I did not know. But they're trying to go in towards a location that is on fire, which obviously seems -- you know, that is not what a normal individual would

do.

So those were my thoughts at the time. And then right when I had made the phone call, we're 8 months later, and when the timeline now has been built, right, and it is made known that, okay, it was a protest, it wasn't a protest, right, there were individuals there, right, and then you can clearly -- obviously, there had been photos of, right, individuals with weapons. I'm not saying that I saw any individuals with weapons, right, during the actual video feed, but that's why I would've went back and said, well, look, I don't -- again, as you've pointed out, I don't know what happened before I took the seat or afterwards, but now I at least know that the large group of individuals that I saw, I have a strong reasonable certainty, you know, that, you know, these would've been the individuals that had attacked the building.

Of course, you're right, that's just me making my best educated assumption, which is why I called and said, hey, look, get somebody else to watch the X amount of hours of footage and let them make the call. I'm not saying that I'm correct or that I am, you know, wrong, but I think it would be helpful, right, to all parties involved to watch the video.

Q Okay. Because you don't know -- you didn't know that night, and I assume you don't know now, to a certainty, how long after the attack occurred you were watching the compound. Is that right?

A That is accurate. And, I mean, I can assure you, I don't even know if the Predator was still overhead at the time that a follow-on

attack happened right at the Annex. I definitely was not in the seat then. So, you know, I mean, whether or not that did occur, did not occur -- I guess we can assume that it did occur, based on --

Q Sure. But if we go to your personal knowledge, I think you just went and said you're very certain that the people you saw at the compound, right now, with all of the additional information you've seen, were bad guys. You didn't know that the night of the attack. Is that right?

A There was a reasonable assumption that they would have been, at the very best, neutral parties, because there were too many individuals that were in that vicinity that would not have -- it did not make sense, based off of my previous experience in other theaters, right, in other compounds, you know, and watching how many members, you know, could be in a certain building or not.

So when you're talking, if you have a building, right, that, you know, could hold 10 people, but you've got, you know, 50 members outside, right, obviously, okay, well, if this is a friendly location, you know, I mean, the United States Government is pretty good at ensuring that there's, you know, adequate facilities for members. I don't know if you've ever -- I shouldn't say "if you've ever" -- but going to a deployed location, right, I mean, the facilities are adequate enough.

I'm trying to draw a picture here that it was not a stretch for me to assume that those members down there, right, were not friendly. Now, I'm not saying that they were enemies. I'm saying at best guess they could have been neutral.

Ms. Green. Is it possible the 50 people outside were upset about something or were protesting? I mean, do you have any knowledge one way or another?

Sergeant (REDACTED). I do not have any knowledge one way or the other, but --

BY MS. SACHSMAN GROOMS:

Q I mean, they also could have been fire rescue, right? I mean, there's a fire. They could be looters. You don't know the night of, right?

A Oh, correct, you don't know, but --

Q You don't know enough to shoot at them. Is that accurate?

A That is accurate at that point.

Q Okay.

A But, yeah, I mean -- and just so we're clear, though, that trying to get those accurate assessments, right, were not being made because -- at least between myself and the pilot at the time -- I don't know if the other crews that operated it -- but it's going to do me no good to figure out, right -- I mean, granted -- because the supported unit that I'm working for, they're watching the feed as well, or at least that is a fair assumption, that they are. So they're the ones that they can then take on the responsibility to pass along, you know, any specific information on, hey, this is what's going on, here's who we need to call.

But if there was a Hellfire missile that was on the Predator, I get a little bit more, you know, colorful then on trying to ask these questions, right? I will be more -- I'm trying to think of a -- I would

be more willing to go down the road of saying, who are they? Do we have a frequencies -- I mean, do the guys down on the ground have radios? Can I find out, who do we need to get in the room to make the call on what is going on? Like, can anybody down there just give me a situation update?

This is what I say when I personally did not have a missile, right? While you still give 100 percent, it's more on a -- well, somebody else is kind of assuming the role to go, you know, help neutralize the situation.

Q Sure. Because it wasn't your job to exploit the video. You explained that in the last hour that we had, right? Someone else was doing that.

A Yes. While I could still pass callouts, though. I mean, I still would've been able to do that. But there was never a mention to us to say, hey, let us know if you see anything that is abnormal.

Q And so, just to sort of sum up, your personal knowledge of the night of is captured by the drone video. Is that accurate?

A Yes, ma'am.

Q Okay. And maybe the conversation -- I think you only recalled one conversation, when you took over, where somebody told you that you should go on the compound, and then they told you that you should go to the Annex and then watch the Annex in case there were bad guys coming, right?

A Right. And that conversation is what would've been (REDACTED) because I distinctly remember my thought being, you know,

why am I going down to this other area, which ended up being the CIA Annex, when there's a lot more activity going on to where I just was. Right? So, of course, me being more curious, that's where I wanted to focus my eyes.

But you do learn to understand that, right, I mean, if that location is already compromised, right, and there's nothing else there, then obviously you want to go watch the next location where we would have individuals. So I remember somebody else telling me, "There's no need for you to look there anymore. Now look here." Okay.

Q Okay. Great.

Ms. Sachsman Grooms. So, at this point, what we're going to do is ask you a series of questions we ask all the witnesses.

Sergeant (REDACTED). Yes, ma'am.

Ms. Sachsman Grooms. What we are looking for is personal knowledge or evidence that you have, not speculation. Okay?

Sergeant (REDACTED). Yes, ma'am.

Ms. Green. If you don't have personal knowledge, just answer the question and we'll move on.

Sergeant (REDACTED). Yes, ma'am.

Ms. Sachsman Grooms. And if you do, we'll ask you more about that.

BY MS. GREEN:

Q It has been alleged that Secretary of State Clinton intentionally blocked military action on the night of the attacks. One Congressman has speculated that Secretary Clinton told Leon Panetta to stand down and this resulted in the Defense Department not sending more

assets to help in Benghazi.

Do you have any evidence that Secretary of State Clinton ordered Secretary of Defense Panetta to stand down on the night of the attacks?

A I do not.

Q Do you have any evidence that Secretary of State Clinton issued any kind of order to Secretary of Defense Panetta on the night of the attacks?

A I do not.

Q It has been alleged that Secretary Clinton personally signed an April 2012 cable denying security to Libya. The Washington Post Fact Checker evaluated this claim and gave it four Pinocchios, its highest award for false claims.

Do you have any evidence that Secretary Clinton personally signed an April 2012 cable denying security resources to Libya?

A I do not.

Q Do you have any evidence that Secretary Clinton was personally involved in providing specific instruction on day-to-day security resources in Benghazi?

A I do not.

Q It has been alleged that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Qadhafi to his own people in order to garner support for military operations in Libya in the spring of 2011.

Do you have any evidence that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Qadhafi to his own people

in order to garner support for military operations in Libya in the spring of 2011?

A I do not.

Q It has been alleged that the U.S. mission in Benghazi included transferring weapons to Syrian rebels or to other countries. A bipartisan report issued by the House Permanent Select Committee on Intelligence found that, quote, "the CIA was not collecting and shipping arms from Libya to Syria," end quote, and they found no support for this allegation.

Do you have any evidence to contradict the House Intelligence Committee's bipartisan report finding that the CIA was not shipping arms from Libya to Syria?

A I do not.

Q Do you have any evidence that the U.S. facilities in Benghazi were being used to facilitate weapons transfers from Libya to Syria or to any other foreign country?

A I do not.

Q A team of CIA security personnel was temporarily delayed from departing the Annex to assist the Special Mission Compound, and there have been a number of allegations about the cause of and the appropriateness of that delay.

The House Intelligence Committee issued a bipartisan report concluding that the team was not ordered to stand down but that, instead, there were tactical disagreements on the ground over how quickly to depart.

Do you have any evidence that would contradict the House Intelligence Committee's finding that there was no stand-down order to CIA personnel?

A I do not.

Q Putting aside whether you personally agree with the decision to delay temporarily or think it was the right decision, do you have any evidence that there was a bad or improper reason behind the temporary delay of the CIA personnel who departed the Annex to assist the Special Mission Compound?

A I do not.

Q A concern has been raised by one individual that in the course of producing documents to the Accountability Review Board damaging documents may have been removed or scrubbed out of that production.

Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to the ARB?

A I do not.

Q Do you have any evidence that anyone at the State Department directed anyone else at the State Department to remove or scrub damaging documents from the materials that were provided to the ARB?

A I do not.

Q And let me ask these questions also for documents provided to Congress. Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to Congress?

A I do not.

Q It has been alleged that CIA Deputy Director Michael Morell altered unclassified talking points about the Benghazi attacks for political reasons and that he then misrepresented his actions when he told Congress that the CIA, quote, "faithfully performed our duties in accordance with the highest standards of objectivity and nonpartisanship," end quote.

Do you have any evidence that CIA Deputy Director Michael Morell gave false or intentionally misleading testimony to Congress about the Benghazi talking points?

A I do not.

Q Do you have any evidence that CIA Deputy Director Morell altered the talking points provided to Congress for political reasons?

A I do not.

Q It has been alleged that Ambassador Susan Rice made an intentional misrepresentation when she spoke on the Sunday talk shows about the Benghazi attacks. Do you have any evidence that Ambassador Rice intentionally misrepresented facts about the Benghazi attacks on the Sunday talk shows?

A I do not.

Q It has been alleged that the President of the United States was, quote, "virtually AWOL as Commander in Chief," end quote, on the night of the attacks and that he was missing in action.

Do you have any evidence to support the allegation that the President was virtually AWOL as Commander in Chief or missing in action

on the night of the attacks?

A I do not.

Q It has been alleged that a team of four military personal at Embassy Tripoli on the night of the attacks who were considering flying on the second plane to Benghazi were ordered by their superiors to stand down, meaning to cease all operations. Military officials have stated that those four individuals were instead ordered to remain in place in Tripoli to provide security and medical assistance in their current location.

A Republican staff report issued by the House Armed Services Committee found that, quote, "there was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi," end quote.

Do you have any evidence to contradict the conclusion of the House Armed Services Committee that there was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi?

A I do not.

Q It has been alleged that the military failed to deploy assets on the night of the attack that would have saved lives.

However, former Republican Congressman Howard "Buck" McKeon, the former chairman of the House Armed Services Committee, conducted a review of the attacks, after which he stated, quote, "Given where the troops were, how quickly the thing all happened, and how quickly it dissipated, we probably couldn't have done more than we did," end quote.

Do you have any evidence to contradict Congressman McKeon's conclusion?

A I do not.

Q Do you have any evidence that the Pentagon had military assets available to them on the night of the attacks that could have saved lives but that the military leadership intentionally decided not to deploy them?

A I do not.

Ms. Green. (REDACTED) I have no other questions for you. I just thank you again for being here today.

Ms. Sachsman Grooms. Thank you very much for your service.

Sergeant (REDACTED) Yes, ma'am. Thank you.

Ms. Green. We can go off the record.

Mr. Tolar. Back on the record, please. I've got just two followups.

Sergeant (REDACTED) Yes, sir.

BY MR. TOLAR:

Q The 781 flight log, again, that's a database that's in the system. Is that what you -- how do you call it? Do you just refer to it as the 781?

A Yes, sir. Yeah.

Q So if somebody wanted to find out who was operating that day, they would say -- the commander, the ops guy, whoever, would just say, "Go pull the 781." Is that correct?

A Yes, sir.

Q And can you print out from the 781 who was operating on the 11th or 12th or whatever?

A Yes, sir.

Q Is that a difficult thing to do?

A No, sir.

Q Have you ever seen a 781 printout?

A Yes.

Q And when you move from base to base or location to location or PCS in the Air Force --

A Yes.

Q -- are you aware of what system is used to track where you're located in terms of the Air Force? I mean, is there a standard operating system that the Air Force uses to indicate where everybody is? Do you know?

A There is, but if you're asking me what it's called, I don't know the acronym.

Mr. Tolar. I want you to know that your testimony here has been very important and helpful. I appreciate it, appreciate your service.

Sergeant (REDACTED) Yes, sir.

Mr. Tolar. And thank you for what you did.

Ms. Sachsman Grooms. I'm sorry, I just have -- can we stay on the record? I just want to follow up.

BY MS. SACHSMAN GROOMS:

Q Did you have any personal knowledge or personal involvement in the inquiries to find you so that you could come into the interview

today?

A Ask that question one more time.

Q Yeah. Were you at all involved in being one of individuals that looked for yourself to come in today?

A No. I mean, the only comment that I would've made to that is that, I mean, when that article that was forwarded to me -- and I believe it had come off of the politico.com, right, was the article at least that was sent to me.

So I had made a phone call, you know, to my father, who is a retired master sergeant, retired back in 1993, because, I mean, he had been aware of the entire situation. Back when I initially did the phone call, I mean, I had consulted with him, right, on whether or not I should make that phone call, because it potentially could have cost me my career depending on how things could have shaken out.

So when I saw the article, I thought it was -- it made me raise an eyebrow, when I saw the piece saying that, you know, I couldn't be found. So, I mean, it was sent to my dad, as well, at least the article, right?

So, you know, my communication with my dad -- I mean, I guess it all depends on how things would be pieced together, all right, because, you know, if we're -- had I not said anything to my commander, right, about the article, right, or to my dad, then, I mean, I don't know where anything would have ended up. Right? So I don't know how things came to be.

So that's why I'm asking, like, when you ask did I have any direct

involvement, well, I told my commanders and my father, but where that turned out to be --

Q So when you -- I'm sorry. I think the conversation with your father is starting to confuse me. But when you saw the Politico article, you then reached out to your commander?

A Yes. I wanted my commanders to know -- it was only one commander, but they were in the middle of transitioning. One was leaving, one was coming on. So I wanted them to be clear that I'm not doing anything. Because I had already been given a letter of reprimand. I'm not going out to seek to speak to the media, right, to say, hey, I'm over here in the left-hand corner.

But I wanted them to be aware because I thought it was, I guess, more of a courteous part, you know, from me to let them know, "You might get a phone call. I don't know who you'd get a phone call from, but I don't want this to be a shock to you if neither of you are aware of this."

Q Okay. I guess what my question was is just to confirm that you don't have any personal knowledge of what steps were taken to search for you before you saw the Politico article. Is that accurate?

A That is accurate.

Q Okay. And you don't work in the military's legislative affairs branch, I assume, right?

A I do not.

Q And you never have?

A No, not to my knowledge.

Q Okay. And have you ever sought to find who was operating a drone sensor 3 years in history on a specific date? Have you ever tried to do that?

A No, I have not.

Q You've never tried to run such a search to find that individual.

A No. But it's the same process -- I can go and, right, get the records on myself. So if I wanted to know what I was doing at a specific time, right, 2, 3, 4 years ago, I can go get those records.

So my comment to that would be, if it's easy for me to do it -- because I have to go, right, to this aviation resource management -- which each squadron has one, right, each flying squadron has one, and then the host wing, right, has -- they're in charge of all the other flying squadrons. So I go to them and I say, hey, I need my records, right, on my whole flying time. And then they go into the back, and they -- so all those flights follow you along, so it's a line by line of, right, the tail number and the hours that you performed.

And then, if I want to see the 781 for that, what I have been told from my aviation resource management members that are in the squadron that I'm currently at at Beale, they had kept 781s, so these flight logs, for well over 30 years. Now, I'm not saying that -- I mean, those are U2 781s as well as RQ-4 Global Hawk.

So 781s are kept for a very long time, and they can access them because sometimes they do audits on the folders to ensure, you know, members' flight hours are correct --

Ms. Green. Who is "they"? Who would access them?

Sergeant (REDACTED). I'm sorry, one more time?

Ms. Green. Who is the "they" that would access them?

Sergeant (REDACTED). The aviation resource management. So I believe they're normally 1 Charlie -- so I'm talking the Air Force specialty code. I believe they're 1 Charlies. But it would be the aviation resource management members.

BY MS. SACHSMAN GROOMS:

Q Okay. So it sounds to me like you're expressing that, in your opinion, it would be easier to -- that someone could find you --

A Correct.

Q -- because you are aware that there is documentation kept of you. Is that sort of an accurate --

A Yes. So I know, yeah, the process that I want to get my own records I can go do, and I can have this done easily within a day.

Q Okay.

A So, I mean, it would be easy to get these records on any other individual then.

Q But you've never tried to find records on another individual not knowing the person's name, true name.

I assume you've never searched for the records on any other individual. Is that accurate?

A That's accurate. Yes, ma'am.

Q Okay. And you didn't use your true name and you certainly didn't use your last name when you called into the radio show. Is that

accurate?

A I used my middle name. But, yes, I did not use my first or my last name. I did use my middle name.

Q And you don't go by your middle name, right?

A Not on a day-to-day basis.

Q Yeah. I mean --

A Correct.

Q -- you were using your middle name, not your first name, and you go by your first name. Is that accurate?

A Yes. There are times when I go, yes, by (REDACTED). So, I mean, there are people that know that my middle name is John. But, correct, it is not common.

Q Yeah. I mean, you don't introduce yourself to people and say, "Hi, I'm John"?

A I do not.

Q Okay.

Ms. Sachsman Grooms. I think we can go off the record.

Thank you very much.

Sergeant (REDACTED). You're welcome, ma'am.

[Whereupon, at 1:14 p.m., the interview was concluded.]

**INTERVIEW OF
SENSOR OPERATOR 2**

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, JUNE 9, 2016

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

MAC TOLAR, *Senior Counsel*
SHERIA CLARKE, *Counsel*
SHANNON GREEN, *Minority Counsel*

FOR THE U.S. DEPARTMENT OF DEFENSE

WILLIAM HUDSON, *Office of the General Counsel*
EDWARD RICHARDS, *Office of the General Counsel*

FOR THE U.S. AIR FORCE

Colonel * * *, *Legislative Liaison*
Major * * *, *Legislative Liaison*

[REDACTED]

Mr. Tolar. This is the transcribed interview of Master Sergeant [REDACTED] United States Air Force, conducted by the House Select Committee on Benghazi. This interview is being conducted voluntarily as part of the committee's investigation into the attacks on the U.S. diplomatic facilities in Benghazi, Libya, and related matters pursuant to House Resolution 567 of the 113th Congress, as well as House Resolution 5 of the 114th Congress.

At this time, I would ask you to please state your full name for the record.

Sergeant [REDACTED] [REDACTED]

Mr. Tolar. Again, thank you for being here. More importantly, thank you for your service. We really appreciate that.

Sergeant [REDACTED] Thank you.

Mr. Tolar. Again, my name is Mac Tolar, and I'm with the committee. At this time, I'm going to ask everyone in the room to introduce themselves for the record.

Mr. Westmoreland. Lynn Westmoreland from Georgia.

Mr. Green. Shannon Green with the minority staff.

Major [REDACTED]. Major [REDACTED] with the Air Force Legislative Liaison Office.

Colonel [REDACTED]. Colonel [REDACTED] Air Force Legislative Liaison.

Mr. Hudson. Bill Hudson fro the Department of Defense, Office of the General Counsel.

Mr. Richards. Edward Richards, DOD, OGC.

[REDACTED]

[REDACTED]

Ms. Clarke. Sheria Clarke. I'm with the committee.

Mr. Tolar. As you can see, we do have an official reporter making a written record of what transpires today. As such, I would ask that when you respond to questions from anyone, you do so with either yes or no. Avoid nodding your head or saying uh-huh or huh-uh, things like that. If any of us start doing that -- I'm inclined to do it -- I'm going to ask the reporter to step in and square us away. Does that make sense?

Colonel [REDACTED]. I'm sorry. May I interrupt? May I correct something for the record?

Mr. Tolar. Sure.

Colonel [REDACTED]. [REDACTED] is Technical Sergeant. However, she is Technical Sergeant Promotable, or Master Sergeant Select, and congratulations.

Mr. Tolar. Definitely congratulations. Way to go.

All right. Please understand that although you are not under oath, you are required by law to answer questions from Congress truthfully, including questions posed by congressional staff in interviews such as this. Do you understand this?

Sergeant [REDACTED] Yes.

Mr. Tolar. And is there any reason why you are unable to provide truthful answers to questions today?

Sergeant [REDACTED] No.

Mr. Tolar. And, Shannon, do you have anything?

Mr. Green. Master Sergeant Select [REDACTED] thank you for agreeing

[REDACTED]

voluntarily to speak with us today, and I would just like to ask have you ever spoken with Congress about the Benghazi attacks?

Sergeant [REDACTED] No.

Mr. Green. Have you ever spoken with anyone about the attacks?

Sergeant [REDACTED] No.

Mr. Green. Again, thank you very much, and I look forward to talking with you.

Mr. Tolar. It's 2:05. We'll start our first hour of questioning.

EXAMINATION

BY MR. TOLAR:

Q Do you know what the Accountability Review Board is?

A No.

Q And at this point, I want you to talk briefly about your background in the military. I'm not interested so much in your schools and things like that you've been to, just more in terms of what your jobs have been in the Air Force.

A My first job was air traffic control. My second job was information management, administrative-type work. My third was Wing Safety, and then now, I'm RPA sensor operator.

Q What do you mean by administrative management?

A I was a 3 Alpha, which at the time when I had that AFSC, we did anywhere from administrative to computer worker management, computer information systems. It was all rolled into one before they started to shred out the AFSC.

Q All right. You gave me a mouthful there. What is the AFSC?

[REDACTED]

A That is your Air Force code for your job. It's a job code.

Q All right. And as a 3 Alpha in administration management, was that a technical, an ID-type job? Flesh that out for me.

A Yes. Sometimes it was an IT job, if you were in that position, and then at other times it was an administrative job, if you were put in that position.

Q And what kind of information systems were you familiar with?

A Just computer information systems. So networks and basic --

Q Would that include personnel records, management system?

A Yes, yes.

Q Please describe for me what the Air Force records management system is, what it's called with regard to people in the Air Force. All right. So is there a records system, that -- if I wanted to find out where someone was, what is the Air Force system where I could put in a name and locate that person? What's that called?

A That I don't know. We didn't deal with that kind of records system. It was more of filing the records for particular offices, making sure you had electronic management systems set up for your computer systems or for your network.

Q Okay.

A I didn't deal with personnel records.

Q Check. Thank you. Tell me what your current assignment is, please.

A Holloman Air Force Base, New Mexico.

[REDACTED]

Q And what is your unit?

A 6th Attack Squadron.

Q Who is your commanding officer?

A Lieutenant Colonel [REDACTED].

Q And what is your job there?

A I am an RPA MP-1.

Q Predator?

A Predator, sensor operator, instructor, and evaluator.

Q Okay. And at the time of the attack, what was your job?

When I refer to the attack or whatever, I'm referring to basically the events that occurred on September 11 and 12 at the Benghazi compound and the Benghazi Annex. Does that make sense?

A Yes.

Q So at the time of the attacks in Benghazi, what was your job?

A Sensor operator and -- just sensor operator.

Q And where were you stationed?

A At Creech Air Force Base in Las Vegas.

Q What was your unit?

A The 18th Reconnaissance Squadron.

Q And who was your commander?

A I don't remember.

Q Are you aware of any units other than the 18th Reconnaissance Squadron conducting ISR Predator operations in Libya September 11 or 12, at the time of the attacks? Does that make sense?

A Yes.

Q Was there any other units, organizations, that you know of, that were doing Predator operations over at Benghazi at the time of the attacks?

A I don't know.

Q You don't know. Okay. In the summer, August timeframe, of August 2012, the U.S. was conducting ISR missions in Benghazi and in Tripoli, and allegedly, operations were suspended, limited or something, due to complaints from Libyans. Are you aware of that?

A No.

Q Okay. Did you ever conduct ISR missions, any kind of -- excuse me. Were you ever involved in any kind Predator operation that simultaneously, at the same time, there were also P-3 aircraft operating in the same area in the AOR -- not in the AOR, but in the same area where you were operating that Predator? My point is, were you ever doing a Predator operation and you knew there was a P-3 above you somewhere doing something similar, perhaps look at a different target or something?

A In any theater?

Q At any time.

A If we're talking other theaters, there's often other aircraft.

Q My question though is, what I'm trying to get at, is it possible for a Predator to operate and a P-3 to operate at the same time basically in the same area? Is that a problem?

A Other aircraft can operate in the same areas as a Predator.

Q Talk to me briefly about what a Predator can do in terms of you and your job as a sensor operator, what you're doing, what are you using to look at stuff, video cameras, things of that nature. Talk about how that Predator operates with regard to that in your job. First of all, let me do this. What is your job as a sensor operator?

A Okay. Our job is to collect information so that it can be exploited by the military.

Q And how does the Predator do that?

A We have a sensor that we are able to utilize infrared camera for day TV camera, and we are able to visually see the ground, see targets, and that image is then funneled back up the system and exploited by the military.

Q What do you mean by "exploited"?

A They utilize that for whatever they need to, whatever their goal is for that mission.

Q I want to jump now to September 10. Do you recall if you -- what is the word -- conducted a mission? How do I describe that to you, when I ask the question? What are the words you use?

A Conducted a mission works.

Q Did you conduct a mission on September 10? Do you recall?

A I don't remember if that was my weekend or if it was a day that I worked.

Q Do you recall September 11?

A Yes.

Q Do you recall, kind of walk me through that day when you were,

[REDACTED]

on September 11, when you conducted the mission over Benghazi. What was your duty schedule that day?

[2:11 p.m.]

Sergeant [REDACTED] I was the swing shift or the 4:00 to midnight shift.

BY MR. TOLAR:

Q The what shift?

A Swing shift, the 4:00 p.m. to midnight.

Q That's Pacific coast time, Pacific time?

A Mountain, Mountain Standard Time. So I was at Creech and I was doing -- my shift was 4:00 p.m. to midnight.

Q Okay. Go ahead.

A I had just arrived at work and typically, we would go into a mass brief and find out what the missions were going on that day. That day, however, I was not even able to get into the mass brief. I was called out myself and a pilot and we were told to go specifically to work this mission. We weren't told what really was going on. They just said that we want you to work on this line, something has happened and we need you in there ASAP.

Q Who was the pilot?

A I do not remember.

Q If I said Major [REDACTED] would that refresh your recollection?

A I know who he is, but it doesn't.

Q It's okay. So you and the pilot are called out or directed

[REDACTED]

to go. Did you go straight to Creech?

A Yes.

Q And do you recall who you replaced?

A No.

Q So did you have any additional information about what you were going to be doing before getting in that seat?

A All we knew is that something had been attacked in Libya, and we were to go ASAP because we needed to go deal with it.

Q And where in Libya?

A At the time, I don't recall them telling us what it was.

Q That's all right. So now you're standing behind the sensor operator sitting in a seat.

A Uh-huh.

Q Talking about that turnover, what you learned in course of that turnover, your predecessor?

A Whenever we do turnover, it is general information, so it is here is your aircraft, everything looks good, your ball is working fine. Here's what air space you're in, here's what altitude you're at. This is what we are doing. We are looking at this compound. They told us to keep eyes on. Here's who you're talking to as far as your intel, and that's about it whenever we switch over.

Q All right.

A If they have more information on mission, such as what happened, they might pass that. But for this it was okay, this is where we have been told to look and we jumped in the seat as soon as possible.

Q So you get in the seat. What are you looking at?

A I didn't know at the time what it was, but we knew that it was just an important compound we were supposed to be looking at. And from the information that I received. It was -- we were just to look at this compound, keep eyes on, scan the outside perimeter to see if anybody was coming at the compound, or trying to attack the compound, but at the time we really didn't know what it was.

Q And approximately how long were you in the seat?

A I don't remember exactly, but I know it was the majority of my shift. So I want to say 6 or 8 hours, I can't remember completely.

Q Can it be approximately 7 hours, does that sound accurate?

A That sounds accurate.

Q All right. So you're in the seat. While you are in the seat and you're looking at a compound, at any point during that time -- during your 7-hour shift, were you over the compound the entire time?

A No, no.

Q How long of your 7-hour -- approximately 7-hour shift were you over the compound?

A Exactly how long, I don't know.

Q That's okay. Approximately?

A I would say, though, probably 4 hours.

Q And during the course of the 4 hours, plus or minus that you were over the compound, did you, during that time, learn what that compound was?

A Not what the compound was, but what the other building was,

we did learn that. Because they had eventually told us what had happened, and that those were people that were being brought from that other compound.

Q What was the other compound?

A As far as the -- we knew later it was the embassy. We didn't know at that time. We just knew that the other compound that was primary compound had been hit by something, they thought it exploded or whatever. That was -- but, again, this is intel that we get in pieces --

Q Sure.

A -- because when we're in the seat, we can't always get full intel. And we are just kind of guesstimating what happened, or trying to get bits and pieces of what people bring us.

Q Let me do this: As I continue to ask you questions at this point, I'm really focused on trying to appreciate what you do during the 4 hours you were in the seat. Okay? If you learned the something subsequently, be sure to point that out, because right now, I'm assuming everything you're telling me is something you learned in the seat.

A All right.

Q So in the seat you learned there was another compound.

A Uh-huh.

Q And that you learned it was some kind of embassy compound?

A At the time, I don't remember if we learned it was the embassy at the time, but we knew that that was the primary compound where everything was coming from.

Q And that compound, something happened there?

[REDACTED]

A Uh-huh.

Q And did the people leave?

A They moved people to different places.

Q Okay.

A So they moved some people to the compound that we were watching, and then we also were told that they moved people to hospitals.

Q Okay.

A So there were two different places that they had to move them somewhere other than this compound.

Q And who was telling you this?

A This was being funneled down through intel.

Q Mission intel?

A Mission intel coordinator.

Q There you go. Do you recall who that was?

A I don't.

Q And are you getting that through your ear, [REDACTED]

[REDACTED]

A [REDACTED] and then some of it was directly through our ear. We had a MIC at that time.

Q And so for approximately 4 hours you're flying over this compound. At any time during that flight, did you ever direct your camera to anything other than the compound below you?

A Yes.

Q What kind of things were you looking at other than the compound below you? What are you calling that compound below you? What

[REDACTED]

do you call that? What did you call it that night?

A A compound.

Q A compound, okay. So when we talk about that, I'm talking about the compound below you which we now as the CIA Annex. Do you know that?

A [Nonverbal response.]

Q Okay. So let's call it -- anyway --so what were you looking at other than the compound during that 4 hours you were above the compound?

A So we were watching the compound for quite some time, and we were told to scan the perimeter again. And then we received intel that ground forces were going to be coming in to pick them up. So to pick up the people from the annex as well as the rest of the people from the other compound. So we were told to direct eyes to the airport, and they were assembling there. And then we were supposed to watch as they got to our compound and then scan again. We call that overwatch where now we're -- we're in protection of them, the ground forces, so making sure that nobody's trying to shoot at them or attack them from other ways -- other areas. So we did overwatch of them. At one point, they thought they were taking fire, so we had to --

Q Who is "they"?

A The ground forces.

Q The ones at the airport or at the compound?

A The -- after they had gotten to the compound, they thought that they might have taken fire.

Q Okay. Go ahead, please.

A So we were directed to move eyes to scan for potential threats. We didn't see anything, so we were told to put eyes back on and then the ground forces --

Q Back on what?

A Oh, back onto the compound.

Q Thank you.

A And then ground forces left the primary compound, and then they were going to the hospitals that they said other people had been taken to, and they were going to bring those people back. So we were, at first, following the convoy and then scanning for threats, but they had to go very quickly, of course. They were driving extremely fast. So they said, don't worry about it, put your eyes back on the compound. So we went back onto the compound and waited until they once again arrived, the ground forces once again arrived from the two other locations; watched them shuffling people in and out of the buildings. And then we were told once they had everybody loaded to follow them to the airport, and then watch the airport and scan for threats until their plane actually lifted off the ground.

Q Go back, if you will, please. I want to go back through that in a little more detail.

A Okay.

Q So initially, you're on the compound and you're told to check out the airport.

A Yes.

Q In your screen, did you zoom out so you could see the compound and the airport, or did you have to physically move the camera to the airport?

A It was far enough that we had to physically move the camera to the airport.

Q So you're focused on the airport.

A Uh-huh.

Q Kind of talking about what you could see at that time.

A Not a lot. It was nighttime so we were in infrared. We can see the runway; we can see airplanes; we can see vehicles; we can see buildings; we could see people moving around, but no real details.

Q Could you appreciate who might be good guys and who might be bad guys?

A Only because they told us.

Q And were you ever talking to someone on the ground?

A No.

Q Was it again your intel person who was telling you this?

A Yes.

Q And what did they tell you?

A We were just told to put eyes on over there. They are assembling, and then watch them go to the compound.

Q They ever tell you who those people were?

A They may have, but I don't remember.

Q And approximately -- after you started your shift, approximately how long was it before you switched over to the airfield

initially for the first time?

A I don't remember the exact time frame, but it was a little bit, it was a little while. It was probably a good hour, an hour-and-a-half.

Q Okay. So after about an hour-and-a-half, you go to the airport, you've got it over the airport. Approximately how long were you there before they headed back towards the compound?

A That seemed to take a little while too, probably 30, 45 minutes. But they actually had to come to the airport and then assemble before they could roll to the compound.

Q Could you see -- did the vehicles line up or something before they moved out towards the compound, did you readily detect that or see that? Could you see them organizing a move? Did that occur to you?

A Yes.

Q Talk about that for me. What did you see?

A Once they were assembling, they were kind of milling in a mass. I don't know if they were figuring out what they were going to do, or how they were going to get there. And then I don't remember if it was military vehicles. I don't believe so. It was, like, more like regular vehicles. And then they all had to get into the vehicles, and line up, and convoy to the compound.

Q Approximately how long did it take to move back to the compound?

A That I don't remember.

Q So these vehicles moved back to the compound?

[REDACTED]

A Uh-huh.

Q And then all of them entered into the compound or just a few of them?

A I don't remember.

Q But it was -- did you see some vehicles enter the compound?

A I don't remember at that time.

Q It's okay. Once folks were back at the compound, what happened next? What do you recall about what happened after they got back to the compound?

A The first time or the second time? When they went and got people from the other locations and brought them back?

Q No, I'm sorry. What I'm talking about now is a bunch of folks went from the airport. How did you know it was an airport?

A Oh, well, we can see the runways from the airplane.

Q So people at the airport and you saw them go directly from the airport to the compound?

A Uh-huh.

Q Some people, some cars went in the compound, right?

A I don't remember.

Q After the convoy, after the vehicles got back to the compound, what happened next at that time?

A And that's when they were saying to scan for threats.

Q Okay.

A And then they thought they were taking fire from someone outside of the compound.

[REDACTED]

Q What kind of fire?

A Just ground fire. They thought they were taking just gunfire.

Q Any other kind of fire?

A Not that I can remember.

Q And how long were they there before they moved again back to the airport?

A They weren't there for very long. I would say maybe 20 or 30 minutes that they were actually at the compound before they started to move again.

Q And they moved back to the airport?

A No. That's when they said that they were going to be going to the other two locations. They had to pick up the other people that had been moved to those separate locations.

Q All right. While you saw them at the compound, did you -- are you aware that there was a mortar attack in that compound?

A No. That may have been what they were saying they were taking fire, but we did not actually see anything, no.

Q Have you ever heard this?

A [Nonverbal response.]

Q Did you know there was a mortar attack on the compound that night?

A No.

Q At what point -- do you recall at what point -- describe to me what you recall about them loading up and moving to the airport for

the last time?

A When they were loading up, they had -- one of the buildings they had people that they were bringing out of, and then we did see what looked to be litters being carried out.

Q How do you know it was a litter potentially?

A Two people, one on each end, and the --

Q That's apparent to you as -- I mean, when you look at the video or you look at a camera or screen, that's apparent to you, right?

A Yes.

Q What else did you notice?

A Just that they were shuffling people out of the buildings, rather hurriedly, to try to get everybody out of there obviously.

Q And do you have any -- do you have any recollection as to why they were moving quickly?

A Because they had been attacked.

Q I mean at this point -- real quick, describe when a litter is.

A Oh, it is --

Q Is it like a stretcher?

A Yes, yeah. It is what you put a person on if they are unable to walk. Maybe you put them on there, strap them down and then you're able to carry that person.

Q And did you get -- with regard to the attack, did you receive any additional information about the nature of the attack? Did anybody chat, or did anybody tell you this is small arms fire, it's RPG, mortars

or anything at all?

A No, it's just -- in the heat of the moment, it was we're taking fire.

Q And so they get everybody loaded up and they move back to the airfield?

A Yes.

Q Did you follow that entire movement?

A Yes.

Q Could you readily see the convoy moving back to the airport?

A Yes.

Q Was it moving at a quick rate of speed or just like the other cars?

A No. A quick rate, a very quick rate.

Q And how could you discern that? How could you tell they were moving faster than --

A There is a couple of different ways, but one obviously when they are very quickly passing all the other traffic that's the best way.

Q Approximately how long did it take to get back to the airfield?

A I don't recall.

Q What happened once they got back to the airfield?

A Once they got back to the airfield, then we were, again, asked to scan around the immediate vicinity of where the vehicles were and where the aircraft was to ensure that there were no further threats. So we scanned the buildings, and would scan the runway, and the airfield.

And we were told to continue that and then watch the airplane as it lifted off.

Q And did you watch an airplane lift off?

A Yes.

Q And do you have an appreciation as to what kind of aircraft that was?

A I don't remember what kind. I know it wasn't a large aircraft, it was a smaller aircraft, but it was a passenger plane.

Q Was it a jet or a prop plane?

A From what I remember, it was -- it was a jet plane.

Q And at what point did the Sun come up during this evolution? Was it at the compound, during the ride back over there, while you were at the airport?

A I believe it was actually while we were on the compound, because when we got back -- by the time we had the convoy going to the airport, it was -- I was able to switch to day TV. We were able to watch the airport in day TV.

Q You believe you made that switch though while they were at the compound, prior to heading back to the airport?

A I don't know if we made the switch in the camera, but some time during that time the Sun came up because we did switch to the day TV.

Q Do you recall if it was daylight when you got the notice or information about an attack? When the attack occurred, do you recall if it was daylight or if it was still dark?

[REDACTED]

A When I first got in the seat or?

Q No. When were informed about an attack on the compound and they were hurriedly -- left quickly, that attack.

A I don't remember.

Q It's okay. All right. So we're at the airport. You switched to daylight camera now.

A Uh-huh.

Q And explain the significance of what you can see with your daylight camera versus at night with your infrared. What does that allow you in terms of detail in identifying things? Is it better? Is it worse? Talk to me about that real quick.

A It depends on what it is you're looking for, so it's not necessarily better or worse, but day TV obviously gives you the full image with color. [REDACTED]

[REDACTED]

[REDACTED] The infrared gives you heat signatures. So it's really -- it gives you a better nighttime picture, but your day TV allows you to see like a real picture.

Q And were you able to see -- identify uniforms? How closely do you recall being able to observe people? And what could you see? Could you see uniforms? Could you see weapons?

A I don't remember. We only had eyes on the people around the aircraft for a short couple of moments, because when they got to where they need to be, that's when we switched to our protective scans. So we don't -- we don't typically -- we call it rate support, and you don't

[REDACTED]

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want to keep eyes on your friendlies the whole time. You make sure they get to where they need to be, and then you switch to a defensive scan where then you're actually scanning around them, scanning for threats around them, rather than just staring at them.

Q Is that a function of zooming out?

A It can be. You can zoom out and do this or you just move your camera away from them.

Q When they arrived at the airport, did they go straight to the aircraft? Did they, like, park by the aircraft or in close proximity thereof?

A They were in close proximity, yes.

Q And did you see people get out of vehicles and get in the aircraft?

A We saw people getting out of the vehicles and I don't remember if we actually saw them getting into the aircraft when we started doing our scans.

Q Did you zoom back -- I apologize, I didn't mean to interrupt you. Did you zoom or refocus back on the aircraft once it started to move?

A Yes.

Q When it started to move, but see people -- were there still people on the ground close to the aircraft?

A Yes.

Q Once the aircraft took off, what did you do?

A Once it took off, then we continued our defensive scans

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around the airport.

Q Did you see a second aircraft come in, or land in that close proximity?

A I don't recall.

Q Approximately how long did you continue to zoom out, or zoom around, or stay over the airfield?

A That we did for quite some time. I believe it was probably a good 45 minutes to an hour, and then it was time to hand it over to someone else so that's when I had shift change.

Q I'm sorry. Do you recall who replaced you?

A No, I don't.

Q And do you recall if the pilot switched off during your time in the seat? Did you have the same pilot or did you have more than one?

A I don't remember.

Q But when you got in that aircraft, he was already over the compound. Is that what you said?

A Yes, yes.

Q Do you know where that Predator was launched from?

A [REDACTED]

Q How do you know that?

A That's the only place we launch from for Libya.

Q Do you know if that Predator was armed?

A It was unarmed.

Q How do you know that?

A We hadn't been carrying weapons for probably a month at

least.

Q I'm sorry. A month?

A Yeah, at least a month on that. It had been a little bit since we had carried weapons on those lines.

Q What do you mean by "those lines"?

A At the time, we still had two lines so we still had two threads that would swap time going back and forth. And it had been a little bit since those two had carried weapons.

Q And why was that?

A What we were told?

Q Who told you?

A Our squadron -- it was September.

Q September of?

A Well, September of that year.

Q Okay.

A So fiscal year time frame when, you know, when the budget start switching over. So we were told a couple of different things. We were told by our squadrons that, one, they were switching -- trying to use up all the Hellfire variants that we had at the time, because a new variant was coming out and they wanted to use all those up. They didn't have stores or money to ship more overseas where we needed them. So they were trying to consolidate into one area where we actually were using them at the time, which we were doing a lot in OEF theater, in Operation Enduring Freedom Theater, so they were moving as much of their store down there as they could. So they didn't have them [REDACTED]

[REDACTED]

Q Were you aware if there were any Hellfire missiles [REDACTED]

A No.

Q No, you're not aware?

A No, I'm not aware if there was still any or not.

Q Are you aware of any prohibitions that would have prevented or prohibited you from arming that Predator?

A Not at the time, no.

Q You weren't aware or not there were not?

A No, I was not aware at the time.

Q Have you ever been to a launch and recovery facility?

A Yes.

Q Which one?

A [REDACTED]

Q How many times have you been there?

A Once.

Q And have you ever watched them turn over a Predator in terms of one lands empty, it gets reloaded --

A Uh-huh, yes.

Q -- with weapons and reloaded with gas and takes off again?

A Yes.

Q Have you personally witnessed that?

A I've personally done it, yes.

Q Oh. What did you do?

[REDACTED]

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A I was launched in recovery element ██████████ for 4 months.

Q So what does that mean? What was your job?

A So we launched the aircraft and then handed it off to the mission unit, or the mission element. And then once they were done with their mission, they would bring it back to us and then we would recover the aircraft.

Q So if -- once a Predator lands, and it's basically out of gas, it's out of Hellfires, how long does it take to refuel it so they can launch again, approximately?

A They can do it in an hour.

Q Is that from empty to full?

A For all the time that maintenance needs they can turn an aircraft in about an hour. And then we -- it takes about another hour to preflight and actually relaunch the aircraft.

Q So are you saying it takes 2 hours to turn around an aircraft?

A Uh-huh.

Q Is it that a yes?

A Yes, yes. Sorry.

Q And does that include arming it with Hellfires?

A I don't know how long it actually takes for them to physically put the weapons on there. But I know I have seen them turn an aircraft in about an hour.

Q Does that include -- would that have included all -- everything that had to be done, the prechecks, the gas and arming

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the Predator?

A Yes.

Q But that was quick, wasn't it?

A Yes, yes.

Q Normally it is closer to 2 hours?

A Yes.

Q Did you ever watch anybody physically hang a Hellfire on a Predator?

A No.

Q Are Predators typically outfitted with brackets, whatever it is called to mount the Hellfire on, do you know?

A If they are going to actually mount it, then yes, it's there. If not, then they will take off any brackets or anything off the pylons.

Q So typically what you're saying is typically when a Predator is operating, and it's not anticipated they are going to be firing weapons, the brackets that would hold the Hellfire are not on the unit?

A Right.

Q What else -- did you just refer to as a launch and recovery --

A Element.

Q Element. You were there for 4 months?

A Yes.

Q Is that the only one you've ever been to?

A Yes.

Q Do you recall how far along into your aircraft's operating day it was when you got out of the seat? Obviously you were there for

almost 7 hours.

A Yes.

Q Do you know how much life it had left, how many hours it had left, approximately?

A No, I don't. The transit [REDACTED] to Libya was approximately 4 hours. So that shortened our window that we would be able to fly over Libya.

Q But obviously, you weren't involved in the transit?

A No.

Q And when you turned over to your replacement person, what was the gist of the brief that you gave that person? Was it a man or woman? Do you recall?

A I don't remember.

Q That's okay. Do you recall the gist of what you would have shared with them?

A Everything. With it being an intense mission, I would have shared all the information, this is what we did, this is where we came from, here's the coordinates to the previous compound in case you need to go back there. Right now this is what you're doing, you're watching the airport and you need to continue to scan. You're talking to whoever with the MIC, the intel. This is where your aircraft is at, this is how the sensor is.

Q That night, did you ever load any data points?

A Yes -- control points.

Q I'm sorry?

[REDACTED]

A Control points.

Q Did you load any control points that evening?

A Yes.

Q Do you recall --

A The compound that we were looking at. You load those so that you can quickly get back to the original point that you were looking at.

Q Any others?

A I don't recall. I would say most likely the airport, but that's just because it's a habit pattern that any time we look at something, we load that point so that we can get back to it quickly if needed.

Q And did you [REDACTED] Did you observe something that you felt like, wow, I don't know if you all are seeing this, but look over there or whatever?

A I don't recall.

Q Do you recall seeing anything in the 4 hours you were over the compound that captured your attention or that you focused on or kind of watched for a few minutes or something?

A Any time people were moving around, we would stop and focus on that.

Q While you were there, could you see the roofs of the buildings at the compound?

A Yes.

Q Could you tell if there were people on the roofs?

[REDACTED]

[REDACTED]

A I don't remember if we saw people on the roofs.

Q Did you ever observe any kind of small arms fire, gunfire, anything like that?

A Not that I remember. We looked for it, but I don't remember that we saw any.

Q After you got out of the seat turned it over with your replacement, what did you do next?

A I don't remember.

Q Did you hang around to see what was happening?

A I don't believe so.

Q Okay. And do you recall the next time you had a mission in Libya following that day?

A I don't remember the next time, no. I know that we had more -- I had more missions in Libya, but I don't remember the next time.

Q And you previously described that as an intense or words to that effect. Was there any kind of discussion after you got out of seat with your boss, your staff NCO, with anybody about, Hey, this is what was going on or words to that effect?

[REDACTED]

[REDACTED]

A I don't remember.

Q Okay. Did you ever have to draft any kind of report or notes about what you saw, et cetera?

A No.

Q Did you ever participate in any kind of after action reports where the events in Benghazi were discussed in your unit or otherwise?

A No.

Q Okay. Approximately how long does that take once a Predator is launched? Typically how long does it take before the pilot can take the stick so to speak? When you launch that Predator, how long typically before you hand off to the pilots, is it 2 minutes, is it 17 minutes, is it 30 minutes?

A It depends on what their window is so we may launch an aircraft and then sometimes it takes 15 or 20 minutes to hand it off to the mission element or it may take 30, 45 minutes to hand it off.

It just depends on when their window is. When they are expecting to take it. How quickly it takes for them to set up their controls. And then it may also have to do with air space. So we may have to climb a certain altitude before we are able to hand it off to them.

Q That evening, do you recall there being any issues or challenges or whatever regarding operating that Predator in Libya?

A Not that I --

Q While you were in the seat that entire 7 hours were there any issues with anything at all associated with flying that Predator in Libya?

[REDACTED]

[REDACTED]

A Not that I recall, no.

Q Would you be made aware of other aircraft above you, or around you if that was taking place?

A Yes.

Q You would have situational awareness of that?

A Yes.

Q How would you have that?

A We would get told by our air operating center. So whoever our controlling agency is, they would let us know that there's other aircraft in the area and what altitude they are so that we make sure we don't conflict.

Q Was is there any other aircraft operating that night?

A I don't remember.

Q What air operation center was controlling you so to speak or directing you all?

A I don't remember.

Q Approximately how many missions were you involved in in Libya? A rough guess. Approximately how many? Were you there for Odyssey Dawn and all those other activities?

A Yes.

Q And approximately, how many missions were involved with?

A Oh, goodness.

Q More than 20?

A Yes.

Q More than 50?

[REDACTED]

[REDACTED]

A Somewhere between 20 and 50. There were a month or two where I flew that line, like, every day.

Q Okay. And on any of those, were you either -- on any of those missions, did they all fly [REDACTED]

A Yes.

Q And they all went to Libya?

A Yes.

Q And in any of those missions were you in the seat when it was either launched and traversed to Libya or in Libya and traversed

[REDACTED]

A Yes, a lot.

Q A lot of those?

A Yes.

Q And what was the average travel time going to or from?

A Approximately 4 hours.

Q And did it vary much?

A Depending on the wind or if you had to fly around weather. There was one that because of the wind and the weather it was about a 6-hour transit.

Q What's the average speed, typically what speed do you -- when you're transiting like that?

A [REDACTED]

Q At [REDACTED]

A Uh-huh.

Q And what's the top speed you have potential in that aircraft?

[REDACTED]

[REDACTED]

A [REDACTED]

Q Is that knots or miles per hour?

A Knots or -- yeah.

Q Typically when you're making that transit, what are you doing? I mean as a sensor operator -- look, I'm not trying to -- yeah, what's a sensor operator doing when it is just doing a milk run?

A At the time, scanning the waters.

Q Okay.

A Scanning for weather, looking at the island, looking at the sun. To answer it now being an instructor, there's a lot more.

Q Right. Is it fair to say that a sensor operator, you don't have a lot to do there during that time?

A No. It's optimizing your cameras. It's prepping for the mission. It's making sure your cameras are set up. Making sure the airplane is flying the way it should be, all of your systems are green.

And then we do sometimes in transit you know we'd scan the waters looking for anything unusual or out of the ordinary.

Q Sure. In May of 2013, someone claiming to be a sensor operator called into the Sean Hannity radio program and said his name was John from Iowa. Are you familiar with this?

A I am.

Q How are you familiar with this?

A At that time?

Q At what time? The time of the call?

A No, after the call.

[REDACTED]

Q Okay.

A In December of 2012, myself, as well as a few other of my coworkers we were all PCSing to Holloman at the same time. It was after the call was made in May that one of my coworkers that had PCS'd with me in 2012 stopped me in the hallway and said, did you hear about this phone call that was made? And I said, no.

And he said, do you know who it was? And I said, no. And he says I do. And he told me. And I was quite shocked that somebody would make a phone call. So it was kind of for a few minutes like wait, what? Tell me again what happened and that's how I found out.

Q All right. You said you PCS'd in December of 2012.

A Yes.

Q I think the call occurred in May of 2013?

A Right, but some of the people that I worked with at Creech, we all PCS'd together. So it was one of my fellow coworkers that knew, that had come with us. He was the one that told me about the phone call.

Q I'm a Marine, so I'm a little slow here.

A Okay. Sorry.

Q You PCS'd in December of 2012?

A Yes.

Q With a bunch of your peers?

A Yes. Uh-huh.

Q About 5, 6 months later this person makes this call?

A Uh-huh.

Q And one of those people that PCS'd with you told you

subsequent to the call of May 2013, hey, I know who that is?

A Yes.

Q Okay, was it the next day, the next week approximately?

A I don't know when. I don't know how long it was. I don't remember how long it was.

Q Was it shortly thereafter? Do you have any idea? Don't worry about it, it's okay.

So your friend -- how did your friend, how did he know that person?

A Because he worked with him also. We all worked together.

Q What do you mean we all worked together?

A We had all worked together at the 18th and so he knew who it was.

Q And do you know who that person is?

A Yes.

Q And did you know at that time when your friend told you who it was, did you go, oh, I know him?

A Yes.

Q And who was that person?

A Sergeant [REDACTED]

Q And what do you call him?

A Sergeant [REDACTED]

Q And did you ever go on and listen to the radio show to see what he said?

A No.

Q Okay. You're at Holloman Air Force Base?

[REDACTED]

A Yes.

Q And it is spring, summer of 2013. Did a lot of folks know about this? Was it a topic of conversation just casually, informally, were people going, can you believe what that guy did? What was kind of going on?

A Actually from what I remember, nobody else even talked about it. It was something that was brought up by my coworker just because we knew the person that had made the call. And we didn't talk about the missions that we had done.

So it wasn't spoken about from anyone else in the squadron. It was -- he mentioned it to me and said, hey, did you hear about that radio call. I knew who it was. That's who it was.

Q Okay. Was there anybody else with ya'll when that conversation was made?

A Not that I remember.

Q I'm not asking you to reveal who your friend was, but were they subordinate to you senior, was it an officer or an enlisted?

A Enlisted.

Q And did you ever share this with anybody?

A That --

Q That you knew who that was?

A What do you mean?

Q Once you found out it was [REDACTED] --

A Oh.

Q -- in spring, summertime of 2013?

[REDACTED]

[REDACTED]

A Oh, No, I really had no reason. It was --

Q Okay. Had you ever been asked about that?

A Now.

Q Other than now. I'm sorry.

A No.

Q Okay. Did you say something to the effect that you were surprised someone would call in or something to that effect?

A Yes.

Q Talk to me about what you meant by that. Why were you surprised or why would that surprise you?

A Just because we have a top secret clearance for a reason, top secret/SCI. We don't talk about our missions. It's delicate information.

[REDACTED]

[REDACTED]

[REDACTED]

Q Gotcha. Okay. Is there anything else you could think of that it might help us understand or help the committee to have a better understanding about what happened that evening, anything else you think would be important that you'd like to share with us?

A No, I don't believe so.

Q Is there anybody else out there that you think it would behave us to talk with in order to have better understanding about what happened that night?

A Not that I know of. Not that I can recall.

[REDACTED]

Mr. Tolar. Let's go off the record for a minute please.

[Discussion off the record.]

Mr. Tolar. Let's go back on the record real quick. Just a couple of questions please.

Sergeant Smith. Yes sir.

BY MS. CLARKE:

Q So I have a couple of questions for you. A couple of times in your testimony today you referred to a MIC?

A Yes, Mission Intelligence Coordinator.

Q So that person -- and I think you were referring to that person as providing you direction about where to focus your cameras. Is that correct?

A Yes.

Q And then that night do you know where they were getting their directions from?

A No.

Q Is that typically something that the Mission Intelligence Coordinator would be receiving direction to do or is that something that they would say here, this is what I think you should do as far as directing the cameras.

A No. They actually -- they receive the information from our supporting unit who we're working for. And then that information is passed to us. They are the ones that a lot of this is [REDACTED] [REDACTED] for us so that we can handle the aircraft and manipulating the camera.

Q And do you recall who the supporting unit was that night?

A No, I don't.

Q When you were over the compound, when your cameras are focused on the compound, how far outside the perimeter of the compound could you see?

A It depends on what field of view we're in. So if we're in a wide field of view, we can -- in infrared camera we can see [REDACTED] on each side of compound, but it just depends on what field of regard we are in, field of view. So at different times we were in different fields of view for what we were looking at.

Q And is the decision about which field of view you were using a decision you made or is that a decision that is passed to you or requests passed to you by the MIC?

A Sometimes the supporting unit may request something, but depending on what they are wanting to see or what they are asking for, we determine that.

Q I think you were discussing the approximate transit times from launching [REDACTED] to arriving in Libya, and I think that you said it is about 4 hours?

A Yes.

Q What is the approximate amount of time that the Predators can actually fly before it needs to return to base to be refueled?

A It can be 18 hours, but typically we keep them between 12 and 18.

BY MR. TOLAR:

[REDACTED]

Q One follow up. To be clear, the entire approximate 7 hours you were in the seat, that aircraft was never in transit [REDACTED]

A Right.

Q Or any other location outside of Benghazi?

A Right.

Q Thank you. And when you were in the seat, do you recall if -- were you aware that there was a Predator up prior to you and the AOR were operating over there?

A From what I remember, we did have another Predator out there, but they were going home.

Q Okay.

A So it was during that time that we had just come in and they were leaving.

Q So that's my question. When you got in the seat, was that -- were ya'll conducting a handoff with the first one or had that already occurred?

A That, I don't know.

Q All right. Thank you very much. Let's go off the record.

[Recess.]

EXAMINATION

BY MS. GREEN:

Q All right. We can go back on the record. The time is now 3:10.

So Master Sargent [REDACTED], I'm just going to go back through

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a few questions. I don't have a lot of questions for you, probably 15, 20 minutes and I think we'll be done for the day.

A Okay.

Q My colleagues were asking you at the beginning of the first hour about some of your former responsibilities as the 3 Alpha, I think?

A Yes.

Q I just wanted to ask if you're familiar with a 781 form?

A I didn't --

Q Have you ever heard of that?

A Yes.

Q What is that?

A That's where we track our flight hours and our flight time.

Q I see.

A But I didn't learn about that until I got into RPA career field.

Q Okay. So that's not something sort of anyone would know in the Air Force?

A No. That absolutely an aviation record.

Q And what kind of information would be on that form?

A Just your -- we put our names, typically just our last name, first initial, last 4 of our Social and then the hours that we flew for that day.

Q Okay.

A If we log it on the computer then we might also put in what kind of activity we did. So if we're trying to keep our currencies up

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to date, we might track. Like today we practiced a buddy lace or an employment practice.

Q So last name, first name initial?

A Last name and then our first initial.

Q Of the first name?

A Yes.

Q So no middle names?

A No.

Q Okay. Would it include information like the State you were born in or your State of origin or that type of thing?

A No.

Q Okay. And then one thing I just wanted to do is clarify the times that you were in the seat that night.

A Yes.

Q It was a rather long night for you, I think?

A Yes.

Q I think you said 4:00 p.m. to midnight was your shift?

A That was my shift, yes.

Q And that was mountain time. Is that correct?

A Yes.

Q If I'm remembering correctly is that 2 hours from eastern daylight time?

A Yes.

Q Where Pacific would be 3, mountain is 2?

A Yes.

Q Okay. So if my math is correct, which it very well could not be, you would have been in the seat from midnight to 8:00 a.m., local call Benghazi time, which is eastern European time?

A Yes.

Q Which I believe is 6 hours from --

A I don't --

Q -- Eastern daylight time?

A Yes. I don't remember what time it was over there, but I know it was nighttime when I got in the seat, yes.

Q And you explained that your job as a sensor operator is to collect information so that it could be exploited by the military?

A Yes.

Q Would you yourself be the one to exploit the information?

A No. We just gather the information.

Q And did you ever speak with anyone on the ground that night?

A Not that I remember, no.

Q I think you mentioned you didn't recall seeing weapons being fired?

A Right.

Q To the extent you could see people on the ground, could you distinguish friend from foe?

A Just because of where they were. And we were told to put eyes on a certain location and either we would see them milling or else when we saw the vehicles because we had followed them from start point A to endpoint B that's how we knew who was friendly.

Q We have a series of questions that we ask every witness and so I'm going to ask you those questions now.

A Okay.

Q Bear with me because there are a good number of questions. This is now, I'm not sure if you are aware, but this is now the eighth congressional investigation into the attacks in Benghazi.

A Okay.

Q A number of sort of urban myths have perpetuated over the last few year, so what I'm asking you to is not speculation, but if you have firsthand knowledge.

A Okay.

Q And if you do not we'll just move on to the next question.

A Okay.

Q If you do, we'll explore that.

A Okay.

Q It has been alleged that Secretary of State Clinton intentionally blocked military action on the night of the attacks. One Congressman has speculated that, quote "Secretary Clinton told Leon Panetta to stand down." end quote. And this resulted in the Defense Department not sending more assets to help in Benghazi.

Do you have any evidence that Secretary of State Clinton ordered Secretary of Defense Panetta to stand down on the night of the attacks?

A I don't know. No.

Q Do you have any evidence that Secretary of State Clinton issued any kind of order to Secretary of Defense Panetta on the night

of the attacks?

A I don't know.

Q Some of the questions may seem sort of out there from your perspective, but we continue to ask every witness about these questions, because our colleagues have indicated that they are continuing to investigate these claims.

It has been alleged that Secretary Clinton personally signed an April 2012 cable denying security to Libya. The Washing Post Fact Checker evaluated this claim and gave it four Pinocchios, its highest award for false claims. Do you have any evidence that Secretary Clinton personally signed an April 2012 cable denying security resources to Libya?

A No.

Q Do you have any evidence that Secretary Clinton was personally involved in providing specific instructions on day-to-day security resources in Libya?

A No.

Q It has been alleged that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Quadaffi to his own people in order to garner support for military operations in Libya in the spring of 2011.

Do you have any evidence that Secretary Clinton misrepresented or fabricated intelligence on the risks posed by Quadaffi to his own people in order to garner support for military operations in Libya in the spring of 2011?

[REDACTED]

A No.

Q It has been alleged that the U.S. Mission in Benghazi included transferring weapons to Syrian rebels or to other countries. A bipartisan report issued by the House Permanent Select Committee on Intelligence found that, quote" The CIA was not collecting and shipping arms from Libya to Syria" end quote. And that they found no support for this allegation. Do you have any evidence to contradict the House Intelligence Committee's bipartisan report finding that the CIA was not shipping arms from Libya to Syria?

A No.

Q Do you have any evidence that the U.S. facilities in Benghazi were being used to facilitate weapons transfers from Libya to Syria or to any other foreign country?

A No.

Q A team of CIA security personnel was temporarily delayed from departing the Annex to assist the Special Mission Compound and there have been a number of allegations about the cause of and the appropriateness of that delay.

The House Intelligence Committee issued a bipartisan report concluding that the team was not ordered to stand down, but that instead there were tactical disagreements on the ground over how quickly to depart.

Do you have any evidence that would contradict the House Intelligence Committee's finding that there was no standdown order to CIA personnel?

[REDACTED]

[REDACTED]

A No. I don't understand that question.

Q Do you have any evidence that would contradict the House Intelligence Committee's finding that there was no standdown order to CIA personnel on the ground in Benghazi?

A No.

Q Putting aside whether you personally agree with the decision to delay temporarily or think it was the right decision, do you have any evidence that there was a bad or improper reason behind the temporary delay of the CIA security personnel who departed the Annex to assist the Special Mission Compound?

A No.

Q A concern has been raised by one individual that in the course of producing documents to the Accountability Review Board, damaging documents may have been removed or scrubbed out of that production. Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to the ARB?

A No.

Q Do you have any evidence that anyone at the State Department directed anyone else at the State Department to remove or scrub damaging documents from the materials that were provided to the ARB?

A No.

Q Let me ask you the same question for documents provided to Congress. Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were

[REDACTED]

provided to Congress?

A No.

Q It has been alleged that CIA Deputy Director Michael Morell altered unclassified talking points about the Benghazi attacks for political reasons, and that he then misrepresented his actions when he told Congress that, the CIA quote "faithfully performed our duties in accordance with the highest standards of objectivity and nonpartisanship." end quote. Do you have any evidence that CIA Deputy Director Mike Morrell gave false or intentionally misleading testimony to Congress about the Benghazi talking points?

A No.

Q Do you have any evidence that CIA Deputy Director Morell altered the talking points provided to Congress for political reasons?

A No.

Q It has been alleged that Ambassador Susan Rice made an intentional misrepresentation when she spoke on the Sunday talk shows about the Benghazi attacks. Do you have any evidence that Ambassador Rice intentionally misrepresented facts about the Benghazi attacks on the Sunday talk shows?

A No.

Q It has been alleged that the President of the United States was quote "virtually AWOL as Commander-in-Chief" end quote. On the night of the attacks and that he was missing in action on the night of the attacks. Do you have any evidence to support the allegation that the President was virtually AWOL as Commander-in-Chief or missing in

action on the night of the attacks?

A No.

Q It has been alleged that a team of four military personnel at Embassy Tripoli, on the night of the attacks, who were considering flying, on the second plane, to Benghazi were ordered by their superiors to stand down. Meaning to cease all operations. Military officials has stated that those four individuals were instead ordered to remain in place in Tripoli to provide security and medical assistance in their current location.

A Republican staff report issued by the House Armed Services Committee found that, quote "There was no standdown order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi." end quote.

Do you have any evidence to contradict the conclusion of the House Armed Services Committee that there was no stand down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi?

A No.

Q It has been alleged that the military failed to deploy assets on the night of the attack that would have saved lives. However, former Republican Congressman Howard "Buck" McKeon, the former chairman of the House Armed Services Committee conducted a review of the attacks after which he stated, quote "Given where the troops were, how quickly the thing all happened, and how quickly it dissipated, we probably couldn't have done more than we did." end quote. Do you have any evidence to

contradict Congressman McKeon's conclusion?

A No.

Q Do you have any evidence that the Pentagon had military assets available to them on the night of the attacks that could have saved lives, but that the Pentagon leadership intentionally decided not to the deploy them?

A No.

Q Thank you for bearing with me.

A No problem.

Ms. Green. That concludes our questions and I thank you for your service to the country and again for coming here today.

Sergeant [REDACTED] Thank you.

Mr. Tolar. I just want to add again, Master Sergeant [REDACTED] it was important that you be here and we appreciate you doing that. It is time away from your family and way from your job.

So thank you for your service and we thank your family for your service because I know they sacrifice too. Off the record.

[Whereupon, at 3:27 p.m., the interview was concluded.]

**INTERVIEW OF
REAR ADMIRAL BRIAN LOSEY**

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, JUNE 16, 2016

APPEARANCES

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Colonel * * *, *USSOCOM*
Lieutenant * * *, *USSOCOM*

██████████

Mr. Tolar. Let's go on the record, please.

This is a transcribed interview of Admiral Brian Losey, United States Navy, conducted by the House Select Committee on Benghazi. This interview is being conducted voluntarily as part of the committee's investigation into the attacks on U.S. diplomatic facilities in Benghazi, Libya, and related matters pursuant to House Resolution 567 of the 113th Congress, as well as House Resolution 5 of the 114th Congress.

Would the witness please state your full name for the record?

Admiral Losey. Yes, sir. Brian Lee Losey.

Mr. Tolar. The committee appreciates your appearance here today, sir, as well as your service to our country. Thank you very much.

Again, my name is Mac Tolar, and I'm with the committee staff. At this time, I'd ask everyone in the room to introduce themselves for the record. In addition to Congressman Schiff, we have?

Ms. Green. Shannon Green with the minority staff.

Mr. Kenny. Peter Kenny with the minority staff.

Colonel ██████████ I'm Colonel ██████████ staff judge advocate for USSOCOM.

Mr. Hudson. Bill Hudson from the Department of Defense Office of the General Counsel.

Mr. Richards. Edward Richards with DOD OGC.

Lieutenant ██████████. Lieutenant ██████████
USSOCOM.

██████████

Mr. Tolar. Sir, as you can see, we have got an official court reporter here taking down everything we say in order to make a written record of today's discussion. Accordingly, I would ask that you provide verbal responses such as "yes" or "no" to all questions and try to avoid nods of the head and things like "huh-uh" or "uh-huh."

Admiral Losey. Yes, sir.

Mr. Tolar. I'm also going to ask the reporter to jump in any time either one of us start doing that, because I'm inclined to do it on occasion.

Also, please understand that although you are not under oath, you are required by law to answer questions from Congress truthfully, including questions posed by congressional staff in interviews such as this today. Do you understand this, sir?

Admiral Losey. Yes, sir.

Mr. Tolar. Is there any reason why you are unable to provide truthful answers to today's questions?

Admiral Losey. No, sir.

Mr. Tolar. Shannon.

Ms. Green. Yes?

Mr. Tolar. Do you have anything?

Ms. Green. Admiral Losey, on behalf of the select committee minority staff, thank you for agreeing to appear here voluntarily. We understand that you have testified at least two other times before Congress about the Benghazi attacks, once in 2013 and then another time in March of 2014.

Admiral Losey. Yes, ma'am.

Ms. Green. We've had the opportunity to review those transcripts, and we understand you would also be provided that opportunity. Have you had a chance to review your prior testimony before coming today?

Admiral Losey. From 2013, not from 2014.

Ms. Green. Okay. And, again, thank you for being here, and we look forward to talking with you.

Admiral Losey. Yes, ma'am.

EXAMINATION

BY MR. TOLAR:

Q It's 10:36. We'll start the first hour of questioning, sir.

At the time of the attack in Benghazi, you commanded U.S. Special Operations Command in Stuttgart. Does that constitute the TSOC for the theater?

A That's correct, sir.

Q As a subunified commander, please walk me through kind of your table of organization, assets, things that -- personnel and assets that you owned as the subunified commander at the time of the attack in Benghazi.

A Well, I had an Army component, an Air Force component, a Navy component --

Q Be more specific about each, please, sir.

A Right. And a Marine Corps component.

[REDACTED]

The force structure varied from time to time. We tended to integrate forces on deployment orders and requirements as opposed to having standing force structure. But on any given day, a company to two companies worth of operational detachment alphas.

Q That's an ODA?

A Yes, that's correct. And then I had --

Q Where are those located typically?

A Well, they were provided from 10th Group out of Fort Carson, Colorado, and they were applied to the continent where there were requirements. In this particular case, we had an ODA assigned to Benghazi or to the Tripoli mission.

Q And that was the SST?

A That's correct. SST first, but then transitioning to the 1208 partner capacity-building mission.

Q And about that ODA, briefly, is that typical of an ODA that would constitute an element of a CIF?

A Well, the CIF is comprised of a company, which is comprised of multiple ODAs. The CIF at the time was under an MOU, memorandum of understanding, with EUCOM. It was effectively owned by EUCOM and Special Operations Command Europe.

So there was a joint user agreement impacting that CIF that was triggered from an AFRICOM and SOCAFRICA perspective when those forces were chopped or operational control was transferred to Special Operations Command Africa in AFRICOM.

Q If you don't mind, we'll talk about the CIF in a little more

[REDACTED]

[REDACTED]

detail in a few minutes. But back to the ODA, I guess the point of my question was, is it fair to say that that SST, which was formed from an ODA, that for all intents and purposes that SST had basically all the training and capabilities of a CIF but for the vehicles, the planes, the heavy machine guns. Is that a fair assessment?

A Yes, with some amplification.

Q Please.

A But the bottom line is, yes, it's a reasonable assessment. The ODA that was assigned to the Libya mission, first SST then 1208, as it transferred, was designated as an interim CIF, okay, meaning it did not have all of the requisite capabilities of a CIF, the most important being a training course called SFARTAETC. And I can't recall exactly what that acronym stands for, but [REDACTED]

[REDACTED]

[REDACTED]

And then the third component was the interface with [REDACTED] because when you are officially designated as a CIF, the standardized tactics, techniques, and procedures allow you to integrate with [REDACTED] [REDACTED] because the CIF is the first responder prior to [REDACTED] getting on scene, if that construct fits the mission set.

Q Who has the authority to designate the SST as an interim CIF?

A Well, the authority would be -- it would implicate at least [REDACTED]

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the combatant commander. Beyond that, I'm not certain, I'm not certain if the Secretary of Defense is included in that or the Chairman or anybody else. I do know that it would be an agreement with the combatant commander.

Now, let me just say, when we talked about the interim CIF, we knew for quite some time that AFRICOM needed its own in-extremis force, Commander's In-Extremis Force, and we were targeted to have that on 1 October, and we actually implemented that on 1 October.

But leaning forward in the saddle, a lot of the coordination leading up to that point was to designate an interim CIF, and that would be in the event that the situation provided the flexibility for AFRICOM to respond if the regular CIF was too slow.

And so as we designated the interim CIF, we put it in Libya because it was the highest risk situation that we recognized at the time that might implicate a CIF. So, yes, we did put -- they were co-located, in effect.

Q So AFRICOM designated the interim CIF?

A I'm not sure that AFRICOM, would say that AFRICOM designated it. I would say that it was certainly an understanding and it was language that was used by 10th Special Forces Group and United States Army Special Operations Command, USASOC, to designate the transition of moving into a regular CIF.

Q Did that SST have the ability to serve as an enabler for ██████████ should that occur?

A In a limited sense, yes. In a limited sense. Not in the

██████████

██████████

fullest sense of what a CIF would provide, and the most important feature being the SFARTAETC training. That was absent in the interim CIF.

Q But in theory, that SS -- granted -- and the key to training is it allows them to do the hostage rescue, the NEO, nonpermissive NEO-type operations. Is that correct?

A Yeah, in they interface with ██████████
██████████ because they arrive first on scene, they take control of the situation. When we say an in-extremis force, if for some reason, let's say it's a hostage rescue situation, if it goes critical and the hostages are about to be killed, the CIF becomes the responder. It is an in-extremis force.

The SFARTAETC training and the interoperability with ██████████
██████████ there's a seamless handover, and there's not any confusion introduced because of a lack of nonstandard tactics, techniques, and procedures.

So I would tell you that any ODA, any SEAL platoon, any MARSOC platoon or company inherently has the core capabilities of direct action and special reconnaissance, of which are kind of the functioning elements of CT, which is another core task.

So the basics for a number of missions that would facilitate the entree of ██████████ are resident in there. And that was kind of the reason we put them there, because of the complex situation that they were confronted with, with respect to

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the former Libyan SOF regime that we were orienting for a 1208 program, partner capacity building, the transition out of the site security team, which had critical security implications and what we would call battlefield operating support systems, the communications, the logistics, the medical support and the like, convoy protection, and then setting conditions for building partner capacity, which was what we were working with the Ambassador.

Q And were they given that interim CIF designator, per se, immediately upon being located into Tripoli? Basically from the get-go, were they designated the interim CIF?

A Yeah. In an absolute sense, I am not certain that AFRICOM had that awareness. I am fairly certain that within the USASOC and 10th Group lines, that that was the intent. It was certainly known at our level that the interim capability existed, but the point being, that interim capability existed in all of the ODAs and all of the SEAL platoons and all of the MARSOC platoons. So if we couldn't get, you know, by agreement the EUCOM CIF into place in time, we had our own backup plans, not considered adequate, but they were preparatory with the tools we had on hand at the time.

Q Okay. Sir, please continue with what kind of assets that you had as the commander.

A Okay. My Naval component was represented by Naval Special Warfare Unit 10, roughly two SEAL platoons and a boat detachment intermittent.

Q Where were they located?

██████████

[REDACTED]

A That was Stuttgart, Germany. That was where they were headquartered. The SEAL platoon elements were dispersed around the continent, distributed operations, so we sometimes would cut them into half platoons depending on the nature of the engagement.

Q How big is the SEAL platoon?

A At the time, 21 people.

Q Please continue, sir.

A Okay. Marines came on a mission fill basis, so at any given moment I had three or four joint planning and assistance teams, or JPATs, that were distributed downrange, and the Marines had the lead on those. I had a JSOAD, joint special operations aviation detachment, which handled my Air Force special operations air mobility and tactical mobility requirements. And those were largely embodied in nonstandard aviation assets.

Q Let's go back to the Marine Corps assets. At the time of the attacks, what kind of Marine personnel did you have on the continent, approximately?

A Approximately, I would say three four-man detachments doing joint planning and assistance functions, not tactical functions, but basically working with ambassadors to enhance partner capacity-building programs. I would not call them a tactical capability in that regard.

Q Were those typically officers or enlisted?

A A mix of both.

Q And in terms of the JSOAD, the aviation --

[REDACTED]

[REDACTED]

A Joint special operations aviation detachment, sir, yes.

Q And what did that look like in terms of --

A It was headed by an Air Force colonel who was headquartered in Stuttgart. He controlled a number of nonstandard aviation assets, which there were two or three types of aircraft available. They supported the counter-LRA operation. They supported --

Q The counter what, sir?

A The counter-Lord's Resistance Army operation. [REDACTED]

[REDACTED] So they supported that endeavor. They supported mobility in and around Somalia, basically providing movement for all of our assets around the African continent.

Q So they were the enablers for all your contract civilian aircraft. Is that fair, more or less?

A Yeah. They weren't really contract air. They were Air Force Special Operations Command aviation assets. [REDACTED]

[REDACTED]

[REDACTED]

Q Here is one of the biggest questions we've been trying to get to: What types of those aircraft did you have, how many of those aircraft, and where were they on September 11th, to the best of your recollection?

A Principally, in East Africa, in Djibouti and Uganda, supporting, again, the counter-LRA mission principally. Those were the places where we staged out of mostly. There were other flights, whether they were on a daily basis or a weekly basis, that would move

[REDACTED]

around the continent and service all of our distributed operations nodes, places where we had troops and had recurring commitments to service their logistics requirements or otherwise get people in and out.

Q What type of air frames did those include typically, or to the best of your knowledge, on or about September 11th or 12th?

A [REDACTED]

Q Is there an alpha numeric designator?

A There is, and I can't recall it right now.

Q That's okay. Is that a prop or a jet?

A [REDACTED]

Q And what's it typically used for?

A Mobility, moving people around, moving equipment around.

Q Okay. Check. [REDACTED]

A [REDACTED]

Q All right. [REDACTED]

A I'd need to get back to you on that. I really don't want to get out and speculate how many, because it varied. On that exact day, I don't have a good recollection.

Q I understand. Did you have the occasion to utilize U-28s, also known as P-12s?

A On an as-available basis.

Q What do you mean as-available?

[REDACTED]

A Well, they were principally, as an ISR asset, they were principally assigned to another task force, not the theater special operations component. So if I had collection requirements -- because the U-28 is an ISR asset -- if I had collection requirements, they were managed by AFRICOM's collection manager, and then they would task by priority the missions. We were seldom primary mission. We would have collateral tasking. So that which was leftover, we would get the residual collection capabilities.

Q [REDACTED]
[REDACTED]

A [REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Q Okay. All right. [REDACTED]

[REDACTED] the U-28s. What other air assets typically would you use in that nonstandard practice?

A Right. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Q Any others?

A Not that I can recall, no.

Q Any other air assets that you as the commander owned or had under contract and direct access to at that time that you all knew?

[REDACTED]

██████████

A Not that I recollect. It's simply a matter of record. It can be checked upon, you know, what was assigned at that time and place. I don't have access to those records, haven't had for 4 years, so --

Q What records would I request in order to see that?

A I'm not sure.

Q Did you typically have rotary-wing assets under your command?

A Not typically.

Q Okay. If you did have them, were they typically there for a specific task, for a short-term mission? Were they ever regularly assigned to you?

A No, sir.

Q How about Osprey or Osprey-like?

A Before. That was after my time there.

Q Okay. Any other kind of air asset?

A Not to my recollection.

Q Would you ever own any type of ISR asset, or would that all just be a request you made up the food chain for that type of support?

A It was generally managed at AFRICOM, and so my requirements would be managed by the J2 collection manager at AFRICOM.

Q Okay. We talked a little bit about your trigger pullers you owned, the boat team, the ODAs. Anybody else, whether trigger pullers or not, bodies that you owned, other than your headquarters staff folks?

A Well, like I indicated, the Naval Special Warfare Unit 10

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organization, its headquarters, basically a headquarters element located in Stuttgart Germany, it had staff functions. It did planning functions for us, logistics support for the Navy component. So that element existed.

Q Yes, sir.

A I did not have an analog to that on the Marine Corps side. The Air Force analog to that was the JSOAD embedded within my staff. And the Army component was comprised by the 10th Group commander who made frequent trips over to our headquarters to determine our needs and then reinforced our efforts with the bodies he had available.

So he was widely distributed within the staff and across the continent.

Q Yes, sir. Did you own the 75th Ranger Battalion or command it?

A No.

Q Was there a dotted line to that organization from you?

A Not to the 75th, as to the task force element that was in AFRICOM who exercised operational control of the rangers in the forward-deployed context. So, yes, we had a daily -- I mean, we had a coordination line to the numbered task force element, and we frequently coordinated our activities.

Q Talk to me about what Joint Special Operations Task Force Trans-Sahara was, what their mission was, and what assets they were comprised of, please.

A Okay. JSOTF-TS, or Joint Special Operations Task Force

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Trans-Sahara, was a subunified task force underneath Special Operations Command Africa. Their mission was to, on several levels, okay, basically work the CT fight under the auspices of the AQIM ex order, and this was something that evolved in around 2010 timeframe.

And that was to take the 10 and later 11 countries that comprised the JSOTF Trans-Sahara Joint Special Operations area of operations and basically do activities to build partner capacity, strengthen our relationships with partners within that region -- and it was a vast region -- and then apply some measures of effectiveness to the AQIM exord.

Q What kind of assets did the JSOTF-TS possess? That was Colonel ██████████?

A That was Colonel ██████████.

Q What were his personnel and TO and TE, for all intents and purposes?

A So the Marine Corps joint planning assistance teams were largely centered under JSOTF Trans-Sahara, so that was one element. So on any given day, two to four JPATs that were recurrently filled by the Marines.

Q And again, sir, just for the record, these are trainers. These are not necessarily trigger pullers, per se --

A That's right.

Q -- despite the fact they're Marines?

A That's right.

Q Thank you.

██████████

██████████

A The JPAT supports basically the planning and integration functions, you know, what does the big program for building partner capacity look like. The people that would come in and then reinforce that through joint combined exercise training or any of the other initiatives, CTPF-funded events, CNT events, counternarcotics training events, those things were then taken on by elements that were deployed into the area like ODAs or SEAL platoons and the like. Okay.

So they provided kind of the overarching coordination piece, and then elements were deployed in to reinforce the effort and build partner capacity. So we had elements -- yes, sir.

Q No, please, finish your thought.

A Yeah. So it varied on a day-to-day basis, how many ODAs were down there, how many SEAL platoons were down there, based on what we had scheduled and arranged and based also on what we could support.

Mr. Tolar. Let's go off the record 1 minute.

[Discussion off the record.]

BY MR. TOLAR:

Q Let's go back on the record, please.

Any other assets -- did they possess any kind of organic air assets, the Trans-Sahara?

A Not assigned. They were allocated to the JSOTF based on needs, requirements, and priorities across the continent of Africa.

Q So even though they may want to go execute a mission down here, if somebody in the food chain says, "Well, you know, you're sixth on the list, I'll get you if I can," is that how it would work more

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or less?

A Yeah, in essence. So the Special Operations Command coordinated the priorities and how the requirements would be serviced. Just like in the ISR context I mentioned, there's a collection manager that sits at AFRICOM that determines, based on the pool of ISR, those requirements get serviced based on priority and urgency.

Q Yes, sir. Please talk to me about JTF-HOA. I believe you commanded that. Is that correct?

A Yeah, Combined Joint Task Force Horn of Africa.

Q Yes, sir. Please talk about the whole of mission as well as what organic assets it possessed on or about September 11th and 12th.

A Okay. That would be out of my lane. I mean, I can speak from the time that I was the commander there. But the mission I can speak to certainly.

Q Please.

A And in the long term, it was to reinforce security and stability with African partners. And I believe it did so very well with increasing effectiveness in terms of understanding what civil affairs activities needed to be done, how did you build trust and confidence with vulnerable populations, not just with military partners, although military partners were the principal.

When you went to the time where I was there, it was a lot more with the nations and the people and it was less toothy. After General Ham and his strategic appreciation of security concerns on the continent, it became more military and a lot more emphasis on military

partners and specific things that supported the CT fight.

Q So was HOA, it was not under your command, it was under the command of the AFRICOM commander?

A Well, the AFRICOM commander is the Echelon commander, the Echelon 1 commander. SOCAFRICA and Combined Joint Task Force Horn of Africa are two commands on the same echelon with different missions.

Q Perfect.

A So CJTF-HOA is a combined joint task force established with a specific mission for arguably a specific time -- that's what a joint task force does -- in a certain region. And that region was a 7-country joint operating area in East Africa and an 18-country area of interest, which surrounded those 7 nations. SOCAFRICA had responsibility for all 54 nations on the continent. And so in East Africa we worked together with Combined Joint Task Force Horn of Africa.

Q When did you command HOA?

A From March 2010 to May 2011 deployed there.

Q And at the time you commanded HOA, what kind of organic assets did they have in terms of personnel and lift?

A Personnel was roughly 2,000 to 2,500 depending on whether we had a surge or a turnover going on. The total composition of the camp that we were based on was 3,500, building to a capacity of 4,500 to 5,000 infrastructure improvements going on there.

Air mobility assets, the principal one was four CH-53s provided by the Marine Corps, okay, which comprised our search-and-rescue capability, and it was on a standby alert posture there. And then we

had a small fleet of smaller Beechcraft-type aircraft to move staff elements around eastern Africa to do coordination with embassies and regional military counterparts.

Q Of those 2,500 personnel that you initially mentioned, were they basically trigger pullers for all intents and purposes?

A No, I think the tool that was principal to the toolkit that we had was civil affairs teams. We did a lot more humanitarian assistance and really building relationships than we did military partner capacity building. That said, we took the security force element that was assigned to the base in the form of an Army infantry battalion and we integrated them in capacity building exercises through ACOTA.

So there's a program run by State Department called ACOTA. The African Contingency Operations Training and Assistance was the program. We provided reinforcements to that program, which was specifically focused on building military capacity. So we were involved in that, but the principal lead was State Department.

Q As the commander, did you have any kind of quick reaction force or something similar that you had assembled for possible employment if necessary?

A In the SOCAFRICA context?

Q No, sir. When you were commander of HOA.

A Yes, there was a CSAR capability on standby.

Q Describe what that was.

A It's combat search and rescue, a total of four, again, CH-53

aircraft in varying states of readiness, not the highest material readiness. So I would offer that oftentimes we found ourselves with four aircraft to make two ready and available.

And then we deemed that adequate for most of the potential contingencies that we were postured to respond to, which was downed aircraft, folks in trouble, needing to move troops to another area, but not with a lot of structure.

I will tell you, again, if those types of contingency were risen, I would be looking, as the commander of that element, knowing the tools that I have, so I'm dealing with a reserve infantry battalion or a National Guard infantry battalion, that is not a crisis response force. They're not trained for that.

We were making use of fungible capabilities that they had, okay? So if I were to try and respond to a contingency or crisis, I would be looking to AFRICOM, I would be talking with the SOCAFRICA commander, "How do I support your efforts?" because he had more of the direct action type folks, and then I'd look to facilitate the entree, the reception staging and onward integration of the CIF, if the requirement triggered that.

Q To be clear, when you were the commander of HOA, would you have utilized any of those assets for any kind of direct action response, any kind of nonpermissive NEO response, any kind of hostage rescue response?

A Not with the elements that I had assigned.

Q To the best of your knowledge, once you left in May of 2011,

[REDACTED]

were there any discernable changes that you are aware of or became aware of in terms of how JTF-HOA was structured, both in terms of personnel and/or lift capabilities?

A There was a steady increase, I think, in the numbers of folks on Camp Lemonnier. Not all of them were CJTF-HOA. A lot were centered in the expansion, if you will, of the task force CT mission and its proximity to the Arabian Peninsula, which actually belonged to CENTCOM. But the idea that we had to be able to work together based on proximity and shift assets back and forth was one of Admiral McRaven's key initiatives, to enhance security and stability, and our responsiveness was to be able to leverage things that were normally split by combatant commander areas of responsibility. So it forced us to work together better.

Q When you were the commander of SOCAFRICA, were there any other standing task force that were -- existed on or about the time of the attacks?

A Yes. Well, the numbered task force is [REDACTED] [REDACTED] so I would call them at a minimum an advance to their awareness, understanding, and potential triggers. But I would defer to the numbered task force commander or AFRICOM to speak to that more eloquently. But they were an adjacent unit and one that we had a good connection with.

Q And in terms of their presence on the continent, what was your understanding of that?

A Could you be more specific in the nature of the question.

[REDACTED]

Q In terms of [REDACTED] did it have a presence on the continent that you were aware of on or about -- prior to -- not prior to the -- or prior to the attack?

A Yes, sir.

Q Did it have any kind of presence that you were aware of?

A Yes, sir, they had a longstanding presence in high-interest countries throughout the African continent, and their principal focus was high-value targets, targeting, assisting in the intelligence infrastructure that allowed us to pluck the leaders and perpetrators out of the masses.

Q What was your understanding as to how many PATs those teams might have constituted or how many personnel those teams might have constituted?

A Generally small. On a day-to-day basis, generally small elements.

When triggered by a deployment or an execute authority, okay, they performed a number of missions on the continent, which are a matter of record, that employed significantly scaled assault forces. But those were flyover forces, those weren't forces that were running around on a day-to-day basis. There were forces moving around the continent on a day-to-day basis building partner capacity-type missions.

Q Again, are we talking about two- to three-man teams typically?

A No. They were scaled -- some of them were scaled a little

[REDACTED]

bit larger. But principally, two- to three-man teams was the standard.

Q As the commander, what kind of tensions or challenges did you experience between yourself, between AFRICOM, and the State Department with regard to Libya specifically?

A Well, we're always, by nature, leaning forward to provide the most that we can in terms of advancing the mission. If the mission were to be build partner capacity, identify a cohort that we could work by, with, and through to continue to advance security and stability initiatives, that is what we did.

So when the site security team was in place, they did have contact with Libyan former regime SOF counterparts that were identified and vetted as trustworthy and viable candidates for a future program. That's what gave rise to the 1208 CT advise and assist, okay, and a significant, [REDACTED]

[REDACTED]

[REDACTED]

So what we were trying -- the tension we were working was the transition of the SST into the 1208 partner capacity-building program.

Now, if we want to talk a little bit about tension, the tensions between -- the normal tensions between State Department and military is we want to have a significant footprint to advance the security mission, build partner capacity-type mission. Sometimes ambassadors wanted to keep that as shaped as possible, you know, what you need to get the mission done but nothing more. And so this would be a natural tension point. It's not a negative tension point, but just a natural

[REDACTED]

tension point.

In the context of the transition of the SST, we struggled to keep the 16-man element that comprised the SST in place so that we could transition fulsomely into the partner capacity-building mission. Ambassador Stevens had concerns that he needed to get the sovereign acknowledgment of the Government of Libya to commence those types of activities.

And so he sought to draw things down. There were numerous discussions between him and General Ham, myself and Ambassador Stevens. And on one occasion at dinner about 4 weeks before the Benghazi incident, we were all at dinner together in Stuttgart and these topics were discussed.

So my military advice to the Ambassador was the team is in place. It has integrated and fungible capabilities for a wide range of activities that you may need support for. My recommendation is that you keep them in place, allow them to keep relationships warm with the partners that they're going to work with in partner capacity building, because our experience shows that if we're in and out and in and out it begins to erode trust and confidence with our partners.

So we made the military case to keep that element in place. In the end, the Ambassador felt it was better to go ahead and reduce that down to a footprint of about six people.

And so we sustained the medical support, the logistics support, the communications support, and the connectivity that I needed, the command and control support to make sure we knew what was going on,

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what was the Ambassador thinking, maintain connectivity with the defense attache, Lieutenant Colonel ██████████, and make sure we were postured to respond and kind of move through the wickets that we needed to move through to reinsert the force.

Q Did the discussion of reducing that footprint occur at the dinner 4 weeks prior to the events?

A Between the Ambassador and myself, yes.

Q So at that time, you were already discussing reducing the footprint?

A We had discussed it well before that.

Q Okay.

A Yeah, at the time of the dinner the footprint, I believe, to the best of my recollection, a decision had already been made to reduce the footprint.

Q I guess that leads to my next question. If the transferred -- if the SST transferred back to COCOM authority on August 4th, the full complement was there still there, correct?

A If it was still there, again, I'm going to say, I'm not certain. It was somewhere in that timeframe that we effected the reduction. And I want to say it was after the SST mission terminated because we probably wouldn't have decremented the SST mission prior to -- that was under his authority.

Now, we shift to combatant commander authority and the building partner capacity under 1208, okay, combatant commander authority now became an issue of the Ambassador being concerned about not having the

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[REDACTED]

sovereign acknowledgment of the state of Libya for us to engage in this activity. He wanted to get that. And while he was getting that, he wanted to reduce the footprint of the force.

Q But there was no reason you couldn't continue to build your relationships outside of a 1208 mission per se, was there?

A From a military perspective, yes. But, you know, I mean, to be perfectly candid, I'm not the decisionmaker on that. It's the Ambassador. So I offer my best military advice, I make sure I'm aligned with General Ham, and then we -- when the decisions are made, we fall in line.

Q Did the incident on August 6th, the checkpoint incident -- are you familiar with that?

A Yes.

Q Did that have any impact on the size of the footprint that remained behind?

A I suspect that it did. And I say that because, you know, high-tension environment, we were moving people and equipment down to

[REDACTED]
[REDACTED] That's where the 1208 functions, the building partner capacity was going to occur.

That was a stressful event for the country team, you know, because it introduced some unknown variables. It caused us to look at our force protection posture and how do we avoid these kinds of confrontations that we needed to avoid in the future.

So, yes, I think there was some introduction of concern into that

[REDACTED]

calculus. I wouldn't be surprised.

Q Who decided six was the appropriate number?

A These were the Ambassador's desires. We went back and forth, but ultimately it was the Ambassador that decided that was the appropriate number.

Q He said it's going to be six?

A He -- to be more accurate, he defined functions that he wanted. When we presented the force structure that would provide those functions, it came to rest on six. He didn't say: The number I want is six. He said: I want the following functions. And we, you know -- like I said, it was logistics support, medical support, communications support.

Q Once the SST reverted back to COCOM authority, is it unusual in general for special operations personnel to operate in countries where there is no SOFA in place?

A On a situationally dependent basis, it was not -- I don't say it was normal, but it wasn't the only place.

Q Given the mission of the SST in terms of 1208 partner-building capacity, did you have any concerns about the SST continuing to do that work knowing they were on Title 10 and knowing there was no SOFA in place?

A Not so much, but I understand why the Ambassador would. You know, if you're trying to acknowledge the sovereignty of the nation, then these sorts of things come into play.

From a pragmatic standpoint, from my view as a theater special

██████████

operations commander, I would say we're in a lot of places where SOFAs don't matter. You know, our people have to, you know, we have to conduct ourselves in a certain way. We have to orient towards the mission and produce positive effects.

And when you talk about the nature of the SOFA and what it provides, you know, was there enough of a government there to even answer the call for the things that would've been triggered by a SOFA, in terms of, you know, prosecuting in court or turning them back over, it just didn't seem mature enough. It certainly was something that we needed to get to over time. These are just my opinions.

Q But clearly, these were your personnel, you own them, you knew the risk associated with that, and you weighed those risks, and you still felt like it was appropriate for them to remain behind the full SST.

A To support the mission, absolutely.

Q Yes, sir.

A They were in place, and we were only going to lose ground by not having them continue. And we're also going to lose some flexibility in response and ability to support the Ambassador if we decremented.

Q Did you raise that specific point, about supporting the Ambassador, to the Ambassador?

A I did, in a VTC that was attended by Colonel ██████████. We both sat with him.

Q And did he have a response to that concern?

██████████

[REDACTED]

A He acknowledged our inputs and then told us what he wanted.

Q In your interactions with the Ambassador, whether in person, on the phone, or whatever, did he ever express to you any thoughts and/or concerns about the security situation in Libya?

A That's a good question. Not specifically. I think there was an assumed, if not an actual understanding of the concerns.

I think that perhaps on the military side, we had more concerns about personal security and where you needed to have it, because we were bumping up against different militia elements. Challenging environment.

So there were concerns. Force protection was one of the key concerns we had with respect to establishing [REDACTED] [REDACTED] and we went through significant assessments and posture improvements to make sure that our people were able to sustain themselves on the forward-operating base down there.

So it's one of the preeminent concerns we have with our people in many parts where insecurity and instability reign.

Q The two [special forces operatives] that led the Team Tripoli response -- does that make sense what I'm saying?

A Yes, sir.

Q Who specifically were they working for that night in terms of that response?

A In terms of that response, their operational control shifted [REDACTED].

Q Okay. And when you say [REDACTED]

[REDACTED]

[REDACTED]

A Yes, [REDACTED]

Q Thank you. Had you been to Benghazi -- or to Tripoli -- excuse me -- had you been to Libya prior to the attacks?

A I went down there three times, and I really, at this point, I can't recall if it was before or after. I think after.

Q What was the reason for your missions or your trips there subsequent to the attacks?

A Commander circulation and assessment. Making sure, principally from my own optic, force protection, and looking at the infrastructure arrangements we had to do a sustained training program with partners. So this would've been after, yeah.

Q Check.

A I was never down there with Ambassador Stevens, so it wouldn't have been before.

Q You previously described the security situation in Libya as being semipermissive and uncertain. Would you please flesh that out for me, what you mean by all that?

A Well, I think it's evidenced in the convoy interdiction that we had, and we had more than one convoy interdiction subsequent to that.

Q Are you talking about the incident on August 6th?

A Yes.

Q Thank you.

A Yeah. That typifies the environment that we're talking about, people with all kinds of equities, some not necessarily aligned

[REDACTED]

with or against us. But we're operating in an environment, we're moving equipment, and Americans are there. So on a day-to-day basis understanding how that played out for us and how we would mitigate and generate trust and confidence in that environment was a concern.

And this is why, again, I think we wanted to maintain enough of a footprint to establish signatures. If the signatures became basically, you know, embedded or rooted in, then we would have a baseline to understand if something came in, that would probably be a negative. That's a deliberate action. So we were trying to get all of our patterns established, so to speak, our signatures, so we could start doing some assessments.

At the same time, when you talk about uncertain, if you look to the northeast of Libya at the time and some of the flows of potential foreign fighters coming in through Derna, out of Egypt, these were also other concerns.

And so when you say we weren't up there at the time, but when you talk about the security situation in Libya writ large, where you are has a lot to do with it, what signatures you've established, what sponsorship you have with your Libyan counterparts to help vet your movements through so everybody knew it was good. All these things are things that we worked.

Ultimately, in the response, okay, having some trusted relationships, having people that our ground forces could call on was critical to getting our people out of there.

Q In your weekly phone calls and VTCs with your SST, did they

ever express -- was that typically just with the commander or was it with the team writ large?

A It was my entire staff in the Joint Operations Center.

Q In terms of the SST. Was it just with the commander or was it with the entire SST?

A Oh, normally the commander, maybe one or two folks sitting around with him.

Q During any of those conversations, did they ever express concerns to you about the security situation specifically in Tripoli at the Embassy? For example, did they ever talk about the lack of overlapping camera coverage at the facility? Did they ever talk about unmanned security post? Did they ever talk about holes in the perimeter wall? Anything at all? Did they express any concerns to you about physical security?

A Nothing specific, no.

Q Sorry?

A Nothing specific.

Q Anything nonspecific?

A No, there was a general appreciation of, again, what we called a semipermissive and uncertain environment, recognizing there were a lot of different players in the space and working to improve our position every day.

Q In response to the attack, what were your specific orders directed to you and by whom?

A There were no specific orders directed to me during the

attacks. There was an effort to gain the highest level of situational awareness. For me, personally, to interact with Vice Admiral Leidig to generate a common understanding of what perhaps we could do, what we should do, and what we shouldn't do.

Q What was your advice to Admiral Leidig in terms of what you should and/or should not do?

A There were a couple questions. There were two specific that I recall. One was the introduction of a MedEvac aircraft, a C-17 into the airfield at Benghazi, while at some point the discussion occurred between the first and the second attack. My advice was that's not the time or the place to introduce MedEvac.

Q Who suggested that the C-17 should be sent directly to Benghazi?

A Nobody that I'm aware of. There was no suggestion that it should happen. There was a discussion between Vice Admiral Leidig on, again, the could we, should we, or should we not.

Q Gotcha.

A So --

Q So it was considered, sending the C-17 to Benghazi, and it was your opinion that probably not the smart thing to do?

A I don't know that it was considered.

Q Okay.

A I was simply asked an opinion.

Q I'm sorry. Okay. And what other kind of -- what else --

A The issue of tactical aircraft overflights and/or bombing.

Q What was the nature of that discussion?

A Well, "And then what?" would be how I would call it. So let's say you fly an aircraft over the top of that situation, and recognizing that when you're on the ground in contact with the enemy the only thing you want is to eradicate that enemy, and if comes by close air support, all the better. So first let me acknowledge what the ground perspective is.

However, when we look at it from our view, okay, I fly an aircraft over, it doesn't have bombs, what effect did I create? Because most of the seasoned guys are going to go, there's nothing there. What effect did it generate?

If we fly aircraft over with bombs, okay, they have bombs, I'm not convinced yet, because there's so much chaos on the ground, hundreds of people running around.

If you drop a bomb, you'll achieve effects for a certain number of minutes, certainly in the single digits and normally about 2 to 3, before people overcome the initial blast shock and they start moving in.

My concern would be -- the discussion I had with Admiral Leidig is, if you got any fence sitters down there -- and you've got a lot -- okay, you're going to help them make a choice at that point. And then the people that are left exposed are, you know, subject to increased risk, is one possible outcome. Nothing certain. It's a discussion based on, you know, experiences you have in other parts of the world and how you expect people to react.

And then comes the question, how do you rearm and refuel? How long are you going to sustain? And how long are you going to continue the activity, to what end state? And what will happen if you do that?

And so the general tilt of my discussion with Admiral Leidig was I'm not sure that close air support or a show of force at this point is the best move.

And I think, you know, when you look at the outcomes -- it's truly tragic that we lost four Americans. That happened at the outset. Now we're talking about response. You want a response that brings you to the landing zone you want to be in, to the landing you want to be at. We knew that there were interactions with Libyan militia, and we felt that was the strongest way to do it.

And this was also, candidly, uninformed of -- I didn't have tabs on what was ready to fly out of Aviano, what its bomb loads were, what anything else could've been. I did not have visibility. It was, what kinds of responses would be appropriate here?

Chairman Gowdy. Admiral, when you say there were four deaths at the outset, what do you mean by that? Did I hear you correctly?

Admiral Losey. I'm talking the Ambassador, his communicator, Woods, and Doherty. So, you know, in that we're having the discussion knowing that we already had these casualties.

Chairman Gowdy. At what time was your discussion with -- is it Admiral or General Leidig?

Admiral Losey. Admiral, vice, yes, sir.

Chairman Gowdy. At what time was your discussion with him?

Admiral Losey. Our discussions went on through the night. We started having them, I mean, I think at the outset, sir, and then we had them all the way until recovery.

So exactly where these things happened in the continuum -- and to be candid, you know, when -- I certainly knew there was a concern with the Ambassador and, you know, whether -- where he was or not, because he was not known, his location wasn't known to us.

So, again, sir, 3, 4 years ago, having this discussion, to the best of my recollection, I recall those two features specifically was the introduction of fires, a show of force, and a C-17, I believe, coming into the airfield there. That didn't make any sense to me at all. That's not where you do your MedEvac.

Chairman Gowdy. I appreciate the fact that we're asking you about something that happened a long time ago. For those of us that are going to have to sit down with the family members, Ty and Glen were killed 6 or 7 hours after Sean Smith and presumably Ambassador Stevens. So there was a time lag in between those four deaths, and I'm trying to figure out whether or not this conversation took place after Glen and Ty were killed or before they were.

Admiral Losey. Yeah. I would tell you -- and I'll correct myself on this, owing to a bit of a faded memory, you know -- it was after the initial attacks and I think separated by significant distance before the second attacks.

Chairman Gowdy. Thank you.

Admiral Losey. This is around the, you know, 1 or 2 a.m. in the

morning timeframe, fairly early on.

Chairman Gowdy. One other question I have, if an airfield was not safe to land -- and you're the expert there, I am not -- to the extent that the Department of Defense -- some witnesses say they thought the plan was to evacuate, that airfield -- I mean, if you can't fly into it, flying out of it could be a challenge as well, I would imagine, or am I missing something?

Admiral Losey. Well, context, sir, would be not that the aircraft could land there, but what would the interpretation be of the fence sitters? People sitting around a large stratlift aircraft or some other kind of aircraft with significant capability flies in there, who do you tell to say this is a MedEvac bird? What is their interpretation?

So the situation was fairly uncertain. When we started talking about evacuating Americans, we had, as the situation evolved over the evening, awareness that they had established contact with their militia counterparts, that they were moving to the airfield, that they had moved to the airfield, that some modicum of security was established at the airfield, and that we had aircraft that were already tabbed to bring them back.

So kind of the evolution of things. So earlier in the situation, the first attack and a lot of uncertainty, talking about introducing some kind of force and really not having a pathway to get down to the airfield that was known to us in the headquarters, nothing being communicated, that was the crux of that discussion. The situation

wasn't mature enough to introduce those kind of assets.

Chairman Gowdy. Given your expertise and background, do you draw any conclusions from the fact that the mortar attacks occurred shortly afterward, after the team from Tripoli did navigate their way from the airport to the Annex?

Admiral Losey. Sir, the one thing that I drew from that mortar fire -- and, again, I got this from -- I can't remember -- part of it was a reporting -- but they were bracketed quickly. So you're talking about somebody that can dial up the ranges quickly and then start bracketing fire, that's pretty -- that's not a haphazard, you know, I just happened to be walking by kind of thing.

So I tend to read into that that there was a little more structure to what was going on than just a random event.

Chairman Gowdy. Thank you.

Mr. Westmoreland. Admiral, thank you.

Admiral Losey. Sir.

Mr. Westmoreland. I want to go back just for a minute on the Souda Bay aircraft, the PC-12, I believe, that was there.

Admiral Losey. Yes, sir.

Mr. Westmoreland. Was that under your control or your command?

Admiral Losey. It was not.

Mr. Westmoreland. Whose control would that have been under?

Admiral Losey. I'm not sure, but it would've been probably AFRICOM's or the task force's, the numbered task force.

Mr. Westmoreland. But nobody knew it was there?

Admiral Losey. I don't know who knew where it was.

Mr. Westmoreland. Because, you know, we've had testimony that, I guess, the one thing that they needed or that's important if you're in a conflict or a situation like that is reconnaissance, surveillance, and something else.

Mr. Tolar. ISR. Intelligence.

Admiral Losey. Surveillance and reconnaissance, yes, sir.

Mr. Westmoreland. And my understanding, because Mrs. Roby and I were in Souda Bay and we talked to the personnel there, and they said that there were three aircraft there. And I can't remember if it was the SU-28s or what, but evidently they rotated between there and other locations.

Admiral Losey. Yes, sir.

Mr. Westmoreland. I guess they were flying reconnaissance. These are planes that offer that.

Admiral Losey. Yes, sir.

Mr. Westmoreland. It would've been good if we did know that that plane was there, that they could have gotten in the air. Even if they didn't have bombs, they would have had the surveillance, the reconnaissance, and I'm assuming the capability to do ISR too that could've been maybe better directed since you would have somebody flying it.

[11:35 a.m.]

Admiral Losey. Sir, I can only say that I'm not sure that they weren't directed. When you have a stack of assets or a pool of assets, how you meter them, how you account for sustainability and what we call FARFing, forward area, rearming, and refueling, type functions, I think there is, you don't just launch everything you have at once. So I am confident that the people who had operational control of those assets knew what they were doing with them, and we did get ISR over the top, to my understanding. Assets were shifted. ISR came over the top. Now we have got, you know, in any collection scheme, we have what's called the stack. That's all the available resources, what their capabilities are, and then we synchronize their activities in time, space, and purpose to make sure we have got full coverage because not all of them are equipped the same way.

Mr. Westmoreland. So you don't know anything about these planes rotating? That would be somebody else's responsibility?

Admiral Losey. Yes, sir.

Mr. Westmoreland. Because we haven't really found anybody that knew that those planes were there, and for us going and talking to people at Souda Bay, my understanding is that Souda Bay is basically a refueling location and a place where planes might get armed.

But I guess my point is, we have not been able to get

anybody to say, yes, that was my plane or planes, and we knew they were there but we decided not to use them in this situation. Because I think Souda is only about a 45-minute flight, 35 to 45-minute flight to Benghazi.

Admiral Losey. I don't have the geometry on that.

Mr. Westmoreland. So I mean, it's just kind of a mystery to us that nobody knew anything about these.

Admiral Losey. The people who had operational control of those assets know. I mean, it would be unthinkable that they wouldn't. The PC-12 or U-28 is not going to deliver any significant effect.

Mr. Westmoreland. What capabilities does it have?

Admiral Losey. It's principally an ISR platform. PC-12 is a single-engine Pilatus aircraft. It's not really a tactical asset from the standpoint of creating effects on the ground. It does ISR work.

Mr. Westmoreland. [REDACTED]

Admiral Losey. When properly equipped.

Mr. Tolar. Let's go off the record, please.

[Discussion off the record.]

BY MR. TOLAR:

Q Let's go back on the record, please. It is 11:48.

Sir, previously you made some comment about when considering assets available, et cetera, I want to say you made some comment about Aviano and your knowledge or lack thereof. Would you recount that for me, please? If you can't recall, I'll ask you a question.

[REDACTED]

A Please ask me a question.

Q What was your understanding of what assets were in Aviano on September 11 timeframe?

A On September 11, I was not tracking; so, you know, I knew generally that there's tactical aircraft stationed up there and they've got capability. I wasn't tracking what was on the flight line and what was available.

Q Did you have appreciation of their state of readiness?

A No.

Q Did you have appreciation --

A Nor would I. That's not my responsibility to have that. I'm not saying that I shouldn't. I'm just saying it's not normally in my -- there was a whole Air Force component under AFRICOM that tracks that and provides that the AFRICOM community.

Q And in your discussions that evening in terms of a potential response, you previously indicated maybe FAST movers were considered. Is that accurate?

A Yeah. The discussion of should they be applied between myself and Vice Admiral Leidig was a discussion we had, yes, sir.

Q And did that specifically include Aviano and what assets were there?

A Origin of the aircraft was not part of the discussion.

Q Perfect. Did you ever discuss with Admiral Leidig at any time during the evening, what authority AFRICOM had to deploy assets into Libya?

[REDACTED]

[REDACTED]

A No, not my concern. And I don't say that to be flippant. All the authority I need to act is when AFRICOM tells me. What authorities they think they have to act or what approvals that go with the authorities -- and there's two sides to the same coin here. You can have the authority, but sometimes it's prudent to seek the approval to exercise this authority. And you find this construct all over the place. If AFRICOM told me, you know, we need to do this, and so this had arisen and is one of the first questions we had here, did you ever receive an order, I will tell you that based on a discussion and an agreement that this is what we should do, go ahead and do it, that's all the order I need.

And these were the kinds of discussions that we were involved in. I wouldn't expect to get a written normal, military-type order because I'm sitting, you know, I'm sitting 300 yards from the headquarters. I live with the guys that I'm working with all day long. And so, we come to an understanding of what should be done. That constitutes, you know, whether it's the record of the phone call or the record of an email, that's all the formality that we need to get work going.

Q Did you believe that you as the sub unified commander, had the authority to launch your assets and/or personnel into Libya should you decide to do so?

A Not without AFRICOM approval. No question in my mind.

Q Did AFRICOM ever give you approval to do such things or authority or approval?

A They gave me approvals, you know, on a routine basis for

[REDACTED]

any number of missions. Once we entered into this contingency crisis response thing, they owned the decisions. And so, you know, I'm an executor of their decisions. No hesitation. But we would have a discussion. If they said this is what we need to do, and we want you to do it, I'd be moving on it. I would not act sua sponte and move out without their approval.

Q Were you ever directed to move any type of asset, personnel or otherwise, into Libya?

A In the context of the crisis response?

Q Yes, sir.

A No.

Q Did you ever have a discussion with Admiral Leidig wherein he said, mentioned, implied, that AFRICOM still needed to hear from the Secretary before moving into Libya?

A We did not have that discussion.

Q Did Admiral Leidig ever give you any indication that perhaps AFRICOM still required some type of approval from the Secretary prior to moving assets into Libya?

A No such discussion. Again, if he communicated an order for me to do something, my presumption would be that he had all the authorities and approvals that he needed to make that direction go.

Q I understand that, sir. It's crystal clear, if he tells you to do something, you're going to do it because you think he's got the authority to. My question, though, is whether or not during the course of any discussion with the Admiral that evening, if he gave you

any indication, or you inferred in any way that perhaps AFRICOM still needed some final approval or authority to enter into Libya?

A No such discussion occurred.

Q I understand no such discussion.

A No indication, sir.

Q Okay. Thank you. Perfect.

A Sir, if I could, I'd like to kind of double back on one of the discussion points just to be clear.

Q Please.

A So we were having somewhat of a hypothetical discussion here about available assets and how they can be configured for kinetic effects and flown over. [REDACTED]

[REDACTED] Not much kinetic effect is going to be delivered in the context of that situation, number one. Number two, not sure, you know, what the pilot training status is, if they're aircraft or configured and their training currency is configured for ISR missions, when you start going to kinetic loads, you alter the physical configuration of the aircraft as well as the training requirements, so there's a question there.

There's also a question of diplomatic clearance. When you launch from somebody else's sovereign territory and you overfly potentially other sovereign territories offensively armed, or defensively in this context, depending on how it's all phrased, those are all wickets that need to be crossed.

And then ultimately if you're going to deliver fires on the ground

[REDACTED]

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in support of Americans, there's a requirement for an American aircraft to have a terminal air controller, or a JTAC, on the ground, and he's credentialed and trained to deliver fires in a way that, one, we have a valid target; two, we consider collateral damage impacts; three, we consider safety of flight and safety of aircraft, and all these things that go into delivering fire. So the questions are hypothetical. The reality of executing them has many more layers of things that needed to be done, and to my knowledge, there were no qualified terminal controllers on the ground.

Q Do you believe the two [special forces operatives] at the airport in Benghazi could have called in a nine line and served as a JTAC?

A You know, in a contingency crisis environment, you got to do what you got to do. Do I believe they could have? Yes. Do I believe that the pilot himself could take it on his own cognizance to identify a friend or foe on the ground? Yes. But what I am saying, if we're going to talk about the hypothetical questions, I want to complete the sentence on this. It's a lot more complicated than, you know, why didn't we do this.

Q Yes, sir. And I completely appreciate that. I do. And for what it's worth, I think to date everybody's indicated that a JTAC is absolutely preferred in order to conduct kinetic air strikes.

Anything else that we have discussed today that you'd like to add to or clarify, anything at all, or as we continue, please feel free to jump in and do so, should you feel the need to do that, please, sir.

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A There's just one other piece.

Q Absolutely, sure.

A I want to make sure my comments regarding the Ambassador's position are not taken as pejorative in any sense. The process is we communicate clearly with the intent to achieve understanding, and then we respect decisionmaker's equities. Things are always clearer in hindsight. Challenging situation, you know, uncertain environment, 9/11, the situation surrounding Benghazi itself, and then the decisions on force structure, it's not that we didn't consider -- when I considered the task organization of that element going on to the ground from the very get go, I boosted it about two pay grades over what we would normally have on the ground, maybe even three pay grades. And so this is why we had a full-blown Lieutenant Colonel, a senior Lieutenant Colonel, in charge of a mission where you go, with that kind of force structure, is this what we do with our lieutenant colonels? The answer is not typically.

And so we tried to accommodate that. We tried to provide a force informally within our own lines. We called it the interim CIF, but it was an add to my force structure, and it was designed to provide some capability, because things were steadily getting more and more tense on the continent, not just in Libya.

Q Anything else, sir?

A No, sir.

Q You mentioned earlier that you were not given any specific orders or directives as a result of the attack. Did you issue any to

your subordinates in terms of spinning it up, prepare to do, et cetera?

A I had awareness of the flow of information and direction, if you will, earlier in the evening. And subject to my previous testimony in which I provided better timing cues, Colonel ██████████ had interacted and gave Lieutenant Colonel ██████████ full scope to do what needed to be done. And so, you know, the two guys were launched. That was with his assent certainly, and he elected consciously to stay in Tripoli to consolidate the American physicians there and achieve a higher degree of security.

And so, I think, you know, when he came back up on the net and asked to move to Benghazi, we already in the headquarters had awareness that contact with the militia elements had been established, movement to the airfield had either begun or been completed, an aircraft was postured to evacuate the wounded for triage back in Tripoli. And at that point, with the composition of Colonel ██████████ element, I mean, literally, three of us sitting there with about 90 years of special operations experience, we came to the position immediately: hold your position. We have got good coms. He would have broken down my personal only communications note that was provided to me in my situational awareness, he would have had to break that down, go into transit, and cross with the wounded coming back. So I think the system worked as well as it was supposed to in that regard. We just didn't know what potentials there were in Tripoli.

Q Yes, sir, I understand that completely. Other than that whole thing, issue, any other orders or directives that you gave that

night with regard to response in terms of your staff or personnel, do this, do that, et cetera?

A Just that one issue, remain in place.

Q Okay. Check. Were you tracking -- were you in your -- do you have a JOC?

A I do.

Q And is that where you were that evening, either there or in your office basically?

A There or in my office. That's correct.

Q And that's how you stayed abreast of the situation?

A Yes, and with phone calls to Admiral Leidig.

Q Were you tracking, or what was your situational awareness of the three assets that had been mobilized or directed to move in response to the attacks, specifically, the FAST, the CIF, and [REDACTED] were you tracking their movements?

A The CIF, yes. The FAST peripherally. I didn't focus on that. That was an AFRICOM issue. The CIF I was focused on. Again, I want to clarify, there's a shared use agreement of which I had no input. I managed our CIF for General Ham. He's the guy who directs what happens with it, but I manage our interactions with him on a day-to-day basis. I have no equities in its preparation, in its posture, in its location, or in its equipment until it is chalked over to me. And so we never got to that point that evening.

Q And I apologize if I'm not recalling this correctly, but I believe General Repass indicated that he had a discussion with you

at some point that evening?

A Yes.

Q And his comment was something to the effect why don't you let me get them to you so that I can be responsible for the movement, and then once you've got them at the ISB, you'll take the con?

A Absolutely.

Q Is that accurate?

A A simple affirmation of the reality we both understood, yeah.

Q Also General Repass indicated that in his opinion, that basically once the 0300 was implemented, that for all intents and purposes, the CIF was relegated to being nothing more than enablers for [REDACTED] and that his responsibility was simply to get them to the ISB.

Ms. Green. Mac, he didn't say relegated. If you want to introduce his comments into the record.

BY MR. TOLAR:

Q Basically his mission was to simply get the CIF to the ISB prior to [REDACTED] in order to enable them and do all the preparations, and I forget what the CSO&I?

A RSO&I, systems staging and integration, yes.

Q That's the gist of what he said. Do you agree with that, or what is your opinion of what the CIF's role is once 0300 is implemented?

A Fundamentally, I agree with the core of, what he said is

accurate. I don't, you know, how he was getting his direction and who he was coordinating it with, that was up to him. We had an agreement when it got staged at the transition point in Sigonella, then it would come under our control if [REDACTED] hadn't already taken control. Once [REDACTED] touches down, the CIF is not working for me. It's working for [REDACTED]. Its tasking is not limited to anything other than what [REDACTED] says, so they can be -- they could have been placed forward if a decision was made to get them to an objective area, then they would have gone to the objective area.

If they were to go forward and set security for the reception of the force in another location. It's not just RSO&I, but it's whatever makes sense because it adds depth to [REDACTED] deployment from a theater resource pool. And because of the CIF designation SFARTAETC in the integration of tactics, techniques, and procedures, they were designed to do that from the get-go.

Q Yes, sir. Given [REDACTED] landed, I want to say approximately 90 minutes after the CIF, did you ever take op con of the CIF?

A Not to my recollection. I don't believe we ever took op con.

Q You said you were kind of tracking the CIF's movement?

A Okay. I will tell something else, regardless of the vagaries of command and control relationships or commanding

relationships, I will say that we were already migrating towards a solution before that piece ever stood up.

Q You got to explain that for me. I apologize. Would you flesh that out for me?

A My awareness of movement to the airfield and that we were moving already towards getting people out of there was more advanced than the CIF's posture and any notion we would have of putting them into the contingency environment. The situation there was evolving more quickly than the posture of the CIF and [REDACTED] arrival and all this other kind of stuff. I was more sited, candidly, on what was happening on the ground in Benghazi and how that situation was evolving more so than the CIF piece. If I had gotten the call and said, okay, CIF's in position, we're transferring control to you, that would have set up a whole different paradigm of what I'm doing. I saw nothing in the evolution of the evening that would have caused me to recommend introducing a CIF-like force into that situation.

Q Were you tracking what the CIF was doing that night prior to the events?

A I had a general awareness. I would not say that I was tracking it. Again, it was in General Repass' lane.

Q In your experience, have you worked with a CIF in the past?

A Yes.

Q Are you fairly familiar with how they operate?

A Yes.

[REDACTED]

Q Is it unusual or out of the ordinary for the CIF to conduct a training mission where they are in the field working 24/7 for days on end without any sleep and still retain the 0300 requirement?

A I don't think that it was unusual or abnormal, no.

Q Were you aware that the CIF did not meet it's [REDACTED] sequence requirement to be wheels up?

A Not at the time. I wasn't running a clock on it. That would presume, okay, when did N hours start and all this kind of stuff. So the short answer is, no, I was not tracking that.

Q If a CIF does not meet that requirement, does that send up a red flag or anything that you're aware of? Are people typically -- typically is someone in the SOCOM community notified, Hey, the CIF didn't need [REDACTED]?

A That would be a question for General Repass. My sense is he was in constant communication informing people of the situation such that [REDACTED] in my view, I will tell you, I wasn't tracking on it. I was tracking on the situation in Benghazi. So I knew he was getting the force postured. He was in fairly constant communication with different elements, going back and forth. He had a conversation with me one time. So I was comfortable with where the situation was going. And we also had, in parallel with that, closure of [REDACTED] going on. But, again, the situation in Benghazi was already evolving rapidly enough, it looked like it was going to overtake all these other movements.

Q Were you aware that the CIF sat on the tarmac for almost [REDACTED]

9 hours, 9 hours waiting on word?

A I was not aware.

Q When did you first learn about it?

A I'm not sure I ever learned of it specifically.

Q Is there anything else you would like to share with us about the events that night, actions you took or anything else that you think might be pertinent to our investigation?

A Nothing further to add, sir. Just making sure if I'd missed something that I needed to talk about. There's nothing.

Q Looking back on the events in Benghazi, is there any decision that you believe should have been made differently, either by yourself or anyone in the food chain?

A Well, you know, I addressed this in my previous testimony. I felt like I pushed as hard as I could on keeping an integrated capability in place. Should I have pushed harder? It might have come at the cost of a relationship and trust and confidence with the Ambassador. In hindsight, I feel like perhaps I should have pushed harder.

That would be the one thing that I would have done. I took no criticism or I had no critical eye towards anybody else's decisions. I felt like there was good communication, and we were doing about the best that we could, and we were making calculated decisions about what made sense not to do perhaps, because how long does it go? So --

Q Had you pushed harder, and the entire team remained intact, how would that have impacted potentially your advice, decision-making

process, et cetera? Not the process, but what's the significance of that?

A Well, hindsight being 20/20, if you look at what stayed back in Tripoli, I think that was a good call: the command and control leader, Lieutenant Colonel [REDACTED], his communicator, an automatic weapons man with his foot in a cast, right, and a medic. And that was a good call because the medic did some great things when the injured came back.

Mr. Tolar. Let's stop for a second and go off the record.

[Discussion off the record.]

BY MR. TOLAR:

Q I'm sorry. You were talking about the medic, sir?

A Okay. So those four people, to my eye, are not a fire team. So again, it's marginal utility to deploy forward for airfield security or any other mission involving tactical prowess is not where they're at. That being said, if we had kept the team intact, there would probably be an availability of 10 more guys that could have gone in that first bird that pushed out with two task force members. The two [special forces operatives] made a difference. Ten more guns, aggressive guns, on the ground may have made a difference as well. That would be the one thing. And I say this with hindsight being 20/20. This is what we were talking about when we said keep the capabilities you have on the ground. They're fungible for a wide variety of tasks, but in the worst case, that was realized, that would have been the worst case.

Q Sir, is there anybody else you think it would behoove us to speak with in order to get a better understanding of the events that night?

A No, sir.

Q I apologize. I don't believe I asked you this. You were not interviewed by the ARB, were you?

A No, sir.

Q Were you surprised, given your billet at the time, that you weren't interviewed by the ARB?

A I don't know that I was surprised. I mean, I would have been happy to respond and do the best of my ability, but they didn't ask, so I didn't -- I think I more than filled the void when I was asked to come here and explain what happened.

Mr. Tolar. That's all I have. Thank you very much. Let's go off the record.

[Discussion off the record.]

EXAMINATION

BY MS. GREEN:

Q The time is 12:20. And Admiral, I don't think we have more than 30 or 45 minutes of questions for you.

A Yes, ma'am.

Q But, again, we appreciate you being here today. Again, my name is Shannon Green. I'm with the minority staff, joined by my colleagues, Peter Kenny and Linda Cohen. We have a few questions for you sort of based on the last hour and a half of conversation, maybe

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a few other items. And at the end, we do have a series of questions that we ask every person we're interviewing based on allegations that have been in the public domain, as well as allegations that have been investigated by this committee. So we ask every witness the questions just to sort of try to clear those up.

A Yes, ma'am.

Q Admiral, you mentioned that you received no specific orders on the night of the attacks, and I just wanted to ask if the lack of an order, specifically to you, in any way indicated that the U.S. military didn't respond to the attacks?

A Right. I may not have understood the question. I answered the question, but the meaning may have been lost. There is no lack of interaction or direction or orientation towards action or potential action. In the context of my headquarters being 300 yards from AFRICOM's headquarters, sitting on the same hill, us all living in the same neighborhood, interacting significantly on a daily basis, the idea of getting an order, a written order, through the message traffic which was what I was kind of thinking about, no. We were completely dialed in. I was getting all the interaction that I needed, and I was in near constant communication with my higher headquarters, which had given me the direction. So I was very confident that we were locked on, and any direction that was to be given would have been very clear.

Q And, sir, you also said -- and I'm going to try to read my colleague's handwriting -- you, quote, "saw nothing that night that would cause you to recommend inserting a CIF into that environment."

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Can you explain why that's the case?

A Okay. So, again, I'm thinking about the evolution of the situation in Benghazi, you know, understanding contact with militia, movement to airfield, exfiltration aircraft on tap, and still not having a CIF. Okay. So at that point, if you see the context here, we're kind of getting past the tip-over point where you would introduce an in-extremis force because short of another attack, so the question of was it over yet? Well, no, it wasn't -- you never know when it's over. We should always maintain that posture. But based on the timing, the fairly short timing of getting things out, the time of flight, getting the approvals, again, I think launching the CIF from one sovereign country into another would beg some kind of coordination and assent from the country that we would launch from. I'm not sure how deep into that they went.

And so, yeah, all this stuff would need to play out. And so I saw the evolution of getting to a safer place with respect to the crisis situation evolving much more rapidly than getting to, okay, what exactly are we going to do with the introduction of force here. That is the context of that response, ma'am.

Q Thank you. I think of everyone we have interviewed in the course of this investigation, you certainly are the foremost expert on sort of on Special Forces assets, the CIF being one of those, so I appreciate your perspective on that.

BY MR. KENNY:

Q Can I just ask one quick follow-up on that, to my colleague's

question. So you, Admiral, just described for us some variables outside the country of Libya that were perhaps within your purview in offering us your military judgment on whether it was appropriate to insert the CIF. I would just like to tie back to that because I also heard you describe that the conditions on the ground in Libya were part of what was driving that for you, how quickly the events were unfolding or changing in your view. Is that a fair characterization of your response?

A Yeah, I would say no decision. Simply my response, my opinion of, you know, what I would be doing with a CIF when the closure of getting our people out of harm's way, arguably, and not discounting the fact that some kind of situation could emerge in Tripoli as an unknown. Okay. But we were moving to a better place, I believe. And it was evolving rapidly enough that it was evolving more rapidly than our ability to do really CIF's ready to go. You have operational control. Here's what we plan on doing with it, because before we launched, based on some other experiences I've had, before we have launched anything out of anybody's sovereign territory, there would be some diplomatic coordination, I expect. And so it just seemed like the timeline on this piece was going to be a little bit longer.

Q Okay. And so the concern wasn't about the inability, as you saw it at that point in time, to get any sort of diplomatic clearance, but more about the time that might be required that would shift the ability to introduce the CIF in a timely manner. Is that fair?

[REDACTED]

A Yes. Yes. Introduce, if I could maybe interact with you on this a little bit, introduce the CIF to do what?

Q So help us walk through, as the Theater of Special Operations Commander, walk through that analysis, in your mind?

A Yeah. Exactly what I said earlier. Second and third order effects. We were already coming to closure. We had an exfiltration plan. The stack was building for getting people out.

Q Sorry to interrupt you, sir, so when you say closure in this specific context, you're referring to personnel in Benghazi retrograding or evacuating back to Tripoli, falling back to Tripoli?

A Exactly.

Q So you had an understanding that that sequence would happen at some point?

A I would call it an understanding of how things were trending, yes. All the pieces were moving into place far more quickly. Again, security on the airfield, moving militia counterparts on the airfield, exfiltration of the aircraft, wounded on the first load out, and follow-on aircraft going in, limiting factor being first daylight. So we already had the train starting to form there. And still, I had received op con of the CIF, and then the idea we had our folks thinking about this and working on it. But quickly, a situation where you would introduce a CIF was evaporating.

Q That was helpful. And just one final question on this point. So I believe the question you posed was introduce the CIF and then do what? So in your military judgment then, because you

[REDACTED]

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understood the personnel would be falling back from Benghazi to Tripoli evacuating, at the time, you didn't view there to be any sort of mission for the CIF to perform in Benghazi by the time they would have been able to arrive there on the timelines as you understood them?

A It was how my thinking was beginning to form, yes. No decisions, no conclusions, but very simply, you know, the situation where you would introduce a CIF to Benghazi was evaporating. That doesn't mean that they shouldn't be put in a high-alert posture for immediate deployment in case things started going bad in Tripoli. It didn't mean discounting the availability of the force structure and all the possibilities it might bring, along with, by that time, probably, ██████████ having closed.

So all these things were part of the calculus, but not mature enough to come to any conclusion. So the broader question being, you know, the readiness of the CIF and what would you have done and all this kind of stuff, and my response, and what I'm trying to get to here is situation in Benghazi evaporating more rapidly than a viable mission to introduce the CIF into that environment was really kind of how it was looking to us.

BY MS. GREEN:

Q One of the things we have heard along that line, sir, from General Ham and Admiral Leidig was that during that period of time where the whereabouts of the Ambassador was unknown, the thinking was it could be a hostage rescue, and in that case, sending the CIF to the ISB made the most sense. Does that comport with your recollection?

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[REDACTED]

A Staging a CIF at the ISB making the most sense?

Q Yes, sir.

A Let me ask you, when you say ISB, what is your definition of ISB?

Q The intermediate staging base in Sigonella.

A In Sig, okay, and affirming that that was the best place for it to be staged under the circumstances?

Q Yes.

A I believe so. I believe so.

Q Why is that?

A Well, from a standpoint of infrastructure and our ability to, it's an airhead that we can stage. We have a military presence there. We have a vetted military relationship with the Italians, probably a good interface to get the decisions that we would need to move forward from there. I'm not sure how Souda Bay looks in the same context, but it would have been a much more complicated move from Croatia to Souda Bay to make that piece happen, so I do believe that Sig was a good ISB.

Q Admiral, you mentioned in the first hour that you didn't see the veracity of sending the C-17 medevac into Benghazi. The pilot who actually piloted that C-17 aircraft was a Reserve major, Air Force Reserve major, who's now retired.

A Uh-huh.

Q And he has gone on Fox News and claimed that he could have flown to Benghazi and gotten everyone out.

[REDACTED]

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A Uh-huh.

Q This committee had the opportunity to interview that pilot, and he, again, said he could have gotten there conservatively in 4 hours and been on the ground if he had alerted. How would you respond to that pilot's assertion?

A From a pure physics standpoint, he makes a valid point. I think he could have gotten to the airfield. I think the broader question, in this context, and in almost every context where you have folks that are wounded needing medevac, but your troops are in contact and you're in an uncertain environment, it's not just the kinetic capabilities of the people doing the attack. It's also what is the reaction of everybody that's standing around kind of as spectators or rock throwers or fence sitters, when you introduce another military platform. And so that uncertainty, the concern for making things worse is probably kind of the key driver for saying we need to think carefully about that, and right now, my experience would be to lean away from it, because you put a significant asset at risk. You introduce a significant flexion point for misinterpretation or misunderstanding.

In the triage piece, you know, the basic protocol for dealing with this thing is first you got to stabilize your people, get them to the golden hour, and then try and get them the care. The transport piece, you have to have that too, but more importantly, in that context, with all the timing involved, you needed the golden hour medical support to stabilize people.

Once they're stabilized, you have a little more time. I think

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Tripoli was a good intermediate stop to go back there and have them looked at at a hospital. Not the ideal situation, but we had a nurse and we had a medic on the ground that knows trauma treatment. And then make a deliberate move to a medical care facility.

Q It is our understanding that the two individuals that were severely wounded received sort of lifesaving care in Tripoli. Would the C-17 have been subject to other risks flying into Benghazi in this environment with the proliferation of MANPADS and et cetera?

A Potentially, yes, but not having a specific understanding of who was carrying what and how they were postured and what direction they received, hypothetically, yes, and that's a concern.

Q And, Admiral, you mentioned that you were in fairly regular communications with Admiral Leidig --

A Yes, ma'am.

Q -- and others, General Repass, on the night of the attacks. Throughout the night, any of your calls or any of your meetings, did you ever get the sense that the safety and security of Americans in Benghazi was not taken seriously?

A Quite the contrary. I mean, I don't know how much more serious we could have been in terms of, you know, turning over all the rocks and looking at all of our options and scratching to get a higher level of situational awareness.

Q Did anyone ever tell to you stand down or slow down the U.S. military response?

A No, ma'am.

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Q Was it your sense that everyone at SOCAF and AFRICOM were doing everything they could to respond to the situation in Libya?

A Absolutely.

Q And were there other threat streams you were tracking in the region that night?

A I would tell you that night we were pretty focused on Benghazi proper, and secondarily, on Tripoli for any flare-ups there. Not understanding how things were connected, perhaps, between one node and the other, that's what we were focused on. The ongoing threat streams are subject of a daily staff update, commanders update, where we have awareness of trends and of specific indicators, and those are mitigated in the course of our normal business, but in the time we were dealing with that crisis, we were focused on the crisis.

Q Admiral, you had a full awareness of the two [special forces operatives] that were part of Team Tripoli that night, right?

A Yes.

Q And I think you mentioned in the last hour that had they kept the SST, there may have been additional [special forces operatives] on that team that went to Benghazi. Is that right? Did you mention that?

A They would have been ODA members, [REDACTED] [REDACTED] They would have been assaulters. They would have been people that are tactically proficient at delivering kinetic effects, yes, ma'am. And that's speculation. Again, I can't project on to Colonel [REDACTED] what he would have done. But he did about the right thing

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with that element, in my opinion, that command and control element in keeping it in Tripoli. He would have had some flexibility, and certainly the dispensation from Colonel ██████████ to do whatever he saw fit. So the potential there to organize the force, to split it and to send reinforcements and to add depth to [special forces operatives] would certainly have been there. It would have been part of his calculus.

Q When did you leave SOCAF, Admiral?

A June of 2013.

Q Were you involved in the implementation of the new normal order?

A The initial steps, yes, ma'am.

Q What is your sense as to the sort of relative safety of U.S. personnel abroad today, as opposed to on September 11, 2012? Would you say that folks are safer today, or the ability to respond is better?

A I have no basis, in fact, to offer an opinion on that, ma'am. I would hope that we would be better postured, but I will tell you, since you're asking me my opinion on that, an ounce of prevention is worth a pound of cure. An accurate assessment of your environment, risk mitigation in terms of exposure, is probably way more effective than trying to, you know, once you go into crisis response mode, you introduce a lot of variables that you can't control. You just have to play them out.

So I would offer that heightened awareness of the risk environment, how you mitigate the risk, how you employ your host nation

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counterparts to assume their designated responsibilities in their country, to help you mitigate your exposure, are all things that I think would be as effective as the new normal.

Q Wasn't the focus of the new normal to address sort of crises on the front end with better indications and warnings and that type of thing?

A The key features that I remember of the new normal was posturing forces for contingency response, and that's just my orientation. I could be way off on that, but that's what I recollect of it, ma'am. There was a lot of emphasis on how to posture for response and who was on tap to do that, and different force structures were being developed to do that.

Mr. Green. My colleague has a few questions for you.

Admiral Losey. Yes, ma'am.

BY MR. KENNY:

Q I appreciate your patience, sir. I'd like to circle back to a discussion we had about orders that you received on the night of the attacks. I indicated or recorded in my notes you were asked a question about whether you were specifically directed or ordered to insert forces into the country of Libya, to which you answered no. Just so the record is completely clear on this point, sir, and to correct, we hope that there wouldn't be any misimpression left in the record, but were you waiting on some sort of order to deploy your forces into Libya on the night of the attacks? Was that something you were sitting around waiting for from the chain of command?

[REDACTED]

A Not at all. I was in constant interaction with my chain of command in assessing all the inputs, providing inputs to higher headquarters. I didn't feel like I was missing anything. I think we were addressing the issues and there were no trigger points for that kind of a direction.

Q And at any point on the night of the attacks, did you ever request or make a recommendation to insert or introduce the forces under your control into Libya?

A When you say "forces under my control," what exactly are you talking about?

Q So we spent a fair amount of this morning discussing and enumerating all the forces under your control?

A Yes.

Q We understand that there was, over the course of the evening and of the subsequent days, the transfer of authorities of certain assets to the AFRICOM chain of command, but specifically for the forces that you described for us earlier, that are referred to colloquially as trigger pullers, some of the nonstandard air frames, did you make a request for any of those assets that you discussed for us that they be inserted into Libya on the night of the attacks?

A I did not.

Q Why not?

A One, the primary mechanism for the introduction of that force was through the CIF, the CIF reposturing that was going on. We normally run at a fairly high level of commitment, so I don't have forces

[REDACTED]

normally standing around waiting to be deployed. And the force posture was not there for that, and nor should it be because of the CIF implications. So the short answer to all that is no.

Q When you say the force posture was not there, just to flesh that out a little further, sir, you described some Special Forces detachments that fell under your control that evening?

A Yes.

Q Can you explain for us why you didn't see fit to alert those units to deploy into Libya on night of the attacks?

A Because the vast majority of those elements were already deployed on the continent. Could they have been reaggregated? Yes. That is part of what we also plan for. It would have taken a longer fuse than we had. The shortest fuse we had was in the CIF reposituring that was going on. Again, the vagaries of, because they aren't normally, they don't bring contingency equipment with them unless directed to do so, unless we're posturing for something specifically. It would have been ad hoc. And we have learned significant lessons over the decades about piecing continuing crisis response over doing it ad hoc. That's something we don't do.

So the CIF is the institutionalized mechanism for responding, and I felt it was adequately activated and in movement. And then on top of that, to go back to and trying to find a proper keyhole in terms of, you know, what am I going to project the force to do when I put them into Benghazi, in the context of a rapidly evolving situation that was shifting its center of gravity back to Tripoli, there was no keyhole

there. So I didn't see the, with things being consolidated, the need to do that. And then introducing, just hypothetically speaking, introducing a force into that environment, when we had awareness that communications were being made, security was being provided, the risk of second order effects would have been tremendous, and I will go back and acknowledge again to the guy on the ground there's nothing more important than mitigating the threat in front of him, and I understand the concerns that they had about getting that support. We were moving as fast as we could with what was available, and we also had to consider second order effects.

Q And just to summarize a little bit of what you just said, there were some deployed elements on the continent of Africa, but to reaggregate or reconstitute them as a response force would have taken a significant amount of time, perhaps more time than you thought you had, to respond?

A More time than the CIF, which was already in motion had, with a higher level of capability and a higher level of training, mission focus.

Q We began our discussion today talking about the site security team element that was originally purposed to serve at Embassy Tripoli?

A Uh-huh.

Q And you described for us their characterization of a designation as an interim CIF. If I understood you correctly, it sounded like that was perhaps an internal designation that Tenth

Special Forces group used for the team and not a SOCAF or an AFRICOM designation for that team. Is that fair?

A I would say Tenth group uses SOC and SOCAFRICA all shared that language.

Q Okay. And can you explain for us what an interim CIF, what does that mean?

A That means a force that had the mental orientation and preparedness short of training, so from a standpoint of equipment, having a broad range of equipment for continuously response at the ready would be one piece. They were missing, as I mentioned before, they were missing the key piece that made them a CIF, which was SFARTAETC certification training. But this was the iteration, the one rotation, before the actual implementation, so I think all of us agreed that let's go ahead and lean forward in the saddle, okay, to start setting the conditions in the minds of all of our customers, the country teams, and the different nations and regions we're working with down there, to the fact that this piece is out there.

I don't think AFRICOM -- you know, I didn't say General Ham, I have a CIF. It wasn't like that, but I will say it was a focused capability and it was an add. It was an add to our force structure, which set it apart from our day-to-day normal, normal allocation of forces, okay? And we took that reserve because Libya was an added mission. The SST was an added mission to everything else we had going on in the continent. So we took that thing and said, Hey, how opportune, because this is probably our highest-risk exposure here in

Libya, as we go into this. It's a great opportunity to go ahead and cut our teeth on this piece.

Regardless of what we called it, it was an ODA with direct action, special reconnaissance and CT-type capabilities that while not at the [REDACTED] level, was certainly a credible capability.

Q Okay. And just to put this in the perspective of time, the interim CIF designation, that applied to the SST as a complete team --

A Yes.

Q -- when it was originally deployed around the opening of Embassy Tripoli. Is that correct?

A That's correct.

Q Did that designation then carry forward throughout the deployment of SST, or was that something that shifted as the capabilities, or as the composition of the team changed in time?

A Once they were in place, we called them the SST. Once the SST authorities expired around the 3rd or 4th of August and they transitioned to the 1208 building partner capacity role and then were subsequently, we made decisions about reducing that force structure. I think we did an early talk about interim CIF. We were only a matter of weeks away from the 1 October implementation of the actual force. I think that's where most of the language focus went.

Q Okay. And just one final question. We have referred at various points, we have referred to various points, did the training of that particular team and the elements that were rotated through what was known at that time as the SST, we understand that the CIF, the EUCOM

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CIF, had other resources available to it, such as dedicated aircraft. Are you aware of whether the SST possessed a dedicated Defense Department aircraft?

A They did not. Again, that was, you know, in our logic of trying to make the highest utilization of our resources, we thought placing them in the most likely contingency area would obviate the lack of dedicated aircraft.

Q When you say the most likely contingency area, you mean Tripoli and the Embassy and the footprint?

A I'm talking Libya writ large, but, yes, the center of gravity of that, the Ambassador's country team and their exposure being the key thing that we would want to be able to mitigate risk for.

Q And just to tie this back then to our discussion of the drawdown of the SST, you mentioned that the Ambassador at a certain point in August of 2012, in that timeframe, indicated to you his desire, or rather he requested specific functions, and I think you enumerated several of those functions for us. Was one of those functions a force protection function, or a protective security detail type function?

A I can't recall specifically. What I do recall specifically was logistics, medical, and communications. DSS has the obligation actually, the primary responsibility, so this would have been added to the normal layers of what DSS would provide for the Ambassador, so we aren't trying to, you know, crowd out anybody else's primary mission. I would just say that the benefit of having some depth in defense, if you will, we thought was worth noting.

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Q And DSS is the Diplomatic Security Service?

A Yes.

Q Under State Department?

A Yes.



[12:53 p.m.]

BY MS. GREEN:

Q Admiral Losey, this is now the eighth congressional investigation into the Benghazi attacks. We want to make sure it's the last, and we are therefore, as I mentioned earlier, asking every witness about a series of public allegations that have been raised since the attacks. It's our understanding that our colleagues continue to pursue these allegations, and that is why we ask every witness.

While anyone can speculate about the Benghazi attacks, only a limited number of folks have firsthand knowledge, and so what I'm asking here is not for your opinion, but just whether you have firsthand information. And if you don't, we will just move on to the next question; if you do, we'll pursue that.

A Yes, ma'am.

Q There are about a dozen questions, so if you'll just bear with me.

It has been alleged that Secretary of State Clinton intentionally blocked military action on the night of the attacks. One Congressman has speculated that Secretary Clinton told Leon Panetta to stand down and this resulted in the Defense Department not sending more assets to help in Benghazi.

Do you have any evidence that Secretary of State Clinton ordered Secretary of Defense Panetta to stand down on the night of the attacks?

A No, ma'am.

Q Do you have any evidence that Secretary of State Clinton

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issued any kind of order to Secretary of Defense Panetta on the night of the attacks?

A No, ma'am.

Q It has been alleged that Secretary Clinton personally signed an April 2012 cable denying security to Libya. The Washington Post Fact Checker evaluated this claim and gave it four Pinocchios, its highest award for false claims.

Do you have any evidence that Secretary Clinton personally signed an April 2012 cable denying security resources to Libya?

A No, ma'am.

Q Do you have any evidence that Secretary Clinton was personally involved in providing specific instruction on day-to-day security resources in Benghazi?

A No, ma'am.

Q It has been alleged that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Qadhafi to his own people in order to garner support for military operations in Libya in the spring of 2011.

Do you have any evidence that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Qadhafi to his own people in order to garner support for military operations in Libya in the spring of 2011?

A No, ma'am.

Q It has been alleged that the U.S. Mission in Benghazi included transferring weapons to Syrian rebels or to other countries.

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A bipartisan report issued by the House Permanent Select Committee on Intelligence found that, quote, "The CIA was not collecting and shipping arms from Libya to Syria," end quote, and they found no support for this allegation.

Do you have any evidence to contradict the House Intelligence Committee's bipartisan report finding that the CIA was not shipping arms from Libya to Syria?

A No, ma'am.

Q Do you have any evidence that the U.S. facilities in Benghazi were being used to facilitate weapons transfers from Libya to Syria or to any other foreign country?

A No, ma'am.

Q A team of CIA security personnel was temporarily delayed from departing the Annex to assist the Special Mission Compound, and there have been a number of allegations about the cause of and the appropriateness of that delay. The House Intelligence Committee issued a bipartisan report concluding that the team was not ordered to stand down, but that instead there were tactical disagreements on the ground over how quickly to depart.

Do you have any evidence that would contradict the House Intelligence Committee's finding that there was no stand-down order to CIA personnel?

A No, ma'am.

Q Putting aside whether you personally agree with the decision to delay temporarily or think it was the right decision, do

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you have any evidence that there was a bad or improper reason behind the temporary delay of the CIA security personnel who departed the Annex to assist the Special Mission Compound?

A No, ma'am.

Q A concern has been raised by one individual that in the course of producing documents to the Accountability Review Board damaging documents may have been removed or scrubbed out of that production.

Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to the ARB?

A No, ma'am.

Q Do you have any evidence that anyone at the State Department directed anyone else at the State Department to remove or scrub damaging documents from the materials that were provided to the ARB?

A No, ma'am.

Q Let me ask that question for documents provided to Congress. Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to Congress?

A No, ma'am.

Q It has been alleged that CIA Deputy Director Michael Morell altered unclassified talking points about the Benghazi attacks for political reasons and that he then misrepresented his actions when he told Congress that the CIA, quote, "faithfully performed our duties

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in accordance with the highest standards of objectivity and nonpartisanship," end quote.

Do you have any evidence that CIA Deputy Director Mike Morell gave false or intentionally misleading testimony to Congress about the Benghazi talking points?

A No, ma'am.

Q Do you have any evidence that CIA Deputy Director Morell altered the talking points provided to Congress for political reasons?

A No, ma'am.

Q It has been alleged that Ambassador Susan Rice made an intentional misrepresentation when she spoke on the Sunday talk shows about the Benghazi attacks.

Do you have any evidence that Ambassador Rice intentionally misrepresented facts about the Benghazi attacks on the Sunday talk shows?

A No, ma'am.

Q It has been alleged that the President of the United States was, quote, "virtually AWOL as Commander in Chief," end quote, on the night of the attacks and that he was missing in action.

Do you have any evidence to support the allegation that the President was virtually AWOL as Commander in Chief or missing in action on the night of the attacks?

A No, ma'am.

Q It has been alleged that a team of four military personnel at Embassy Tripoli on the night of the attacks, who were considering

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flying on the second plane to Benghazi, were ordered by their superiors to stand down, meaning to cease all operations. Military officials have stated that those four individuals were instead ordered to remain in place in Tripoli to provide security and medical assistance in their current location.

A Republican staff report issued by the House Armed Services Committee found that, quote, "There was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi," end quote.

Do you have any evidence to contradict the conclusion of the House Armed Services Committee that there was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi?

A From my perspective, my statement for the record -- I mean, that statement there alleges that I'm the one that gave a stand-down order, right?

Q Yes, sir.

A So my statement for the record is my testimony that that's not what they were told. They were told to remain in place and continue their mission in Tripoli.

Q Thank you.

It has been alleged that the military failed to deploy assets on the night of the attacks that would have saved lives. However, former Republican Congressman Howard "Buck" McKeon, the former chairman of the House Armed Services Committee, conducted a review of the attacks,

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after which he stated, quote, "Given where the troops were, how quickly the thing all happened, and how quickly it dissipated, we probably couldn't have done more than we did," end quote.

Do you have any evidence to contradict Congressman McKeon's conclusion?

A I do not.

Q Do you have any evidence that the Pentagon had military assets available to them on the night of the attacks that could have saved lives but that the Pentagon leadership intentionally decided not to deploy?

A I do not.

Ms. Green. Admiral, that concludes our questions. And, again, thank you for your lifetime of service, and thank you for appearing here.

Admiral Losey. Thanks, ma'am. Thank you.

Linda, thank you.

BY MR. TOLAR:

Q Sir, a couple follow-ups real quick.

A Yes, sir.

Q Prior to today, were you aware that the CIF sat on a tarmac for 9 hours waiting on lift?

A I want to say that if I had an awareness, it's faded at this point. Again, the CIF's posturing was not a core -- I was not tracking the timeline. I knew Mike Repass was making it happen as fast as he could.

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So I would like to say, I can't say that I haven't been exposed to that. It's just it's not sitting at the fore of my brain as kind of an issue. So --

Q The fact that it was the CIF, the fact that the CIF was in direct support -- to be in direct support of ██████████ that night --

A Yes.

Q -- the fact that it was not just ██████████ and a few minutes, it was 9 hours, would that not trigger a red star in your brain that something's up here? I mean, that seems like a significant delay for the CIF, not for a normal unit, but it's the CIF.

A Yes, sir.

Q It's got organic air assets. It was 9 hours after they were ready to go before they got airborne.

A Yes, sir. If I were responsible for moving things, it would be more at the fore of my brain and I would be -- I would be -- you know, I would have a handle on that.

To answer your question, before today, I really don't know if I had awareness or not. I was comfortable with the interactions I was having with the guy who was going to transfer the CIF to me. So he had pragmatic realities he had to deal with, so I'm not -- I don't want to cast judgment on that.

Q And I'm not asking you to weigh an opinion about whether or not they were moving as fast as they could or anything else, it's simply a function of if you knew and when you knew it was literally

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almost 9 hours before they got wheels up after they were ready to go.

A Uh-huh. I did not know.

Q You did not know?

A Yeah, I cannot -- I cannot recollect that I had any knowledge of a 9-hour tarmac wait.

Q Okay. Had you come to realize it had been 5 or 6 or 7 hours at the time, do you believe that you would have perhaps inquired as to what the delay was?

A No, because, as I stated before, sir, I don't know when N hour occurred, you know.

Q Okay.

A So I'm not running on the N hour clock. Again, that wasn't in my -- that wasn't information that was being tracked over to us. Mike called and said: We're moving them to Sig as fast as we can and as soon as they got posture we're going to transfer OPCON to you. And I said: Thanks, Mike.

Q And just briefly, why was [REDACTED] working for -- why were the two Team Tripoli guys working [REDACTED] at that point vice AFRICOM given that [REDACTED] -- it was going to be a while before they were in country or engaged? I just want to understand that.

A They were embedded in our force because of the access of the SST. It was beneficial for them to gain situational awareness of the ground, what was happening on the ground there. So they were embedded in our effort. And we do this all over the continent. So that's why they were there.

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You know, at the point where we went into crisis mode and it became something different than us posturing for a 1208 and supporting the Ambassador, they naturally flipped their operational control back to CTJTF. And, you know, they didn't do a "Mother, may I?" They didn't ask Admiral Losey. They did it. They just did it. And I understood why, and I fully support what they did.

Mr. Tolar. Thank you again for your service. It was important that you were here today, and we appreciate your appearance.

Admiral Losey. Thank you, sir.

Mr. Tolar. We're off the record.

[Whereupon, at 1:07 p.m., the interview was concluded.]

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**INTERVIEW OF
DEFENSE ATTACHÉ**

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, JUNE 17, 2016

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

PHILIP G. KIKO, *Staff Director and General Counsel*
MAC TOLAR, *Senior Counsel*
SHERIA CLARKE, *Counsel*
SHANNON GREEN, *Minority Counsel*
LINDA COHEN, *Minority Senior Professional Staff*

FOR THE U.S. DEPARTMENT OF DEFENSE

BILL HUDSON, *Office of the General Counsel*
EDWARD RICHARDS, *Office of the General Counsel*

[REDACTED]

Mr. Tolar. Let's go on the record, please.

This is the transcribed interview of Colonel [REDACTED] United States Army, conducted by the House Select Committee on Benghazi. This interview is being conducted voluntarily as part of the committee's investigation into the attacks on U.S. diplomatic facility in Benghazi, Libya, and related matters pursuant to House Resolution 516 of the 113th Congress, and House Resolution 567 of the 114th Congress.

Would the witness please state his full name for the record?

Colonel [REDACTED]

Mr. Tolar. Spell your middle name.

Mr. [REDACTED]

Mr. Tolar. Colonel [REDACTED] the committee appreciates your appearance here today as well as your service to our country. Thank you very much.

Colonel [REDACTED] Thank you.

Mr. Tolar. Again, my name is Mac Tolar, and I'm with the committee staff.

At this time, I would ask everyone in the room to please introduce themselves, starting with my left.

Ms. Clarke. Sheria Clarke with the committee.

Ms. Green. Shannon Green with the minority staff.

Ms. Cohen. Linda Cohen, minority staff.

Mr. Hudson. Bill Hudson from the Department of Defense, Office of the General Counsel.

[REDACTED]

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Mr. Richards. Edward Richards, DOD OGC.

Mr. Tolar. And Phil Kiko with the majority staff.

Sir, as you can see, we've got an official reporter taking down everything we say in order to make a written record. Accordingly, I would ask that you provide verbal responses to any questions. By that I mean "yes" or "no." Please try to avoid nodding your head or saying "uh-huh," "huh-uh," things like that. When I do it or anybody else does it, I am going to ask the reporter to please step in and square us away.

Also, please understand that although you aren't under oath, you are required by law to answer questions from Congress truthfully, including questions posed by congressional staff in an interview such as this.

Do you understand this, sir?

Colonel ██████████ Yes, I do.

Mr. Tolar. Is there any reason why you are unable to provide truthful answers to today's questions?

Colonel ██████████ No.

Mr. Tolar. Shannon.

Ms. Green. Colonel ██████████ thank you for agreeing to speak with us today.

We have spoken with pretty much everyone around you from before, during, and after the attacks. We've also had the opportunity to review your prior testimony, I believe, January 31st, 2014, before a joint House Armed Services Committee and Oversight Committee. Is that

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correct?

Colonel [REDACTED] The HASC and the HOGGR?

Ms. Green. Yes. Have you had a chance to review that testimony before today?

Colonel [REDACTED] I have.

Ms. Green. That's all we have for now, and we look forward to talking with you.

EXAMINATION

BY MR. TOLAR:

Q I've got 10:08. Let's start the first hour of questioning, please?

Sir, you served in Libya from June of 2012 until when in '13?

A Till June of 2013.

Q Thank you. And from '97 to 2003, you were a special forces officer. Briefly, what did you do during that time?

A Sure. So 2000 -- I'm sorry, 1997 to 2000, I was a special forces team leader at 2nd and 10th Special Forces Group, Fort Carson Colorado, and then subsequent to that, I came to the D.C. area, where I had an additional special operations assignment.

Q Was that in the Pentagon?

A No.

Q Where was that?

A That was at Fort Belvoir.

Q And while you were with the Fort Carson organization, did you ever serve in that capacity in a commander's in-extremis force or

with a CIF?

A No, I did not. The CIF for 10th Group is 1st of 10th out of Stuttgart.

Q And what have you been doing since Libya?

A Since Libya?

Q Yes, sir.

A Since Libya -- I left Libya June of 2013, came back to Washington, D.C., met up with my family, and then we went -- we did a PCS move to Carlisle, Pennsylvania, where I attended the Army War College from 2013 to 2014. The summer of 2014, I was assigned to the

Q Previously, you described for Congress the activities that a defense attache does. I'm going to try and regurgitate those for you, were based on what you said: [REDACTED] [REDACTED] advise and consent, advise and assist the ambassador on all things military, represent SecDef and CJS, and, lastly, coordinate operations when they occur.

Is that accurate?

A Those are accurate, yes.

Q Is there anything you would like to add to that?

A No. I just want to confirm the classification level of this.

Q We are TS/SCI. And if we need to go ACCM, we have that ability.

[REDACTED]

A I don't see any need. [REDACTED]

Q Check. [REDACTED]

A Okay. Specifically during my time in Libya --

Q Correct.

A -- or in general?

Q No. No. And I apologize. Unless I say otherwise, I'm only concerned or interested in your thoughts with regard to your service in Libya during that timeframe.

A And it's generally the same no matter what embassy you're in. There is just one small nuance that was different for Libya.

Q Please. [REDACTED]

A [REDACTED]

Q Is that report labeled an information report? Is that what

[REDACTED]

you would call it --

A That's what I would call it.

Q -- or does it have a name?

A Those would be IIRs. So over the course of a year, we would have a serial number related to the IIR.

Q And talk about how you would advise and assist the Ambassador with all things military. Kind of flesh that out for me.

A Sure. The principal way you do in the country team, and this was the case in Libya, we'd have regularly scheduled meetings between the Ambassador and members of his country team, for instance, the defense attache, the political officer, the economic officer. Those were standard weekly meetings, sometimes more frequently.

In addition to that, you could have ad hoc meetings. If the Ambassador wanted to know something specific, he could call you in, or if I had something that I thought needed to be brought to his attention, I could either set up an office call or go directly and talk to him.

Q When you reflect back on the activities of the country team during the time you were there, can you kind of say how much was focused on the political stuff and how much was focused on the military aspect? I mean, is that a fair question?

A It's a hard question to answer. I don't know if it's fair or unfair.

Q Sure.

A But I could characterize a little bit what the environment

was like.

Q Please.

A So by the time I got to Tripoli, that was about my fourth embassy. I think there were some interesting, unique aspects of the mission. Everyone pretty much -- in Tripoli at the time, before September 11th, there were basically two facilities where we worked out of. One was the former chief of mission residence, which was about 5 to 10 minutes away from what we referred to as the villa compound. The villa compound both had the operations center and it had the secure communications. So I basically resided and worked at the villa compound.

But that's just a long way of saying there was perpetual and regular contact amongst all members of the country team, more so than I had seen in any embassy I had been to prior to or subsequent to. The Ambassador was always available, whether it was meals -- we had three meals a day essentially together -- you had your country team meetings, you had specific meetings related to subject X, Y, and Z, whatever it may be.

But in terms what were we talking most about, I think we were talking about the whole-of-government engagement with Libya. I think a constant theme of everything was security. And a constant theme -- so the security underlined every -- undergirded everything. Then if you look at the other efforts, whether it's public diplomacy efforts, whether it was economic efforts, whether it's military efforts, specifically, how do we help this institution of the Libyan

Armed Forces? Those were all kind of had equal share of time of the Ambassador's efforts.

But, again, whether it was to support a move or what engagements, security played a role, and the RSO represented that aspect.

Q Who was Ambassador Tony Holmes at AFRICOM? Does that ring a bell?

A Yes. I feel like he was the AFRICOM commander political adviser.

Q Correct. The number two guy there?

A That's right. He was also a deputy in AFRICOM.

Q Did you have much interaction with Ambassador Holmes?

A I did not have much interaction with Ambassador Holmes.

Q Did you have any interaction with Ambassador Holmes?

A I did have some. You know, he participated, possibly, in some VTCs. And then when Ambassador Stevens and I went to AFRICOM for a visit in late August, Ambassador Holmes participated in those meetings, if I remember correctly.

Q And one of the issues at that meeting was the subject of the SST. Is that correct?

A That is correct.

Q Do you recall if Ambassador Holmes weighed in on that issue?

A I do not.

Q Part of the team in Libya was the security cooperation personnel, the security cooperation team. I believe it included a lieutenant colonel and a staff sergeant. Is that correct?

[REDACTED]

A That's correct. And host nation locally engaged staff.

Q We'll do this. Talk to me about -- first of all, who was the lieutenant colonel?

A Lieutenant Colonel [REDACTED]

Q And who was the staff sergeant?

A Staff Sergeant [REDACTED] I believe.

Q Last name?

A Last name.

Q Talk to me first about, in general, what the security cooperation -- what that team did, and then more specifically about what the lieutenant colonel did and what the staff sergeant did.

A Okay. So in general terms, the security cooperation office, it has different names in different embassies, but it's responsible for overseeing and implementing the mil-to-mil engagements with the host nation. So, for instance, what would mil-to-mil engagements look like. It could be something, military education, sending foreign students to the United States. It could be assisting with foreign military sales. It could assist with -- I think in the case of Libya, one of the initiatives we were working on were language labs, English language labs. Those type of implementing the combatant commander's theater security cooperation activities were the primary duties and responsibilities of security cooperation office at the embassy.

Q Do the 1200 series programs fall underneath that?

A The 1200 series, so --

[REDACTED]

Q 1207, 1208?

A 1208 did not.

Q Okay.

A 1207, this is a GSCF, I believe.

Q I think so.

A I think portions of that at one point may have fallen under it, but not necessarily the whole thing. We never really got that far down the 1207 road.

Q So I understand what you said about what the security cooperation folks do. Any more specifics about the lieutenant colonel versus the staff sergeant and their day-to-day responsibilities, per se?

A So the staff sergeant's primary responsibility was logistics administration. Lieutenant Colonel [REDACTED] is much more engaging directly with Libyan Armed Forces and having conversations to determine what the gaps, what the needs, what the requirements were to move the combatant commander's security cooperation plan forward.

Q In your tasking to report on military -- host military capabilities, et cetera, I assume you worked closely with Colonel [REDACTED]

A Very closely. Sometimes we would attend meetings together. Sometimes I would kind of leverage his knowledge and background and conversations to better understand where the Libyan Armed Forces was, what they needed, and then be able to help provide that information to the IC, intelligence community, or senior

leadership.

Q And he was an AFRICOM employee?

A He was an AFRICOM employee. He was on temporary duty. He was not PCS at that point.

Q

A He had no intelligence responsibilities or functions. He certainly had responsibilities to push to AFRICOM his assessment and advice to the leadership of Libyan Armed Forces capabilities, what their needs are, and how to best assist them.

Q And I apologize if you just answered this, but does the security cooperation team that existed in Libya, is that typical of what you find in other countries, in other embassies?

A That's typical, yes.

Q And those guys typically work with the J5, COCOM J5?

A Correct.

Q Thank you.

A Whereas, in different COCOMs, CENTCOM, EUCOM, or AFRICOM, the COCOMs that I know of, everyone does it slightly different. Is it in the J4s, is it in the J5s? But that is generally the construct where the OSC belongs to geographic combatant command somewhere under J staff.

Q You previously mentioned that in April of 2012 you did a 1-week turnover with your predecessors. Is that correct?

A That is correct.

[REDACTED]

Q What I would like to do now is have you kind of talk about that. I want you to talk about it in terms of Tripoli versus Benghazi. And if you will walk me through each city, I want to get an appreciation of kind of what you did in each city in the course of your turnover, what your impressions were of the facilities and the security situation on the ground in each one of those cities in April when you did that 1-week turnover. I'm trying to focus on April of 2012.

A Sure. So that timeframe -- I spent a week timeframe in April -- was split between Tripoli and Benghazi.

Q I apologize. And who was your predecessor?

A Lieutenant Colonel, now Colonel [REDACTED]

Q Thank you.

A So [REDACTED] and I spent 4 days total in Tripoli. If I remember correctly, we spent about 2 nights, maybe 3 days, maybe less, in Benghazi.

In Tripoli, we stayed on the compound I had referred to earlier as the villa compound, had a chance to go over to the Embassy proper, which was referred to as the chief of mission residence, got a chance to see where we lived, see where we worked, met key interlocutors, and then also had a chance at that point to meet with other attaches and met some of [REDACTED] key contacts on the Libyan Armed Forces side. Those are the principal activities in Tripoli. Then we flew to Benghazi.

Q How did you get there?

A [REDACTED]

They were doing a flight up there. We came back on commercial air.

[REDACTED]

[REDACTED]

So traveled up to Benghazi, stayed at the temporary mission facility. What are we calling the --

Q That's fine.

A Okay.

Q TMF.

A TMF. So we stayed at the TMF there. Their cafeteria villa had two guest rooms in there, so we stayed there. Met the political officer there at the time and conducted meetings in Benghazi with some of [REDACTED] key interlocutors there. Also had a chance during that time to go to [REDACTED], maybe an hour or 2 meeting, as part of the other meetings we conducted while we were in Benghazi.

In terms of impressions, you asked about impressions, both in Tripoli and Benghazi, clearly, an expeditionary-type feel to both locations, particularly the Benghazi location. That being said, you had a security presence at all locations that I visited, further defined as, in most cases, you had kind of outer security that was provided by local militias; you also then has a local security or immediate security, if you will, at the gate checking vehicles, checking identifications. You had obstacles. And then within the compounds, both compounds themselves, you had -- whether it was [REDACTED] security personnel or in the case of the TMF, you had RSO or, at that time, SST personnel.

Q In terms of Benghazi, did you get a sense of the morale, the attitude of those folks that were stationed there and working there

[REDACTED]

at the time?

A Yes.

Q Did they seem anxious? Did they seem concerned? Did they express concerns? Anything at all.

A There was no overarching concern -- hey, we are out there, we are undermanned, underresourced -- did not get any sense like that. I got the sense, just like I did in Tripoli, everyone was working really hard, everyone understood the importance and significance of, kind of, the time and place they were in history. I didn't get the sense that anyone was being cavalier.

We had tracked movements. Whether it was in Tripoli, all movements were tracked. Benghazi the same. Communications was always maintained. You checked in, someone always knew where you were and the routes you were taking.

Q What was your impression of the security situation on the ground in Benghazi versus Tripoli, kind of compare and contrast?

A I'll caveat, this is my first time there. I did not -- I couldn't perceive any distinct palpable difference. At both locations, we were able to get out and meet contacts. [REDACTED] and I met a couple contacts at the Tibesti Hotel, for instance, in Benghazi and subsequently had dinner with some other contacts in Benghazi. So we were out at night. A lot of people were out. Everyone was out, and then you kind of had the same sense in Tripoli as well. So I didn't draw any distinction between the two, or I wouldn't.

Q Going back to Tripoli, I want to back up and have you talk

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to me a little bit more about the former chief of mission residence versus the villa compound and explain to me, again, in a little more detail who was at each. First of all, the former chief of mission residence, what did that look like, kind of, and who was physically working there day in and day out?

A Yes. So that literally was a residence. So prior to the revolution, that's where the Ambassador resided.

The revolution occurs, I think it was October timeframe. The embassy personnel, a small group, goes back to Tripoli. That CMR, that chief of mission residence, now becomes basically the Embassy, per se. So that's where everyone goes back. Those are the office spaces.

You have shuttles that go at 7:30, 8:30, 9 o'clock in the morning from the villa compound, drives to the CMR, if you will, the office, and that's where the bulk. So that's where the Ambassador has his office; that's where the DCM has an office.

And then at the end of the day people go back to the villa compound, which is where I spent the predominance of my time, because, again, either I was either out meeting contacts or I was there, because that's where the secure coms were.

Q You previously talked a little bit about a ramp-up in Libyan military assassinations in the June of 2012 timeframe. If you would, please talk to me more about that, the significance of that, what impact it had on your all's thinking, et cetera.

A So June timeframe -- and this may be something, like, we just -- it came to our attention in the June timeframe. It could have

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started earlier. But if you remember, if you go back in history, in the 1990s, Qadhafi, with the Libyan Armed Forces in the -- I think it was the Khadar Mountains -- went through and basically eliminated all the extremist threat -- the terms we use today, probably not back then -- all the Islamists. And why that's important, so they are either all killed or a large number of them were put in jail. And they were put in jail for a long time, basically until just prior to the revolution, and Qadhafi started releasing a number of these extremists.

So what you had is -- and then once the revolution starts, they're all out, or whoever survived is out. What our assessment is, or my understanding was, about that timeframe, May or June timeframe, after the revolution, they had come up -- "they" being the Islamists -- had come up with a list of -- and this thing varies. First, you are like is this thing rumor? Is this true? But the rumor was there was a list of about 100 people that they were going to have retribution against.

Q Qadhafi loyalists?

A Qadhafi loyalists and military who were involved in those campaigns.

Q Okay.

A So there were a series of assassinations that seemed to be targeted assassinations related to that, that list, and that, again, came to our awareness about the June timeframe, and then periodically you would hear -- and they weren't all military personnel. Some were, you know, religious figures as well, if I remember correctly.

Q And how did that figure into not just you as the DAT, but

in general, our analysis of local militia and the impact thereon?

A Yes. So if I could back up. During my time there, the June timeframe, it was almost like there were two parallel but contradictory lines emerging. So there was kind of the positive side of things, if you will. So you had the NTC.

If you remember, the different militias were a huge problem in the August, October, September timeframe. That situation seemed to be getting under control. Tripoli was certainly better. You had the successful elections in early July.

You had a lot of positive momentum in some regards. You had civil -- what would you call it? Not civil rights, but you had civil society organizations coming out. These were all positive aspects.

We were on the verge of opening the consular section. We were starting these exchanges. Then you had the successful transfer of power from the NTC to the GNC after the elections. That was kind of the positive, I think, vector.

At the same time, in parallel, you kind of had the negative vector. That includes assassination attempts. You had -- and wherever it was in the country, I'd say even in Misrata there were some issues, in Zintan there were some issues. But you had the Islamist threat that seemed that they -- they seemed to be behind the power curve, initially, with the revolution, but you kind of got the sense, okay, they are also getting more organized now. You had these assassinations. You had -- I think there was an attack on the International Red Cross at one point. There was also the British diplomat in Benghazi.

[REDACTED]

So within that -- I don't know if that helps, but those were kind of two veins as we saw it. It was perpetually a balance of, okay, where do we think the situation on the ground is going? How do we best influence? How do we best ensure U.S. interests are promoted? And how do we best help the Libyan Government, the nascent Libyan Government, succeed and establish control?

Q And recognizing that, obviously, that first vector is the one that we were following and hoping would prove to be successful in order for Libya to make the turn, but there were ever, like, cost-benefit discussions or analysis done about at some point if this second vector, if it doesn't slow down or something, we need to rethink our plan? Were there discussions about that? Does that make sense there?

A There was perpetually a cost-benefit discussion analysis going. I thought, you know, the RSO, [REDACTED], followed it very closely. We all followed it. [REDACTED]

I think every step of the way, you know, that cost-benefit analysis, it wasn't like a deliberate, thought-out process, you know, not necessarily. But at the end of the way, whatever the activity, whatever the event, there was constant discussion about both of those vectors.

Q And from the time you were there in April until the time

[REDACTED]

you were arrived in June, did you notice, once you arrived in June, a discernible change or change at all either with Benghazi or in Tripoli?

A Benghazi, I can't talk to, because I never got back to. But Tripoli, no, I couldn't.

Q Did the RSO have a full complement of personnel in the July -- late July, early August timeframe, to the best of your knowledge?

A To the best of my knowledge, yes. That was kind of the transfer window, the roles and responsibility, is that what you are referring to?

Q Yes. So, obviously, what happened is the SST rolled out --

A Correct.

Q -- in early August. Ten bodies left. Did the RSO get in 10 bodies to replace them or something similar?

A My understanding, they got something similar, because you had the Dip Security brought in to MSD. I may not be getting the term right, but it's basically an augmentation from Dip Security who focused in or specialized in kind of deployment scenarios like these.

How many there was man for man? I don't remember the numbers. And I don't remember exactly when the first MSD team arrived.

Q Do you believe it was before or after the SST departed?

A I don't remember. It was either just prior or shortly after.

Q And was it two guys? Was it four guys? Was it eight guys,

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approximately?

A Approximately, I would say approximately five a team. I think there are about five or so on the team. But they could have brought in two teams. I don't remember.

Q Did you ever discuss with the RSO the fact that the SST was going to be leaving and the impact that might have?

Let me do this, did you ever discuss with the RSO anything about the SST and their impending departure?

A So conversations with the SST and the RSO frequently about their pending departure and whether the State Department would request an extension and additional request --

Q No. No. I'm not worried about the extension.

A Okay.

Q I'm talking about the capabilities that the SST provides and what's going to be missing, the delta there, once they leave, whether or not that could be filled.

A So the RSO never brought that -- we never had a conversation. It's not like he came to me and said, "Hey, ██████████ listen, I'm really concerned about this, about the SST leaving."

Q I believe we've seen in previous testimony one of the missions of the SST was to provide security support in conjunction with movements outside the facility. Is that accurate?

A That's accurate to my recollection.

Q They didn't provide -- they didn't man a watch on the wall, per se? Is that fair?

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[REDACTED]

A That's fair. In my understanding, it's exactly as you described. And another responsibility they had was a PSD or personal security detail.

Q Right. But that -- the function of that is to provide that detail for movements outside of the facility?

A Correct.

Q Okay. So my question is, once the SST left, was there a limitation placed upon movements? Were movements reduced due to a lack of PSD and/or other type of security support for those movements?

A I can't speak to whether there was a drop-off because of the SST transition. What I can speak to, though, is the RSO took very seriously all movements. You had to sign up and make sure you had all the requirements.

Now, what I can say, I don't recollect any significant -- because I'm pretty aggressive, I was trying to get out as much as I could to be able to, you know, meet with contacts -- I did not notice any serious drop-off on my access and my ability to get off the compound and conduct meetings.

Q But then, again, you were gone September 5th through 9th. You were in the States.

A Correct. But subsequent to August timeframe when the SST was downsized and we were trying to figure out what their role was going to be and what the authorities that we're going to have then.

Q Talk to me, please, about host nation responsibilities for providing support to foreign diplomats in their countries. I'm

[REDACTED]

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specifically, talking about Libya. Talk to me about what -- talk to me, generally, about what that host nation support should look like, and then let's talk about what it was in Libya.

A Okay. So what it should look like, normally, a host nation has the responsibility to protect all foreign diplomatic facilities. That takes various shapes and sizes depending on the country.

██████████ for instance, you have military presence in addition to police presence. In some places, it's very much more low key. But at the end of the day, it is the host nation's responsibility to provide security to the extent that they can.

So in Libya, it varied. So there was no -- I'm trying to think. When I first got there in June and even prior to, you didn't have any really overt physical presence like we had subsequently, after the incident in Benghazi. But that doesn't necessarily mean there wasn't security involved. It just wasn't a physical presence. They didn't put a tank or, you know, a technical or anything outside the Embassy.

So -- I think it's also important to discuss the limitations and the challenges the Libyan Armed Forces -- I say the Libyan Armed Forces as if it was this mature institution that existed. It was all types of disorganized, challenged, trying to get the militias under control, trying to assert themselves.

Like we discussed earlier, there was no -- the average Libyan, their military was not an institution held in high esteem. If you look at the revolution, for instance, in the best-case scenario, for the average Libyan, the Libyan Armed Forces soldiers just went home, put

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their weapons away, put on civilian clothes, and didn't do anything. In most people's eyes, in many people's eyes, they actually fought against the people, against the revolution until such point as they decided it wasn't going to work out.

So not an effective army to begin with, not a trusted army by the people. And then subsequent to the revolution, they were really struggling to kind of set themselves up, regain the trust of the people, get equipped, trained, and manned to be an effective institution.

Q Did you ever have any discussions with Ambassador Stevens about what you could expect from the Libyans in terms of security support should there be an incident?

A No, I don't remember having that specific conversation with Ambassador Stevens.

Q Did you have that discussion with anyone?

Let me do this, how do you -- was there an expectation on behalf of the U.S. Embassy that some Libyan military organization would be able to come and provide any type of support should something bad happen?

A There was not. The Embassy understood the limitations and the weaknesses of the Libyan Armed Forces. So there was not, in my opinion, an expectation that, in this scenario, that the -- we didn't ever talk specifically about, "Hey, let's say, for instance, if the Embassy is attacked, what can we talk about, what can we expect from the Libyan Armed Forces?" But I think it was everyone understood the limitations and the challenges that the Libyan Armed Forces had.

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Q I want to talk more about that, but I guess my first question is, could you construct any kind of table of organization for the Libyan Armed Forces at that time? Was that possible?

A No. I'll tell you what was even more challenging: How many people are in the Libyan Armed Forces? Nobody knew. We couldn't figure it out. The Libyans didn't know. And then it all depended on the time of day sometimes, you know, how many -- what militias are kind of fighting? Okay, we are not talking about militias, we are talk about the core people. Who do you have showing up in the morning?

Q I mean, what constituted the Libyan Armed Forces?

A It's a fascinating question, and that one became the problems that we tried to kind of, ██████████ to try and figure out.

So you had a combination of old school, relic senior officers who were not tainted by the former regime. So Qadhafi, essentially, had his two or three brigades that were the, basically, the regime protection brigade. All those guys either ran or were killed.

Then you had the remnants -- because it was never a trusted organization after a certain period in Libyan history. After the Chadian wars, where the preponderance of the Libyan Armed Forces was either captured or defeated, they came back, and they were not a trusted entity by Qadhafi himself.

So you had a lot of those officers who had just basically been drinking tea and doing nothing for decades. They weren't given any real missions. They weren't given any resources. So those guys had

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become somehow the core around which you try and build, not us, but the Libyan Armed Forces. They said okay, "Well, these guys aren't tainted. We'll work with them, because they do have some military background."

But at the end of the day, it was not the Libyan Armed Forces that won the revolution. It was the thowar, it was the militias, it was these groups, these in some cases neighborhood watch organizations that blossomed into, you know, larger militias. And you had, kind of, the breakdown along ethnic or geographical identifications, whether it's Misrata, Zintan, Benghazi.

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[REDACTED]

[REDACTED]

Q Did you -- in the July, August, timeframe of that year, how many embassies still had an active presence in Tripoli? How many countries?

A I don't have an exact number. I'd ballpark it, 15, 20. The French had a big presence. The U.K. had a big presence. Italy had a big presence. Greek. And then you had the Arab countries represented.

Q Did you have -- were you closer to some than others?

A Yes.

Q Which ones were you working most closely with?

A I was most closely with the U.K. and the French, as well as I kept in contact with the Emiratis.

Q Did you ever discuss with your counterparts at those agencies the security situation on the ground, the challenges of the military, et cetera?

A Yes. Principally, most of the subjects that we talked about were Libyan Armed Forces, their challenges, the security on the ground.

Q Did they share your concerns?

A Yes. I think we all kind of had a common view of the challenges and the security concerns.

Q Were they -- were any of those countries attempting to do

[REDACTED]

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something similar to the 1208 mission, were we working with them with that regard, or any other mil-to-mil programs?

A I don't know all the details. ██████████
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██████████ The British, by the way, had a bigger footprint than we did militarily. They brought in a sizable team. They didn't have a -- it was almost a military assistance program, and they had advisers out. And they actually embedded, for instance, one adviser in the MOD, the Libyan Military of Defense.

So they had a pretty proactive program. But they hadn't gotten to the point where -- like all of us, it was perpetually one step forward, two steps back. They had plans, they came out, did assessments. Depending on who your interlocutor was, some people would say, "Yes, that's great, let's do it," then the other one would say, "No, we can't do it."

So there was fits and starts across the board. I don't think anyone had anything quite like the 1208, again, the Brits. The Emiratis were interesting. They played a significant role during the revolution. ██████████
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I don't think they were doing anything, but they could have had some mil-to-mil engagements and activities that we weren't aware of.

Q Approximately how big was the military footprint, the U.K. military footprint?

A I'd say approximately 10 people, and they would bring in
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TDYers.

Q Okay. I know at some point they closed down the Embassy after the Ambassador attack. Is that correct?

A The -- in Benghazi?

Q Yes.

A Yeah. I don't know what they had. I think it was a consulate. I believe they closed it down. It would make sense. I think that is why you had the U.K. vehicles at our temporary mission facility. I don't know if they closed down entirely or if they downsized, but they could have.

Q But they retained their presence in Tripoli?

A They retained their presence in Tripoli, correct.

Q To the best of your knowledge, what kind of military assets did the U.K., did the French, and then the Italians have in Tripoli in terms of trigger pullers, in terms of vehicles, in terms of lift, each one of those three countries, please?

A Yeah. So in terms of those things, I don't know of anything the U.K. had. They would have advisers come out periodically, but they didn't have anything in terms of -- they might have had some of their military supplementing their RSO, but I'm not sure.

France, they were focused on ports. They had some dive teams in there. But I don't think they had any real trigger pullers.

And then, with Italy, they didn't have anyone. Italy was predominantly there, in my estimation, to work the joint military-economic side of things. So they were trying to sell stuff.

[REDACTED]

Q And how about the Emiratis?

A [REDACTED]

[REDACTED] I don't think they had any firepower, per se, at least none that they told me about.

Q And to the best of your knowledge, did the Libyan military, as it existed, provide anything in terms of support, security support, to the other embassies different than what they provided us?

A No, not to my knowledge.

Q Or were we all treated the same?

A I think pretty much the same.

Q Did you in the -- I'm going to call them information reports. If that's not the right word, please tell me --

A That's fine.

Q -- information reports [REDACTED] did you ever discuss your concerns with Libya's ability to provide host nation support in terms of the military?

A No, I don't remember addressing that specifically in the reporting.

Q Did you ever express any concerns about the security situation in Libya in general in your information reports?

A Most likely, certainly. And more within the context of, hey, the limitations and the lack of capacity of the Libyan Armed Forces and the challenges it's facing.

Because the Libyan Armed Forces, like we talked about, wasn't a high functioning or really even a functioning. It was almost like an

[REDACTED]

outsourcing, if you will.

If you are familiar with the Libyan Shield construct, which we hadn't heard of in June when I got there, but it almost became a General Mangoush, the chief of staff of the Libyan Armed Forces, reaching out and having almost -- contractual may not be the right term, but he would outsource security requirements and assistance from certain militias.

I think at some point, the vision was those would eventually become the rank and file of the Libyan Armed Forces, if that makes sense.

Q So I want you to explain that to me again, please. So the Libyan Shield construct, talk about that. Was that a GNC decision that the Libyan Shield would potentially evolve into that? Were these guys being paid by the Libyan Government, et cetera? Flesh that out in more detail for me, please.

A Yes. So I can't speak to whether that was the long-term plan by GNC, but what it ended up being was the reality on the ground.

Q It was blessed by the GNC?

A I cannot say that. I don't know.

Q Okay.

A My sense was, it was just a way for the chief of staff and the Libyan Armed Forces to be able to do something. It was just -- the reality on the ground is, when you don't control anything -- they had some budget, so they could reach out. And as required, they would reach out to certain militias under this Libyan Shield construct and, say, "Listen, we need assistance with this."

And then it would be up to the Libyan Shield, the militia

leadership. So either, "Okay, we'll do it, this is what it's going to cost you," or, "No, we're not going to do it." It was very much a -- horse trading is not the right way to say it, but whether it's, hey, we need the help to protect a facility or mitigate the threat from other militias or go down to the south and address security, the challenge was there.

Q Outside of these, the Libyan Shield construct and the militias, was there any other type of security apparatus in place and operating in Libya at that time, whether it was privateers or whatever you want to call it?

A So there was a construct. I believe it was called the SSC, and this was not run -- this was not part of the Libyan Armed Forces. It was part of the Government of Libya. I don't think it was Ministry of the Interior. I think it was just more security. It was a way, again, to co-op, to go from the situation where you had these militias all throughout the country running things. You bring them in, you get them on the payroll, and then you have them work for the government to secure, for instance, ministry buildings and other locations.

It was a big employment program. It solved that problem. And I think it was meant to be a transitional process to subsequently, then, get some of these young men, who were revolutionaries or thowar, to either come into more formalized, controllable security institutions or to learn a trade and become part of Libyan society.

Q Does this sound accurate? Basically, the Libyan Shield and the SSC were drawing from the same pool of personnel.

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A If not the same pool, then very similar types of pool, yes, correct.

Q And that the Libyan Shield was more of a pseudo military-type organization and doing those types of functions, as opposed to the SSC, which is more like Capitol Police or U.S. Marshals or something providing security to facilities, government facilities? Is that accurate?

A That's accurate to my understanding. That's a good characterization.

I think the takeaway, though, at the end of the day is, who controlled or who had the preponderance of force controlled force in Libya at that time. It wasn't necessarily the Libyan Armed Force or the Libyan Government.

Q Who was it?

A It was still the militias.

Q And they were not united?

A No, they were not united. You had groups that were united, common cause, periodically. It's all interest based. But --

Q Going back to the chief of mission residence and the villa compound, the FAST platoon commander was here, talked to us a little bit about his experiences when he went in and got to the facilities, and he identified several issues. Some of the things he talked about were gaps in the video camera coverage, unmanned posts, physically a hole in the perimeter wall that you could walk through.

Did you notice any such issues? Were you cognizant of those when

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you were in either one of those facilities in Tripoli?

A I don't know specifically what he was talking about with regards to the holes in the wall. And I would also probably bring up the point that's his focus and that's his expertise.

So either compound, I can't speak to all the details where the cameras were pointed, et cetera. But I can tell you, at each compound, again, you had security. It was Tripoli, so there was a sense that the -- I'm trying to go back, and I apologize for the pause, but I'm trying to go back and when I was there. Was there anything glaring that jumped out at me? There was not.

Q Okay.

A Okay? So -- and that's-- at that point, you know, 20-something years. I think everyone realized, this is an expeditionary -- this is not Paris, this is not London, or Tel Aviv where I am currently. But at the same time, I never got the sense that anyone was -- either neglected security. The RSO, I give him a lot of credit. It was always at the forefront of their minds that they took their job seriously. I don't know if that helps or not, but --

Q While you were there, was there ever any discussion about bringing in an MSG, a marine security group detachment, to provide internal security for the facilities?

A I don't remember any discussion about that.

Q Obviously, the onus is on the State Department to request one, but do you know why that Tripoli, given the circumstances, did not have one?

[REDACTED]

A An MSG?

Q Uh-huh.

A I don't know why. I think at some point when you transition to a more mature facility that would be the time to bring the MSG in. I don't know, though. I wasn't privy to those conversations, and I don't know why or what timeline, if any, there was going to be for that.

Q Were you aware that at some point in -- I want to say it was July -- the Ambassador made a request for additional personnel, to include the option of extending the SST?

A Sorry. The Ambassador made a request?

Q To the State Department: I would like to have you do this or this or this or this or extend the SST.

A So I don't remember the details. I know that was a big conversation early to mid-July, what's going to be the status of the SST, how do you mitigate if the SST goes. But specifically a request from Ambassador Stevens to State Department about that, I don't know.

Q That included as an option for security personnel extending the SST, along with either bringing in more DS folks or whatever. You are not aware of that letter?

A No.

Q Did Ambassador Stevens ever express any kind of disappointments that the SST or any thoughts that the SST was not extended?

A No disappointment or no -- there certainly was no anger. I think once the decision was made, the decision was made.

[REDACTED]

Q Secretary Panetta discussed with us the impact or the concerns associated with the spread of the video "The Innocence of Muslims." Were you aware of that prior to the attacks in Benghazi? Were you aware of that video? What impact did it have? Did you all talk about it? Et cetera.

A So we were aware of it. I feel like either a video, that video or other videos or another iteration of cartoons were discussed and it happened -- it had been for a while, right? And every time something like that came out, it would be either through what we call emergency action committee or other -- or country team, the RSO would highlight that and then talk about what, if any, additional security measures we would take.

Q

[REDACTED]

Q You returned from the States on September 9th, I believe you indicated. Is that right?

A I believe it was September 9th, yes.

Q Talk to me briefly what your kind of focus was once you got

[REDACTED]

back, et cetera, as we approached the 9/11 anniversary?

A So I either got back on the -- I might have left on the 9th, got back on the 10th, I don't remember. But I spent about 5 days in the United States with the Libyan air chief, came back, and basically was catching up on work.

And that was the reason I was in the Ops Center on the night of the 11th at 9:45 or whenever the attack kicked off. That was my focus, sit down with Colonel [REDACTED] see what had happened, what was going on, go through my notes from the meetings, and then really dig out from emails.

Mr. Tolar. Let's go off the record.

[Recess.]

[11:20 a.m.]

Mr. Tolar. Let's call it 11:20. Let's go back on the record. We are back on the record. It is 11:20. We will continue with our questions.

BY MR. TOLAR:

Q Sir, when we left off, you were talking about your return to Tripoli and the fact that you were catching up on emails when the incident -- the attacks initiated in Benghazi. I don't want to get in the weeds about the activities of that night. I guess -- let's start with this, you previously talked about just how bad the confusion was that night initially. Flesh that out for me. Talk about the ramifications of some confusion. Talk about, was it for 20 minutes; was it for 3 hours? I want to know more about that. And just when you are responding to that night, how that confusion inhibits, limits, affects, impacts your ability to make decisions, et cetera, et cetera?

A So let me first caveat with the confusion was principally -- and, mind you, I was the Tripoli at the villa compound. I would say the confusion arrived first and foremost from trying to understand what was actually going on at the temporary mission facility in Benghazi, one. And then having the conversations with the host nation to see what they could do to, one, understand if they knew anything more than we did and the, two, if they had any force to bear or any assets to contribute. That was kind of the drivers of the confusion initially as we got the notification from the temporary mission facility in Benghazi down to the operations center, the villa

I happened to be in at the time of the call.

In terms of communicating -- maybe it will help, I will just describe a little bit. If I go too much into the weeds, please tell me to not. But so once we got the call and notification -- that came principally I think from the RSO. There were a couple of ways the Embassy found out about the incident. There was the RSO, ARSO up in Benghazi who reached out to the operations center. And then there may have been one or two other phone calls. I believe Ambassador Stevens had reached out to the DCM, Greg Hicks, as well.

Q The point being there were several lines of communication coming in virtually simultaneously.

A I don't disagree but not several. There was only about two, and I thought the team did a good job at keeping, whoever you are talking to -- so I didn't go up and call anyone at the temporary mission facility. [REDACTED] didn't go up and call anyone. Okay. The pol-econ officer who had just come back from Benghazi --

Q Spell that what you just --

A The political and economic officer. State Department -- thank you -- officer who had just come back from Benghazi. The Ambassador replaced him, and his name was [REDACTED]. He came back. He was in conversations with the temporary mission facility as well as [REDACTED] and the RSO and the RSO shop. So we kind of let that be. You want to keep those lines of communications open. So that was that aspect.

The other one, though, was trying to reach out and determine again

[REDACTED]

what the host nation can do, what assets there were to better understand the situation on the ground. So what I did is I was there at the ops center. I called in all the DOD folks so I -- and I can't remember if I called AFRICOM JOC right away or I called in Colonel [REDACTED] and then we contacted. My recollection is I gave a quick call to the AFRICOM JOC, and said: Listen, we have just been advised that the compound in Benghazi is under attack. That was also the time that I was able to confirm there were ISR assets in Libya, and can we divert those to Benghazi if they weren't already there?

So pulled in the DOD team, told them what we know, and then we just basically task organized. Had Colonel [REDACTED] take responsibility for communicating with AFRICOM. I was responsible for conducting communications with host nation military forces or anyone, and then my operations coordinator went upstairs [REDACTED] and pushed SITREPS back to D.C.

Q Was Colonel [REDACTED] the primary communicator for AFRICOM for the duration of the evening?

A The primary for the duration of the evening. I would get on but periodically, I think. But, principally, he spoke to AFRICOM JOC.

Q And the operation center at the villa compound, that is center mass for all the operations that night?

A That is center mass for all the operations that night. And cell phone coverage is terrible. Some of us are outside. Some are inside. We are basically going through our whole list of contacts,

[REDACTED]

anyone that we think can help us either better understand Libyans, who can help us better understand or help. It wasn't just Libyans; we would call anyone.

Q All the information on the ground in Libya, whether its Benghazi, the airport, TMF, or the host nation's port, it is all coming up through that villa compound operations center?

A Principally, yes.

Q But, for all intents and purposes, the bulk of the work --

A I'd say so.

Q -- where you were?

A Yes, the operations center.

Q And then you are pushing it up to all the different agencies in the food chain?

A Yes, that is close. That's right.

Q I guess the point is y'all are -- everything's happening where you are. Y'all are center mass. Y'all are kind of conducting and kind of running the show, and you are informing your superiors about what you are doing and seeking guidance when it is necessary?

A Yes.

Q So you have tasked organized this response here. You have got Colonel [REDACTED] talking to AFRICOM. You have got your warrant officer communicating on the high side, and you are communicating with the host nation. Did you ever receive any kind of -- talk about the challenges in terms of responses you were receiving from the host

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nation, whether it was disbelief, whether or not they had a sense of urgency, things of that nature?

A So, yes, conversations with host nation, I spoke initially with General El Hasi, who was the operations director. It was certainly a surprise and shock to him, but he said he would look into it. I never got the sense throughout the evening, throughout the next day, that there was ever a lack of urgency or desire or willingness to help out. I think ultimately --

Q In terms of the Libyans?

A In terms of the Libyans.

Q Okay.

A They were shocked and probably a combination of shocked, upset, maybe slightly embarrassed that this was happening, but they also recognized their limited capacity to assist.

So -- what was the rest of the question?

Q That addresses it. Let me do this: In terms of the Libyans, what constitutes a sense of urgency to them, based on your experience is that you would address -- do they have the same sense of urgency that we as Americans do when it comes to executing, things of that nature?

A I think sense of urgency, yes. It is just ability to act on that and capacity: limited. For instance, the C-130, they had one C-130 in the Libyan Air Force. That was -- that is your disposition, whatever we can do to help. The capacity problem is they can't fly it at night. They alerted the crew. They want to do what they can,

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whatever they can. In a similar vein, whatever clearances, whatever assistance that we can give you, we will give you. That was kind what I was getting, the disbelief, that: We will look into it. We are going to call people. We will find out. We want to help you. Whatever we can do, we will do.

Q You mentioned clearances. There has been a lot of discussion about that. Did you have any trouble getting the necessary clearances to get any aircraft into Libyan airspace?

A No. I had verbals early on. I knew the Libyans well enough. I knew the individual Libyans with whom I was talking. They said it was going to be approved. And my sense is it is certainly not from my perspective did it ever slow anything down or was an inhibitor.

Q When you received that verbal okay, at that point, do you believe you have the authority to notify AFRICOM that you are good to go or TRANSCOM that you are good to go?

A And that is what we conveyed.

Q Is that yes?

A Yes. And we tried to convey. Paperwork will catch up, but it is not going to be an issue.

Q You previously mentioned that you tasked a State Department officer to kind of scribe the evening's events. Who was that officer?

A So we went through a few initially. I don't remember the exact name of the person. I think it was one of the public affairs officers. We asked them to start a log. It is something we do.

Q And whatever happened to that log?

A I don't know.

Q Did you ever review that log?

A I feel like I did. I can't remember the time and place. I think it went up as part of the possibly with ARB and the State Department, or it was folded into other timelines or logs. I don't know.

Q You just mentioned the ARB. You were interviewed by the ARB?

A I was.

Q I think you indicated it was about 20 minutes long?

A It was short, yes.

Q Did it surprise you, given your role and response that night, that they didn't have more questions for you?

A I wasn't surprised -- maybe I was a little bit surprised. But I also got the sense early on that they had a really good sense of what transpired, and I feel like I was one of the last interviewees that they spoke to. I felt they had specific questions they wanted, that they were looking for kind of more of context on, so I wasn't overly surprised. A little surprised I would characterize it.

Q Do you recall any questions they did have for you?

A I do not.

Q Did they request any documents from you?

A They did not.

Q Do you recall if you discussed the logbook, the running scribe of events that night?

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A I don't recall.

Q Do you know who else they interviewed that was with you that evening?

A I do not. I know who was not with me that evening who they spoke to was the charge at the time, Ambassador Pope. He went right after me or right before me; that is how I know.

Q What was his billet or job at the time?

A So, subsequent to the attacks, we then went through a few different charges. You had Greg Hicks. Ambassador Pope was brought in. And then, subsequent to that, I think we had Charge ██████████

Q Approximately how long was Ambassador Pope there?

A He was there approximately October to December timeframe, maybe November.

Q Other than the Ambassador you just mentioned, did they talk to anybody else that was -- that you are aware of that was in the operations center that night when things were going down?

A I think they did. I don't know by name who.

Q Did you recommend they speak with anyone?

A I don't remember recommending that.

Q At some point, I think you indicated that you made the initial assessment, "Look, we know we have got one guy dead; we are going to need a plane of some type or something." Is that accurate?

A That is accurate.

Q Do you know approximately how long it took you to make that assessment? Was it in the first 20 minutes, first hour, first 3 hours?

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A I would say it was within the first 3 hours.

Q And how was that communicated up through the chain?

A Most likely -- I can't remember exactly how it was transmitted. But it would have been to AFRICOM, probably with Colonel ██████████ and myself, one of us talking to them.

Q Do you know if Colonel ██████████ had a specific person on the other end at AFRICOM that he was dealing with for the most part that night?

A My presumption is it was the watch officer.

Q And going back a little bit about the -- just the confusion that night, trying to elicit information about what is going on, talk to me more about just what the food chain would be in terms of information being passed up. We kind of touched on that. We have the folks on the ground and then all the people in between that would be touching that information and pass it all the way up the food chain, kind of flesh that out for me.

A Okay. From my perspective, it was pretty direct. So we had --

Q I apologize. Real quick. I am saying this because when we talked to Admiral Leidig, he talked about the fact that, look, there is a guy on the ground, and then he talks to somebody in the ops center, and then that thing gets passed to somebody else, and then it makes its way to the DAT, and the DAT gives it to this guy, and this guy gives it to that commandant, and I am getting it sixth, seventh, eighth hand -- whatever he said. Just trying to flesh out how complicated

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that was.

A So I can't speak to much after it left Tripoli. But, normally, it goes to the AFRICOM JOC, and then that watch officer has the responsibility to ensure all the senior leadership at AFRICOM are made aware of whatever the communication was. In parallel, I reached out and would keep DIA informed as well. Again, principally, that was through the warrant officer sending periodic updates or information reports. I think I talked to OSD policy at one point to get them a heads up.

Q Mr. Miller?

A No. It was a [REDACTED] -- a colonel, a desk officer with whom -- again, kind of initially part of letting people know this has transpired, to alert them to it, and then more to follow through other channels.

Q Subsequent to the initial attack in Benghazi, there were reports that perhaps Embassy Tripoli was now a target; potentially something may happen there. Do you recall that, and what do you recall about that?

A I do not recall that. I have heard that as well. At the time, I certainly never heard of any specific targeting or threat information against Tripoli, either that night or prior to.

Q What precipitated the move that night of all personnel to [REDACTED]

A I wasn't involved in that specific conversation. My understanding is it was a conversation that occurred between the DCM, [REDACTED]

[REDACTED]

Greg Hicks, the senior guy on the ground in Tripoli, and the RSO. It was brought to my attention -- we did a huddle about 2 or 2:30 in the morning, and we had this conversation, and the decision was made to we are going to evac the Embassy, [REDACTED], which on one level, I was a little surprised, again, because I didn't know of any targeting specific information, but, on the other hand, it made sense. Given the chaotic situation, let's combine all the U.S. personnel in one location.

Q Can you readily transfer your communication capabilities [REDACTED] or was there some there that you could rely on?

A So, no, and part of the evacuation process was to destroy all classified material, which included the hard drives for the computers we were using to communicate.

Q Who was part of the destruction team? Who comprised that --

A It would have been the Embassy communications officer.

Q Does that include your SIPRNet and your communications devices?

A We were using State Department communications devices, so once that decision was made, that was --

Ms. Clarke. Quickly, you said part of the evacuation included destroying the comms equipment. [REDACTED] how were you able to communicate with the AFRICOM JOC?

Colonel [REDACTED] Mostly, during the night, it was cell phone.

BY MR. TOLAR:

[REDACTED]

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Q Any part during the evening, do you recall a discussion about the FAST team, whether it was a request for a FAST platoon -- well, first of all, do you recall a discussion about a request for a FAST platoon coming to Tripoli?

A I don't recall a specific conversation about a FAST platoon coming to Tripoli. My assessment was it had either been a resource that was pushed down from higher and where that conversation came from, whether it was between the DCM and State Main or whether these were decisions made in Washington, I am not sure. I can't remember exactly when I found out that we were trying to deploy a FAST platoon. It was probably some time either just prior to or just after the evacuation

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Q Had you had any previous experience with FAST platoons?

A Limited, yes.

Q At any point that evening, did you become aware -- obviously, at some point that evening, you became aware that a FAST platoon was being deployed, correct?

A Yes.

Q Were you aware that that FAST platoon, that there was an issue as to what outfit the FAST platoon would be wearing when they arrived in Tripoli?

A I became aware that that was a discussion later on that morning after we had gotten the dead and the injured back from Tripoli, and we were focusing -- we were focusing on a lot of things in parallel, but it was some time mid-morning on the 12th that I was aware that there

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was a conversation about uniform, no uniform.

Q What else do you recall about that conversation, and who did you have it with?

A So the recommendation from the Embassy, was that, if possible, the Marines come in in civilian clothes. So that was the conversation that DCM Greg Hicks and I had. I remember having a subsequent conversation -- I believe it was with Admiral Leidig; I am not sure -- about what they should wear. At the end of the day, it as going back and forth between uniform and no uniform, and a decision was finally made to go with civilian clothes. That would have been easier for me on my end in receiving them Tripoli for a couple of reasons. One, it would look less like an invasion in some ways. And then others, for the immigrations and customs processes, it was easier to have them come off -- they could have their weapons, everything they needed, but it was easier for them to be in civilian clothes.

Q From the State Department, from Embassy Tripoli, was that a directive you be in civilian clothes, or was it, if you can, be in civilian clothes?

A It was somewhere in between. It wasn't as light as "if you can." It was: Hey, your presence is you come off the aircraft in civilian clothes. And, ultimately, that is what they came off the aircraft in.

Q Was there any discussion initially about whether or not they could travel with personal weapons on their person?

A I don't remember that conversation, but it was always

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understood or at least I always understood, and I am pretty sure I relayed to the country team that if we are bringing in a FAST platoon, it is going to have weapons. It is probably going to have a side arm and a long gun.

Q When the FAST platoon arrived and commenced to do their duties, did you have any role in that, or was that more of an RSO?

A It was more of an RSO. I made sure that the FAST platoon commander was latched up with the RSO and made sure that they crossfertilized information in terms of what security they wanted and how to proceed.

Q And going back to the operations center that night in terms of your role, having read what you previously said coupled with what you said today, it kind of sounds to me like you were the center of the universe that night. Is that fair?

A No, that is not fair. That ops center was the enter of the universe.

Q Yeah.

A But I think what would be fair is a lot of people were trying to figure out what was going on. I would put the RSO, or myself, ██████████ ██████████ like I mentioned, I think we were kind of the group with the most contacts.

Q Got it.

A And then the DCM was focused as well.

Q Were you monitoring or tracking in any way the movement of the assets that have been tasked to respond by DOD?

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[REDACTED]

A I was not tracking those movements in any detailed fashion.

By "assets," you are -- like --

Q The CIF, the FAST, [REDACTED]

A No.

Q Have you had any experience working with the CIF?

A I had some experience working with CIFs, yes.

Q Do you have an appreciation of what their requirements are in conjunction with [REDACTED]

A No specificity [REDACTED]

Q At any point during the evening, did you back aware that the FAST team was sitting on the tarmac waiting on lift?

A No.

Q At any point in the evening, did you become aware that the CIF was sitting on the tarmac waiting on lift?

A No.

[Discussion off the record.]

Colonel [REDACTED] You asked earlier about communications and how I was talking, especially once we got [REDACTED] So we were falling in [REDACTED] My understanding is their communications infrastructure remained in place throughout. Those aren't systems that I have access to. I just want to clarify that.

Again, I don't know their reporting chains. I do know the chief of station was, again, like all of us, busy, both reaching out to host nation and communicating with their leadership.

[REDACTED]

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BY MR. TOLAR:

Q General Dunford recently indicated we were in talks with Libya about possibly maybe providing some military personnel to advise and assist in the activities over there now. Given your experience, do you have any thoughts about what kind of role we might be able to play with that regard?

A So I left Libya in 2013. In the short period of time I was there, things just changed so rapidly. I would have to kind of go back and figure out where we are and what the situation is like on the ground before I could give any kind of educated answer.

Q Is there anything else that you can think of that you think the committee should know or would be helpful at all in order to just assure that we have a complete understanding of what happened that night?

A There is one point I would like to drive home. Again, this is from my perspective on the ground. I feel like some people have the impression that from -- what was is it -- 2142 or 2145, that this was a running fight or battle until the subsequent mortar attack at 05. My perspective, the enemy actions on the objective at the temporary mission facility were pretty quick. So if you are looking at 2150, let's say maybe a little earlier, and they are on the compound, 30, 40 months later, that main group is either rescinded or is gone. Then have you looters who come in subsequently, but for us, it was very much a: Okay. They have got accountability, except for the Ambassador. And They have made the move. And granted, that move

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was under -- they took fire en route out, but they consolidated in their annex in Benghazi.

My recollection serves -- if my recollection serves correctly, it was close to 11 o'clock at night, maybe even earlier, they made that move over to the Annex. And then, at that point, it was a case of getting people to Benghazi, trying to get them out, and getting the team that eventually ended up at the airport in Benghazi to get to the compound. But for a long period of time there, not only -- for a long period of time we were focused on those other missions. We have got a medevac on our hands. We are going to bring in the FAST platoon. We have go to evacuate the Embassy. And I am sure you can appreciate that is not a simple maneuver. And then, again, like I said earlier, how do we facilitate that response team once it got to Benghazi? That was a whole lot of time and effort to help facilitate them, and it didn't go quickly, unfortunately, to the Annex in Benghazi.

A long way of saying it was one incident early in the evening, and then, 6, 7, 8 hours later, there was another incident, which might have lasted minutes.

Q Were you ever -- did you ever have an opportunity to talk to either [REDACTED] personnel that were leading the team Tripoli response when they were on the ground in Benghazi?

A Yes.

Q How many times did you speak with them?

A I would say I spoke to them four or so times in the course of the evening.

Q Were you talking to the -- off the record.

[Discussion off the record.]

BY MR. TOLAR:

Q So you spoke to -- you had four or five conversations with [REDACTED] personnel on the ground in Benghazi. And did you speak to the senior person or the junior person?

A The senior person.

Q Every time?

A Every time.

Q What was the nature of the discussions?

A The nature of the discussions were principally twofold. One, what is your assessment of the situation on the ground? But, more importantly, it was we were having a conversation about how we were both trying to get the response team to the Annex in Benghazi. So they had previous contacts. I had contexts both at the airfield. We talked about that. I had a Libyan contact who ran the ops center at the airfield who was helpful, ensuring that aircraft arrived. But those were the nature of the conversations and then situational updates.

Q Were you monitoring or did you have access to the Predator feed, either of the Predators that were over Benghazi?

A I did not.

Q Did the ops center?

A No.

Q [REDACTED]

A I do not know.

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Q At any point in the evening, other than the team Tripoli that went to Benghazi, was there ever any discussion about any other entity, units, et cetera, traveling to Benghazi for any reason?

A Not to my recollection.

Q And then this is the last thing, but I want you to talk to me about the missing Ambassador. There is an ambassador missing. Walk me through kind of where your head was on that, how you fleshed out how to find him, anything and everything associated with that per se. So there is a ambassador missing. Just focus on the Ambassador and walk me through that chain of events.

A So the Ambassador missing, we knew the Ambassador was last accounted for at his villa in the TMF. From that villa, they recovered, unfortunately, the I believe it was Sean -- the State Department communications officers who was killed. The decision is made by the QRF to evacuate the compound, the TMF.

Q What is the QRF?

A Sorry. The quick reaction force that came from the Annex Benghazi to the temporary mission facility Benghazi. That, despite not having accountability for the Ambassador, the need is to move out and go consolidate at Annex Benghazi. So that was the moment we have got everyone accounted for. Unfortunately, one JIA, and then we have injured. And then the only person not accounted for is the Ambassador at that point. So, in conversations -- the reaction force comes from Tripoli up to Benghazi. In my conversations with the ██████████, that was one thing we talked about trying to get accountability or find

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out where the Ambassador may be. At that point, subsequent to that, we are getting -- hearing he might be in the hospital; he might be in this location.

Q I apologize, but with more specificity, talk about what sources provided you that information, to the extent that you can.

A I don't have much more specificity. It didn't come from any of my military or security contacts. My sense is it came from some of the State Department officers' contacts. It may have come from ██████████ ██████████ on the ground. But I do know that, during that period, as they waited at the airport in Benghazi to get the military or the security escort to the Annex Benghazi, there were perpetual trying to figure out what was going on. It wasn't until subsequent when they removed from Annex Benghazi back to the airport later that morning that the body arrived at the airport.

Q Throughout the course of the evening, is it fair to say that you received conflicting reports about either the Ambassador's condition and/or location?

A Yes.

Q Did that continue throughout the course of the night, or did, at some point, it stabilize at any point in your mind?

A In my mind, it continued throughout the night until we got confirmation that the Ambassador's body was at the airport. So when I say there was confusion in the context with whom I spoke with -- and you have got to understand I think the Arabic culture here a little bit as well -- is I heard from Libyan contacts that: No, he is okay.

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We have had a meeting. We have discussed it. Ambassador Stevens is okay.

But I had no conviction, and it was clear to me that they were just saying that because they wanted it to be true versus it was true.

Q I want you to expand upon the Arabic culture concept there a little bit, please, just for background.

A So I think twofold comes into place. Okay. My principle interlocutor on this specific conversation was General El Hasi. He referenced a meeting that the leadership of the Libyan Government held that evening I think some time after midnight, a crisis meeting, if you will, to include the President. From that, he said that they had information that the Ambassador was okay, not further defined. I asked General El Hasi, have you personally spoken to the Ambassador? Can you personally tell me he is okay? No, but we are sure he is okay.

Back to your original question, in a situation where they don't know or they fear the worst-case scenario, and they understand at least to some extent the implications of the U.S. Ambassador being killed, I could clearly see them hoping that the Ambassador wasn't killed or that he was okay and conveying it in those terms until they had proof otherwise.

Q Subsequent to the attacks, did you ever gain any additional understanding about the mortar attacks? Any other details other than the fact that they landed on the rooftop?

A So I didn't learn about those mortar attacks until -- it may have actually been after the team got back on the ground. Because

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[REDACTED]

if you remember, we had already broken -- we left the Embassy in Tripoli [REDACTED] So, yes, I learned more about that mortar attack subsequent to it, later on after the 12th.

Q At some point, all the personnel arrived in Tripoli and are transported back up to Germany, correct?

A Correct. A portion of whom went to the hospital.

Q Once everybody is out of Libya per se, what are you doing now? What is your focus, aside from getting sleep?

A So not everyone left; we are minimum manning, if you will. But we did evacuate a number of people. So, once that's the case, we stayed at the compound, [REDACTED] in Tripoli for a couple of days.

In the meanwhile, the FAST platoon with the RSO is going back, making security upgrades to the villa compound. The decision is made to collapse and no longer use the chief of mission residence. If you remember earlier, that was kind of the office space. Everything's going to be done on the villa compound.

I think it was about 2 days later we go back to the villa compound. And that point, to the extent that we can, we try and continue to function as a U.S. Embassy with the priority being security and engaging with the host nation government.

Q Are you familiar with the term operation Jukebox Lotus?

A I am not familiar with that term.

Q What was your understanding of what DOD was doing in the subsequent days of the attack in Libya?

A What DOD was doing?

[REDACTED]

Q Were they looking for bad guys? Were they looking for attackers?

A Oh, okay. I think I understand.

The transition from the 1208 program after Benghazi, it was the transition to go after, to identify, to target the attackers from Benghazi. I don't know if that was the call -- the name of it, but -- I don't know how those authorities got changed. I don't know if under the -- you already had an authorization in place. I don't know if it was just a retasking [REDACTED]

Q When [REDACTED] arrived, what requirements were levied upon you in terms of communicating with the government of Libya in terms of getting permissions, approvals, et cetera, for them to do what they were doing?

A Those approvals and authorities were already in place by the time I arrived.

Mr. Tolar. Let's go off the record.

[Discussion off the record.]

[Recess.]

EXAMINATION

BY MS. GREEN:

Q It is 12:10. I would say we have a little less than an hour of questions for you, Colonel [REDACTED]. Again, on behalf of Congressman Elijah Cummings, our ranking member and the other Democrats on the staff, on the committee, we appreciate you being here. This is now the eighth congressional investigation for the Benghazi attacks,

and we hope it is the last one. I am going to focus my questions on, basically, from the time you came back to Tripoli and, I believe, September 9th through the night of the attacks.

A Okay.

Q So when you returned to Tripoli on or about September 9th, 2012, did you already know that the Ambassador was planning a trip to Benghazi?

A No.

Q When did you learn that he was traveling to Benghazi?

A I learned shortly after I came back; it was either the 9th or the 10th. The only interaction I had with the Ambassador prior to his departure, it was that morning when he was going to his vehicle, if I remember correctly. And what I wanted to do is I had to set up a time at some point when he was to come back to discuss my visit with the Libyan air chief.

Q Did you have any concerns about the Ambassador traveling to Libya -- to Benghazi, sorry?

A No, I didn't have any specific concerns at that point.

Q No concerns, given that he would be in Benghazi on September 11th?

A No.

Q Do you recall being aware of any specific reports of imminent threats to U.S. facilities or persons in Benghazi?

A Not specifically related to September 11th. I would kind of go back and then say that the threat security vector, it was known

that Libya definitely had security challenges throughout the country. I believe it was August timeframe. The Ambassador, upon the RSO's recommendation and guidance, had previously canceled or deferred a trip to Benghazi.

Q But that didn't happen on this trip?

A He went on the trip, correct. I have no -- I cannot speak to the days or the week or so leading up to it what the conversations were.

Q Are you aware whether anyone recommended that he not travel to Benghazi?

A I am not at all aware of anyone not recommending it.

Q On the night of September 11th, once you learned of the attack, you mentioned you gathered all the military folks around and sort of set out who were the communications channels. Is that right?

A That is correct.

Q Throughout the night, you were in regular communications with AFRICOM. Is that correct?

A Yes, principally, through Lieutenant Colonel [REDACTED]

Q Do you recall anyone ever indicating that folks on the ground in Tripoli should not respond to Benghazi or if they should slow the response in any way?

A No. I have no recollection of either not or slowing any type of response.

Q Is it your sense that you and your military colleagues, as well as folks with the State Department and the CIA were all doing what

they could to respond to the crisis in Benghazi?

A Yes.

Q Did you get the sense that AFRICOM's General Leidig and others at AFRICOM's headquarters were doing everything that they could to respond?

A Yes.

Q How soon after the attacks did you learn about the availability of the Libyan C-130?

A I don't remember exactly when I learned about the availability. I, of course, knew they had a C-130. I didn't know where it was --

Q Okay.

A 00 or what capacity.

Q Did you know right away that you would likely use to if exfil folks from Benghazi back to Tripoli?

A Not right away, but it became -- kind of like we talked about earlier -- within the first few hours, it became clear that we -- whatever air assets we could get to evacuate wounded and dead back to Tripoli we would need.

Q You explained in the last couple of hours that, on the night of the attacks, there seemed to be two sort of distinct events separated by 5 to 7 hours. Is that a fair assessment of what you said?

A That is a fair assessment. The actions that initially took place at the temporary mission facility, that was the initial crisis, and we were dealing with that.

Ms. Cohen. Was there any discussion after the events about these two attacks, about the nature, any kind of military analysis about the types of attacks they were, the nature of it. And you said, in between, there was a meeting about preparedness or --

Colonel [REDACTED] Certainly, in the weeks following, there was -- basically, the only thing we ended up talking about was that evening, as we all tried to figure out what happened, whether it was with -- and, usually, it was a conversation with the State Department folks, the Agency folks, DOD, as well as the FBI, specifically as the FBI investigation started to ramp up.

BY MS. GREEN:

Q You also mentioned that you had spoken with the senior person from DOD on team Tripoli on the night of the attacks. Was it your sense in those conversations that the team would try to exfil some of the personnel that consolidated the Annex?

A Yes. We knew at least a portion had -- it wasn't clear that everyone had to exfil.

Q Right. Non-essential personnel, perhaps?

A Non-essential personnel, perhaps. And, again, that was part of: Go up and assess this situation and give us your recommendation, and so we can help inform decisionmakers and move forward.

Q You may or may not be aware, but since the attacks, over the last 3-1/5 years, there have been a lot of criticisms of the U.S. military for not sending in strike aircraft or not arming a drone and

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sending it into Benghazi, aside from the myriad of explanations by General Ham and others of why that would not have been a good idea. Would the two ██████████ gentlemen be able to serve as JTACs on the night of the attack?

A I don't know exactly. I don't know if they had the communications required to talk to an aircraft. Ultimately, I don't know what -- let me stop there, was that a specific question, could they have talked to an aircraft?

Q Could they have served as a JTAC?

A I, again, I don't know if they had the communications. I don't know if they were trained, recently trained. Presumably ██████████ ██████████ are pretty well trained, but I don't know.

Q There was some discussion in the last hour about the Marine FAST platoons having to change clothes and some conversation about which uniform they would wear. Did that stem from the Libyan Government? Was that a request from the government to the Embassy?

A No, that was not a request from the Libyan Government, to my knowledge.

Q Did the -- how did that transpire when the FAST arrived the next day? Can you just sort of talk through that? When they arrived, was there transportation for them? Did that take some coordination?

A Yes, I can describe that in detail. There was a lot of coordination.

Q The --

A So the aircrafts arrived. They arrived after the medevac

██████████

[REDACTED]

aircraft had landed and departed. And the FAST platoon comes in, I think according to the timeline that I have, some time around 9 p.m. on the 12th. They've got two aircrafts, two birds, full of equipment. We had all the vehicles lined up, local transportation, trucks prepared to receive them. We had the immigrations and customs prepared. We were working with -- and this is another kind of possibly interesting contextual comment, the government of Libya didn't control the airport. The Zantani militia controlled the airport. So we were working with the Zantani militias to make sure everything was straight. There were some government officials there, some police, but the main power and the organization that controlled the airport was a militia, so we worked with them. And then spent -- of course Murphy's Law, one of the K-loaders, which helps facilitate off-loading aircraft was broken. So they manually off-loaded an aircraft and then transferred all that equipment, weapons and ammunitions, onto the vehicles, made the movement to the compound. We all moved to [REDACTED] compound. At that point, we discussed, latched up the RSO with the FAST company commander, and then they started immediately to execute priorities of work in terms of security there [REDACTED]

Q To your knowledge, then, was the issue of which uniform the Marines wore, did that impact their ability to carry out their mission once they got to Tripoli?

A No.

Q One of the criticisms that has been levied against the U.S. military is that it failed to deploy assets on the night of the attacks

[REDACTED]

that could have saved lives. Is it your sense that the U.S. military was doing everything it could to respond that night?

A It is my sense that the U.S. military did everything it could do that night.

Q Did anyone ever tell you to stand down or slow down your response?

A No.

Q Did anyone ever express a desire not to do everything possible to help Americans?

A No.

Q Was it your sense that personnel from across -- not only the U.S. military but the interagency were engaged and responsive on the night of the attacks?

A Yes. My sense was everyone was engaged. No one took this lightly. No one was dismissive, from my perspective. Whatever organization or agency you came from, you were working hard, and everyone understood the gravity, severity, and urgency of the situation.

Q Including the Libyan Government?

A Including the Libyan Government with the caveats I gave in terms of the Libyan's Government ability to effect much.

I would like to talk briefly -- and Mac, I didn't bring it up when we discussed, as part of the task organization and who is talking to whom -- early on, once received notification about 2145 timeframe of the attack, I did have the warrant officer reach out to other attaches,

specifically the Brits and the French, possibly also the Italians, because I knew they either had recently or still had a presence up there. So I wanted to give them a heads-up and then get a sense if they had anything that they could contribute to help our situation in Benghazi. It turns out they didn't.

BY MS. COHEN:

Q I have a few questions about your relationship with [REDACTED] and your collection to the degree it relates to regional situational awareness, et cetera, and just the daily how much exchange there was of information and understanding what was going on, the big picture in Libya and Libya within the region.

First of all, are you an Arabic speaker?

A I am a student of Arabic. Some days are better than others.

Q Did you have a linguist in the office, in the DAO office?

A We did not. We had two locally engaged staff, one of whom I would use occasionally. And then sometimes I would use the Embassy interpreter when needed. But mostly, my level of proficiency was good enough to have meetings on my own. Those meetings would be part English, part Arabic.

Q And I know you had -- there was a little out of the ordinary on the 11th because you were catching up from having being to the United States. But were you away through any source in the Embassy and your office, were you aware of what was going on in the region on that date or in Cairo specifically?

A So, yes. I mean, we knew about the film like we

learned -- alluded to earlier. Again, this wasn't the only film we had ever heard about. This wasn't the only cartoons for instance that denigrated the Prophet. So, yes, generally aware of those. No real detail, but yes.

Q But that demonstrations were going on around --

A Correct.

Q There was a little instability around the region over --

A Yes, that is a fair characterization. Yes, I was I wear of those.

Q

A Yes.

Q And did you coordinate that information with -- because you were talking about the country team, and then there is sometimes a modified country team [REDACTED] Were you all working, like before, from the time you arrived, did you have -- see good relationships and information sharing in the Embassy about these kinds of issues, the security, the threats, and other relevant topics?

A I would say yes. So we had regular meetings. In addition to country team meetings, we would have weekly meetings at [REDACTED] [REDACTED] to specifically discuss threat and security situations. I would sometimes accompany the Ambassador, who would go [REDACTED] [REDACTED] to read the read book, which is generally all the latest intelligence provided by the Agency about -- it could be regional or specific threats or other security or even other intelligence

[REDACTED]

information the Ambassador would be need to be aware of.

Q Because when I talk about concerns and planning and your assessment to the situation, it is based on also the reading the all-source reporting from DIA and CIA and NSA about the region and about -- [REDACTED]

A Yes.

Q And on that evening, you were talking about parallel -- you spent a lot of time talking about the AFRICOM communication, [REDACTED]

A Uh-huh.

Q And what was the difference in nature of that communication, what were the topics of interest [REDACTED]

A So, in terms of content, there wasn't a lot of difference. But from our -- my perspective at the time. The primary conduct was going to be -- was AFRICOM and to makes sure that they had that -- like, for reference, I had a warrant officer who was on the computer on our SIPR or secure comms, because it is important too to make sure it gets out and it is not just verbal over the phone, but that was kind of secondary. I would periodically call maybe once or twice [REDACTED]

[REDACTED]: Listen, just want to give you an update. Are you getting the messages that the warrant officer is pushing out? But the primary focus was AFRICOM JOC and pushing communications that way. Is that clear?

Q Uh-huh. [REDACTED]

[REDACTED]

[REDACTED]

A My presumption is yes. [REDACTED]

[REDACTED]

I would also like to take that -- when the warrant officer was writing emails, it wasn't just point to point to someone in DAO's -- I don't know exactly who was on the dissemination list, but most likely it was a lot of intelligence representatives from the different organizations, likely AFRICOM and possibly Joint Staff.

Q So it was following the standard procedures reporting in a crisis, disseminating in a crisis?

A Yes, crisis reporting procedures, yes.

Ms. Green. Do you recall ever expressing any disagreement about what you saw in those assessments [REDACTED]

Colonel [REDACTED] I do not recall.

Ms. Cohen. Just as we were talking about the other elements doing everything they could. From your standpoint of watching the station interacting with the COS [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Colonel [REDACTED] I didn't see anything outside normal -- again, I just saw everyone doing the utmost that they could to try and assist fellow Americans in Benghazi.

[REDACTED]

Ms. Cohen. And did you ever see anything that indicated to you, whether reading intelligence or assessments, intelligence or anything else, any sign of politicization or anything that looked outside the norm of the havoc and contradictory and confused, you know, 24 to 48 to 72 hours after a crisis situation.

[12:34 p.m.]

Colonel [REDACTED] Can you repeat that, ma'am?

BY MS. COHEN:

Q Yeah. [REDACTED]

[REDACTED] is it your experience that it takes time to develop and find out what happened and that sometimes initial reporting can be contradictory and tentative?

A Yes.

Q And that you and your staff, [REDACTED] [REDACTED] were working to identify the gaps, fill the gaps, and working with your colleagues in Washington to establish what happened?

A Yes. So we on the ground -- and I'm not privy to agency reporting or channels -- sometimes I'll get it after it's been analyzed and finished intelligence -- but, no, my sense is everyone at U.S. Embassy Tripoli was trying to accurately portray the facts on the ground as we understood them, as confusing as they could be at times, [REDACTED]

Q And through your experience, did you see Washington being receptive to that and trying to work with the field to use all available information to ascertain what happened?

A The organizations that I worked with, certainly.

Q Colonel, one more, just one more I forgot to say. You were talking before about the importance of the mission, and looking back at it, can you just describe from your perspective, working with this,

with the post-revolutionary Libyan military and the others to establish institutions, can you just describe the importance of the mission to you and why we would need a presence in Tripoli, why, to the extent you can discuss, why we would need a presence in Benghazi?

A I think ultimately it was in the U.S. interest to assist the Libyan Government stand up, take control of the country in all facets, whether it's security, which I think, as we all can appreciate, is probably one of the first things and foremost things you need to get done, but it was also economically help them stand up, politically help them stand up.

I think one thing that we may have underestimated was the devastation to the state mechanism and institution that Qadhafi had wreaked over his 40 years on the Libyan people and the Government of Libya, which, frankly, there was probably no such thing.

I can also stress Ambassador Stevens was -- he was not just the Ambassador to Tripoli, right, so he was the Ambassador to Libya. And I think one thing that he felt was important as the U.S. Ambassador to this nation that was trying to get on its feet post-revolution after, you know, going through the PTSD which is post-Qadhafi was to be in more than one location, and that being Tripoli. So I think that was part of the driver for him to go to Benghazi.

Mr. Cohen. Thank you very much.

BY MS. GREEN:

Q I'm just curious, Colonel [REDACTED] where were you serving in 2011 during the revolution and the NATO operations?

[REDACTED]

A I was in Morocco as the Army attache from 2009 to 2012.

Q Do you recall being aware of the intelligence at the time related to the threat Qadhafi posed to his own people?

A Can you be more specific?

Q Well, the driving force for the NATO operation was that Qadhafi was threatening to slaughter his own people. Were you aware of that intelligence and sort of the --

A Broadly aware of it. Was I focused on it? No.

Q You mentioned to my colleague something, that the confusion on the night of the attacks was derived first and foremost from trying to understand what was going on at the TMF in Benghazi. Is that because of how quickly things unfolded on the ground there?

A I think it's a combination of how quickly things unfolded and then the scale and the violence of the attack.

Q This is now, as I mentioned earlier, the 8th congressional investigation into the Benghazi attacks. We are asking every witness a series of questions that continue to be investigated.

While anyone can speculate about the Benghazi attacks, only a limited universe of people have firsthand knowledge about what happened that night, including yourself. What I'm asking for now is not for your opinion, but just whether you have firsthand information about any of these questions. If you don't, we'll just move on to the next question, and if you do, we'll pursue that. There are about a dozen questions.

It has been alleged that Secretary of State Clinton intentionally

[REDACTED]

blocked military action on the night of the attacks. One Congressman has speculated that, quote, "Secretary Clinton told Leon Panetta to stand down," end quote, and this resulted in the Defense Department not sending more assets to help in Benghazi.

Do you have any evidence that Secretary of State Clinton ordered Secretary of Defense Panetta to stand down on the night of the attacks?

A No.

Q Do you have any evidence that Secretary of State Clinton issued any kind of order to Secretary of Defense Panetta on the night of the attacks?

A No.

Q It has been alleged that Secretary Clinton personally signed an April 2012 cable denying security to Libya. The Washington Post Fact Checker evaluated this claim and gave it four Pinocchios, its highest award for false claims.

Do you have any evidence that Secretary Clinton personally signed an April 2012 cable denying security resources to Libya?

A No.

Q Do you have any evidence that Secretary Clinton was personally involved in providing specific instruction on day-to-day security resources in Benghazi?

A No.

Q It has been alleged that Secretary Clinton misrepresented or fabricated intelligence on the risks posed by Qadhafi to his own people in order to garner support for military operations in Libya in

the spring of 2011.

Do you have any evidence that Secretary Clinton misrepresented or fabricated intelligence on the risks posed by Qadhafi to his own people in order to garner support for military operations in Libya in the spring of 2011?

A No.

Q It has been alleged that the U.S. Mission in Benghazi included transferring weapons to Syrian rebels or to other countries. A bipartisan report issued by the House Permanent Select Committee on Intelligence found that, quote, "The CIA was not collecting and shipping arms from Libya to Syria," end quote, and that it found no support for this allegation.

Do you have any evidence to contradict the House Intelligence Committee's bipartisan report finding that the CIA was not shipping arms from Libya to Syria?

A No.

Q Do you have any evidence that the U.S. facilities in Benghazi were being used to facilitate weapons transfers from Libya to Syria or to any other foreign country?

A No.

Q A team of CIA security personnel was temporarily delayed from departing the Annex to assist the Special Mission Compound, and there have been a number of allegations about the cause of and the appropriateness of that delay. The House Intelligence Committee issued a bipartisan report concluding that the team was not ordered

to stand down, but that instead there were tactical disagreements on the ground over how soon to depart.

Do you have any evidence that would contradict the House Intelligence Committee's finding that there was no stand-down order to CIA personnel?

A No.

Q Putting aside whether you personally agree with the decision to delay temporarily or think it was the right decision, do you have any evidence that there was a bad or improper reason behind the temporary delay of the CIA security personnel who departed the Annex to assist the Special Mission Compound?

A No.

Q A concern has been raised by one individual that in the course of producing documents to the Accountability Review Board damaging documents may have been removed or scrubbed out of that production.

Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to the ARB?

A No.

Q Do you have any evidence that anyone at the State Department directed anyone else at the State Department to remove or scrub damaging documents from the materials that were provided to the ARB?

A No.

Q Let me ask the same question for documents provided to

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Congress. Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to Congress?

A No.

Q It has been alleged that CIA Deputy Director Michael Morell altered unclassified talking points about the Benghazi attacks for political reasons and that he then misrepresented his actions when he told Congress that the CIA, quote, "faithfully performed our duties in accordance with the highest standards of objectivity and nonpartisanship," end quote.

Do you have any evidence that CIA Deputy Director Mike Morell gave false or intentionally misleading testimony to Congress about the Benghazi talking points?

A No.

Q Do you have any evidence that CIA Deputy Director Morell altered the talking points provided to Congress for political reasons?

A No.

Q It has been alleged that Ambassador Susan Rice made an intentional misrepresentation when she spoke on the Sunday talk shows about the Benghazi attacks.

Do you have any evidence that Ambassador Rice intentionally misrepresented facts about the Benghazi attacks on the Sunday talk shows?

A No.

Q It has been alleged that the President of the United States

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was, quote, "virtually AWOL as Commander in Chief," end quote, on the nights of the attacks and that he was missing in action.

Do you have any evidence to support the allegation that the President was virtually AWOL as Commander in Chief or missing in action on the night of the attacks?

A No.

Q It has been alleged that a team of four military personnel at Embassy Tripoli on the night of the attacks who were considering flying on the second plane to Benghazi were ordered by their superiors to stand down, meaning to cease all operations. Military officials have stated that those four individuals were instead ordered to remain in place in Tripoli to provide security and medical assistance in their current location.

A Republican staff report issued by the House Armed Services Committee found that, quote, "There was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi."

Do you have any evidence to contradict the conclusion of the House Armed Services Committee that there was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi?

A No.

Q It has been alleged that the military failed to deploy assets on the night of the attacks that would have saved lives. However, former Republican Congressman Howard "Buck" McKeon, the

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former chairman of the House Armed Services Committee, conducted a review of the attacks, after which he stated, quote, "Given where the troops were, how quickly the thing all happened, and how quickly it dissipated, we probably couldn't have done more than we did," end quote.

Do you have any evidence to contradict Congressman McKeon's conclusion?

A No.

Q Do you have any evidence that the Pentagon had military assets available to them on the night of the attacks that could have saved lives, but that the Pentagon leadership intentionally decided not to deploy them?

A No.

Mr. Green. Colonel ██████████ that concludes our questions. And we thank you for travelling all the way ██████████ to interview with the committee.

Mr. Tolar. Let's go off the record one minute, please.

[Discussion off the record.]

Mr. Tolar. Let's go back on the record, please.

BY MR. TOLAR:

Q Colonel, a few minutes ago you referred to a timeline before answering a question. Please describe for us what that document is.

A Yes. This is a timeline of Department of Defense actions on September 11 to 12, 2012.

Q Thank you.

Also, on the night of the attacks, I think you previously

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indicated you spoke with Admiral Leidig. Did you speak with anybody else in DOD that was senior in rank to you that night, and I mean the 11th, 12th?

A So I spoke to, as referenced earlier, [REDACTED] update them. They were senior to me in position. I also spoke with the OSD policy representative, who was an 06. At OSD, I was lieutenant colonel, 05, so he was senior to me in rank. But specifically reference AFRICOM, to my recollection, no. And for clarification, I spoke with Leidig the morning of the 12th. I don't recall talking to Leidig during the events at the TMF.

Q Did any of those folks you just mentioned give you any direct guidance or orders or make any specific requests?

A No.

Mr. Green. I would just like to ask one more question.

Mr. Tolar. Let me finish please.

BY MR. TOLAR:

Q You mentioned that you directed your watch officer to reach out to allies in Libya to see what capabilities they had. Again, would you list what those countries were?

A Yeah. So it was definitely the defense attache or the military adviser from the U.K. and from France. Also, I can't remember, possibly Italy as well.

Q Are you aware of any discussions that evening either that took place in Tripoli that you participated in or that anyone else took place at the OSD level about reaching out to other NATO allies to see

██████████

if they could support in any way?

A I'm not aware of any conversations. I did not have any.

Q General Flynn was here. He mentioned that there appeared to be a spike in social media on the day of the attack, evening of the attacks, or maybe the night before. Are you aware of that?

A No.

Q Have you ever learned of that since then?

A No. Subsequent to the attacks, there certainly was probably a spike. But, no, prior to, no.

Mr. Tolar. That's all I have. Thank you.

Ms. Green. Just one question, Colonel ██████████ You said you had received no orders or requests from your communications with AFRICOM, OSD, or DIA that night, to my colleagues, right?

Colonel ██████████ Yes.

Ms. Green. Did the lack of an order from any of those communications slow down your response or anyone else's response to the attacks in Benghazi?

Colonel ██████████ No, not in my professional opinion.

Mr. Green. We can go off the record.

[Discussion off the record.]

Mr. Tolar. Back on the record, please.

On behalf of the committee, I want to thank you for your service. I want to thank your wife and family for your service.

Twenty-something years of following you around the world is a big commitment, and we appreciate that and wish you the best of luck going

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forward. Thank you so much.

Colonel ██████████ Thank you.

Mr. Tolar. We're off the record.

[Whereupon, at 12:53 p.m., the interview was concluded.]

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**INTERVIEW OF
STEPHEN C. HEDGER**

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, JULY 14, 2016

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

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CARLTON DAVIS, *Investigator*

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ERIN O'BRIEN, *Minority Detailee*

FOR THE U.S. DEPARTMENT OF DEFENSE

WILLIAM HUDSON, *Office of the General Counsel*

EDWARD RICHARDS, *Office of the General Counsel*

Unclassified

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EXAMINATION

BY MR. DAVIS:

Q We will go on the record.

Thank you very much for being here with us today. You understand your obligation to tell the truth before the committee today?

A I do.

Q And is there any reason why you unable to provide truthful testimony today?

A There is not.

Q Can you please describe your current role within the Department of Defense?

A I am the Chief of Staff to the Deputy Secretary of Defense.

Q And how long have you been in that position?

A I've been in that position less than 2 weeks.

Q And prior to your role as Chief of Staff to the Deputy Secretary of Defense, what was your position in the Department?

A I was the Assistant Secretary of Defense for Legislative Affairs.

Q And when did you begin that role?

A I have performed the duties of that since I believe April of last year, but I'd have to come back to you with a precise date.

Q So approximately April of 2015?

A Correct. And for clarity, I was the principal deputy assistant secretary of defense for Legislative Affairs performing the duties of PDO, Assistant Secretary of Legislative Affairs.

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Q So the actual position for assistant secretary was vacant for a period of time?

A Correct. And I had been nominated to that position in summer of last year and confirmed by the Senate by unanimous consent, or voice vote, in October.

Q So prior to your position as Principal Deputy Assistant Secretary of Defense for Legislative Affairs, were you at the Department or were you elsewhere?

A I was elsewhere.

Q And where was?

A I was at the White House.

Q So your time at the Department began roughly April 2015?

A March or April.

Q And you were in the Legislative Affairs Office up until a couple of weeks ago?

A Correct.

Q Okay. Are you familiar with an individual by the name of Elizabeth George --

Mr. Hudson. Can I go off the record for a minute?

[Discussion off the record.]

Mr. Davis. Okay we can go back on the record. We'll go around and introduce ourselves briefly. I'm Carlton Davis. I work for the majority staff.

Ms. Clarke. Sheria Clarke, majority staff.

Mr. Richards. Edward Richards, DOD, Office of General Counsel.

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Mr. Hudson. Bill Hudson, Department of Defense, Office of the General Counsel.

Ms. O'Brien. Erin O'Brien with the minority staff.

Mr. Rebnord. Dan Rebnord with the minority staff.

Mr. Cohen. Linda Cohen, minority staff.

Mr. Green. Shannon Green, minority staff.

Ms. Sachsman Grooms. I'm Susanne Sachsman Grooms with the minority staff.

Mr. Desai. Ronak Desai with the minority.

Mr. Tolar. Mac Tolar with the majority staff.

Mr. Donesa. I'm Chris Donesa with the majority staff.

Mr. Davis. Is there anything in particular you would like to say?

Mr. Hedger. Sir, I just wanted to make a couple quick opening remarks.

Mr. Davis. Sure. I was going to ask the minority if they wanted to make any comments before turning it over to you.

Mr. Hedger. Sure perfect.

Mr. Davis. Is there anything you'd like to say?

Mr. Desai. We just want to thank you for your appearance here this afternoon, and we look forward to your testimony.

Mr. Hedger. Just very briefly I wanted to say I'm pleased to be here. I regret the circumstances and the terms of being here, but I'm rather pleased to be here. You may know I spent 10 years on the Hill as a staffer myself and deeply respect the work of the committee and the work of the investigatory committee in particular.

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And I'm really looking forward to talking about the substance of the letter, which I believe is the primary topic you all want to discuss, the letter that I sent on behalf of the Department. And I'll just say as a topper that I think we have had an overall constructive relationship with the committee. We're very proud of the support we have provided to the committee, extensive document production, extensive interviews facilitated, and I don't believe there is a single request of the committee that we did not fulfill, understanding that there's been some frustration with the timeline on which we were able to comply in some cases.

And with that, in the light of the fact that there's been particular interest in the resources we expended, I'd like counsel to read in a quick statement about what we did relative to finding some of the individuals that you all sought. So if Ed can go for it?

Mr. Richards. As discussed with committee staff, Mr. Hedger is here to answer questions regarding his correspondence to Chairman Gowdy of April 28, 2016. Prior to beginning, I would like to read a brief statement provided by the Air Force detailing its compliance efforts since the end of March 2016 when the committee made its initial request relating to remotely piloted aircraft sensor operators.

In April, the Air Force launched a search for the following information: four MC-130 pilots, the remotely piloted aircraft pilots and sensor operators operating over Benghazi the evening of September 11, 2012, and contact information for the then commander of the 86th Airlift Wing at Ramstein Air Base in Germany. A fourth item was to

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see if, quote, "John from Iowa" could be identified and located or his existence disproved. The search focused on identifying, locating, and gathering contact information and making available the pilot and sensor operators flying over Libya on September 11 to 12, 2012.

A senior executive service level civilian, SES, and the office of the assistant vice chief of staff of the Air Force, working with a colonel and another SES, in the Air Force Legislative Liaison Office, sent a classified request for information to the vice commanders, major generals 0-8s at headquarters Air Combat Command, headquarters Air Force Special Operations Command, and headquarters U.S. Air Forces Europe. Air Combat Command directed the RPA wing at Creech Air Force Base in Nevada to research the names, ranks, unit of assignment, locations and contact information initially just for pilots and sensor operators flying September 11, 2012, from 1800 to 2400 local Libya time, and then later for all pilots and sensor operators operating on September 11 to 12, 2012.

This data search covered aviation resource databases and crew logs, as well as the Air Force Personnel Locator System, to find service members who were no longer on active duty or had separated from the Air Force all together. Additionally this effort required coordination with two other RPA bases, Holloman and Beale, where certain identified personnel had transferred to. The search was concentrated at the tactical unit level, mostly at Creech, which has a 24/7 wartime mission for multiple combat air patrols across the world.

Through April 26, 2016, this search involved approximately 40

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persons and 300 man hours across the Air Force. In addition to the SESs at the Pentagon, major generals at three field headquarters and two colonels and a major in the Legislative Liaison Office. This effort involved wing commanders and vice commanders, 06s, at three bases, multiple 05 squadron commanders at those bases, as well as, numerous military and civilian support personnel who worked on the search and review of the records.

With respect to the RPA crews, the plan was to first obtain the crew information and then review it for any clues as to the possible identity of John from Iowa. Crew logs were reviewed to determine whether the identity of John could be ascertained. None of the existing mission or flight records clearly indicated such an individual. However, on May 24, 2016, in discussions with one of the two RPA pilots ultimately interviewed by the committee, the pilot indicated he thought he could identify John and that he made a phone call to that individual and confirmed his suspicion. The sensor operator in question was included in the list of names provided to the committee on May 20, 2016, and was immediately requested for an interview by committee staff.

When that sensor operator participated in a secure video teleconference with DOD and their staff personnel on June 2, 2016, in coordination for his interview with the committee on June 8, 2016, he was asked and confirmed that he, in fact, was John from Iowa. Thank you.

Mr. Davis. I assume you have copies to share with us. That would

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be helpful. Thank you. It's a lot to digest and we might need to go off the record for a few minutes while we examine it since it wasn't provided ahead of time. Where did this statement come from?

Mr. Richards. Air Force.

Mr. Davis. The Air Force. Anybody in particular in the Air Force provide this statement?

Mr. Richards. This came via the Air Force Office of General Counsel.

Ms. Sachsman Grooms. Is the statement classified or unclassified?

Mr. Richards. Unclassified.

BY MR. DAVIS:

Q So your duties as Assistant Secretary For Legislative Affairs, can you describe generally what that entails?

A Sure. It's an extraordinarily broad job. It entails being the representative for the senior leadership of the Department to the Hill on many issues, overseeing a staff that facilitates the interaction between the Department, particularly at the office of the Secretary of Defense, where my principal duties are assigned, facilitating interaction between OSD and the Hill on any number of issues, rounding from us presenting our budget and advocating for it to the Hill, to going through the Bill cycle with the national security committees, responding to inquiries, facilitating congressional delegations and travel, working in particular on congressional investigations, which is relevant to our meeting here today. Routine

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constituent-type inquiries that come into the Department from Members of Congress and U.S. Senators, facilitating those. Some of those go to the military departments. Some of those come to us at OSD.

An extraordinary wide array of responsibilities. Essentially if there is an interaction, a policy matter, an optic issue that involves the Department's priorities and some element of the Congress, it would reasonably potentially fall within my responsibilities.

Q So that's not a job that you can handle by yourself, everything that you discussed?

A Absolutely not.

Q How large an office do you, did you have?

A I don't remember. We probably have -- it's a mixture of civilian and uniformed military, and it is -- the OSD Legislative Affairs is probably -- well, it depends how technical you want to be -- we're probably 30. Then we have a whole bunch of attachments, and then we are responsible for coordinating across departments. So if you get into the Navy's Office of Legislative Affairs, Army's, they don't work for me per se, but --

Q So you're OSD Leg. Affairs?

A We are OSD Leg. Affairs, but we have responsibility for the Department's activities across the --

Q Roughly 30 people? I'm going to use the number 30, but plus or minutes, whatever it may be?

A I'd say 30 to 45 people, depending on how you count.

Q Sure. Every individual in that office is a DOD personnel,

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either civilian or uniform?

A Or contractor.

Q Or contractor. How many contractors are in the office?

A A small number.

Q A small number.

A I think we have three, to be quite frank. Again, if you're talking OSD legislators, I think we have three. Across the Leg. Affairs enterprise.

Q So the function of the contractors within the office, what are their general roles?

A I think we have a secretary, a congressional inquiry specialist, and another person who does administrative duties.

Q Are you familiar with a lady named Elizabeth George?

A I am.

Q Can you explain who she is, what her role is with the Department?

A She is the deputy general counsel for legislation, in the Office of Legislative Counsel.

Q And is she within your office?

A They are organizationally connected to us.

Q Can you describe what that means?

A They by direction of the Department operate within the office of the assistant secretary for Legislative Affairs.

Q So in terms of reporting structure, when she's interfacing with congressional entities, does she report to you, or does she report

up through a separate chain?

A She essentially has two reporting chains. One is through me as a formal op con. The other is through the general counsel's office.

Q Did she interface with our committee, to the best of my knowledge?

A I can't speculate, but I believe so.

Q You believe so. Why do you believe that is the case?

A She might have discussed the Department's support of the committee.

Q So when she interfaced with our committee, was she doing so at your direction? Or was she doing so through her other chain of command?

A I can't speculate. I don't know which specific instance you would be talking about, and I don't know all of her interactions.

Q Sure. Would she have any reason to interact with the committee through her other chain of command?

A Well, we couldn't call it a chain of command certainly in the civilian side.

Q Are there other reporting requirements?

A Ms. George has responsibilities in that role, and her office deals with congressional investigations, and it would be, whether I have directed her to do so, or she's just doing so in the course of her duties, it would be consistent for her to interact with Congress on investigations.

Q On our end, how would we be able to determine whether she was interfacing with us at your direction or whether she was doing it within her course of other duties? Is there any way for us to differentiate that?

A Ask.

Q So she's dual-hatted? Sometimes she's with you. Sometimes she's --

A No. She organizationally works for me, but she is the deputy general counsel in the Office of General Counsel. You're getting into a technical organizational matter. At the time that Secretary Gates followed up by Secretary Panetta and Secretary Hagel went through reorganizations of the Department, in an effort to optimize the organization of Legislative Affairs activities, the office of legislative counsel was -- and this is not the right term in the civilian side -- but essentially operationally assigned for control to the Office of Assistant Secretary of Defense for Legislative Affairs.

So they imbedded with us, which means they fall within our organization. However, they maintain their relationship to what is their natural bureaucracy. So she's still a deputy general counsel reporting for the general counsel of the Department as our staff.

I'll pass that exhibit 1, if you give it to your two counsels.

[Hedger Exhibit No. 1

Was marked for identification.]

BY MR. DAVIS:

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Q Do you recognize this document, exhibit 1?

A I do.

Q And do you need to take a minute to read it, or are you familiar with it?

A I'll take a minute to look at it.

Q So can you describe what this document is?

A This is a letter to Chairman Gowdy from the Department signed off by me.

Q Will you turn to page 3. There appears to be a signature, your signature at the bottom of this page. Did you sign this letter?

A I did.

Q You did?

A Yes.

Q Did you read this letter before you signed it?

A Absolutely.

Q Was everything in this letter accurate at the time you signed it?

A I believe everything in this letter remains accurate.

Q Did you draft this letter?

A I signed this letter.

Q Did you draft the letter?

A I am the person that -- the drafting process is complex across any number of letters. I signed the letter. I reviewed the letter and take responsibility for the letter.

Q Who was the principal author of the letter?

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A I am.

Q You're the principal officer?

A Let me clarify my statement. I'm the principal author in the sense that this letter bears my name and represents my views and understanding of the facts of the Department.

Q Did you sit down at a computer and type out this letter yourselves?

A I don't recollect whether I made edits or not, to be frank.

Q Do you know who the principal author of the letter was?

A I know that I signed the letter.

Q That's not what I'm asking. I'm asking who the principal author of the letter was?

A I think I don't know who the principal author was. A letter of this nature would typically, across the Department, touch multiple set of hands and reflect edits from multiple people.

Q What office would have taken the lead in drafting this letter?

A It would be different in different times.

Q What about in this time?

A I don't know.

Q So you don't know if your office took the lead on drafting the letter?

A I think the letter originated in Legislative Affairs.

Q Thank you. But you don't know who within your office took the lead on drafting the letter?

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A Again, you're asking me, under oath here, at least in a recorded fashion, who took the lead. I was not there when the letter was drafted.

Q So you do not know?

A As a pure technical matter, I do not know.

Q That's all you had to say. What other offices assisted in drafting this letter, in addition to your own?

A As a technical matter, I couldn't say for sure. Again, a letter of this nature will get coordinated, and so where precise edits may have occurred throughout the process before we called it final, I'd be speculating to say for sure which offices that was.

Q So what offices would have normally coordinated on a letter such as this one?

A On a letter such as this one, it would be Office of General Counsel and Policy, Joint Staff. But, again, I cannot say, I cannot remember which offices coordinate on this particular letter.

Q Do you know if Elizabeth George participated in the drafting of this letter?

A Do I know if she participated in the drafting?

Q Yes.

A I know that she saw the letter and discussed it me. I can't tell you whether she wrote parts of the letter.

Q Did you discuss this letter with her?

A Yes.

Q Did anybody outside of the Department of Defense review this

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letter before it was transmitted to Congress?

A Not to my knowledge.

Q Okay. What steps did you take to verify the accuracy of the contents of the letter?

A You know, I sign on any number of letters on behalf of the Department, as I said. My responsibilities are broad. In many cases it's formally communicating on behalf of the Department to the Congress. And I have no reason to question the content of the letter. To my reading of the letter, everything that was in it I was comfortable with. It had been consistent with conversations or information I had been exposed to across the tenure of our time responding on committee issues in terms of being responsive to your committee, and so I was comfortable with the content.

Q Did you discuss this letter with anybody outside the Department prior to its transmittal to Congress?

A Not a single person, no.

Q Do you know if anybody in your office did?

A Discuss it with someone outside the Department?

Q Yes.

A I wouldn't be able to know.

Q Was it your idea to send this letter?

A I don't remember who had the idea. I was certainly concerned and shared concerns of our staff that our interactions with the committee, the nature of the requests we were receiving from the committee, the nature of the processes and types of questions that were

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being posed to our departmental witnesses were problematic, but I don't remember the origination.

Q Did you ever have any discussions with anybody either in person or over email of the fact that this letter may be released publicly?

A No, never. I don't believe I ever did.

Q Okay. Let's take a look at this letter. We're going to discuss a couple areas in particular. I want to direct your attention to the first page, first paragraph, I believe it's the third sentence.

A Can we go back real quick. I just want to say what I don't remember relative to it being released is whether I ever speculated that you all might make it public. It would have been routine for me to have concerns that the committee would make it public.

Q When you talk about the committee, who are you referring to in particular?

A You.

Q Carlton Davis?

A No. The committee majority.

Q The committee majority?

A Yes, or the committee minority. The committee staff, the committee members. This is a frequent experience we have with our correspondences, is that once we send something, it becomes public, not of our control, and I oftentimes remind people in the building that when we send correspondence, hey, this may become public.

Q Do you know if you made a reminder to anybody in your

building on this particular letter?

A I have absolutely no recollection. I'm just telling you what would have been routine in the course of my duties.

Q So I want to direct your attention to the first page, the third paragraph, I believe it is the third sentence in the third paragraph. I'll just read it for you.

A I'm sorry. Can you say again?

Q Sure. Bottom paragraph of the page you're looking at, and I believe it's the third full sentence. It says, perhaps because of this conflict, the committee's requests are accompanied by unrealistic timelines to the Department to identify the correct service members who are often only identified by position, locate them if deployed or retired, and schedule interviews, which in some cases require them to return from overseas. Do you see that?

A I do.

Q Are you aware of anybody returning from overseas specifically to talk with the committee?

A Off the top of my head, I'm not.

Q Do you know if that's the case?

A Again, off the top of my head, I don't know.

Q Isn't it true that the committee explicitly told your office that we did not want anybody to return from overseas to talk with our --

A You have never told me that, nor has anyone from the committee. If you've communicated that to others, it's possible.

Q I didn't say you. I said tell your staff. Are you aware

of the committee telling your staff that, in fact, we did not want that to be the case?

A I am not aware of that.

Q And you have no examples where somebody returned from overseas to speak specifically to the committee?

My question is, you write, which in some cases required them to return from overseas. I'm just asking you which cases you're referring to?

A Again, I don't have a case that I'm prepared to talk about today.

Q Why does it say which in some cases required them to return from overseas if there are no cases that you can point to?

A I think I've already represented that in the normal course of my duties, I communicate on behalf of the Department. I reviewed the letter --

Q It's your letter, right?

A Correct.

Q So why did you write, which in some cases required them to return from overseas, if you are unable to cite to any individuals that returned from overseas to speak with the committee?

A If you'd let me finish the answer. As I said, I regularly communicate on behalf of the Department, any number of issues, all across a wide expanse of issues. It would not be practical for me in the course of my duties to audit each letter, and I had no reason to believe based off extensive work I had done with people who had worked

on these, that anything in this letter was inaccurate.

Q Do you know if this is accurate, which in some cases required them to return from overseas? Do you know if that's accurate or not?

A I have no reason to believe it's inaccurate.

Q But you don't know if it is accurate?

A I have no reason to believe it's inaccurate.

Q So it could be inaccurate?

A I have not reason to believe it's inaccurate.

Q Which allows the possibility that it could be inaccurate?

A Don't put words in my mouth, please.

Q I'm not putting words in your mouth. I'm just asking you a question.

Mr. Richards. You've asked and he's answered the question, Carlton.

BY MR. DAVIS:

Q Okay. So the bottom line is, you have no idea whether this is accurate or not. You just don't believe it is inaccurate?

A Respectfully, I have every reason to believe the statement is accurate.

Q But you cannot provide any examples to prove its accuracy?

A Again, in the normal course of my duties as the Assistant Secretary of Defense of Legislative Affairs, I send correspondence, sign correspondence, on behalf of the Department.

Q So what you're saying is you didn't write this sentence. Somebody else wrote this sentence, and you just believed that this

sentence was accurate without verifying it?

A I actually don't recollect if I wrote the sentence or not, so I can't tell you whether I did or someone else did. I do not remember.

Q Okay. I want to flip the page, go to the top of page 2. First paragraph on page 2, the last sentence, it says, the Department has spent millions of dollars on Benghazi-specific congressional compliance, including reviews by four other committees, which have diligently reviewed the military's response in particular. Do you see that?

A I do.

Q What were the other four committees you were referring to in this sentence?

A I don't want to get myself caught in a quiz here, but the Armed Services -- well, I can't list them off the top of my head.

Q So you knew that you were coming today to talk about this letter, but you're unprepared to talk about the four committees that you discussed in this letter?

A What I'm telling you is I don't remember which four committees are referenced there. I believe there's been six congressional reviews and at least one significant executive review.

Q Yes, but you wrote, including reviews by four other committees, which have diligently reviewed the military's response in particular. So you qualify these four committees in stating they diligently reviewed the military's response in particular. I'm just

simply asking you which four committees are you referring to?

A Again, I don't remember. I can't tick off which four we're talking about right here.

Q Did you prepare yourself to answer that question today?

A No.

Q And you knew you were talking about this letter today?

A Yes.

Q So you're not prepared to discuss the specifics of what you wrote in the letter? That's what I'm gauging from your reaction.

A I'm prepared to discuss the letter in full.

Q But you're not prepared to discuss that specific sentence.

Ms. Sachsman Grooms. I think he's answered that like five times.

Mr. Hedger. And let me just say this sort of one more time in the same fashion. In the normal course of my duties as the Assistant Secretary of Defense for Legislative Affairs, I routinely sign letters for the Department, or at least periodically, all of which I do not line in and line out, edit, or ask for the audit trail of. I had absolutely no reason to believe that anything in this letter based off of my experiences and exposure up to that time was inaccurate, and I at this time I have no reason to believe that anything in the letter is inaccurate?

Q Do you know who wrote this particular sentence?

A Again, this letter I suspect to include coming across my desk likely moved throughout the Department, and I couldn't say who owns any particular portion of it.

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Q Do you know if Elizabeth George -- did you discuss that particular sentence with Ms. George?

A I have no recollection of a line-by-line discussion with her.

Q The first clause and sentence says, the Department spent millions of dollars on Benghazi-specific congressional compliance. Can you explain the basis for your statement that the Department spent millions of dollars on Benghazi-specific congressional complaints?

A I think the sentence speaks for itself.

Q I'm just asking for some supporting evidence for the sentence, evidence for the sentence, that the Department has spent money --

A Again, I did not go audit the letter in preparation for this discussion. I wouldn't do that in the normal course of my duties in signing such a letter out, and I had no reason to believe that the sentence was inaccurate.

Q So from our vantage point, you make the claim that the Department has spent millions of dollars. You make the claim that four other committees have diligently reviewed the military's response in particular. We're just trying to find out the basis for your claims to the committee. You're unable to provide those today?

A I think -- well, I'm answering the questions.

Q Who would be able to tell us?

A You know, the Department works diligently in response to committee requests. These are not requests I think we have received

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from the committee, so if you have further questions about the details of this --

Q My question is who would be able to tell us which four committees have diligently reviewed the military's response in particular? Who in your office would be able to tell us that question?

A I would. If you pose an inquiry, I will coordinate a response. That's what we do.

Q I've posed an inquiry now. That's why you're here, is to answer these questions.

A Okay. So in the course of my duties as Assistant Secretary of Defense of Legislative Affairs, with our staff, with the resources of the Department available to us, should we receive an inquiry from your committee or any other Member of Congress or otherwise, we take that, we process it, we assign it to those who we think can best answer it, and then we provide a response.

Q So I get it. You're a busy guy. You have letters that are presented to you. You read the letters. You never have any reason to doubt anything in the letters is inaccurate. You sign the letters, but yet you're unable to support anything that's in the letter. That's how I read it. Can you explain --

A No. I certainly respect that that may be your view. I don't think that's an accurate representation. That's certainly not what I've said.

Q So we're in the wrong --

Mr. Richards. Can we go off the record for one minute.

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Mr. Davis. We can.

[Discussion off the record.]

BY MR. DAVIS:

Q So I want to make sure I understand your testimony correctly. The Department has spent millions of dollars on Benghazi-specific congressional compliance. I believe you said that sentence speaks for itself?

A That is what we represented, correct.

Q But you don't know where that representation came from?

A I don't have an audit, no.

Q Who told that you the Department spent millions of dollars on Benghazi-related --

A I don't recollect who drafted that sentence.

Q Did you ever have a conversation with anybody about it?

A About that specific sentence, I do not remember.

Q You didn't read that sentence and say, wow, that's a lot of money. I'm sure that's correct?

A I don't recollect whether I had a conversation about that sentence.

Q And you can't say definitively whether that sentence is accurate or inaccurate?

A I have no reason to believe it's inaccurate.

Q What reason do you have to believe it is accurate?

A Because it was provided to me, or maybe a draft for me, but it was provided. It's in the letter, and I have no reason to question

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the accuracy --

Q Have you ever been provided material by anybody in your staff that was inaccurate?

A I don't recollect a time off the top of my head.

Q So they're right 100 percent of the time?

Mr. Richards. I think that's completely unfair Carlton.

Mr. Hedger. I think what I said is I have no recollection of a time that they've provided something inaccurate. They're human, so I'm sure that we have gotten something wrong.

BY MR. DAVIS:

Q I'll keep going. The second bullet point on the page, the second sentence on the bullet point, it says, the Department maintains that locating these types of individuals are not necessary since such claims are easily dismissed by any one of the multiple high-level military officials already interviewed.

So my first question is, you wrote, the Department maintains that locating these types of individuals are not necessary. When did the Department first tell the committee that locating this type of individual is unnecessary?

A I don't know.

Q Do you know if the Department actually ever did tell the committee that locating that individual was unnecessary?

A I don't know.

Q So if you don't know the answer to that, then why did you say the Department maintains that locating these types of individuals

is unnecessary?

A I think I've answered the question repeatedly in the manner in which I approach these letters.

Q Do you believe that locating that type of individual is not necessary?

A I stand by the content of this letter.

Q So is that a yes or no?

A Yes.

Q Okay. Can you explain why you think that that's unnecessary to that individual?

A Look, I stand by the content of the letter. In the broad sense, and then we can talk about the individual if you want, but in the broad sense what this point reflects and what other things that we communicate reflects, is a routine back and forth between the Department and our committees of jurisdiction or investigatory committees that have an engagement with the Department, such as yours did.

Which is looking at what you're asking for, trying to understand what you're trying to achieve, and then making recommendations based off our expert knowledge of the organization of what roles people play, how the chain of command works, to say the best way for you to accomplish what you're trying to do from our expert view is to do X, Y or Z.

In this case what we were communicating is that this individual, getting down to the individual in the case, I think we had broader concerns --

Q I'm listening.

A Okay. In this individual case, the individual could only testify to that information you already had or that others had already testified to. I have not reviewed the transcript of the interview. I know that you interviewed this individual, but I think one of the things that we communicated was that we had already provided you the video of this particular RPA flight --

Q We're talking about different individuals. I'm talking about this second bullet point.

A Oh, the mechanic. Okay. I'm sorry.

Q We'll get to that individual.

A That's good. In the case of the mechanic, it's my understanding that he was a mechanic at an air base in which, he would not have been a relevant player in the decisionmaking of the process. And you all had already spoken to the leaders who were the relevant players and had the relevant facts.

Q So we only need to speak with the decisionmakers, is that what you're saying?

A No. What I am saying is that in the normal course of our interactions with Congress, who are seeking information, or knowledge, or know how, or interviews, we will routinely communicate if they ask for someone we think is unnecessary or duplicative or may not have the information that you would want, we would routinely communicate that in the normal back and forth of the process, and this reflected that.

Let me make one broader point on this if you please. As the letter

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reflects, as you all work towards getting to the end of your investigation, we had received an increasing number of interview requests, a much larger number than had been part of the due course of the investigation, and that reflected in our concern that there was an increasing number as it came to an end. And in terms of our ability to prioritize and rapidly respond to you all, one of the ways that can help us be more quickly responsive to you is to say what are the priorities, and, hey, by the way you asked for these 3, 4, 5, 6, 8, whatever the number would be, guys who are duplicative or unnecessary, and we would ask you to either not ask for them or we recommend you not ask for them so we can focus on the other people.

So you all had a concern that we were being slow in our response, but your own conduct was contributing to --

Q I'm talking specifically about bullet point 2. I'm not talking about a general. I know that that's what you're talking about. I'm talking specifically about this individual?

A Right.

Q Was he duplicative?

A Was the mechanic duplicative? I don't know the timeline, but I believe you had already spoken to the commander or had scheduled the commander for an interview.

Q Okay. And so the mechanic and the commander, did they have the same position?

A I think you answered the question in your own words.

Q So the answer to the question is what?

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A I don't think the mechanic commands the unit.

Q Okay. So the interviews would not be duplicative. We're talking with two different people with two different ranks. Is that correct?

A In only the most literal sense.

Q Well you used the word duplicative. I didn't use the word. I'm asking you if this individual was duplicative. You said that he was.

A Respectfully by that standard, interviewing any two human beings on any issues would not be duplicative because they're different human beings.

Q And so this individual is unnecessary why?

A Again, I believe you had already spoken to the commander. I'm a tiny bit speculating because I'm not an expert in the timeline of your committee.

Q We won't challenge you on that.

A And in the broad sense, I believe you were trying to understand whether there was aircraft available for deployment that could have arrived on the scene and taken kinetic action to change the course of events.

Q How was that your understanding of what we were looking for?

A This is my broader understanding.

Q Did anybody tell you about?

A It is represented in what you communicated of why you all wanted to speak with these people.

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Q Who did we communicate that to --

Mr. Richards. So just for the record, we were provided the FaceBook posts by the majority staff.

BY MR. DAVIS:

Q Right. That's correct. My question is, how is it your understanding that we wanted to speak with him to determine whether or not any aircraft could have been deployed?

A That's fair. Okay. So let me take a step back and then we can dive back in. It is the routine course of the Department based off our knowledge of what you are trying to achieve, or our understanding of what your trying to achieve. Ultimately you're the arbiter, right?

Q Yes.

A And I think it bears saying at this point that every single individual that you all sought the Department to locate, provide to you, and facilitate for an interview, we did. And what you seem to take umbrage with is that we had a view on the utility of you interviewing them or not. That is something we do in the routine course, is make recommendations to the committees on, hey, this guy is duplicative. This guy is unnecessary. This guy is junior. That's something we do and have every right to do, and it's an important part of our interaction with the Congress.

Q So this Benghazi investigation, was this a routine investigation and a routine back and forth with Congress? How would you describe it?

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A It was an investigation by the Congress.

Q Is it a routine investigation by the Congress? You keep using the word routine. I'm asking if --

A I'm talking about in the routine of how we would interact with Congress in an investigation, the routine course of our duties.

Q I'm going to pass out Exhibit 2.

[Hedger Exhibit No. 2

Was marked for identification.]

BY MR. DAVIS:

Q It's an email, this is an email chain between William Hudson and some members of the committee staff in addition to Anna Lloyd and Ed Richards, which you see. You were not on this email chain. I'll give you a minute to review it if you want?

A Please.

Ms. Sachsman Grooms. We also note for the record that there are no Democratic staff on this email chain.

BY MR. DAVIS:

Q I will agree with you.

A Do you want to characterize it for me, or do you want me to read it in full?

Q Well, I was just going to direct your attention in particular to page 2, on the bottom of page 2. There's a question from our staff to William Hudson. Who is William Hudson?

A He's a counsel with the Department of Defense.

Mr. Hudson. I'll be happy to identify myself. I'm here at

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present, Carlton.

BY MR. DAVIS:

Q And does he work in your office?

A Bill works in the Office of Legislative Counsel, yes.

Q So he works for you?

A We talked about that complex --

Q We talked about Elizabeth George, I'm talking about --

A He works for Ms. George.

Q For Ms. George, who works for you?

A As well as the general counsel, correct.

Q So I would like to focus your attention to the bottom of the page. It says Member request: Would like DOD to confirm which, if any, attack aircraft units, in parentheses, (including but not limited to the 31st Fighter Wing in Aviano) closed parentheses, were prepped/readied for response to the attacks on Benghazi. If so, indicate when units were notified to prepare and by whom.

Were you ever aware of this member request?

A Of the member request?

Q Yes. Of this particular --

A I was not on this email. I don't recollect if it was ever brought to my attention otherwise.

Q So you don't know whether it was brought to your attention. Requests by members of the committee, are they treated differently than requests by staff of a committee?

A As a matter of course, we seek to be responsive. We treat

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the staff as if they're speaking for their members.

Q So a member request, does it mean anything to you? If the chairman walked in the room and asked you for some information, you would treat that similarly, as if I'd asked for the same piece of information?

A Having been a staffer myself, and you as a staffer I think you understand, that we have an expectation that we speak when you're staff for the membership.

Q I understand. And I'm just asking in your position as Assistant Secretary for Legislative Affairs, what your interpretation is if the chairman asked for something versus a staff member?

A I would take if you wrote, as you did here, that it was a member request, that you were seeking to emphasize it.

Q Okay. And would that have any impact on how you in your position addressed the issue?

A I think that we addressed all of the requests from the committee with a degree of professionalism and attempt to respond as quickly as professionally as possible. I have no reason to believe otherwise.

Q Do you know if DOD ever confirmed this member request?

A I do not.

Q But earlier you said that no requests by the committee had gone unfulfilled. Do you remember that?

A To interview an individual, yes, that's what I said. I believe every individual you asked us to provide for an interview, we

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provided.

Q But in terms of pieces of information, can you make that same commitment that everything that we had asked for you provided?

Mr. Richards. Carlton, for the record, on March 12, 2014, General Zobrist, the commander of the Aviano Air Wing, there was a transcribed interview of him by the House Oversight and Government Reform Committee and the House Armed Services Committee, of which Chairman Gowdy was a member of. He asked and answered all questions regarding prep of aircraft under his command at the time of attack, and you guys have that transcript. So I just want to be clear that that has been asked and answered by the commander himself.

Mr. Davis. So was General Zobrist speaking on behalf of the Department when he answered that question? Or was he speaking for himself?

Mr. Richards. There is over 100 pages of transcript that General Zobrist -- I think it was a 3-hour interview regarding exactly this question, and you all have that transcript.

Mr. Davis. I don't want to get into a back and forth. I'll submit that Jeff Jackson directly contradicts General Zobrist's testimony. My question is, your witnesses, when they come in, are they representing the official position of the Department, which is what I hear you saying, or they're representing their knowledge of the facts to the best they can recollect them?

Mr. Richards. So I think every witness who's called by this committee is first and foremost a fact witness as far as what they recall

and can remember about the attack of September 11 and September 12.

Unfortunately, there's a lot of hypotheticals and speculation requested by this committee of individuals who are called before it. You know, we in this letter and other instances we have asked you not to do it, but in almost every interview you have. So unfortunately, no one is only a fact witness because inevitably there's hypotheticals and speculation requested of him or her?

BY MR. DAVIS:

Q Sure. Can you look at the third page of the letter --

A Sir, can we say here a second, because I don't think I answered your last question. Can you repeat what your last question was?

Q My last question was do you know if the Department officially responded to that member request from February 26, 2016?

A Right. And I think I said I did not know if we had officially responded.

Q That's what I recall your answer being. We can jump ahead to page 3. Middle paragraph, second sentence: This type of questioning poses the risk that your final report may be based on speculation --

A We're in the letter? I'm sorry.

Q I'm sorry. Yes, the letter. This type of questioning poses the risk that your final report may be based on speculation rather than a fact-based analysis of what a military officer did do or could have done given his or her knowledge at the time of the attacks. Do

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you see that?

A I do.

Q Who told you about this type of questioning?

A I don't recollect.

Q Was it somebody who was in the room during the interviews?

A I absolutely don't recollect.

Q Was it Elizabeth George?

A I don't recollect.

Q Was it Bill Hudson?

A I don't recollect.

Q How do you know that this sentence is accurate?

A As I've said repeatedly about other elements of the letter, it's a routine course of my duties that I sign things. I had no reason to believe that the content of this letter was inaccurate.

Q So you write this type of questioning poses the risk that your final report may be based on speculation rather than a fact-based analysis of what a military officer did do or could have done.

Was the final report based on speculation rather than a fact-based analysis?

A I have not read your final report.

Q So you were speculating as to whether or not the final report may be based on speculation?

Mr. Richards. It said poses the risk.

Mr. Hedger. I got it. I think the sentence actually, in fact, says that we are concerned that your final report would rely on this

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type of information.

BY MR. DAVIS:

Q But you don't know whether or not that was actually the case?

A When did you publish your report?

Q The report was posted online and disseminated several weeks ago.

A Do you know when it was published precisely?

Q Define published.

A When was it made public?

Q It was made public on June 28th, I believe.

A So I think we have had it -- how many pages is it?

Q It's over 800 pages.

A I think we have maybe had it for 2 weeks. We're a Department executing a lot of things to include two major contingency operations. I certainly haven't read your report. I don't believe the Department has completed review of it.

Q The Department has actually had the report for much longer than that based on the clearance review process that we went through --

A Has the Department had it?

Q The Department has, in fact, had it.

Mr. Richards. Portions.

Mr. Hedger. Has the Department had it, and have there been limitations on our ability to read it or share it across the Department?

BY MR. DAVIS:

Q The Department has had it for much longer than just 2 weeks.

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A For the record, and this is important to me, because I asked when the report would be published, and I was made aware when the Department received it for clearance review, and I asked for any feedback on it. And I was told specifically that the committee had put conditions that only a very limited number of people in the Department could see it, could review it, and they could not speak with others about it. So the first time I was made aware fully of the content of it was when you made it public.

Q Who did you ask for feedback on the report?

A I don't recollect.

Q You don't recall specifically who it was?

A No, I think it may have been --

Q Was it Beth George?

A It was not Beth George. I actually really don't remember.

Q Was it Bill Hudson?

A It could have been. It was staff of the Department.

Q Staff of the Department -- Staff of your office?

A Probably.

Q And why did you ask for feedback?

A I was told that the report was going to be published soon.

Q But when it was published, you never read it?

A It's 800 pages long, and I have not read it, correct.

Q So you don't know whether or not it was based on speculation?

A The question was do I know if it was based on speculation, and my answer is I do not know, and I cannot say it is not.

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Q Can you define what you mean by based on speculation? Can you just describe what you meant by that sentence, that clause?

A Yeah. So let me again emphasize what this sentence says. Based off what our staff had seen in the course of the interviews and the posing of hypothetical questions, particularly to junior level military officers and enlisted individuals, there was a concern that people who don't have the full picture of full tactical operation or strategic understanding were making statements to which they are not qualified to understand or don't have the full picture.

Q Why do you say they're not qualified to understand it?

A For the same reason that you don't have a staff assistant interviewing me right now.

Q Why is that?

A There is flat out a level of competence, skill, full knowledge, training, career experience, that goes into performing duties. There is a full site picture. There is a career experience, understanding. There is access to information, classified and otherwise. When you rely on individuals who have what we, in the vernacular, and it's often called the soda straw view, and you use that information as -- and if that information is used to draw broader conclusions, you can absolutely arrive at erroneous and problematic conclusions. We didn't know whether you were going to do that. We were concerned, based off the nature of the questioning and the people you were asking, that you were going to do that.

Q Who was concerned?

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A The Department.

Q Who in particular?

A The Department.

Q You wrote this?

A Yes.

Q Were you concerned?

A Because I sent the letter, I support the content.

Q How did that concern arise, is my question?

A Again, based on what had been represented across the issues -- and I don't remember if I discussed this particular sentence or otherwise -- there was an understanding that there had been questioning that was done that was speculative in nature with our more junior service members and that that generated the risk that you would rely on hypothetical questioning of people who were not qualified.

So based on that concern, and I think it is extraordinarily reasonable for the Department, who is a stakeholder in the outcome of your report, we wanted a good report from your committee every bit as much as you want your report to be good because we are a stakeholder. It was going to speak to what role we played good and bad, and we embrace entirely the good and the bad.

Q Don't you think that members of our committee are qualified to determine whether or not so-called speculation by junior officers is merit-based or warranted?

A I can't speak to the qualification of your members. That would be enormously speculative itself. What I can say is we as a

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Department based on what we see as experts in military organization, understanding our structure, are qualified to say when we see something that's problematic relative to how our personnel --

Q So you're placing your qualifications at the Department over the qualifications of our members in terms of how to review and understand certain testimony?

A No. I think it would have been more than welcome if the committee said, yep, we got it. Couldn't agree more. That's a perfectly reasonable response. What we saw happening in the questioning, as communicated, was that this type of questioning was happening. This developed a concern for the Department, and communicating that concern to the committee was something that we felt important.

That doesn't mean your report ultimately relied on such information. That doesn't mean that your members are not qualified to make the same judgment, but it's certainly within our normal communication, and it's certainly something that would be responsible that if we saw something and had a concern over it, that we would communicate it.

Ms. Sachsman Grooms. Can you note for the record that Representative Schiff has joined us.

BY MR. DAVIS:

Q I'm going to direct your attention to the third bullet point.

A We're going back to page 2?

Q Yes, going back to page 2. So the third bullet point, I'm just going to read the first couple sentences and then we'll kind of take it piece by piece.

The Committee has requested to interview an individual identified as John from Iowa who described himself as a Remotely Piloted Aircraft camera operator on a talk radio show where he described what he allegedly saw on the video feed from the night of the attack. The Department has expended significant resources to locate anyone who might match the description of this person to no avail. The Committee staff then expanded its initial request to include all RPA pilots and RPA sensor operators who operated in the region that night.

So I want to ask you specifically about the last sentence there, which reads, the committee staff then expanded this initial request to include all RPA pilots and RPA sensor operators who operated in the region that night.

Is that accurate that the committee requested to interview an individual identified as John from Iowa, and the committee staff then expanded this initial request to include all RPA pilots and RPA sensor operators. Is that accurate?

A As I said, I have no reason to believe that anything in the letter is inaccurate.

Q I'll pass out exhibit 4 -- I'll pass out exhibit 3.

A You're not giving me confidence in your --

[Hedger Exhibit No. 3

Was marked for identification.]

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BY MR. DAVIS:

Q I'm not a math guy. Exhibit 3 is an email chain between yourself and Phil Kiko. Do you know who Phil Kiko is?

A I know that Phil and I had a conversation.

Q I'm asking if you know who Phil Kiko is?

A I believe he is your staff director, but you'll have to confirm. I don't know what he currently does. At the time I spoke to him, I believe he was the staff director of the committee.

Ms. Sachsman Grooms. I will also note for the record that there are no Democrats included on this email chain or I assume in that conversation you had with Phil Kiko.

BY MR. DAVIS:

Q So you can take a minute to review this if you wish.

A I can come back and review further if you like.

Q Sure. I have several questions for you about this. First one is on page 1. The second email chain is from you to Phil Kiko. It says, I just tried to reach you and got the committee's voicemail. I'll assume that means the staff don't hang around as late there as we do here at DOD.

Why is that your assumption?

A When no one answers the phone, you don't assume anyone's in the office. Do you know if you were there that night past 5:00?

Q Let's go to page 3.

A Just for clarity, is there a fact question on that?

Q I was asking why it's your assumption. You wrote I'll

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assume. I'm just asking why you're assuming that. That's all.

A It's a reasonable assumption, I would think.

Q I direct your attention to page 3. Email from Phil Kiko says, Steve, I'm sorry I wasn't able to reach you by phone today. Were you in the office that day? Friday, March 25?

A I don't recollect where I was on Friday, March 25th. There's a high probability I was in the office.

Q We'll turn to the next page, page 4. This is the same email?

A Just for the record, the like I said, the statement for the record, it doesn't say that he wasn't able to reach my office. He wasn't able to reach me.

Q Do you know if you spoke with Phil Kiko the night of Wednesday, March 30, going back to page 1?

A Is that a reference to one of the emails?

Q Yes. I'll assume that means the staff don't hang around as late there as we do here. Do you know if you spoke to him that evening?

A I don't recollect.

Q Do you know if you had a phone call with him about 7 o'clock that evening?

A It's perfectly possible. I don't know if that means he was in the office or not.

Q I'm going to go to page 4. Requested interviews, and then there are three bullet points. The first bullet point says, what is the current status of member requests to interview the drone pilots?

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Have they been identified by name yet. And then in parentheses, (requested February 26th.) Do you see that, the third bullet point on page 4?

A Yes, I do.

Q Okay. And then underneath it says, Note, I Googled, quote, "drone pilot Benghazi," and the first thing to pop up was an interview between Hannity and the drone sensor operator on the night of the attacks. His first name is John. He said there were only six people involved at his location and that the flight log book from that night will clearly identify whoever was involved. He also indicated basically everything he shared in the interview was in an unclassified report that mentioned him by name.

And then there's an additional bullet point after that that says Drone Sensor Operator (Requested March 24). Given the above, add the Sensor Operator in parentheses (first name John who gave interview to Hannity). Do you see that?

A I can read that, yes.

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[2:07 p.m.]

Mr. Hedger. Just going to read that. Yes.

BY MR. DAVIS:

Q So this is an email on March 25, 2016, from Phil Kiko to you, laying out the timeline of the committee's requests, requesting -- a Member request to interview the drone pilots on February 26th, and then a request to interview John from Iowa on March 24th. Do you see that?

A I do.

Q I want to go back to the letter, exhibit 1, third bullet point. You say, "The Committee has requested to interview an individual identified as 'John from Iowa' who described himself as a Remotely Piloted Aircraft camera operator on a talk radio show, where he described what he allegedly saw in the video feed from the night of the attack. The Department has expended significant resources to locate anyone who might match the description of this person, to no avail. The Committee staff then expanded this initial request to include all RPA pilots and RPA sensor operators who operated in the region that night."

A Correct.

Q Do you see that?

A I do.

Q So in the email to you on March 25th, it says that the drone pilots were requested on February 26th, and then the sensor operator was requested on March 24th. In your letter back, it says that the

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committee requested to interview John from Iowa and then expanded this initial request to include all RPA pilots.

How do you square the email and the letter?

And I'll just note that Representative Schiff has left the interview.

A I'm sorry, you're losing me in terms of what you're trying to clarify here.

Q Sure. I'm not trying to trip you up. So I'm sorry.

A And I'm just -- I'm trying to make sure I keep up because I'm pretty confident in the facts.

Q I understand.

All right. So we have exhibit 1 and exhibit 3.

A Yes.

Q All right. We're on page 2 of exhibit 1 and page 4 of exhibit 3.

A Tracking on both.

Q On page 2 of exhibit 1, it says, "The Committee has requested to interview an individual identified as 'John from Iowa.'"

A Correct.

Q And it then says, "The Committee staff then expanded this initial request to include all RPA pilots."

A "And RPA sensor operators who operated in the region that night."

So can I tell you what I --

Q Yes, go ahead.

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A -- just very briefly what I -- as I understand the course of events. The committee asked for the RPA sensor -- excuse me, RPA pilots -- and subsequently asked for -- and they asked for pilots, I believe, in a specific timeframe. And they then subsequently expanded your request, as the letter represents, to all pilots and all sensor operators, the first time the job description sensor operators was involved.

That was the course of -- I believe it was February and March were the two timeframes -- and that was the course of requests from the committee, and I think that's what we represented in our letter.

Q Let me just walk you through it.

A Sure.

Q The letter says, "The Committee has requested to interview an individual identified as 'John from Iowa.'"

A Correct.

Q The letter then says, "The Committee staff then expanded this initial request to include all RPA pilots."

Do you see that?

A Yes.

Q Okay. Now I want to go back to exhibit 3.

"What is the current status of Member request to interview the drone pilots?"

Ms. Sachsman Grooms. Well, hold on.

Mr. Davis. Hold on, Susanne. Let me ask the question.

Ms. Sachsman Grooms. Read the full sentence.

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Mr. Davis. Let me ask the question.

Ms. Sachsman Grooms. You've misrepresented now what the actual sentence says. Read the full sentence then.

Mr. Davis. During your hour you can read the sentence. So which sentence in particular? Excuse me.

Ms. Sachsman Grooms. The sentence I'm talking about is, "The Committee staff then expanded this initial request to include all RPA pilots and RPA sensor operators who operated in the region that night."

Mr. Davis. Okay. And the subset of that is all RPA pilots.

Ms. Sachsman Grooms. Yes, but the "all the RPA pilots and RPA sensor operators" clearly applies to the full set of those two categories of people, not just one category of people. So if you ask the question --

Mr. Davis. That's your interpretation of the letter.

Ms. Sachsman Grooms. Well, I believe that's what he's explaining. But my point is --

Mr. Davis. He hasn't explained because you cut off the question.

Ms. Sachsman Grooms. Well, that's because in your question you didn't read the full sentence.

Mr. Davis. He can respond. He has two very competent lawyers there next to him. You don't have to defend him on his behalf.

Ms. Sachsman Grooms. I don't need to defend him. I don't even know him. My point is, if you're going to read a sentence into the record for the transcript for whoever is going to read this later --

Mr. Davis. I've read that sentence --

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Ms. Sachsman Grooms. -- I believe that it would make sense that that person is able to read the full sentence and not the splice of the sentence that you're choosing to read.

Mr. Davis. I've read that sentence about five times, Susanne, okay?

BY MR. DAVIS:

Q So my question is, the clear email, page 4 of exhibit 3, says that the drone pilots were requested on February 26th, and a month later, on March 24th, the sensor operator is requested. My question is, how do you square that by saying there is an individual identified as John from Iowa and then the committee staff then expanded this initial request to include all RPA pilots? It seems to me those two are in tension. How would you respond to that?

I'd just note that the chairman --

A Just for the record, are all these all of the requests of the committee for these individuals? Is this the full record of your requests?

Q I'm just asking about exhibit 1 and exhibit 3.

A So in fairness --

Q Exhibit 1 is the letter, and exhibit 3 is an email to you from the committee staff director laying out the timeframe for these requests.

A So I don't know whether the email that your staff director sent to me represents the only request the committee made of the Department. In fact, I don't believe it is. So I don't know -- I

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cannot say based on these two documents whether they are in conflict with what the committee's requests were, because I don't believe the email that Phil sent to me represented your only request.

Q So the email that Phil sent asking, "What is the current status of Member request to interview the drone pilots," requested February 26th, and then drone sensor operator requested March 24th in the email to you, he lays out those two dates.

A So I think you're representing those as the only requests we had received from the committee.

Q They don't need to be the only requests. Those are requests with the dates next to them. Do you understand what I'm saying?

A I think you're representing these as the only requests from the committee, at least the way I'm interpreting what you're saying.

Q I'm not representing them as the only requests. I'm representing them as requests.

A Right. So Phil did communicate, as represented in those emails, these requests to me. At least so far, maybe you're going to get me there, I don't see that in conflict with what is the content in my letter.

Q Well, you say the committee staff then expanded this initial request -- let's just start there -- the initial request being the request is John from Iowa. Do you see where that is in the second sentence on the third --

Mr. Richards. Where does it say initial?

Mr. Davis. It's the third sentence on the third bullet point.

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"The Committee staff then expanded this initial request," okay, and we're talking about --

Mr. Richards. For sensor operators.

Mr. Davis. It doesn't say anything about --

Mr. Richards. Well, that's the first time sensor operators arose.

Mr. Davis. It doesn't say anything about sensor operators in there.

Mr. Richards. Well, that's clearly the intent, because that's the first time.

Mr. Davis. Well, if that's the intent, then why does it say to include all RPA pilots? Why talk about --

Mr. Richards. And sensor operators.

BY MR. DAVIS:

Q I don't want to be talking past each other.

A Let me -- you can perhaps clarify for me. I will tell you, I don't know the record off the top of my head when you requested the pilots and how many, okay?

Q That's why you have exhibit 3, the email from Phil. That's why you have that there.

A And just for the record, is that the only request the committee made at all for these individuals?

Q Well, the committee made about a dozen requests for these individuals --

A Right.

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Q -- because the Department --

A So this is not the complete record of what you all asked for. So comparing these two side by side doesn't reflect what the committee did necessarily. So let me just --

Q Sure. Okay. I'm happy -- I have email after email here, and I'm happy to share with you if you want.

A But the broad point, tell me if this is not where you're going, I think what you're trying to say is that our letter implied this was the first time you asked for all RPA pilots. I don't -- I believe you asked for pilots from a certain --

Q That's fair, yes.

A I believe, as I understand the facts, my understanding, and that is not -- I was not someone that was, you know, deep in this investigation --

Q Sure.

A -- but there was a request for pilots for a certain timeframe that evening. That request was later expanded to all pilots across any time the RPA had operated and the sensor operators. So, in fact, your request had expanded from what it started as, both in terms of the number of pilots, the timeframe, and then adding the sensor operators.

Q Our time is up for this hour, so we'll take a break and we'll regroup.

A Okay. Good. Thank you.

[Recess.]

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EXAMINATION

BY MR. DESAI:

Q Let's go back on the record. The time is approximately 2:25. We are still at the secret level, from what I understand, for this session.

Mr. Hedger, good afternoon. Let me just take a moment to reintroduce myself. I am Ronak Desai. I am one of the counsels with the minority staff. I am joined by a host of my colleagues. I will not introduce all of them just because we will be here a lot longer, but I'm with my staff director, Susanne Grooms.

On behalf of the entire minority staff and its members, we want to thank you for your appearance here this afternoon. We also want to thank you for your service.

Let's just get started. So in the last session, my colleague from the majority had you go over your background. You've been at DOD since -- for how long approximately?

A Greater than 18 months.

Q Eighteen months. And do you have any military background, Mr. Hedger?

A I do.

Q And what is that?

A I'm only recently resigned or assigned to the IRR -- I forget what that stands for -- Intermediate Ready Reserve, something along those lines. But I'm a 17-year -- almost 17-year veteran of service, 5 years Active Duty, almost 12 years in Reserve Duty here in

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the National Guard, both the Virginia and the D.C. National Guard, and had to resign -- moved to the IRR pursuant to my being confirmed into a position by the Senate, which by regulation required me to step aside from serving.

I'm a graduate of the United States Military Academy at West Point. I spent 5 years on Active Duty. During my Active-Duty service, I attended Armor officer basic school, Airborne school. I'm trained as a U.S. Army ranger. I served deployments in Kosovo and Kuwait, subsequently into Iraq as part of the invasion into Iraq. And I spent the majority of my Reserve service here in the D.C. and Virginia area serving in a various number of staff positions.

Q That is helpful.

If I can redirect your attention, Mr. Hedger, to exhibit 1. And my colleague from the majority in the last hour I know spent some time going over the specific content of the letter and we got fairly granular. But I kind of want to step back first.

Speaking broadly, the way I read the letter is that you're expressing a number of concerns with how the committee has been requesting information, documents, witnesses from the Defense Department. Is that right?

A That's probably a fair characterization.

Q Okay.

A Concerns on behalf of the Department.

Q On behalf of the Department. And I want to go over some of those specific concerns that you've enumerated in the letter. And,

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you know, starting with the very first paragraph and the very first sentence, you said, "I write in response to the Select Committee on Benghazi's recent crescendo of requests to the Department of Defense regarding the attacks on American facilities in Benghazi, Libya on September 11-12, 2012."

And the question I initially had was, obviously, this isn't the first time you've expressed concerns about the nature and scope and frequency of requests coming from the committee to the Department. And my colleague from the majority gave us exhibit 3, I believe it is, where it appears that you and Mr. Kiko are actually engaged in a conversation with respect to some of these requests. Is that right?

A I believe that was the nature of the email, yes.

Q And if I can direct your attention to page 2 of exhibit No. 3, and this is an email -- email thread where you're writing to Mr. Kiko. And you write here on the third paragraph, "Our team is working as hard as it can to accommodate the Committee's numerous requests. However," quote, "the goal posts keep moving, as you document below with your rolling dates of request. For every interview we schedule, it results in more requests for interviews. Unlike many other agencies, the folks you are requesting from us are generally not based in DC."

Now, let me stop right there. So this is a concern that you have conveyed to Mr. Kiko and with respect to the goal posts keep moving. If you can elaborate further on what the concern was regarding this specifically.

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A Let me try, based off my understanding of the facts, and I'll say to you, as I said in a previous session, that my duties as assistant secretary of defense for legislative affairs involve me communicating on behalf of the Department across a wide array of issues, not necessarily always issues that I was personally diving into and staffing.

However, what I understood and was aware of at the time was that the committee had represented sort of a best and final, here are the people we have to have and we're done, as it was represented to me. And I believe that came in early February of -- like here's it. This is what we need, guys. Double down on it. Get it to us. We're in the clear. We're on the march to being finished. Which we take at its face.

And that's, if my memory serves me right, that's how it was characterized to me as, we had gotten the final -- the grand finale list and told, like, please, put all your effort in this and we're good to go. Good show of comity, good staff operations.

And what happened thereafter was a repeated change of that list to the point that we had lost confidence so we could rely on it. It was clearly not going to be relied on, and the requests were going to both change and there would be new requests. And that was concerning, particularly as we tried to prioritize, as we tried to manage the bureaucratic process because we were stuck, being a bureaucracy, of fulfilling the requests.

Nonetheless, even with this stated, our approach was always, as

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it is with all the committees, to do the best we can to fill the requests that we received, to work for accommodations, to express concerns if we have them, and to work things out. But this was a concern that we were increasingly having.

Q You talked about this representation that was made in early February. And if you can recollect, who made that representation to you?

A It was communicated to me by staff of the Department. It wasn't made directly to me, so I don't -- and I don't remember which staff made that representation.

Q And would you possibly recall in February under what circumstances -- was it a telephone conversation, a meeting -- under which this representation was conveyed to someone in your staff?

A Oh, from the committee?

Q From the committee to your staff.

A Yeah, I wouldn't be able to comfortably speculate how the committee communicated it to us.

BY MS. SACHSMAN GROOMS:

Q It's our understanding from some of the correspondence we've seen, I think even in this letter, that there was an early February meeting that occurred -- yes, it says here, "In February 2016, nearly 22 months after the establishment of the Committee" -- I'm reading from exhibit 1, second paragraph -- "DOD lawyers met with Committee staff to receive what was represented to be a final list of requests for the Department," end quote. I think that's what you've just described.

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A That's what I'm referring to, and I remember well that being told, communicated to me.

Q Were you aware that at that February early meeting there were no Democratic staff present?

A I was not. I do know that in my brief communications with -- well, I don't -- I wasn't aware that there was no Democratic staff there. I think I remember, maybe in my phone conversations with Phil Kiko, the staff director, his asking me not to include Democratic staff in our communications.

Q Did he explain why he asked not to include Democratic staff on communications?

A This is purely based on memory, but I think he told me that when the Democratic staff get involved that that has created complications and -- in the past and friction and unnecessary fights; and that the two staffs were not working in a way that he considered -- the Democratic staff, in his view, were not working constructively with them.

Q So at this February meeting that DOD attended and the Republican committee staff attended, was there ever a committee chairman's letter that came out of that that explicitly said exactly what the requests were going to be for that February set of requests?

A That's a good question. I don't know the answer. I don't remember seeing a letter of such sort.

Q I've never seen such a letter, and I don't believe that there was one. Do you have any reason to believe that there was a chairman's

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letter?

A I don't. I don't recollect receiving a formal request for these individuals.

Q In fact, I think -- sorry. Later in your --

A Well, I don't remember receiving it pursuant to that meeting, to your reference.

Q I think in the email --

Mr. Desai. If you look at paragraph 3, again, of exhibit 3, page 2 -- let's see where we are here -- excuse me, the second paragraph, second sentence, quote, "According to our records, we haven't received a Chairman's letter about any of the interviews below (or, in fact, a Chairman's letter since the CODEL last November). As you know, the standard practice would be for us to request a Chairman's letter for of all the interviews and briefings we have already provided to you, but, nevertheless, my team has been working hard to accommodate your interests without such formalities. I regret that our considerable efforts to accommodate your Committee has not managed to result in us avoiding this kind of situation," end quote.

Why are chairman's letters important?

Mr. Hedger. Well, I mean, particularly pursuant to a formal investigation, they represent -- they make it official. We're talking about on-the-record matters. They also -- one of the things that we were managing -- and this is routine for us to, by the way, ask for chairman's letters. Sometimes we can do away with it where there's a degree of trust or there's a matter of comity or convenience to the

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two sides, but we do this regularly with our committees of jurisdiction that we work with day in and day out.

But particularly in an instance like we were dealing with, with the Select Committee on Benghazi, where requests were starting to roll and we were getting an increasing number, and where we were getting requests, as I understood it, that some people were requested and then it was, oh, no, we don't -- we no longer are interested in that person, we're interested in a different person.

And for us, as we're trying to manage a 3 million person organization and then go to try to find individuals, that whiplash, that back and forth, can create disturbance, and it can actually prevent us from prioritizing the requests that are most important to the committee.

So that's part of what led to our letter, is as we go through that swing -- which is, as I say, sometimes that's normal and understandable, but it was getting -- the reason we ended up writing a letter was it was getting significant. But that can be disruptive to our ability to be responsive?

Mr. Desai. And even though it's normal and it's disruptive or can be disruptive in an instance like this, did that in any way impact your willingness, your commitment to get the committee what it needed or to fulfill the requests that it had made to the Department for documents, information, or people?

Mr. Hedger. Absolutely not. We have an absolute responsibility to be responsive to the degree that we can be and seek to accommodate.

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That doesn't mean there aren't points of friction, with, by the way, both sides of the aisle on requests.

This is just an easy example. You all may know on this side that Senator Gillibrand is sort of a dogged investigator of military sexual assault cases, and she makes extensive document requests of the Department. And those are very difficult for us, and we have to work and negotiate to try to come up with some accommodation.

So majority, individual Senators, individual House Members, minority, we do everything possible to accommodate, but sometimes we do have to try to negotiate to get to a responsible path forward.

BY MS. SACHSMAN GROOMS:

Q Did the multiple and changing requests of the Select Committee make it more difficult to expeditiously fulfill those requests?

A Yeah. I don't want to -- I don't want to overstate, okay, because this is what we -- we do this. This is our job, and particularly our investigators, the people who work on the investigations.

It is -- I think it is very safe to say that the more focused the requests can be, the more concise and more clear they can be, the better we're going to be able to accommodate them. And we were -- clearly, based on the feedback of the majority staff, they were unhappy with the pace at which we were responding to their requests.

Q A chairman's letter also has the benefit of standardly cc'ing and including the minority so that the minority is aware of those

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requests. By avoiding the chairman's letter process and sending emails that do not cc the minority, it certainly appeared to us that the Republican staff was attempting to exclude the minority from understanding what the different requests were that were being made to the Defense Department, as well as how they were changing over time, what witnesses were being scheduled, when those witnesses were being scheduled, what threats were being made to the Department, what concerns the Republicans had about the process.

It sounds like, from our previous communication, that you were at least aware that the Democratic staff was being excluded in part from some of these communications. Is that accurate?

A I don't remember -- I'm just looking at exhibit 3, and I don't remember that -- I don't have the precise timeline of when Phil and I emailed and when we spoke on the phone; which, if my memory serves me, we spoke on the phone only twice and maybe only once. And it was on the phone conversation with Phil that I recollect him specifically asking for the minority staff not to be included in the exchanges.

I don't believe -- maybe you guys can confirm -- that Christopher Doneso, Mac Tolar, Bill Hudson, who's on the Department staff, that any of them are members of the minority committee staff.

Q None of them are members of minority staff.

A So at minimum in my -- and maybe I should look at all responses -- but at minimum, I didn't add the minority staff and I was -- but I was -- I'd become aware based on that phone call that there was a friction point.

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Q Is there a reason you did not add the minority staff?

A You know, I don't remember. I'm just actually noticing it now. Typically -- and I wouldn't say typically -- sometimes, if I interact with a majority staff director, like I say, I interact a lot with the defense committees, I'll oftentimes add the minority. A lot of times I won't. It depends on the topic. But on something like an ongoing investigation, I usually would. It would be bipartisan.

Q I'm sorry, usually it would be bipartisan?

A Yeah, if it was something like -- something of this sort of nature, like a major investigative request from the committee.

Q In the -- in addition to the emailed communications that were made, are you aware that -- I think there were also verbal communications made from staff to the Department, Republican staff to the Department?

A Yeah. I mean, I certainly understood that our staff was working vigorously with the staff who were making the requests. And I'll foot stomp again that it certainly was my direction and my belief that our staff had the understanding that our job was, to the greatest extent of our ability, to facilitate the committee's requests as effectively as possible and in as timely a fashion as possible.

Q At times, because the Republican staff spoke separately with your staff making requests for interviews, scheduling interviews, that required the Democratic staff to speak separately from the Republican staff, right, with your staff to find out what the committee was actually doing? Were you aware that the Democratic staff spoke

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with your staff?

A I assumed that there was a need for that, and that would be the normal course of the Department to ensure that there was visibility of issues on a topic of this nature for both majority and minority.

Q Did you ever personally have any communications with members of the Democratic staff about the committee's requests?

A I personally have never spoken with, met -- well, to my knowledge, because I've learned today my memory is faulty -- during the course of the Select Committee on Benghazi, to my knowledge, I have never spoken with, met, or otherwise interacted with a member of the Democratic staff until this day. It's a pleasure to meet you all, though.

BY MR. DESAI:

Q If I can turn back to exhibit 1, Mr. Hedger, and I want to focus on this idea of subpoenas. And this is a theme that seems to be pervasive, a concern that you had regarding subpoenas, and the letter that you provide on April 28th, as well as some of the correspondence you had with, at least the Republican staff, is memorialized in exhibit 3.

And if I can first start with exhibit 1 on the first page, maybe halfway through the last paragraph. You write, quote, "The Department is working diligently to accommodate your staff's multiple and changing requests; however, we are concerned by the continuous threats from your staff to subpoena witnesses because we are not able to move quickly

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enough to accommodate these new requests. Subpoenaing our service members when the Department is working diligently to accommodate your requests and when no service member has refused to appear voluntarily, is unfair to our uniformed men and women and an unproductive way forward," end quote.

You appear to echo this sentiment again on the third page of your letter, on the first paragraph -- in the first paragraph rather -- quote, "In light of the recent pattern of the Committee's requests and threats of subpoenas raising concerns within the Department, I request that you meet with me in order to identify a productive way to help the Committee meet its needs while respecting the current work of our men and women and the resources at the Department," end quote.

And, again, this is something that it looks like you have appeared to have expressed concern about this before you sent this letter on April 28th. And I want to just refer you back to the exhibit my colleague introduced in the last session, exhibit 3, page 2.

And here it looks like -- and I'm just going to characterize this a bit -- that you're responding to Mr. Kiko, who's informed you on page 3, he says, quote, on page 3 in the first big paragraph, "As we told Bill Hudson awhile back, the Chairman directed us at the time to let you know that we would make one request and then follow up with subpoenas with respect to unresolved matters," end quote.

You then respond to him and say, "I appreciate the heads up regarding subpoenas." And in the next paragraph, "It seems somewhat

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premature that the Committee would be issuing subpoenas to DOD."

And then, in the very last paragraph on page 2, you again talk about subpoenas in the context of the chairman's letter. Quote, "In sum, prior to your issuing a subpoena, you'd request the courtesy of a Chairman's letter documenting and prioritizing his requests," end quote.

Was the threat of subpoenas being issued to Department personnel a serious concern in your view?

A Absolutely.

Q And why was that?

A And a significant part of my comfort in communicating with the committee formally via letter. This had sort of multiple layers, as I'm piecing this back together in my mind, but some of them are perfectly clear. One is, as communicated, that we hadn't received formal requests. And so just as a matter of process, that's highly unusual, to generate subpoenas without formal requests. And I'm -- well, I can't think of a time that that's occurred during my tenure in the Department.

Two, it is extraordinarily unusual for the Department to face subpoena of any sort for any of our officials, that the Department has a lengthy, longstanding record of working with Congress in a way that works out tough issues, and, frankly, had a longstanding, lengthy record of working with the Select Committee on Benghazi in exactly that fashion. So the sudden escalation to the seeming everything involved a subpoena threat was a deep concern.

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Perhaps the most concerning piece of this was that the Department -- or, excuse me, the committee was pursuing in many cases fairly junior grade officers or enlisted personnel, who themselves did not know at the time that they were subject to the committee's interests. We were trying to find them on behalf of the committee.

And the subpoenas, I presume, wouldn't have named them by name. They would have named them by position and time or -- I don't know the legality of issuing a subpoena for the person who was a mechanic at X base at X time or who was a pilot on X flight at X time. I don't even know the legality of such a thing.

But the fact of the matter is, behind that is a servicemember, a servicemember who took an oath to defend the Constitution, whose integrity is a central part of their professionalism, and who we have no idea whether they're willing or not willing or -- to appear before this committee. And a subpoena is intimidating and hostile or at least feels hostile.

So when the committee says it's going to subpoena our servicemembers, when we're trying to find those servicemembers, and implying that in some way when you get down to that person that that person has done something wrong or is resisting or creates the implication that their integrity is at question or their willingness to appear before Congress is at question, that is deeply concerning.

And I personally, as a leader of the Department, think I have some responsibility to represent and defend those individuals. And I think the Department as a whole does as well.

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So subpoena threats for people who -- we don't even know who they are or we are trying to find is disturbing.

Q And was this concern that you've just articulated part of the impetus behind writing the April 28th letter to the committee?

A Absolutely.

Q If I can redirect you briefly to exhibit 3 again, and as we're looking on page 3 and 4 -- and let's start on page 4 actually. What we have here is a number of requests -- exhibit 3, excuse me, exhibit 3, page 4 -- a number of requests by the committee of witnesses. And in the parentheticals next to it we have when it was requested, right.

So, for example -- and this is just an example -- in the middle of the page, Dr. Jim Miller, under secretary of policy, OSD, requested on March 24th, General Patrick -- I believe that's should be "Mordente," if I'm not mistaken -- requested on March 24th. Even at the very top of that, drone sensor operator requested on March 24th.

These individuals were requested on the 24th. This email, if I can, again, direct you now to the page right before, it looks like was sent to you from Mr. Kiko on March 25th.

A Correct.

Q And in this same email that's dated March 25th, Mr. Kiko is raising the specter of subpoenas for some individuals that have actually only been requested the day prior. Is that correct?

A That appears correct from the record.

Q And would that surprise you, that the specter of subpoenas

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would be raised for issuance against witnesses that were only requested the day previously?

A Yes. The specter of subpoenas for any of our witnesses surprised me. And I think the record that the Department had established with the Select Committee, in terms of providing documents, individuals, working in a manner of comity and tactfully and scheduling things, makes the threat of subpoenas, which was seemingly becoming a regular course, highly surprising.

Q Let me ask you this. At the time or now, and to your knowledge, did any of the witnesses that the Select Committee requested to interview, either tentatively or definitively, did any of those witnesses at any point in time ever indicate an unwillingness to appear voluntarily in front of the Select Committee, which would have necessitated the issuance of subpoenas at all?

A I know of no individual that has ever declined to appear before the committee, to include myself.

Mr. Desai. Could we go off the record for 1 second?

[Discussion off the record.]

BY MR. DESAI:

Q If I can focus your attention, Mr. Hedger, back to exhibit 1, to the second page.

A Exhibit 1?

Q Yep, page 2.

A Page 2?

Q Page 2. And again, my colleague from the majority in the

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last session, I think, went over these bullet points, but I just want to read you the paragraph that precedes the bullet points and just spend a very short amount of time on each one of these.

You write to the committee, quote, "The Committee has made requests of individuals who seem unnecessary even for a comprehensive investigation, or has insisted we prioritize certain requests only to later abandon the requests," end quote, and you provide some examples.

And again, let me just apologize at the outset if I end up asking you questions that were asked in the last session. I apologize. It's just to make sure that we've garnered the full extent of your response and have what we need for the record --

A Sure.

Q -- and we do have a full understanding of what's going on here.

So something like on the second bullet point, and we talked a little bit about this mechanic on Facebook, for example, you describe a committee request to interview an individual who made certain claims on his Facebook page alleging him to be deployed to Benghazi to make a difference. You write, quote, "The Department maintains that locating these types of individuals are not necessary since such claims are easily dismissed by any one of the multiple high-level military officials already interviewed," end quote.

Was this a concern, if you recollect, that you had again communicated to anyone on the committee prior to you memorializing this in your April 28th letter?

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A I had not personally communicated these. I had not interacted -- sort of the interaction -- my limited interactions were with Phil Kiko. But I understood this to be a concern that had been repeatedly communicated to the committee by Department staff.

Q Okay.

A Or at minimum communicated.

Q Communicated.

Despite the fact that you expressed this view in this letter and despite the fact that your committee staff may have -- or, excuse me, Department staff may have indicated their views to the committee, did you continue searching and ultimately locate and provide this particular witness to the committee?

A Absolutely, yes. And just to restate what I said earlier, to my knowledge, for every witness the majority staff requested the Department locate and provide to the committee, we met every request. And I acknowledge and regret that the majority staff feels that some of those were not as quick as they would like. Sometimes we were also frustrated by the timing.

Ms. Sachsman Grooms. On this particular request, it's my understanding that the individual was located around the time when the Republican staff published their report. So the interview was ultimately scheduled after the Republican staff had published their report, at least to the press and on the Internet, and held their press conference.

Were you aware that that Facebook-posting mechanic was

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interviewed after the publishing of the report?

Mr. Hedger. No, but that would -- if the committee didn't interview him before, that may lend credibility to our belief that the witness was unnecessary to the work of the committee. It seems that they may have reached the same conclusion.

Ms. Sachsman Grooms. Yes. However, they still interviewed the witness after they publicly published their report. They stated to the press that they were considering -- and that they could -- the reason for interviewing the witness -- and I'm paraphrasing here -- was that they could potentially amend their report.

Last week, on Friday, we voted on the final version of the report. Nothing in the final version of the report included any of the information from the interview of that individual, the -- I think he was a 22- or 23-year-old airplane mechanic who had posted some information on Facebook. Were you aware that after the interview they did not, in fact, actually amend their report?

Mr. Hedger. I was not aware of that, but I'm not surprised.

BY MR. DESAI:

Q Before we turn to this third bullet on page 2 of exhibit 1, again, I'm just going to ask you some general questions about some of the concerns you've expressed here and, again, the actions by the Department to help facilitate the committee's requests throughout the course of the investigation.

At any point did you or anyone in your office that you're aware of ever refuse to schedule a requested interview of a witness that the

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committee had sought at any given point?

A Not to my knowledge.

Q And just to reiterate again, even if you or someone in your office felt that this particular interview was potentially unnecessary, did you ever deny that witness from appearing in front of the committee?

A No. And just to build, we make recommendations, we work with our committees, we urge them to take our advice. It is not unusual for our advice not to be taken, but we aren't usually penalized for expressing it.

Q And you talked about this a bit with my colleague in the majority in the last session, that you guys will provide recommendations. It's something that you guys do in the normal course of the role that you're discharging with your interactions with Congress. But in no way is it your intention to usurp the role of the committee to conduct its investigation. Is that right?

A You didn't ask me about my -- or maybe someone did -- about my record here on Capitol Hill. But I'll just say that I spent 10 years as a staffer on Capitol Hill, and 7 of those years was as a senior staff member for Senator Claire McCaskill, who you may know has a -- one of the strongest reputations on Capitol Hill for being a dogged investigator and a career prosecutor.

And during my tenure on her staff, I certainly embraced, adopted, and furthered the prerogative of very aggressive congressional oversight. It's something I respect dearly and it's part of who I am

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as a professional.

And we understand in the process as we go through this, that I have great respect for, but I personally also have great respect for -- the Department writ large does -- the investigative and oversight role of Congress. And we work to be professional and responsive to that.

That doesn't mean that in some cases -- to include Claire McCaskill, by the way, who has an ongoing investigation that I have expressed significant concerns with in my current role -- that does not mean that we don't at times have concerns with the course of an investigation, concerns with the requests, concerns with the timelines given, scope, otherwise, and communicate what our concerns are in clear terms.

And the context of how things were going impacts how we communicate that. Sometimes it's in formal letters. Sometimes it's just in the staff back and forth of various methods. And that's dictated by the context of the investigation.

Q So if I'm hearing you correctly, you obviously respect Congress' role, with respect to their investigation, with respect to their obligations, the discharge, the duties that have been given to them by the House of Representatives in this instance. And when you're making recommendations of what may or may not be useful or who could be more relevant or not, that's to be helpful to the investigation, not to impede it. Is that correct?

A That's correct. And I should say also, they

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absolutely -- we want investigations to have good results as well, even when they are unfavorable to the Department. If they are unfavorable to the Department, we want the facts to be correct and then us to be able to learn and move forward from them. So it's not -- you know, we are a stakeholder in it.

Now, when we have concerns from our view that an investigation is going to go in a direction that isn't, in our view, in our expert view, or where we have particular knowledge, is concerning, we also want to communicate that in the hopes of achieving a course correction.

Q Okay. If I can now move on to the third bullet on page 2 of exhibit 1, and I'm just going to read to you the first couple of sentences from paragraph 3.

Quote, "The committee has requested to interview an individual identified as 'John from Iowa,' who described himself as a Remotely Piloted Aircraft camera operator on a talk radio show, where he described what he allegedly saw in the video feed from the night of the attack. The Department has expended significant resources to locate anyone who might match the description of this person, to no avail," end quote. And I suspect that second sentence is largely the reason why you may be here today.

At the time that you wrote this letter, John from Iowa, this individual, John from Iowa, had not yet been located or identified. Is that correct?

A That's correct.

Q As of April 28th, 2016?

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A That's correct.

Q When you talk about the Department expending significant resources to locate this individual that the committee is seeking, what are those resources that the committee had expended toward that end? The Defense Department, excuse me.

A Yes. I would refer to you the statement that we entered into the record at the beginning.

Q Okay. Now, ultimately, this individual was found, and he did testify in front of the committee, I believe, the first or second week of June. I want to say June 9th of this year.

Are you able to tell us why it took the Department or why the committee perceived that it took the Department longer than it should have to identify this individual to bring in in front of the committee to testify?

A I can talk about the kind of conditions that -- I would refer you specifically to the Air Force statement that was read into the record, relative to what resources were expended and the method that was followed. And the Air Force had responsibility for identifying the individual who was an Air Force servicemember.

As a broad matter -- and this applied to the individual -- for one, what was difficult -- one particular difficulty with this individual is that he was identified to us as John from Iowa, and I think it goes without saying that we don't have any manner of identifying people by monikers of that sort. And so that was a challenge from the beginning.

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He had described -- the individual who identified himself as John from Iowa had described in relative terms, as I recollect and understand it, what role he played and otherwise. So we had something to go off in looking for him, but we were operating from a position of weakness by not having the name to start with.

Two, the Department is massive, and we are conducting the investigation from the top down but trying to push the information from the bottom up. And we also have the challenge that we are 4 years removed from the events -- I believe, almost, 3-1/2, somewhere in there -- from the events. So you have the tyranny of time.

But this is particularly a challenge for the Department of Defense, because we move our people from base to base and within a base and within units; we have people who retire; people who ETS, which is leave service when their contract ends; people who are assigned to different roles, sometimes in combat theater, sometimes overseas.

I mean, it is -- it is a -- it's a hot mess in terms of we move -- and we don't move them together as a unit. We move them individually and at differing times.

So 3, 4 years later, after someone is moved, even if you have their names, sometimes it can be difficult to find them. A lot easier when you have their name, a gazillion times easier.

In this case, we had a role and a timeframe that they played that role, and we had to go into something -- we don't have a global database of, say, flight records. Those are things locally kept.

And so this created the kinds of challenges we faced with John

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from Iowa and with other individuals, is we had to go track them down across our enterprise and across, in many cases, the civilian sector as well, because they had left our enterprise. And that's a challenge.

And the other challenge we had is, I think I described in the first hour, is we were receiving multiple requests at a higher pace than we had before. And so we were looking for multiple people at multiple times, and many of them were Air Force personnel. And so you had a single apparatus that was trying to find -- trying to prioritize and go through those requests.

And that created a greater burden. You know, if you're looking for one person, you put all your resources into one person, then you have a higher probability of going quick. If you're looking for 5 people or 10 people or 12 people and they had different roles in different places, that's harder.

And keep in mind, this is -- this is in addition -- this is giving that duty -- it's not like the whole Air Force was looking for John from Iowa. It was the people who would have that responsibility within the Air Force. So that's the broad range of the issues.

The specifics of finding the individual we later would learn was John from Iowa, I refer to the Air Force statement. But I will reiterate what I think you said at the beginning, which is that on its face, prima facie, right -- did I say it right this time?

Mr. Richards. No, you didn't.

Mr. Hedger. Dammit. In spite of my legal education, I can't use legal terms. But on its face, we found the individual and provided

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him to the committee. The dispute I think we have is how long it took us.

I personally -- I share frustration when it takes a long time. In fact, I recollect talking and saying: What the hell is taking the Air Force so long? But these are challenging for all the reasons I just talked about. But on its face, we met the committee's request, and I'm pleased with that.

BY MR. DESAI:

Q And you've set forth a number of factors that, in your view, contributed to the delay in identifying this individual.

A Let me, just for the record, for clarity, I spoke broadly.

Q Broadly, absolutely. And the statement --

A Relative to the individual, I speak to --

Q Sure. So broadly, and then the statement with respect to this gentleman. Given all these factors, and I think at one point you said the Pentagon at this time has 3 million or so employees or something --

A I think that's the number.

Q -- did it surprise you that it took as long as it did to locate this individual and to provide him to the committee?

A It didn't surprise me. I was actually surprised we found a John from Iowa. I suspected -- well, I don't know. It just seemed like that was a hell of a thing to rely on to try to find a person. But we did, and, again, I'm pleased with that.

You know, it's hard to say whether I'm -- it's hard to find people

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sometimes in our enterprise. I would've been very happy if we found him immediately and provided his name to the committee immediately, and that would have taken less resources, been less frustrating, and created less friction with the committee.

We don't set out to create friction or get people frustrated. We seek to be professional and timely and responsive and communicate when we're having struggles doing so, if there is a reason that we are, which is exactly what we did here, is explain what we were doing, what problems we were having, and why we were having them.

But we absolutely did our best to find this individual, and we did.

Q Just to be perfectly clear for the record, was the delay in identifying this individual an intentional effort on your part or on the part of the Defense Department to prevent him from testifying in front of the Select Committee?

A Speaking for myself first, it absolutely was not. And I take great offense to any, any, any accusation that anything I did or that I directed was an intentional slowing down of being responsive to a congressional committee, to include this committee. It's an outrage if someone alleges that.

Relative to the Department, I have no reason to believe that anyone that works for me, with me, or around me did anything to delay responsiveness to this request, to include members of my staff, the Air Force staff, or otherwise. That would be inconsistent with the culture we have, that would be inconsistent with our metrics, with the

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standards of our leaders.

I understand when people are frustrated when we can't be as responsive as they want as quickly as we want, and sometimes we are frustrated too. But any allegation that there was -- certainly to me personally, and in my view others -- purposeful misconduct to delay for providing someone I think can't be supported by the record.

Q And let me just ask that question a slightly different way as well. Was the delay to find this individual an intentional effort on your part or on part of the Defense Department to conceal the truth or to misrepresent the facts surrounding the attacks in Benghazi in September 2012?

A Short answer, no. Longer answer, we have every -- we have the exact same interests that this Select Committee did. The truth serves all of us well.

Q As I mentioned earlier, this individual did appear in front of the Select Committee, I believe, on June 9th of 2016. Does that sound familiar at all to you?

A I'm sorry, can you say that again.

Q John from Iowa did finally, in fact, testify in front of the Select Committee on June 9th, 2016.

A I don't know the date, but on its face, I know that we provided an individual who turned out to be John from Iowa. His name is not John from Iowa. It's something else. I don't remember. And he appeared before the committee and testified. And we're pleased that we were able to identify the individual they were looking for and

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provide him to the committee.

Q And are you aware of whether or not this individual, when he did finally testify in front of the committee, whether or not he provided any new substantive information that would change the underlying facts of what we know about the attacks in Benghazi?

A I can only tell you that anecdotally I recollect being a part of a conversation that indicated that there was not -- I think someone had passed to me in passing that he had testified that if the committee wanted to -- the best way for the committee to understand what had happened was to watch the video, which made me chuckle because I believe that it's exactly what we had told the committee ourselves.

Q And I'm just going to ask you a couple of --

A And I should clarify, we have made that video available to the committee, it remains available to the committee. We made that available before the interview.

Q Do you know when it was available or when it was made available?

A I don't.

Q In that same vein, I'm just going to ask you a couple of specific questions about this individual's testimony to the committee.

He testified that his role as a drone operator that evening was limited to directing the camera where he was instructed and that he did not recall relaying any information about what he was observing up his chain of command.

Are you aware of any facts that would contradict his testimony

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to the committee?

A I'm not.

Q He also confirmed that the drone footage from the night of the attack, which the Select Committee had access to, we think, for about a year or so prior to his testimony, provided the best evidence of what he observed that evening. Are you aware of any facts that would contradict this individual's testimony to the Select Committee in this regard?

A I'm not.

Q He also testified that the reason he called into Sean Hannity's radio show in 2013, which was the genesis of the original request, I believe, was not because of what he had seen himself, but rather because of video footage from the drone before his shift had never been seen, might show the beginning of the attack.

Are you aware of any facts that would contradict the witness' testimony to the Select Committee in this regard?

A I'm not.

Q If we can take a step back now more globally. Do you believe at the time that your April 28th letter to the Select Committee accurately conveyed the facts surrounding the Defense Department's efforts to identify John from Iowa, to the best of your knowledge?

A The letter, to the best of my knowledge, accurately conveyed the facts.

Q Okay. With respect to the circumstances you describe in your April 28 letter surrounding the Defense Department's effort to

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identify John from Iowa, was it ever your intention to be untruthful to Congress?

A Absolutely not, and I take offense to any accusation thereof.

Q And we've gone over this now for almost two rounds, but just for the record, what was your intention?

A My intention with this letter was to communicate on behalf of the Department a series of concerns that I believe we had been seeking to communicate via informal means to the committee on a number of issues and to formalize those, because our interactions to date at the staff level, as I understood them, had not changed behavior and things were in a difficult place.

And I should emphasize at this point, as well, that in my -- the course of my responsibilities as assistant secretary of defense for legislative affairs, obviously, I was representing views that I was not individually the expert on in every instance and paragraph in this case, that I was not working this in and out.

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[3:14 p.m.]

Mr. Hedger. But I had every faith and confidence in the accuracy of the content as presented to me and therefore signed the letter and take full ownership of it.

Among the concerns we had are things that we have already discussed here, the nature of the subpoena threats that were highly unusual that were intimidating, that were in our view unnecessary, and that in my view again as a leader of the Department who's responsible for helping protect our men and women, the servicemembers who go in day in and day out and put their lives on the line for our country, knowing that these subpoenas were directed towards them unknowingly, that that was something that deeply concerned me, and I think we had a responsibility to speak out to.

We were concerned with the nature of the questioning that was occurring and what that might mean for the outcome of the final product of the committee. Again, we considered ourselves a stakeholder in the report being a good, accurate, final factual representation of what happened, and we were concerned based off what our folks who had accompanied these interviews were seeing and what that might mean for the final report, and we felt that we needed to formalize those concerns.

We had concerns with the number of requests being made, the manner in which they were being made, and the pace at which they were being made for interviews. That included new requests that we didn't expect. That included requests in larger numbers than had been represented that

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we should expect. That included changing requests, so some being made and then withdrawn, remade, things like that. The sensor operators and the pilots is actually a good example. I believe our first request was for pilots from a particular time. And then somewhere in there, it became all pilots, and then it became all pilots and all sensor operators, and then when we provided those names, it was just a few of those that the committee wanted to interview. But it was a sort of sequential, but semi-haphazard process, which is difficult for us to managerially deal with.

So these are some of them. Most of these are caught in the letter, but we had this sort of building pile of concerns, and that led me as a leader to say, yes, I am very comfortable that we should formalize this communication to the committee because we haven't been able to get through. We're not necessarily getting to a better place. The friction level is kind of increasing, and it would be really very helpful to us to be able to communicate these in a formal fashion for the record.

And we also have an institutional responsibility. So these things, if the report -- as I said, I haven't read the report -- but if the report was concerning in its ultimate piece, the committee, excuse me, the Department would have on the record that we had expressed concerns with some of what the committee may have relied on to achieve the report.

So as an institutional matter, the Department of Defense, not just Steve Hedger -- I'm going to be long gone -- but this report and its

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record and what it means for the Department, we had a, I think this was serving an institutional interest. So it's a broad characterization of why we wrote the letter.

BY MR. DESAI:

Q Your testimony is very helpful in that regard, and I say that only because since your letter was written back in April, there have been those who have characterized your letter as political or partisan, but it seems that that's clearly not your view, at least based on the reasons that you've articulated. Is that right?

A I vigorously, vigorously assert that there is absolutely nothing about this letter that is partisan. It is not -- it is entirely inconsistent with the direction that Secretary of Defense Carter gives the Department that we would do something as partisan.

It is inconsistent with the record of the Department over history. It's inconsistent with my record personally in any number of places I have worked, and I think it is inconsistent with the facts of the letter. The letter stands on its own as a factual statement, and it clearly represents important departmental interests.

Q And one last question I had, and I'll see if my colleagues have any others, is do you have any substantive knowledge, substantive knowledge of the events before, during, or after the Benghazi attacks that you believe aren't in the public domain or have not been investigated by this committee that you are aware of that you want to convey to us now?

A It wouldn't really be my place because I haven't been

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substantively engaged on the facts and the events surrounding it.

BY MS. SACHSMAN GROOMS:

Q You have no personal knowledge of the facts surrounding the attacks in Benghazi? Is that accurate?

A I don't, short of what you've seen on the news.

Q I just have a couple little follow-ups from the first round. You were asked, I think in great detail, about some of the particular lines in this letter, and one of them was about whether or not the committee had ever directed the Defense Department, I guess, not to provide witnesses from out of the country?

The democratic staff is certainly not aware of any directions that the Republican staff gave to the Defense Department that they did not require individuals to travel from outside of the country to the United States for these interviews. Of course we were not involved in all of the conversations, right, between the Defense Department and the Republican staff. But it's my understanding that a couple of the individuals did, in fact, travel to the U.S. for the interviews, for example, Generals Breedlove, Repass, and Colonel Phillips. Is that information that you're aware of that you can answer?

A On its face I know that General Repass and General Breedlove were assigned to Europe, and I believe that both of them did in-person interviews with the majority staff.

Mr. Davis. And the minority staff.

BY MS. SACHSMAN GROOMS:

Q No, no. We were also present at the actual interviews.

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A They did interviews for the Select Committee on Benghazi.

Q So those would be a couple of examples, and I understand that in this particular setting, after it's been a little while since the letter was written, you might not be able to recall each of these details.

In another example, I asked you quite a few questions about the line that the Department has spent millions of dollars on Benghazi-specific congressional compliance. I believe that is a sentence I have read in Department correspondence that was made to previous committees before the Select Committee ever existed, and I think -- I don't have a copy of it -- that that's referring to and is language repeated out of a Department of Defense letter that they sent to Congress before the Select Committee even existed, so before you even got there. Were you aware that the Department had used similar language to that before?

A It doesn't surprise me. I'll just that I had, again, I had absolutely no reason to believe that this statement was inaccurate, and it struck me as accurate, or I would have asked the staff to go back.

Ms. Sachsman Grooms. That's all I have. Thank you very much.

Mr. Desai. Thank you very much for your testimony. We can go off the record.

[Recess.]

BY MR. DAVIS:

Q We'll go back on the record.

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During the last hour you mentioned that you had spent 10 years on the Hill working for Senator McCaskill?

A Not all of them working for Senator McCaskill.

Q Who I believe you described as a dogged investigator?

A I think that's how she would describe herself.

Q Have you ever worked on a congressional investigation?

A Have I ever been an investigator?

Q Have you ever worked on an investigation, yes?

A In a broad sense --

Q Yes.

A -- I was her legislative director. I oversaw all of the policy work, to include investigations. I was not an investigator or personally leading any of them.

Q Have you ever been part of drafting a congressional report?

A I have absolutely edited congressional reports pursuant to investigations her staff did.

Q Have you ever been part of an interview in a setting like this during your work for Senator McCaskill?

A I have never participated in a transcribed interview.

Q Have you ever sent correspondence to an executive branch agency during your time with Senator McCaskill?

A Absolutely. I love letters, by the way. You can ask my staff of 7 years.

Q Have you ever sent letters requesting witnesses for transcribed interviews?

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A I don't recollect.

Ms. Sachsman Grooms. Are we now investigating what he did during his time working for Senator McCaskill?

BY MR. DAVIS:

Q Did you ever send letters requesting documents from agencies?

A I don't recollect the specifics.

Q I want to hone in on the fact that, you know, you mentioned in your letter on multiple occasions that locating these types of individuals are not necessary?

A Correct.

Q In another sentence you say, we continue to believe interviewing these individuals is unnecessary?

A Correct.

Q So from what background were you speaking that it's unnecessary?

A I'll first return to my answer from the first hour, which is in the course of my duties as Assistant Secretary of Defense for Legislative Affairs, I have the responsibility in many cases to communicate the views of the Department, those views representing things that I don't necessarily work on myself in an immediate sense.

In terms of on what basis did the Department have for expressing that some of these interviews were unnecessary, I think the record has shown that we believe that there were individuals who could only testify to something that you had already received testimony on and that their

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testimony and our expert understanding of the organization of the Department and these units would either be duplicative or could not shed a new light.

Q So can you --

A Can I just finish my answer, please.

I think that the record in the case of the individual who identified himself as John from Iowa actually provides a very strong example of where an individual, in fact, in a transcribed interview told you that the best thing for you to do is to observe video you already had rather than interview him.

Q So you testified during the last hour that anecdotically he did not provide substantive information. Do you remember that, stating that?

A I remember being told and saying in the last hour that his testimony included that he thought the best way for you to ascertain the facts was to watch the video.

Q Who told you that?

A I don't remember who told me, but staff who were -- I presume someone who had firsthand knowledge.

Q Was it Ed Richards?

A It may have been. I don't recollect who it was.

Q Was it Bill Hudson?

A It could well have been. I don't know who was present for the interview.

Q You said it was provided to you in passing, that

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information?

A Let me just for clarity, it could also have been someone else who communicated it. I don't recollect.

Q I'm just trying to understand. You make a lot of claims in your letter, and so far you've been unable to identify the basis for any of them other than just generic "staff told me," so I'm just trying to find out what staff told you specific information so we can understand the knowledge that that staff had and, therefore, the knowledge imputed to you. I believe you testified last hour --

A Just real briefly --

Q You may, of course.

A I don't think we've established that anything in my letter is inaccurate in this setting so far, so I continue to believe that the letter was accurate. I have no reason to believe it was inaccurate.

Q You've made that very clear. You testified last hour that John from Iowa was not identified by the Department as of the date of your letter, April 28, 2016?

A I'm sorry, can you repeat the question?

Q Sure. Had John from Iowa been identified by the Department by April 28, 2016, the date of your letter?

A Not to my knowledge.

Q Not to your knowledge. Were you aware that John from Iowa was actually identified 3 years earlier by the Department?

Mr. Richards. What Department?

BY MR. DAVIS:

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Q By the Department of Defense.

A I am not aware that the Department of Defense, although you may have to be a little more specific about what you mean by the Department of Defense.

Q I mean its 3 million employees.

A I suspect someone in the 3 million employees knew who the individual was that flew that flight that night. I suspect someone may have even know he was known as John from Iowa.

Q Do you know how many Air Force squadrons were operating drone aircraft over Benghazi on September 11 and 12?

A I do not.

Q Was that answer one?

A Excuse me?

Q Was there one?

A I think the answer was I do not know.

Q You don't know. But it could have been one squadron?

A I do not know.

Q Okay. Do you know how many actual drone aircrafts were operated over Benghazi on the night of September 11 and the morning of September 12?

A I do not know.

Q Do you know how many sensor operators there were from the unit working that evening?

A I do not know.

Q Would it surprise you to learn the answer was less than 20?

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A I'm not here to be surprised one way or another. I don't have a guess of how many there were.

Q Do you know how many sensor operators were actually in the seat while the drone was over one of the two compounds the night of the Benghazi attacks?

A I'm sorry. Can you ask the question again?

Q Do you know how many sensor operators were actually sitting in the seat operating the sensor cameras the night of the Benghazi attacks?

A I suspect as many RPAs as there were, there was a drone operator assigned to it.

Q Would it surprise you to know that answer is there were six individuals, six RPA sensor operators, working that night?

A I'm not surprised one way or another.

Q Do you know how many of those six RPA operators were male?

A I certainly don't know the gender.

Q There were four, four that were male. So that's a universe of four people to look for John from Iowa. Were you aware of any of these facts?

A I think what you're describing is the people who performed the mission, which were a finite group, I'm sure.

Q Very finite.

A You're not describing the process the Department would follow three and a half years later to find them.

Q We'll get to that. We can go back to exhibit 3.

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A And just for clarity, we can go back to exhibit 3. We can find a finite number of people performing any mission at any time over history. That does not mean the Department can readily and quickly identify them some number of years later.

Q Let's go to exhibit 3, on page 4, an email from Phil Kiko to you: Note: I Googled drone pilot Benghazi, and the first thing to pop up was an interview between Hannity and the drone sensor operator the night of the attacks. His first name is John. He said there were only six people involved at his location and that the flight log book from that night will clearly identify who everyone was involved. He also indicated basically everything he shared in the interview was in an unclassified report that mentioned him by name.

Do you remember receiving that email from Phil Kiko?

A I actually don't remember receiving the email, but I've reviewed it and I see it.

Q And you have responded to that email. Is that correct?

A Correct.

Q Would you have responded to an email without reviewing its entire contents?

A Are you asking if I read the email?

Q I'm asking if you would have responded to the email without reviewing the entire contents of the email?

A I don't recollect if I read every word of the email before I responded.

Q So what did you do with the information that the majority

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staff provided to you that there were only six people involved at his location and that the flight log book from that night will clearly identify everyone who was involved? Did you do anything with that information?

A I don't recollect what I did with the information.

Q What steps did you take to identify John from Iowa?

A What steps did I personally take?

Q Yes.

A I remember providing directions to the staff to identify these individuals.

Q What direction was that specifically?

A To continue to comply with the committee's request.

Q And when did you provide that direction compared to when the committee made its first request?

A I don't remember an interaction I had on a specific day or time, but I am entirely confident that I consistently counseled that -- you may think this is fun in Leg. Affairs to have friction between a committee and in fact this is miserable.

Q I haven't said anything is fun. I would appreciate you not characterizing --

A Well, you've done plenty of characterizing of me. Here's the fact. Regardless of whether we like the requests or we don't, we like to backresolve them and get them closed out.

Q Sure. Sure.

A And so I remember well, being very clear, come on, let's

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get this stuff put to bed.

Q So who did you say that to specifically?

A Staff of the -- our staff.

Q Who would you have normally said that to, something like this, a request comes in from the committee, and you provide direction. Who would you normally provide that direction to?

A It would be in our meetings with the Air Force or with Ed and Bill here or with my principal deputy or with my military assistant.

Q So was it the Air Force's --

A So just the broad point is my guidance throughout this process, and I'm not offering any specific instance, as is consistent with all investigations, but it certainly was with this one, where a staff director had reached out and said, come on and help us get this done, is let's put this to bed to the best degree possible.

Now, getting something done many times also includes negotiating with the committee to get to a more reasonable request, so going back to the committee and saying, hey, these folks are unnecessary, these folks are necessary, we can prioritize these folks, can we get a finite list, that's consistent with our practice.

Q Sure. Your letter says, we continue to believe -- I'm referring to the third bullet point talking about John from Iowa -- we continue to believe interviewing these individuals is unnecessary since we have given the committee access to the relevant RPA video from that night. Did you ever provide the relevant RPA video from that night or just provide access to it? Did you provide the actual footage to

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the committee?

A I believe the committee can review that footage at any time it wants.

Q My question is, did you actually provide the footage to the committee for its possession?

A For its possession?

Q Yes, as part of the investigation.

A I don't want to parse words what possession is. The committee can view the video at any time it wants.

Q Where can it review that video?

A I believe in the Department of Defense.

Q Department of Defense. So that would require --

A Let me just clarify. I'm not sure if you've ever asked us to bring it here so you can view it here, which I think is also possible.

Q Do you know if the video footage shows why the pilots and sensor operators were hovering over a specific area at a specific time the night of the attacks?

A I know nothing of the facts of the attacks in any detail beyond what's public record.

Q I'm just trying to dive in a little deeper into why you believed it was unnecessary to interview these individuals, so I'm going to ask you a series of questions to determine whether or not the relevant RPA video from that night would actually be able to enter these questions?

A Let me first return to something I've said repeatedly, which

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is in the course of my duties as Assistant Secretary of Defense for Legislative Affairs, it is my job in many cases to communicate views of the Department, and the views in this letter I believe to be accurate and remain accurate. I have no reason to believe they are inaccurate.

I have also spoken to, in a broad sense, why we would communicate that seeking to interview an individual or individuals would be unnecessary, and that has to do with our knowledge and understanding of the organization of the military, our knowledge and understanding of the role of a particular individual you may be seeking to interview would be. And we don't do this because we're trying to obscure. We're trying to do this to create efficiency so we can better support the committee and so that you can better reach the conclusions that you are pursuing in an efficient, effective manner. And, again, we are a stakeholder in wanting your report to also be a strong, good, factual report.

Q So let me ask, have you viewed any of the RPA footage, video footage?

A I've never reviewed the RPA footage.

Q Okay. If you've never reviewed the footage, why do you say it's unnecessary since we have given the committee access to the relevant footage if you don't even know what the relevant footage shows?

A I would refer you to the testimony of John from Iowa who said that it is better for you to watch the footage.

Q That testimony occurred a month after your letter. I'm asking you specifically about what you wrote in the letter.

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A I think it's prescient that a month later the individual told you the same thing we did. In exercising our expert knowledge of what we knew this individual, because of our familiarity with the organization, could testify to, we told you, he won't be able to testify to anything you can't get from the video. We knew that already. He confirmed that. We were fine. You insisted on him appearing. We provided him.

Q I didn't insist on anything, just for the record.

A We provided his name as you requested.

Q Sure.

A You wanted to interview him. All that that interview did was confirm the factual basis of what we said in our letter --

Q And how do you know that?

A -- relative to that interview.

Q And how do you know that?

A On the basis that his testimony said you should watch the video.

Q How do you know what his testimony said?

A As I said earlier --

Q Did you read his testimony?

A I have not.

Mr. Richards. He already said he had a discussion regarding this --

Mr. Davis. Who did he have this discussion with? He's making these claims --

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Mr. Richards. He's already answered the question. He's already answered that.

BY MR. DAVIS:

Q You had a conversation with Ed about it?

A I don't recollect which staff I had a conversation with. I know I had a conversation. I'll try to say this the same way I said it earlier. I had a conversation with someone who either had been in the interview or who had been told by people who had been in the interview, that the individual who we had come to know as John from Iowa, whatever his name actually is, had testified that he could not provide you information that is not already in the video, which is, in fact, what we --

Q I guess I'm a little curious because I've asked you over ten times, you know, who you've had conversations with, how you obtained certain information, and the response is almost always I don't remember, with staff. Yet the one time the minority asked you a question about a specific conversation, you're happy to discuss at length the conversation you had with the majority staff director. So I just find that a little --

Mr. Richards. As reflected in the emails that you all provided.

Mr. Davis. As reflected in the emails, correct, as compared to reflected in the letter which --

Mr. Hedger. You have given me a record on which to refresh my memory. And it's a finite, single -- I talk to my staff every day, tens of times every day, hundreds of times over a month, and over the

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course of this investigation, an enormous amount of times. I spoke to Phil Kiko, I believe, two times in my life. It makes it a little easier to remember the nature of that conversation.

Q So I want to go back again -- I haven't got to my series of questions about why you feel that John from Iowa was unnecessary. We can review the video footage instead.

A Sir, I would refer you back to the record.

Q I'm just going to ask you the questions, and you can answer the questions.

Does the video footage show why the pilots and sensor operators were hovering over a specific area at a given time? Does the video footage answer that question?

A I have not viewed the video footage.

Q Does the video footage answer why they were monitoring the Benghazi airport for an extended period of time --

Mr. Richards. Carlton, if he hasn't seen it, what's the point of asking him about something --

Mr. Davis. I'm just trying to --

Mr. Richards. You know the answer to every question. You're badgering him, is what you're doing.

Mr. Davis. I'm not badgering him.

Mr. Richards. You know the answer. He said he hasn't seen the video. You insist upon asking questions specific to the video.

Mr. Davis. Ed, he's the one that wrote it's unnecessary. I'm trying to establish why it is necessary. That's all.

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Mr. Richards. Well, tell us that. Don't ask him repeated questions that you know the answer to.

Mr. Davis. I'm not testifying. The witness is testifying.

Mr. Richards. He's testified he has not seen the video.

Mr. Davis. So he can say that in response to questions.

Mr. Hudson. Carlton, Carlton --

Mr. Richards. You're badgering the witness, Carlton. It's unprofessional.

Mr. Hudson. Let's just move on.

Mr. Davis. Okay. I'll move on to the next question.

Mr. Hudson. Let's just move on and get through this.

BY MR. DAVIS:

Q Look, this is why it's important. This is why it's important, Bill, okay? It's because there are two individuals that died at the Benghazi base that night, okay? There was a drone operating overhead, okay? There were mortar attacks that came into that base. Why were the people operating the mortars not viewed by the drone operating overhead, and the why to that question cannot be answered by reviewing the video footage.

So we wanted to interview John from Iowa to understand why the camera was on a certain point at a certain time?

Do you understand that?

A I respect if you had a different view than the Department. You are entitled to that, as are all of your committees when we communicate our views. I think the debate we're having here is your

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displeasure with the Department expressing its views, and I think that's something we do on a routine basis.

Q I haven't said I'm displeased at all.

A You have certainly carried yourself in that fashion.

Q Do you know what instructions the sensor operators were given? Does the video indicate what instructions they were given about where to move the cameras --

Mr. Richards. Again, he hasn't seen the video. Why do you expect him to give any answer except, I haven't seen the video? You're asking him specifics about the video.

Ms. Clarke. He also hasn't read transcripts that he's been giving specific answers about, so I think they are legitimate questions.

Mr. Davis. I'm also asking specifics about what the individual may have known in that --

Ms. Sachsman Grooms. Mr. Davis, do you think there's any chance you're going to change his opinion during this interview? That he has expressed --

Mr. Davis. I'm just trying to gather facts, Susanne, I'm not trying to change anybody's opinion.

Ms. Sachsman Grooms. How are you gathering facts? He has no more facts to give you. I think at this point we're just being vindictive because he shared his viewpoints in a letter --

Mr. Davis. Susanne, that is so far from accurate. I appreciate your point of view, but that is not accurate at all.

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Ms. Sachsman Grooms. Your tone, your tenor, your attitude, and your questions during this interview have become unprofessional.

Mr. Richards. Can we just take 5.

Mr. Davis. Absolutely take 5.

[Recess.]

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[3:50 p.m.]

BY MR. DAVIS:

Q During the last hour, we talked about an early February 2016 meeting between the Department staff and the committee staff. Are you familiar with that?

A As I said, I wasn't familiar with the finite details, but I'm aware that the committee staff and the Department staff were meeting.

Q So you said you're not familiar with the finite details. During the last hour, I believe you testified that majority staff provided a, quote-unquote, "best and final list. You said, quote-unquote, "Here is what we need double down." You said, quote-unquote, "a grand finale list."

How is it your understanding that that's what resulted from that meeting with the majority staff?

A Most of those -- those are my words, in general, how I interpreted the feedback of what had been -- and I don't -- actually, I don't recollect that being a direct result of that meeting there. I think there were ongoing conversations.

But I'm -- our staff had communicated along the way. And again, what I don't remember is which, you know, particular individual among the group of folks who were working on the Benghazi investigation would have said it. But that we had received a -- that the committee had said, this is it, this is our final, here's an -- sat down, worked out, this is our final group of people.

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Q Who requested that meeting? Do you know if the committee requested it or if your office requested it?

A I don't know.

Q You don't know. Okay. So do you recall who it was that characterized that list for you that was provided at the meeting by the committee?

A It would have been probably a member of the -- a member of the folks who were negotiating with the committee at the time.

Q And who may that have been?

A Perhaps the counsel that are with me today, but it could -- but I do not definitively remember which individual communicated that to me.

Q Did they communicate to you orally or in writing?

A I don't recollect, but most likely orally.

Q Is there any documentary evidence that you can point to, to support what you wrote in the letter, that what was represented to be a final list of requests for the Department?

A I think my own email to Phil acknowledged that we had that understanding. Yes, if we can refer to exhibit 3, page 2. Where did it just go? "Furthermore, expanding" -- the third paragraph, the second significant paragraph -- "Furthermore, expanding your requests of DOD repeatedly is at odds with the commitment you all made on February 5th to provide a definitive list of items to complete the DOD portion of your investigation." So that -- I would consider that documented.

Q Yes. Does it indicate that the list was provided on

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February 5th? It says "you all met on February 5th to provide," not the list you provided on February 5th. Do you see that?

A Okay. Yes, you're right. But I think the broad point I'm trying to make is that we -- we believe we got to a point where we were being told we were going to have a definitive list, so we had a definitive list, and then you all went significantly past that.

Q Are you aware of the fact that John from Iowa -- do you know if John from Iowa was ever disciplined by the Department in any manner for appearing on the Hannity show?

A I've been told he has, he was, yes.

Q When were you told that?

A After we identified the individual.

Q And do you know when he was disciplined pursuant to his appearance on the show?

A I don't, but I think it was -- it was -- in terms of what had been informally communicated to me, I think it was pretty quick.

Q Pretty quick, as in a matter of days?

A Your characterization, not mine. I don't know.

Q Okay. Do you know who provided that discipline?

A I don't.

Q Okay.

A Well, I should say I believe it was done by a local commander, his commander at the time at a subordinate unit level.

Q Okay.

A But I can't -- that's just how it's been represented to me.

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Q I want to turn your attention to, I don't know if you have it front of you --

A Can I say something real quick on that?

Q You may.

A Having been a fairly subordinate level commander on Active Duty in the U.S. military and done any number of counselings, you name it, every type of discipline you can think of you experience somewhere along the way in the military, I don't actually know the specific nature of what kind of discipline he had, but I believe it was a counseling of some sort that was placed in his record locally.

And these things are ubiquitous. It is you failed your physical fitness test, you failed to show up to work on time, you did something that was inappropriate of any nature. Those would be things that are common knowledge to the people in the immediate -- in that immediate setting, but would not be part of someone's permanent record and would not be common knowledge even outside that immediate unit basically.

Q So it did not become a part of his permanent record?

A I don't believe -- as it was represented to me, it was a local counseling.

Q Okay.

BY MR. TOLAR:

Q What does that mean to you, a local counseling?

A His commander counseled him.

Q Does that mean he put something in his record book?

A Can you define "record book"?

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Q His official military record book.

A I don't believe there was anything put into his --

Mr. Hudson. I think the terminology is, was it put into his official military records jacket, and Mac, I believe it was put in his --

Mr. Tolar. I understand. I'm asking him.

Mr. Hedger. To my knowledge.

BY MR. TOLAR:

Q Okay.

A As I understood it, it was a local. It was something that would be attached to him while he was assigned to that particular unit, but would not follow him in his career.

Q Okay.

A Or something that was, you know, visible to people who might consider him for promotion or assign him elsewhere. It was local to his unit.

Q And again, what makes you think that?

A That was just my recollection of how it was described to me.

Mr. Davis. So I want to turn your attention to the statement made at the beginning of the interview, brought with you by your counsel. Do you have that in front of you?

Mr. Hedger. I can get it in front of me.

Can you give me a copy?

Mr. Richards. All right.

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Ms. Sachsman Grooms. Do you have copies of the exhibit?

Mr. Davis. I don't. I'll enter it as exhibit 4.

[Hedger Exhibit No. 4

Was marked for identification.]

Mr. Hedger. Do we have a clean one of these so we can make exhibit 1, by the way, a copy of the letter, because I've written on it?

BY MR. DAVIS:

Q That's fine. You can write on it, no problem. You're not the first; won't be the last.

So I just want to discuss this for a few minutes, now that we've had a chance to review it. Is this something that was done at your request, this letter, to this statement?

A The staff of the Department asked for it from the Air Force, yes.

Q So it was done at your request?

A I asked for an accounting.

Q An accounting?

A I believe I asked for an accounting. Either way, we needed an accounting.

Q When did you ask for the accounting?

A You're asking me a question I can't remember. But we clearly needed an accounting based on the questions you all wrote.

Q When was the accounting completed?

A I don't know.

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Q Why was it not provided to the committee till today?

A Because you had scheduled an interview for us, and so we brought it to the interview to talk about these matters.

Q Sure. So why not provide it in advance of the interview so committee staff, both majority and minority, have an opportunity to review it?

A I suppose for the same reasons we didn't know what questions would be asked. I mean, we brought the information we thought would be relevant to the interview to the interview.

Q So first sentence, "In April, the Air Force --"

A Can I just -- to my knowledge, and I say to my knowledge, I don't believe -- and you've asked me a series of questions about specific elements of our letter -- to my knowledge, the committee has not made any request of the Department for information on those.

Q That's why you're here today.

A Correct.

Q First sentence, "In April, the Air Force launched a search for the following information." In April, the very first two words, when in April?

A I'm sorry, I can't speak to that. I think the Air Force --

Q So was it the 1st?

A Any question you want to ask about that statement --

Q Was it April 30th?

A -- I would refer to the Air Force.

Q The Air Force isn't here, you're here, and you brought this

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statement on your behalf?

A No, I brought this statement on behalf of the Air Force, as I -- as we said at the beginning, to represent the facts --

Q Yes, but you're the witness. You wrote this letter.

A Right.

Q You brought this as supporting evidence for the letter. We are unable to cross-examine the Air Force, so we need to cross-examine you, because you're the witness before us today.

Look, if you can't speak to it, that's okay, but I'm going to go through some questions and --

Mr. Tolar. Let's -- Carlton, real quick. So who do we need to talk to, to understand the factual background of this letter?

Mr. Hedger. If the committee has a question for the Department, I would recommend the committee pose -- make the request of the Department in the normal course, in which we will do our best to work with you all to facilitate, as possible.

BY MR. DAVIS: And we will do that, but I'm going to ask you the questions here today to see if you may be able to answer any of them.

"In April," so do you know when in April the Air Force launched the search?

A I would refer to the Air Force.

Q So you don't know, it could be the end of April?

A I would refer to the Air Force.

Q "A Senior Executive Service level civilian (SES) in the

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office of the Assistant Vice Chief of Staff of the Air Force working with a colonel and another SES in the Air Force Legislative Liaison office sent a classified request for information to the vice commanders."

Do you know who the SES in the office of the Assistant Vice Chief of Staff of the Air Force is?

A I'd refer to the Air Force.

Q Well, I understand that, but do you know who that SES individual is?

A I'd refer to the Air Force.

Q So you don't know who that person is?

A No.

Q Well, what about the colonel and the other SES in the Air Force Legislative Liaison office?

A As I've said, I'd refer -- for any question regarding the content of that letter, I'd refer to the Air Force.

Q I'm just asking whether you know who the colonel and the other SES in the Air Force Legislative Liaison office is?

A No, I do not.

Q So you testified earlier that you have frequent meetings with the Air Force Legislative Liaison office. Is that correct?

A I have a routine meeting with the --

Q Routine meeting?

A Regularly scheduled meeting with the services.

Q Okay. And who usually represents the Air Force in that

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regularly scheduled meeting?

A Either their head of Legislative Liaison or a subordinate officer.

Q Okay. And who are those individuals?

A I'm not sure if he's actually still assigned there, but the head of the Air Force Legislative Liaison is Major General Thomas Bergeson.

Q Okay. And what about his subordinate?

A I don't actually remember the -- off the top of my head. They've had some reassignments, some new assignments. I don't know who the deputy is right now.

Q Was any instruction given to the Air Force by your staff as to how to find John from Iowa?

A You'd have to ask my staff, but not to my knowledge.

Q Did you tell your staff to give any specific instructions?

A As I said earlier, what I've told our staff over time, even where we disagree with this, is let's do our best to fulfill requests.

Q So the email that Phil Kiko sent you talking about how John from Iowa said there were six people involved in his location in the flight logbook, reportedly identified everyone even who was involved, did you pass that along to your staff to pass along to the Air Force?

A I have no reason to believe I didn't.

Q So you may have done that?

A It would be highly unusual for me not to share relevant information.

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Q Would you consider that relevant information?

A Sure, absolutely.

Q And did you direct your staff to pass that on to the Air Force?

A I don't -- I really don't recollect what the correspondence would have been.

Q But it's possible you did not do that?

A No, it's highly unlikely that I didn't pass relevant information.

Q Okay.

A And the fact that there were six individuals that were flying that night doesn't have any real relevance to our ability to find those six individuals. It just doesn't.

BY MR. TOLAR:

Q What is your understanding of how military aircraft operate in terms of maintaining records, both for maintenance and for operators, given your 17 years experience in the military? Do you believe that's a kind of a hapless process or is it a meticulous process?

A I'm not -- I'm not here to characterize on processes.

Q But given -- based on your experience --

A Yeah.

Q -- having 17 years in the military, do you not have an opinion as to whether or not you believe that the Air Force maintains meticulous records when it comes to aircraft and the personnel that operate them, or do they have a less than meticulous process?

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A I will say this. Look, I know the Air Force keeps logs and things like that. I would never -- if you have served a day in the military, and I believe you have, I would never count on the infallibility of the local recordkeeping of that unit.

So I believe they keep records. That does not mean that they were meticulous. In fact, if I were making the assumption, I would presume they weren't. That's just my assumption.

Q Why would you make that assumption? Based on what?

Mr. Richards. So just to clarify, you have never served in the Air Force.

Mr. Hedger. No.

Mr. Richards. Okay. I just -- and you've been never been called --

Mr. Hedger. So let me clarify. In the Army, at the unit level, things get sloppy sometimes. I wouldn't be surprised if the Air Force, that happens as well.

That being said, in my layman's military view, mine, again, as assistant secretary of defense for legislative affairs, represent views, and have the -- the Department has experts all around me, right?

Mr. Tolar. Sure.

Mr. Hedger. My military assistant is a pilot. You know, I would expect the Air Force, I know that they keep flight logs and things like that, yes.

And just -- I want to repeat one thing, I've forgotten to come back to this, but we provided the names of the individuals you sought

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and you interviewed them. Hands down. No questions. Full compliance.

Mr. Tolar. Eventually you did do that, you're correct.

Mr. Hedger. I am genuinely -- I regret that you all are frustrated by the timing it took us to do that. I really -- I genuinely do. I'm not happy about it, and I -- but hands down, we provided the information.

And as I think I said earlier, there were times myself, even as we thought these requests were unnecessary or excessive, I was frustrated as well that you all -- I don't like to hear from a staff director who is threatening subpoenas. That's not good for the Department. That's not good for our people.

So even where we disagree, my guidance is, for God's sake, get this figured out. And ultimately we did. And largely what I feel is happening -- well, just leave it at that. But I regret that in expressing our concerns, that it has led to this.

BY MR. DAVIS:

Q Well, let me ask you a question. Let's go to exhibit 3 for a minute, and we can go back to our topic again. It's an email from Phil Kiko. I'm on page 4 of exhibit 3. It talks about requesting interviews, and the date of this email is -- it was March 29th, 2016, or March -- March 25th, 2016. I just want to go through this list of requested interviews that Phil sent.

A Uh-huh.

Q Admiral Kurt Tidd, requested March 9th. Do you know if you

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had actually reached out to Admiral Tidd --

A No.

Q -- by March 25th?

A I had not --

Q Scheduled him?

A I was not personally managing the interview scheduling.

Q So you don't know whether or not your staff had reached out to Admiral Tidd?

A Excuse me, I do not, no.

Q General Breedlove, do you know if your staff had reached out to General Breedlove by that point?

A I think that the request from General Breedlove, just by the dates of the email, it was the day before. I don't know exactly --

Q I'm just asking if your staff reached out to him by that point.

A I don't -- I don't know it meant 24 or less hour period or more.

Mr. Hudson. And for the record, I'm the one that contacted the individuals, Carlton. I'm the one that was the individual that was responding to Mac Tolar. So I am the one from the Department of Defense that reached out to the individuals to schedule the interviews. It was not Mr. Hedger, it was me.

So if you want to question me about that, go ahead and do it. But Mr. Hedger is not knowing when these were scheduled. I was the one scheduling these with Mr. Tolar.

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Mr. Davis. Well, Mr. Hedger spoke at length about subpoenas last hour, and I think it's important to understand exactly when these requests were made and when these individuals were actually first contacted to determine whether or not the notion of a subpoena may not be necessary to compel these individuals. We talked at length --

Ms. Sachsman Grooms. We established that that's outside of his actual personal knowledge or immediate knowledge?

Mr. Davis. It seems like everything is outside of his personal.

Ms. Sachsman Grooms. It is. He did not reach out to any of these people. He doesn't know the dates that any of these people were contacted.

Mr. Davis. Made it clear --

Mr. Hedger. Let me -- can I just make one point, since you raised the subpoena issue. I just want to reiterate something for the record. It is highly unusual for the Department to be threatened with subpoenas in any investigation. Has it happened? Absolutely.

But there was no -- from my perspective, and part of why we wrote the letter we did, this was a -- this was a really unusual interaction with a committee of Congress, particularly given what our record had been to date with the committee in terms of providing individuals documents and otherwise. It had been professional, it had been tactful, it had shown comity.

And, you know, suddenly we had -- we had gone from this professional, working together, trying to get a good result to the -- as quick as -- as fast as you guys made a request, we felt like we were

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getting a subpoena threat.

I myself was threatened with a subpoena. I was told -- in fact, I was told that the chairman signed out a subpoena for me and that it was just a matter of whether you all chose to deliver it. That in conflict with the chairman's later statement he had never heard of me. But I had been told by Phil directly that he had signed out a subpoena -- the chairman had signed a subpoena with my name on it.

So this was just unusual. It was unusual, and it wasn't constructive, and it wasn't consistent with what the relationship that I understood the Department and our staff had with you and the minority staff.

I respect every bit if you all were frustrated with the timelines. I may disagree with you. We're allowed to have different points of view on this. But from our seat, this was highly unusual.

BY MR. DAVIS:

Q How about the delay in providing these individuals, was that highly unusual from your seat as well?

A No, I don't -- I wouldn't have -- I wouldn't have allowed that letter to go forward and have signed it if I thought that the manner in which we were responding wasn't the best that -- as close to the best we could get.

Q I just asked if that was highly unusual. Those were -- that was your word.

A No.

Q Was the delay highly unusual?

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A To find these types of individuals 4 years or 3-1/2 years or so after they've performed certain duties, no. And I don't -- I think that --

Q The fact that logs were kept?

A Again, this is just me --

Q That those names were in the logs?

Mr. Richards. What name?

Mr. Davis. John from Iowa, for example.

Ms. Sachsman Grooms. John -- John was not in the log.

Mr. Hedger. Right. Yeah. So I can that we can fairly say there is no log, none, zero, zilch -- I say this with every confidence, every bone in my body -- there is not a log on Earth with the name John from Iowa.

BY MR. DAVIS:

Q Well, John from Iowa is very specific.

A That's who you all requested.

Q Let's go back to exhibit 4. I want to talk about the second to last paragraph here.

"With respect to the RPA crews, the plan was to first obtain the crew information and then review it for any clues as to the possible identity of 'John from Iowa.' Crew logs were reviewed to determine whether the identity of 'John' could be ascertained. None of the existing mission or flight records clearly indicated such an individual?"

So my first question surrounds the word "clearly." Were there

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any existing mission or flight records that did indicate such an individual, whether or not it was clear?

A I'm sorry, I missed which document you're reading from.

Q Exhibit 4.

Mr. Richards. Right here. Exhibit 4.

Mr. Hedger. I'm sorry. If it's reference to the Air Force document, I really can't speak to it.

Mr. Davis. Okay. Do you know -- it says, "none of the existing mission or flight records." Were there missions or flight records that may be missing --

Mr. Richards. So Carlton --

Mr. Davis. -- or have been deleted that indicated such an individual?

Mr. Richards. Carlton, he already referred you to the Air Force repeatedly regarding this statement. To the extent you continue to ask questions, that's going to be the same answer. So instead of badgering him, let's move on.

Mr. Hedger. And I'm happy to tell you that I know of no flight record anywhere with the words or name "John from Iowa," and I'm confident there is not one.

Mr. Davis. So you said, "we found the individual."

Mr. Richards. It's an Air Force statement.

BY MR. DAVIS:

Q Well, he said, "we found the individual." That's what he said last hour.

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A Yes. Me, speaking for the Department, the broad 3 million -- of the 3 million people in the Department, one of us found John from Iowa, we provided him to you, you interviewed him.

Q "However, on May 24, 2016, in discussions with one of the two RPA pilots ultimately interviewed by the Committee, the pilot indicated he thought he could identify 'John.'" So it was the pilot -- it was one of the pilots who identified John.

A I've read the same statement, and yes, that is what the statement says.

Q So you can't speak to the statement any more than the statement is here. You have no additional information about anything in this statement. Is that a fair characterization?

A I don't think that's what I said. I said if you have questions on the statement, the statement was prepared by the Air Force, and they should answer those questions.

Q Right. But you have categorically refused to answer any question about this particular statement.

Mr. Richards. He's referring you to the Air Force.

Mr. Davis. And as such --

Mr. Richards. He doesn't know. He never said no. He said please talk to the Air Force.

Mr. Hedger. If there had --

BY MR. DAVIS:

Q Do you have any additional information about anything in this statement? We can go through it sentence by sentence.

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A I think you've already tried.

Q And you have provided no additional information. Is that correct?

A For the purposes or for the -- relative to the content of the statement.

Q So the answer is no, you don't have any additional information?

A Your question should be referred to the Air Force.

Q So you have no additional information about this particular statement.

Ms. Sachsman Grooms. You've now asked that maybe 15 times, Carlton. He's not agreeing to say that your statement is correct. You're characterizing it differently than he is characterizing it?

Mr. Davis. Susanne, he has two --

Ms. Sachsman Grooms. You can ask five more times.

Mr. Davis. He has two capable counsel, Susanne, you don't need to keep interjecting. I don't ever interject during your hour.

Mr. Richards. I would just like to say, state for the record, if you are going to continue to badger him about this --

Mr. Davis. I'm not badgering him, Ed. I'm just asking him questions about a document that was done --

Mr. Richards. Repeatedly.

Mr. Davis. -- at his direction, that he provided today in support of his testimony.

Mr. Richards. And we're respectfully referring you to the Air

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Force for questions regarding this.

Mr. Davis. That's a little convenient for today's witness who knows he's here to talk about the letter.

BY MR. DAVIS:

Q So is there any additional --

A Which is why I brought the statement.

Q Is there any additional letter -- but you didn't provide the statement ahead of time.

A And I don't understand the sticking point. You told me you wanted to meet with me today to discuss these matters. We came here prepared to discuss these matters. And now you're angry that we came here prepared to discuss these matters.

Q I'm not angry at all.

A Now you're displeased.

Q I'm not displeased at all. I'm just trying to have a conversation with you to understand what additional information you could provide to us about exhibit 1. It sounds like the answer is none.

A What I can affirmatively say is these are -- this is a statement prepared by the Air Force, and the Air Force should answer questions relative to specific elements of the letter.

Q I understand. I'm asking about the letter you sent. The letter you sent.

A I have been answering questions about that, I think, for almost 2-1/2, and I'm pleased to continue to answer them.

Q But every time I've asked you for supporting evidence or

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documentary evidence regarding specific aspects in the letter, your response is somebody told you through the course of daily events, you don't know who that person is, and you have no reason to question it.

A I think that is among my testimony, yes. I've provided more information on a whole bunch of them.

Q All right. We're at 41 minutes. We're going to go off the record briefly?

A Okay.

Q And we'll continue our hour in just a second, okay?

A Okay. Sure.

Q Okay.

[Discussion off the record.]

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BY MR. TOLAR:

Q Let's go back on the record.

Sir, are you an attorney?

A I have been to law school.

Q What does that mean? Did you graduate from law school?

A Yes.

Q Are you a licensed attorney?

A No.

Q Okay. What is your rank in the IRR?

A I'm a 04 Major, rank and grade -- grade and rank, I think.

Q Were you prior service as an enlisted person?

A I was not.

Q You've been in 17 years?

A Yeah.

Q Whose idea -- I'm referring to exhibit 1. Whose idea was it to send a letter expressing concern or whatnot to the committee?

A Whose idea was it? I have no idea.

Q Was it your idea?

A I have no recollection, excuse me.

Q Was it your idea?

A It may have been.

Q Did you task anyone to draft the letter?

A I don't recollect tasking somebody to draft the letter.

Q How did the letter come into being? Somebody had to say: I'm going to start writing. How did that happen?

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A I believe we discussed the need to communicate formally with the committee.

Q Okay. And you don't recall whether or not you tasked somebody to draft something up?

A You're asking about a sort of formal tasking. No, I don't recollect a formal tasking.

Q If you have a general conversation in a room with your staff and you say something like that, is it just, for all intents and purposes, commander's intent, the boss wants this, somebody do it. Is that how it works?

A I mean, you're asking me to remember the very specific element of how --

Q I'm just trying to understand the genesis of the letter.

A As my memory serves me, we collectively had concerns with the course of the investigation. We were not, over the course of the exchanges, seeing things change. And along the way, we determined that it would be best to memorialize those concerns in a letter.

Q Who in your staff would have an appreciation of the concerns that you all were having, the nature of the investigation, et cetera?

A Any number of people. I have a principal deputy who is a party to a lot of these conversations.

Q And who is that?

A Her name is Tressa Guenov.

Q Okay.

A I have, obviously, the staff in the Office of Legislative

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Counsel who were accompanying interviewees.

Q These two gentleman here?

A I don't know who else may have been accompanying interviewees. I believe both of them have worked on the committee in the -- on the interviews in the past.

Q Could it have been somebody in addition to these two?

A It could well have been, yes.

Q Okay. Who else?

A Like I said, staff of the Office of Legislative Counsel, staff -- I have members of my staff who work specifically on policy issues. I have had discussions with the Air Force regarding that, so you're -- I don't recollect discussing the precise pieces of the -- exactly how the letter was born, drafted, edited through the process, and got submitted for signature.

Q Once a letter came to you for signature, did you amend it in any way?

A You know, I don't remember, but there's a good chance I did.

Q There's a good chance you did?

A Yeah.

Q If you don't remember if you did but there's a good chance you did, why do you say that?

A It just wouldn't be unusual for me to look at a letter and tweak it here or there.

Q Not for content but just for wordsmithing or your voice?

A Wordsmithing or I might remove some content to make it

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shorter. I honestly don't remember on this one whether I provided substantive edits or not.

Q Prior to executing that letter or at any time you were given a draft, did you discuss that letter with anybody?

A Did I discuss the -- I'm sure I did, yeah.

Q With who?

A With the folks like the Office of Legislative Counsel staff.

Q Do you recall having a specific discussion -- or not the content of the discussion but having a discussion about the letter?

A I don't recall any specific conversations in detail on the letter. This would have been sort of in the routine course of business. In many cases, what we'll do is stand up meetings, we'll run through 15 or 20 issues of the day across our staff, so --

Q Given the nature of this letter, given the concern expressed in this letter about your feelings about the direction of the investigation, given that you don't have any understanding about anything in the letter, from what I'm hearing based on your testimony today, did you ask any questions about the content, about the veracity of any of the statements, about any kind of background information or -- in order to gain any kind of depth of understanding about this letter that you're getting ready to send to the chairman of the committee?

A I was -- I was absolutely familiar with the characterizations of our staff of the nature of the interviews that were occurring. The subpoena threats had been made to include, as I

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said, directly to me. I was told a subpoena was signed by Chairman Gowdy with my name on it. Again, Chairman Gowdy later would say publicly he had never heard of me. That was of concern.

So I had a broad familiarity with these topics. I think some of the earlier questioning was whether I had a familiarity with precision. And as I said, in the broad scope of my responsibilities, I typically wouldn't go there. I rely on my staff. I rely on the Department. That's a normal action for me.

But it wasn't like this was the first time I'd ever seen any of these allegations. I had no familiarity with the types of expenditures we'd made, with the types of speculative interviews were happening, with the subpoena threats, these were all things that I was comfortable with because I had a familiarity.

Q As of today, is it still your appreciation or understanding or belief --

A I'm sorry.

Q Is it still your belief today that nothing in this letter is inaccurate?

A I have no reason to believe that anything in the letter is inaccurate. You know, one other thing that might be worth noting that hasn't come up is the letter specifically asked for a meeting. I requested a meeting, and I believe we'd been seeking a meeting for some time from me with the committee leadership to work through these issues.

And the first response we received to my request for a meeting with the committee to work through these very issues was a subpoena.

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That's pretty unusual. That's not usually the response I get when I request a meeting. But I think the letter established our interest to work with the committee on these issues.

Q Second bullet point on page 2 of that exhibit number 1 refers to someone on Facebook who claimed to be a mechanic. You previously just said that you weren't aware of anything in this letter being inaccurate. Are you aware that he wasn't -- are you aware that he was in fact not a mechanic?

Mr. Richards. Mac, I think he worked on airplanes. Is that correct?

Mr. Tolar. He was a crew chief.

Mr. Richards. So he did not work on airplanes?

Mr. Tolar. He was a crew chief.

Mr. Richards. Okay. But -- but --

Mr. Tolar. I'm asking him questions.

Mr. Richards. Excluding Harris?

BY MR. TOLAR:

Q Were you aware?

A Was I aware he was not a mechanic, no.

Q Okay. Also, are you aware that that individual provided testimony that appears to contradict testimony of the wing commander?

A You know, I don't -- I'm not familiar with his testimony.

Q As someone who has been involved or done investigations as an attorney, do you not think it's relevant to an investigation to receive information that may be in conflict with what we might call

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a material witness?

A So what I'll say again --

Q Okay.

A And I hope you have an appreciation for it because I've been told you have prior military service. The veracity of information provided by people who don't have a full picture, full career knowledge, sometimes is strong, but oftentimes it's not, and so you have to view it through a lens of understanding what they saw, what knowledge they had when they saw it.

And it's quite possible that a subordinate person can contradict a commander, and I have no idea of the facts of what you're alleging right here, about whether the aircraft were ready to fly or whether there was permissive airspace. I'm speculating. I'm just giving you a hypothetical here. I have no idea what the contradiction was, that, you know, they were all armed and missiles were all good and would not have the knowledge that a commander made that, hey, that was a lot of missiles that we put on there that it turned out and someone else brought to his attention were faulty, or we have airspace problems, or my pilots have crew rest problems, or I've received orders from a higher command that we want you strategically to hold.

All of those things, so that an individual on the ground may say: We are 100 percent ready to go, those were good to go, I am positive they could have taken off, and the commander may give testimony that says: They were not 100 percent good to go. I am positive they were not good to go. That would be contradictory testimony, and the

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commander would still be right.

That is absolutely what we were concerned about is people who didn't have the full picture, who might offer contradictory testimony because they didn't have the facts, knowledge, or experience. Then you all were in pursuit of relying on them potentially to make conclusions. That concerned us.

Q You have already indicated here that in your opinion that the flight records associated with the aircraft can't be relied upon or often faulty.

Mr. Richards. I don't think he said that, Mac.

Mr. Tolar. That's the gist of what he said, at least --

Mr. Richards. No, it's not.

BY MR. TOLAR:

Q And now you're saying that -- do you doubt the veracity of the testimony of the gentleman who came in who was a crew chief in Aviano on the night in question?

A Let me make something abundantly clear. I don't doubt the veracity of my letter.

Q Okay.

A I stand by it. I stand by my integrity and my honor. It's etched in my soul for my profession, and I don't doubt the honor and integrity of any individual who has appeared before this committee under oath and sworn, particularly those who wore uniform.

Very few of them -- some of them were subject to a subpoena threat. I've been subject to a subpoena, not ultimately served, but the -- I'm

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not in the business of questioning people's integrity, none of these people.

What we were in the business of, in this letter, was saying if you rely on junior people who don't have the full sight picture or who have duplicative testimony, you are at risk and you ask those hypothetical questions, you are at risk of producing a report that has significant flaws. That's what we communicated. It was reasonable to do so. It was important to do so.

Q Yeah, but you're dismissing the potential testimony to be provided by an individual before we even know what he's got to say, before you even knew who he was?

A I mean, by your standard, we should interview every -- I should --

Mr. Richards. Back off.

Mr. Hedger. Yeah. I'm not -- we gave -- we gave you our expert advice, we did, we tried to, okay, that we thought was reasonable and responsible and based off whatever interactions with your work. You have every right, you have every right to discard that, to say we disagree with you, in fact, we vigorously disagree with you. You're idiots, you DOD people. We know much better. Or you don't understand what we're trying to get at and you think you do. You have every right to do that, and in fact, you did, and we provided you every individual you wanted to talk to.

Mr. Richards. Can we go off the record?

Mr. Tolar. Yes.

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[Discussion off the record.]

BY MS. SACHSMAN GROOMS:

Q So you were asked a number of questions about when people reached out to conduct interviews based on -- I think we were looking at exhibit 3, which is an email, originally an email from Phil Kiko to you dated March 25th, 2016, listing out some of the interview requests.

And I understand that you don't know when individuals reached out, but I thought it would be probative to read into the record our understanding, through the minority's staff, of when requests were made and when the interviews were actually conducted, because I think, if you look at these, you'll see that many of them were in fact conducted within a month, which means that while you don't have any personal knowledge of when people were reached out to, that's not a particularly long period of time, at least from my experience and point of view, having conducted congressional investigations --

A Not at all.

Q -- for quite some time. So for example, you were asked about Admiral Kurt Tidd who was requested on March 9th. Admiral Tidd, who was requested on March 9th, was interviewed on April 4th, 2016, so less than a month after that request was made.

Ms. Jackson. Susanne, are you pointing to something in the record as listing to support these dates? Do you have a document or anything like that, or are you going to be testifying into the record?

Ms. Green. We have not received copies of the transcript that

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if you look at the transcript, the date is not on the front of the transcript.

Ms. Sachsman Grooms. I can't physically produce the copy of the transcripts that we don't have physical copies of.

Ms. Jackson. We certainly not have discussed the exhibits.

Ms. Sachsman Grooms. Well, you have also refused to give me -- you have refused to give me even the cover page of the transcripts, so I am reading into the record our understanding. If you have a different understanding --

Ms. Jackson. I was particularly --

Ms. Sachsman Grooms. -- I would welcome you --

Ms. Jackson. Particularly talking about the request, on the date of the request.

Ms. Green. So the request that --

Mr. Hedger. So I mean -- I'll help you real quick because I'm reading. The requests reflect Phil Kiko's email to me with a date that you all made a request, so --

Ms. Jackson. And I would like the record to reflect what document we're referring to on the request.

Mr. Hedger. I think she said --

Mr. Richards. Three.

Mr. Hedger. -- Three.

Ms. Sachsman Grooms. Yes. It says: Admiral Kurt Tidd on exhibit 3, requested March 9th. My understanding is that the interview was completed on April 4th, 2016.

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Ms. Jackson. And is there a question to the witness?

Ms. Sachsman Grooms. No. I am reading this into the record because, you know what, we've been here for an awful long time, and I think that it's important that the record reflect that actually these things did occur and they occurred in a timely basis, but that your staff has been asking him questions that have implied that nobody ever reached out to Kurt Tidd or nobody attempted to interview Kurt Tidd or people tried to delay the interview of Kurt Tidd.

And so what I'm going to do is read this in, and if you have evidence that any of the information I am providing is incorrect, I welcome you to bring the transcripts or the cover page of the transcript or some piece of information that says that I'm incorrect.

General Breedlove was requested, on this exhibit, on March 24th. General Breedlove's interview was completed on April 7th, 2016. So that would be March 24th, 2016, until April 7th, 2016.

Mr. Hedger. Can I just comment? That's exceptional, actually, because that's the Supreme Allied Commander of Europe at a time when we are at -- he is overseeing a conflict, the EUCOM's role in the conflict in Syria, with Turkey being within their purview. Russia, I mean who knows. I have no idea why we got the April 7th, but 2-week turnaround on a four-star combatant commander is pretty exceptional.

Ms. Jackson. I'm a little confused as to what we're doing here. I thought you were reading things into the record, but now we have the witness interjecting when there is no question before the witness, so could you just finish reading what you want into the record and then

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pose questions to the witness so that we can continue?

Ms. Sachsman Grooms. I am happy to pose questions to the witness if you would appreciate that.

Dr. Jim Miller was requested, according to this document, on March 24th. He was interviewed on May 10th, 2016. General Patrick Mordente --

Mr. Richards. Mordente.

Ms. Sachsman Grooms. Ah, which is Mordente, which is misspelled in this email, was requested on March 24th.

Ms. Green. Which is a day that the Department provided a briefing from Transportation Command, and during that briefing, the majority staff decided they'd like to have a transcribed interview with one of the briefers as well as receive the same brief again on Capitol Hill.

Ms. Sachsman Grooms. Were you aware of that?

Mr. Hedger. I have heard that we had to give a brief from TRANSCOM twice.

Ms. Green. It was also in that TRANSCOM briefing that the majority staff verbally told the minority staff that we would be interviewing General John Kelly the following week. That's the first that we learned of that interview.

BY MS. SACHSMAN GROOMS:

Q And according to my records, General John Kelly, which was requested on March 17, 2016, was in fact interviewed, he's retired, but was in fact interviewed on March 23, 2016.

General Patrick Mordente -- I'm sorry, I'm not sure if I said what

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date he actually interviewed. He was requested, according to this on March 24th, and he was interviewed on April 28, 2016. All right. I think I've made my point.

Were you aware, at the time, of General Breedlove's role when he was brought in to interview, was he the Supreme Allied Commander?

A He was the Supreme Allied Commander of Europe and commander of European Command.

Q Was it brought to your attention that during the interview of the Supreme Allied Commander, the Republican staff asked him extensively about information outside of his personal knowledge, so he explained, outside of his personal knowledge, with anything to do with the mechanic or pilot log, records of drone pilots, and that he had no drones under his command, were you aware that the Republican staff spent extensive periods of time during his interview with the committee asking him questions about what would be on mechanical records or drone pilot records or drone -- records of drones?

A I'm not aware that there was that type of questioning. I think I would just note that the existence of a record in the Department of Defense does not make it easily accessed. That is true for what I can, I think, confidently say are millions and millions of pages of records across the Department, maintenance records, personnel files, flight files. The existence of them, even if kept meticulously, does not necessarily mean that they are easily accessed.

Q And in your letter, you offered to meet with the chairman to discuss the concerns that you had. Did he ever accept that offer?

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A He did not.

Q I believe, in a previous email, one of your staffers expressed a willingness also in that instance for you to meet with the chairman to try and deal with some of these issues. Do you recall an offer being made for you to meet with the chairman before you sent the letter?

A I had talked with staff and repeatedly authorized them to offer for me to meet with the committee to go through these issues prior to sending a letter.

Q And why would you want to meet with the committee prior to sending the letter?

A To communicate the types of concerns that we ultimately communicated about, but to do so in a setting such as a meeting, which is out of respect, and sometimes you can work -- you can work through those things constructively. Unfortunately, we never got to that point.

Q And you never got to that point not because you didn't offer but because your offer was not accepted. Is that accurate?

A My offer was not accepted, that's a fact. I don't know why we didn't get to that point.

Ms. Sachsman Grooms. Go off the record.

[Discussion off the record.]

Mr. Tolar. Let's go back on the record, please.

Sir, are you aware that all interviews associated with DOD personnel were scheduled pursuant to those members being in D.C. for

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official business? In other words, are you aware that all those interviews of anybody from DOD, that was interviewed by this committee, was done and scheduled based on the fact they were already going to be in D.C. for DOD business; do you know that?

Ms. Sachsman Grooms. Do you have a document that reflects that information? Because that's not information that I'm aware of.

Mr. Hedger. They asked a question.

Mr. Tolar. I don't care. Are you aware --

Ms. Sachsman Grooms. I think that's indicative of the entire process of this committee.

Mr. Hedger. What I'm aware of is that for people like General Philip Breedlove.

BY MR. TOLAR.

Q Correct.

A He is based in Europe, and you interviewed him in Washington, D.C.

Q Correct. Are you aware that he was in D.C. for official DOD business, and while he was in D.C., he also was interviewed by this committee?

A What I am aware of is that General Breedlove lives and is headquartered when he was Supreme Allied Commander Europe, he's since retired, and that his interview with the committee was here in Washington, D.C.

Q Is it your understanding that this committee worked with DOD staff in order to schedule all DOD interviews of personnel assigned

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overseas based upon when those individuals were going to be in D.C. for official military business?

A That would be a good practice.

Q It is your understanding that that is a fact?

A I don't know the facts. I know --

Q Do you even doubt that?

A The fact that I know is that you interviewed individuals who are based in Europe and you interviewed them here in Washington, D.C. I would welcome knowing that you all worked constructively with us to do that in a manner that was efficient.

Q I would encourage you to speak with your counsel when this is over to verify that for your own peace of mind.

Go ahead, please?

Ms. Clarke. Are you finished?

Mr. Tolar. Please.

BY MS. CLARKE:

Q Sir, I just have a couple of questions for you just primarily about the statement that was represented to be from the Air Force general counsel. I believe that's who it was represented to be from. Is that correct?

A Correct.

Q Just because it doesn't have a -- it's not on letterhead and it's not signed by anyone, so that's just your representation to the committee today that this was provided to you to give to the committee from the Air Force command counsel?

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Mr. Richards. So I can speak it to, as I did previously. This statement came from the Air Force Office of General Counsel, and I read it into the record at the beginning of the interview, at which time it was requested copies for everyone present, which I gave out. So that's -- I just want to clarify that's the origin of this document.

BY MS. CLARKE:

Q And so just to kind of summarize your testimony regarding this. You don't have personal knowledge about the information that was provided to -- in this statement. Is that correct?

A I may or may not. Relative to the statement, I would refer any questions to the Air Force.

Q Okay. And then, just to kind of understand, do you represent this to be a part of your testimony to the committee today?

A It is part of the information I asked to be entered into the record, pursuant to the committee's request for a transcribed interview with me, yes.

Q And so that is a part of your testimony today?

A Correct. As are the other contents submitted into the record.

Q And then as far as exhibit 1, which I believe is the letter that was provided to Congress, it seems like -- I'm just kind of making sure I have a good understanding of your testimony today.

It seems like that letter, your testimony regarding that letter today is primarily similar to the testimony regarding this in that the factual statements in that letter, for the most part, you don't have

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personal knowledge of, with the exception of information regarding the subpoenas. Is that correct?

A I think that's a misrepresentation of what the nature of our exchange has been here today.

Q Okay. And so what is the personal knowledge that you do have regarding that letter?

Mr. Richards. So I think we've spent 2 hours discussing the letter in detail. I think he's answered every question, and now we're going back to ask the same questions or trying to ask him to characterize what he already answered for the first 2 hours, which I think is inherently unfair and a complete waste of time. So I --

BY MS. CLARKE:

Q I think, please correct if I'm wrong, but your testimony today has been, when we've asked about specific statements made in the letter, and your testimony today has been that either you believe staff told you that but you were not specifically aware of this information. If I'm wrong, please correct me.

A Look, over the course of what I think has now been 3 hours, maybe more, I think we have talked about specific items --

Q Yes.

A -- in the letter where I characterize my comfort with the material.

Q Uh-huh.

A And my belief that it was accurate and that I have no reason to believe that it is inaccurate.

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Q But did you have personal knowledge of the accuracy of that information?

A If you're asking did I audit, did I go and do a dollar trail of what millions represented, that would not be something I would typically do in the course of my duties.

Q So it seems like you're saying you did not have --

A Ma'am.

Q -- personal knowledge of that?

A Ma'am, let me finish, please. If you're asking if I believe the information is inaccurate or otherwise problematic, my answer is no, I have no reason to believe that anything I represented in this letter is inaccurate.

Q But my question to you is do you have personal knowledge of that information?

A I think what I have repeatedly said, one, I'm completely uncomfortable with -- at this point in the interview, a broad characterization of what my testimony has been when we have gone line by line through the letter.

Q And when we've gone line by line through the letter, you have said that --

A Twice.

Q When we have gone line by line through the letter, you have said that someone has represented that information to you, or that you have no reason to believe that it is inaccurate, and so what I'm just asking you is do you have personal knowledge of the information in the

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letter?

A I would refer you to the transcript where we talked in detail about some elements and we talked more broadly about others, and I explained what I knew, what I didn't know, where I relied on the work of my staff, and otherwise, and if --

Q So you have no personal knowledge.

A Ma'am --

Ms. Sachsman Grooms. That's not what he's saying.

Ms. Clarke. That is what he's saying.

Ms. Sachsman Grooms. Not it's not. Sheria, you'd like to mischaracterize what he's saying by summing it up at the end of the interview. We have been here for a very long time. He said lots of information he had personal knowledge about. He said lots of information he didn't have personal knowledge about.

I am also characterizing at this point what he said over the last many hours. Why don't we just refer back to the testimony that he has already provided instead of trying to characterize it in whole cloth at this point.

BY MS. CLARKE:

Q I think it's a very simple question of whether or not you have personal knowledge regarding the statements in this letter. It sounds like to me that you have some personal knowledge of some things and some personal knowledge you do not have of some things. Is that an accurate statement?

A I would refer you to the transcript. You've been here for

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the duration of this. We have talked about a lot of elements of the letter. I am not comfortable with a broad characterization that I don't have personal knowledge of the content that was in the letter or testified about that.

Q So you're not comfortable with the broad characterization that you do not have personal knowledge, then you must be comfortable with the broad characterization that you do have personal knowledge?

A I don't know what you're trying to accomplish other than this is silly, okay. I relied on my staff for many parts of this letter. I have personal knowledge about pieces. I have broad knowledge about others that made me comfortable signing it. I signed the letter. I have no reason to believe any content in the letter is inaccurate.

It was a reasonable, responsible, and professional representation from the Department of views and concerns in response to the activities of the committee.

Ms. Clarke. Thank you.

With that, I think we will conclude our interview.

[Whereupon, at 4:50 p.m., the interview was concluded.]

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**ERRATA SHEET – HOUSE SELECT COMMITTEE ON BENGHAZI INTERVIEW OF
ASD (LA) STEPHEN HEDGER**

JULY 14, 2016

Page	Line	Classification	Change From	Change To	Reason
37	7	UNCLAS	?	.	Mistranscribed
100	23	UNCLASS	... LIKE TO GET RESOLVE THEM ...	LIKE TO RESOLVE THEM	MISPOKEN OR MISTRANScribed
133	22	UNCLASS	TRESSA GANOFF	TRESSA GUENOV	MISSPELLED
137	16	UNCLASS	EXCLUDING HARRIS	[UNKNOWN - CONSULT REPORTER'S RECORDING]	MISTRANScribed
140	13	UNCLASS	BACK OFF	[UNKNOWN - CONSULT REPORTER'S RECORDING]	MISTRANScribed

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EXHIBIT 1

THE ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, DC 20301-3000



LEGISLATIVE
AFFAIRS

The Honorable Trey Gowdy
Chairman
Select Committee on Benghazi
United States House of Representatives
Washington, DC 20515

APR 28 2016

Dear Mr. Chairman:

I write in response to the Select Committee on Benghazi's recent crescendo of requests of the Department of Defense regarding the attacks on American facilities in Benghazi, Libya on September 11-12, 2012. Since the Committee was stood up, the Department has worked diligently to respond quickly to questions and requests, producing approximately 1,000 pages of documents as well as providing classified written answers to 20 questions, with 57 subparts, last summer. The Department also provided 10 classified briefings to the Committee throughout 2015, and worked with the Committee to schedule transcribed interviews with five individuals last year and another two in January. These were in addition to the thousands of pages of DoD documents and interview transcripts of DoD personnel compiled by other congressional committees investigating Benghazi and forwarded to the Committee.

In February 2016, nearly 22 months after the establishment of the Committee, DoD lawyers met with Committee staff to receive what was represented to be a final list of requests for the Department. That list, however, continued to expand in February and March. Because of this, DoD lawyers met with your staff a second time, on March 31, 2016, to establish a new final list of requests, but additional requests have continued to follow. Most recently, on Friday, April 22, 2016, your staff requested interviews of four additional service members never previously mentioned to the Department. These requests are in addition to the ten interviews and two briefings the Department has scheduled at your staff's request since early February 2016, and are added to a list of nearly a dozen other individuals your staff has requested in the last three months.

While we understand that investigations evolve over time, it is unfortunate that the Committee has identified the need for these interviews only now. The number and continued pace of these requests since February 2016 are in tension with your staff's statements that the Committee expects to finish its investigation in the near term. Perhaps because of this conflict, the Committee's requests are accompanied by unrealistic timelines for the Department to identify the correct service members (who are often only identified by position), locate them if deployed or retired, and schedule interviews, which in some cases require them to return from overseas. The Department is working diligently to accommodate your staff's multiple and changing requests; however, we are concerned by the continuous threats from your staff to subpoena witnesses because we are not able to move quickly enough to accommodate these new requests. Subpoenaing our service members, when the Department is working diligently to accommodate your requests and when no service member has refused to appear voluntarily, is unfair to our uniformed men and women and an unproductive way forward.

We remain committed to accommodating Congressional oversight of the tragic event of 2012. We have never denied a request for a transcribed interview or briefing and have accommodated requests even when we believed them to be duplicative or unnecessary. At the same time, while I understand your stated intent is to conduct the most comprehensive review of the attack and response, Congress has as much of an obligation as the Executive Branch to use federal resources and taxpayer dollars effectively and efficiently. The Department has spent millions of dollars on Benghazi-specific Congressional compliance, including reviews by four other committees, which have diligently reviewed the military's response in particular.

The Committee has made requests of individuals who seem unnecessary even for a comprehensive investigation, or has insisted we prioritize certain requests only to later abandon the request. For example:

- The Committee requested the Department locate four pilots who could have been—but were not—deployed to Benghazi that night. We advised that interviewing those individuals would likely not be necessary based on the Committee's planned transcribed interview of the pilots' commander, who made the decision not to deploy them. Nevertheless, the Committee asked for us to spend efforts to locate them immediately. While we appreciate that the Committee has now withdrawn its requests for these pilots, the Department spent time and resources locating them that could have been spent on other requests had the Committee waited for the planned interview to be completed before requiring the Department to move forward on this request.
- The Committee requested to interview an individual who claimed on his Facebook page that he had been a mechanic at an air base in Europe the night of the attack and alleged that planes at his base could have been deployed to Benghazi in time to make a difference. The Department maintains that locating these types of individuals are not necessary since such claims are easily dismissed by any one of the multiple high-level military officials already interviewed.
- The Committee has requested to interview an individual identified as "John from Iowa" who described himself as a Remotely Piloted Aircraft (RPA) camera operator on a talk radio show¹, where he described what he allegedly saw in the video feed from the night of the attack. The Department has expended significant resources to locate anyone who might match the description of this person, to no avail. The Committee staff then expanded this initial request to include all RPA pilots and RPA sensor operators who operated in the region that night. This expansion has resulted in a time-intensive search that required DoD to locate another half-dozen current and former service members. We continue to believe interviewing these individuals is unnecessary since we have given the Committee access to the relevant RPA video from that night and it remains unclear what additional information could be gained from these interviews, especially the pilots.

¹ Interview available at: <http://www.theblaze.com/stories/2013/05/07/purported-benghazi-drone-operator-calls-sean-hannity-with-new-details-cant-be-armed-that-night-and-no-one-has-contacted-me/>.

In light of the recent pattern of the Committee's requests and threats of subpoenas raising concerns within the Department, I request that you meet with me in order to identify a productive way to help the Committee meet its needs while respecting the current work of our men and women and the resources of the Department.

Finally, DoD interviewees have been asked repeatedly to speculate or engage in discussing on the record hypotheticals posed by Committee Members and staff, regardless of the interviewee's actual knowledge or expertise to provide appropriate analysis or insight. This type of questioning poses the risk that your final report may be based on speculation rather than a fact-based analysis of what a military officer did do or could have done given his or her knowledge at the time of the attacks. I would respectfully request that you ensure pending interviews remain focused on obtaining facts rather than encouraging speculation.

In sum, I would appreciate a meeting with you at your nearest convenience to discuss these issues and a productive way forward. Thank you for your commitment to the uniformed service members of the United States. We look forward to continuing to work with you and your staff to conclude your oversight of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen C. Hedger". The signature is fluid and cursive, with the first name "Stephen" and last name "Hedger" clearly legible.

Stephen C. Hedger

cc:
The Honorable Elijah E. Cummings
Ranking Member

EXHIBIT 2

This exhibit was not cleared for public release.

EXHIBIT 3

This exhibit was not cleared for public release.

EXHIBIT 4

This exhibit was not cleared for public release.

**INTERVIEW OF
F-16 CREW CHIEF**

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, JUNE 29, 2016

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

MAC TOLAR, *Senior Counsel*
SHERIA CLARKE, *Counsel*
SUSANNE SACHSMAN GROOMS, *Minority Staff Director/General Counsel*
SHANNON GREEN, *Minority Counsel*

FOR THE U.S. DEPARTMENT OF DEFENSE

WILLIAM HUDSON, *Office of the General Counsel*
EDWARD RICHARDS, *Office of the General Counsel*

FOR THE U.S. AIR FORCE

* * *, *Legislative Liaison*

██████████

Ms. Clarke. Sheria Clarke with the majority.

Mr. Tolar. As you can see, we've got a court reporter here taking down everything we say today in order to make a written record. I would ask that as you're asked questions, that you provide verbal responses to all the questions. Please avoid nodding your head or saying things like, uh-huh. Does that make sense?

Mr. ██████████ Yes, sir.

Mr. Tolar. Also, I want you to understand that although you aren't under oath, you are required by law to answer questions from Congress truthfully, including questions posed by congressional staff in interviews such as this. Do you understand this, sir?

Mr. ██████████ Yes, sir.

Mr. Tolar. Is there any reason you are unable to provide truthful answers to today's questions?

Mr. ██████████ No, sir.

Mr. Tolar. Shannon? Do you have anything?

Ms. Green. No. Go ahead.

Mr. Tolar. All right. We'll start the first hour of questioning. It is 1:08.

EXAMINATION

BY MR. TOLAR:

Q Would you please walk me through your service in the Air Force, kind of what your billets or jobs have been.

A Yes, sir. I was -- right out of basic, I was an F-16 crew chief assigned to Aviano Air Base, Italy, and that was -- translated

██████████

[REDACTED]

into being -- working on aircraft. Basically what we do is we fix jets, refuel jets, launch, recover F-16s, and basically maintain and make sure that they fly.

After that, PCS-2, Hill Air Force Base, Utah, and took up with the 4th fighter squadron. And currently, I have just PCA'd into the 34th squadron with the F-35s. That is the basics of my Air Force career so far.

Q What's the current squadron?

A The current squadron is the 34th AMU.

Q And that's also Hill Air Force Base?

A Yes, sir.

Q And who is your commanding officer?

A Commanding officer is Colonel [REDACTED]

Q Colonel [REDACTED]

A Yes, sir.

Q And who is your superior officer that's with you today?

A That is Captain -- I forgot her name.

Mr. Richards. [REDACTED]

Mr. [REDACTED] [REDACTED] [REDACTED] That's what it is.

[REDACTED]

BY MR. TOLAR:

Q [REDACTED]

A Yes.

Q Can you spell that?

A I'd have to -- I'd have to look.

[REDACTED]

Q That's okay.

A I'm not sure what it is.

Q All right. And how long have you been with the 34th?

A I've been with the 34th since January 4th, I believe.

Q How long were you in Aviano?

A Two years.

Q Start -- what were the dates for that, please,
approximately?

A Approximately, let me think back.

Q Month and year.

A Month and year. It was 2011, I believe, to 2013.

Q Okay.

A The months would probably be about August time frame.

Q Sure.

A I think, yeah.

Q In terms of your current job, what is your title?

A I'm a crew chief, basically -- specific title?

Q Yeah.

A I'm an assistant dedicated crew chief.

Q Okay.

A And transferring to the 34th, I'm awaiting training for the
35 program, so I'm a support technician.

Q What's your rank?

A Senior airman.

Q Is that E-4?

- [REDACTED]
- A E-4, yes. I mean, E-5. Sorry.
- Q Have you been to senior airman school yet?
- A To the ADLS --
- Q Yes.
- A -- training? No, I have not.
- Q Are you scheduled?
- A Not yet.
- Q What was your rank when you left Aviano?
- A When I left Aviano, I was a senior airman.
- Q And at the time, you were crew chief?
- A Yes, sir.
- Q And what was the unit?
- A The unit was 380 -- what was it? Three eighty -- I'm in the 388th now. It was the 510 squadron, I know that, the Buzzards.
- Q What kind of aircraft did you fly, or was in the squadron?
- A F-16s, C models and D models.
- Q C and D?
- A Yes, sir.
- Q Who was your commanding officer?
- A There, it was -- I can't recall.
- Q Do you know who the squadron commander was?
- A I can't recall right now.
- Q Wing commander?
- A No. I'm not sure.
- Q Who was your senior -- who was your superior officer?
- [REDACTED]

[REDACTED]

A At the time, it was -- I honestly cannot remember at the moment.

Q Who was your -- who was the enlisted person senior to you that you reported to?

A Let's see. Flight chiefs were Sergeant -- what was his name? I'm trying to recall. It was about 2 years ago, so --

Q All right. Let's move on.

A A lot of new faces and names.

Q As a crew chief in Aviano, what were your responsibilities?

A My responsibilities were to maintain my aircraft along with the other aircraft in the squadron, and basically make sure that they flew their sorties and made their sorties and that the pilot returned safe.

Q Were you assigned to a particular aircraft?

A Yes, sir.

Q And so you basically had a specific tail number that you were responsible for?

A Yes, sir.

Q Did that ever change during the 2 years you were there?

A No. Same tail number.

Q Same tail number the entire time?

A The entire time, yes, sir.

Q And as the crew chief, were there people subordinate to you that worked for you?

A I was a low ranking individual, so there was nobody

[REDACTED]

underneath me until -- until later on when I sewed on senior airman and then -- when you're a senior airman, you get your airman first-class that look up to you, basically you train them and teach them, so they're basically your subordinates.

Q During your tour in Aviano, did your unit conduct any kind of missions in Libya in support of the operations that were being conducted there?

A While I was there, there were no -- no actual flights to Libya or any one of those.

Q NATO operations or anything?

A Not from our squadron, the 510.

Q Okay. Did another squadron in Aviano do that?

A The Triple Nickel, I'm not sure if they did or not. I was unaware of their activities during that time.

Q All right. While you were in Aviano, did your squadron, the 510, ever conduct any operations that required your aircraft to operate in and out of Sigonella, take-offs and landings or refueling for anything?

A As far as I know, no jets were ever landed in Sigonella while I was there at Aviano Air Base.

Q How about in Suda Bay?

A Suda Bay, I'm not aware of that one.

Q All right. What I want to do now is I want you to talk to me briefly about September 10th, the day before the anniversary of 9/11.

[REDACTED]

A Yes, sir.

Q Where were you, what was going on, did you all get briefed on heightened alert issues, anything like that at all?

Mr. Hudson. Mac, for the record, September 10th, 2012?

Mr. Tolar. Correct. Sorry.

Mr. [REDACTED] Okay. As I said, it was 2 years ago. That was a long time. I can't remember too much specifics. I believe I was on a day shift schedule. And basically, seeing as it was the anniversary of 9/11 and the Trade Towers, we were slightly more alert, I would say. We were briefed to be ready for, you know, any potential things that could happen on the anniversary. Other than that, though, there was really not much -- not much that took place in preparation.

BY MR. TOLAR:

Q Was your unit undergoing an inspection at the time?

A I cannot remember that. I'm not sure.

Q September 11th of 2012, are you subject to crew rest and crew day? Let me redo that. Are you subject to crew rest?

A Could I get a definition for that?

Q Do you know what crew rest is?

A Not really sure.

Q Do you know what crew day is?

A No, sir.

Q Okay. On September 11th, were you aware that there was an attack or some folks climbed the walls in Cairo at our embassy there, the U.S. Embassy there? Were you aware that?

[REDACTED]

A I was not.

Q Okay. Are you aware of it today?

A Yes, sir.

Q Okay. When did you learn of it?

A I learned of it probably a week or two after the event actually took place.

Q Okay. Talk to me about September 11th of 2012. What was your day like, what was going on?

A I worked my normal shift hours, and proceeded to go home after a full day of work; a typical normal day. Nothing -- nothing exciting happened, and then, basically, I went to sleep. And then the next day is when --

Q What was your normal shift hours?

A They change all the time, so I can't honestly --

Q Did you work a day shift or a nightshift?

A I believe I was on a day shift at that time.

Q Because you just said you went home and went to bed?

A Yes, sir.

Q Right?

A Yes, sir.

Q Okay. All right. So you go to bed on September 11th.

A Right.

Q That night at about 9:42, the attacks occurred in Benghazi. Do you know what I'm talking about?

A Yes, sir.

Q When did you first learn of that?

A I first learned of the -- specifically the attacks on Benghazi weeks later.

Q Weeks later?

A Either a week or 2 weeks later, but I knew that there was a real world mission at hand that night, but the -- specifically the attacks happening in Benghazi, I didn't find out what the real world mission was or that it was in Benghazi until a week or two after the fact.

Q Got it. Were you awakened during the night?

A Yes, sir.

Q Who awoke you?

A I believe it was my flight chief.

Q Who was your flight chief?

A He's one of the ones I cannot remember his name right now.

Q So this would have been the flight chief for 510?

A Yes, sir.

Q Did he awake you, was it midnight, was it 3:00 in the morning?

A I cannot specifically remember the time, but I remember that it was pretty early in the morning. I think maybe -- and this is me speculating and guessing. It would be maybe 1:00 or 2:00 in the morning, some time around then.

Q What makes you think it was then?

A Because I was asleep, and I believe that I had gone to bed

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a little bit later that night, so --

Q What did he tell you?

A He said that we have a real world mission going on, and that we -- that I needed to get to work as soon as possible.

Q And did you?

A Yes, sir.

Q What did you do?

A I got my uniform on, jumped in my car, got to work, and was rushed into a roll call.

Q Let's go back. Did you live on base?

A Yes, sir.

Q And so you got to base, and there's a roll call. What's a roll call?

A Essentially everybody who was called in to work to support the mission is put in the same room, and the flight chiefs or the expeditors brief the room on the activities of the day, what needs to be done, what mission needs to be accomplished, sometimes more specific than others.

Q And is a roll call typically done on a daily basis for all shifts?

A Yes, sir.

Q Okay.

A Usually.

Q Who was included in that roll call?

A I cannot specifically remember names of the people that were

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there.

Q I'm sorry. Let me ask that a different way.

A Yes, sir.

Q So you were in the 510 squadron?

A Yes, sir.

Q And obviously you worked one of the shifts for the 510 squadron?

A Yes, sir.

Q Who all was called into that roll call? Was it just your shift from the prior day, was it everybody in the squadron? Who was in there, generally speaking, not names?

A Generally speaking, I would like to say it was a mix of the shifts, but I can't accurately say who was there and what shifts they were on. Like I said, it was a long time ago. There was about -- I'd say about 15 to 20 of us in that room.

Q Okay.

A So --

Q What were your instructions, what kind of briefing did you receive at the time? What did they say?

A Essentially, they assigned jets to every individual who was going to be on alert status, and I was one of them, so they gave me my aircraft, 525. And they proceeded to assign everyone else theirs and instructed us that we were involved in a real-world mission and that we needed to be ready for an alert launch. And me being an A1C, they instructed me to take my -- or sorry, airman first-class,

instructed me to basically get into my work cards, which is -- basically it's a TO, is what we call it, and it's a book that has full instructions for what we do and how to perform certain operations on the aircraft, and they instructed me to go over my alert launch procedures. And basically those with fliers would be in the truck driving around the ramp until we got further news on what was going on, or we got orders to launch.

Q All right. You said a lot there. I'm a marine. I don't understand half of it --

A Yes, sir.

Q -- so I'm going to have to ask you to explain a little bit of it.

So first of all, who was briefing you? It -- was it -- your flight chief woke you up, but who was briefing you that day, or that morning?

A In the room at the roll call, I believe it was a mix of expeditors and flight chiefs. An expeditor, if you don't know, is someone who basically is a staff sergeant or above who controls the line and gives the orders due to what is needed to be done that day.

Q Were there any officers in there?

A No, sir.

Q Okay. Is that typical?

A Yes, sir. There's usually no officers present in a roll call.

Q All right. So you're assigned your aircraft. And how many

aircraft were assigned that day? Two? Was it four, was it 12?

A I can't accurately give you a number on that, but I know that there was more -- there was at least three that were assigned to different people, with spares as well.

Q Would you ever fly three aircraft at one time?

A Depends on the mission, the situation.

Q Would you ever fly a single aircraft?

A Again, yeah, it would depend on the mission.

Q Okay. So you're tail number 525. You're assigned to that.

A Yes, sir.

Q And are you directed to get it ready to go?

A Yes, sir.

Q And what does that mean?

A Basically to get an aircraft ready, you need to do, like, a quick preflight inspection, which basically that is check the bottles, which are underneath, to make sure that the engine will start up due to the pressure, whatever, and all the hydraulics, and just a general look-over of the aircraft. And the next step of that would be to break down the aircraft, which would mean to take off the protector -- the protectors of, like, the Pitot 2 and all that.

Q The what 2?

A The Pitot -- basically the -- I'm trying to break this down. The different components of the aircraft that judge, like, wind speed or anything like that, there are covers all over the aircraft that we need to take off before the aircraft can properly fly, and just to make

sure that nothing was wrong with that aircraft so that it could leave on a moment's notice.

Q Okay. What does alert mean?

A Alert is basically when an aircraft is ready to go. It is broken down to the point where if you are called to the spot, you will be able to get the pilot in the seat and launch them out, preferably in 10 to 15 minutes.

Q Okay.

A And have him on the taxiway.

Q So once that aircraft reaches alert status --

A Yes, sir.

Q -- for all intents and purposes, it can be in the air in 10 to 15 minutes, barring any kind of problem?

A Yeah. Depending on, yeah, any kind of problem that it has. You can get the pilot in there and break it down, pass its point. And preferably -- preferably they would like alerts to be even less time, you know, if you are --

Q Sure.

A -- actually having a real world mission. So it's a really quick process.

Q Did you do that with tail number 525 that night?

A I did not have to. I never saw the pilot. The pilot never came out to the spot. The aircraft was broken down and ready to go, but basically other than that, it did not move.

Q Did it reach alert status?

[REDACTED]

A As far as I know, it was alert status.

Q I mean, you were the crew chief.

A Yes, sir.

Q Was it at alert status?

A It was --

Q Was everything done for the pilot to come and get in the seat?

A Yes, sir.

Q Okay. And at what time did it reach alert status?

A When I arrived at work, it was being worked on. There were -- there was live munitions being placed on the aircraft. And I would say -- it's hard to tell, because I don't remember exactly when I got to work.

Q I understand.

A So I would say within the hour, it was alert ready. Within the hour of me arriving at work, it was fully mission-capable and on alert.

Q And that included weapons on the aircraft?

A Yes, sir.

Q And is there a standard payload, or what kind of weapons were on the aircraft?

A There were -- it was a standard payload, I'm pretty sure. I am a crew chief, so I'm not too familiar with the weapons side.

Q I understand.

A There are weapons specialists who are specific on those.

[REDACTED]

Q Sure.

A But from what I saw, there were missiles being loaded on the sides and also bombs being loaded as well.

Q Do you know what a side winder is?

A Yes. I believe there were side winders being loaded on there.

Q Onto your aircraft, 525?

A Yes, sir.

Q Okay. And --

A All the --

Q I'm sorry.

A All the aircraft that were going to be alert.

Q So your aircraft had side winders on it?

A I believe so.

Q Did it have some kind of missile on it?

A Yes, sir.

Q Okay. Did it also have bombs attached to it?

A Yes, sir.

Q 500 pounders? 1,000 pounders? Do you know?

A I don't know.

Q But clearly, it had bombs on it?

A Yes, sir.

Q And it was ready for alert?

A Yes, sir.

Q And who was the pilot -- are pilots assigned specific

aircraft?

A They are, but they don't always fly the same aircraft that they're assigned to.

Q By the time that flight -- are you doing this -- are you preparing this aircraft on the ramp or in a hangar?

A My aircraft was on the ramp.

Q Was it daylight?

A It was dark.

Q Okay. So it's still dark, and your aircraft, tail number 525, had side -- had some kind of missile on it and some kind of bomb on it and it was ready for launch?

A Yes, sir.

Q It was still dark outside?

A Yes, sir.

Q Perfect. And this would have been the morning of September 12th?

A Yes.

Q Okay. And how many other aircraft were also prepared at that time?

A I would say definitely no less than three.

Q Okay.

A I don't have a specific number --

Q That's all right.

A -- but there were spares assigned as well as -- spares are basically if one of them breaks down due to hydraulics or anything

electrical, then the pilot will get out of that aircraft and move to the next one that is designed to be a spare.

Basically there were -- I'd say there were no less than three aircraft that were alert-ready with spares.

Q So you got an aircraft ready to go, there's several ready to go?

A Yes, sir.

Q What happens now what are you doing, what are you waiting on?

A At this point, I'm in the truck with the expediter.

Q What does "the truck" mean?

A Basically there's a truck, it's like a bread van essentially.

Q Okay.

A And we wanted to stay with the expediter, he had the radio waiting on a call, and we're riding around in the back of this truck, me and the others that were with me who had jets to launch when the time came. And we're all sitting in the back, and I'm reading my work cards to see -- you know, make sure I know exactly how to launch out this aircraft without a flaw and, you know, get it off the ground. And the others, they were a little more experienced, I believe, they were -- they already knew everything about the launch, they were confident. And everybody was basically just waiting.

It was pretty quiet. I remember looking out the window and seeing -- seeing some kind of missile being carted by live. And I knew

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this because there are colors assigned to the missiles. Basically blue means inert, and the orange or red basically means that they're live. And they were definitely live missiles being carted around the flight line and being put on jets.

Q It's still dark at this point?

A Still dark, yes, sir.

Q And who was the expediter?

A I'm not sure who that was precisely.

Q Is he an expediter assigned to a specific aircraft or is he just part of the staff at 510?

A He is a specific expediter. Basically when you're given the expediter position, you keep that. And that is -- you roll around in the truck all day, that's essentially what you do. So it's not really like a staff position, it's just a position you're given once you reach the rank of staff sergeant or above.

Q So this guy had to be an E-6 or higher?

A Yes.

Q Okay. And so what is he telling you? What is he hearing?

A He -- he wasn't really telling us anything. We knew this something real world was happening. There were rumors going around that something was going down. We all assumed, you know, the Middle East, and that's what they were assuming as well. And we were basically just waiting, rolling around on the ramp until further information came our way.

Q At some point the sun comes up?

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[REDACTED]

A Yes, sir, at some point.

Q So the sun comes up, you're still riding around. What's going on?

A At that point, it was just the same. It was either waiting or going inside, you know, getting some food or -- there was nothing really exciting happening. We were all wondering at this point what was going on. We were getting mixed information. I can't really remember specifically what they were telling us. It was just rumors mostly going around. And we just -- we just kept waiting until we had our turnover come in. I'm not really sure when they came, but I remember going home that day and kind of disappointed that nothing happened. When -- when we feel like we're ready to go and we're prepared for a real mission, it's something we want to do. We push for it. And we didn't get that information from our superiors.

Q When you're working on a day-to-day basis, are you allowed to have your personal cell phone with you?

A Not on the flight line.

Q Yes. Not?

A Not on the flight line.

Q Okay. When you took breaks for chow, whatever, you go to the chow hall?

A No. I usually bring food there. And I'm not really sure if they brought food or not, I forget, but didn't really have time to --

Q Where do they bring food to?

A It would be to the you AMU itself.

[REDACTED]

Q To the what?

A To the AMU, which is the building that we all go to for the roll call.

Q Right.

A And the way the airfield is set up, the AMU is here, and the airfield is off to the left of that.

Q In the AMU, are there TVs?

A Yes, sir.

Q Were the TVs on? Let me tell you what I'm getting at here.

A Yes, sir.

Q Benghazi was on TV.

A Right.

Q It was all over the news. I'm just trying to understand how it was -- you may not have known it when you went to bed --

A Right.

Q -- but it's 3, 4, 5, 6 o'clock in the morning the next day. How was everybody not aware of this, because it seemed like it was all over the TV? And that's what I'm trying to figure out --

A Okay.

Q -- if you can help me understand.

A Right. I don't remember finding out about it till a little while after. It was either -- I honestly can't remember when I found out what exactly happened. I know stories were developing, but I was told to call my family with a potential deployment, that I might be potentially deployed to another location.

I did not have a TV in my room, and basically in Aviano, there is only the TV that the Air Force provides, there's not other TV channels that we can really access that are in English. I'm not sure if that contributed to me not knowing, but as far as I can remember, everybody was pretty confused as to what was happening.

Q What time did you -- what time did your shift end that day, or what do you -- shift change or whatever you call it?

A It was -- it was a long day. I remember that. It might have been -- it might have actually been, like, 16 hours, so --

Q Really?

A Yeah. We -- and which was not un- -- it was not uncommon at Aviano.

Q Was it daylight when you went home?

A Yes, sir.

Q Okay. And what are your -- did you ever have to break down your plane, 525, wing number -- tail number 525? Did you have responsibilities to break that down before the end of the day? How does that work?

A Before the end of the day, your turnover can -- I'm not sure if I turned it over to my turnover the way it was on alert status or not, I don't remember that part of it --

Q Okay.

A -- but from what I do remember, I didn't have to touch the jet pretty much the whole time that night. I was just in the truck, not having to deal with anything.

Q The entire time you were in the truck --

A Yes, sir.

Q -- was there any reason you were aware of that tail number 525 could not be launched?

A There was no reason.

Q Okay.

A Everything -- as the crew chief, I knew everything that was going on with the aircraft, and it was ready to fly.

Q So you went back to your room after you got off work. What did you do?

A After I got off work. I can't remember. I might have -- I might have called my family at that point to let them know that something was going down --

Q Okay.

A -- or it might have been the next day, but I was obviously pretty exhausted, I do remember that, so I did just sleep. And then after that, I just kind of -- a lot of mundane things happened, so I don't really have any specifics that I can remember.

Q Who informed you that you might be mobilized or being deployed somewhere?

A I'm not sure of a specific name, but I do remember that it came down from the flight chiefs.

Q Did they tell you where you might be deployed to?

A They did not specify, and I don't know if -- either I assumed it was the Middle East, or they had said something about that. I'm

sure there -- there were so many rumors going around at this point as to what was going on, so --

Q So you go to bed. Did you sleep a full night on the night of the 12th?

A I cannot remember that night.

Q So what happens on the 13th?

A 13th, I do not remember the 13th either. As far as resuming normal activities is concerned, I -- I think that we were still kind of on that standby mode, but that's me thinking rationally. It was 2 years ago. I do not want to say anything that might not be accurate, so --

Q And, listen --

A Yeah.

Q -- I don't want you to do that, either.

A Right. Okay.

Q If you don't know the answer, that's okay, just say so, but -- unless I ask you based on your experience to --

A Okay.

Q -- speculate about something or give me your opinion, don't guess.

A Yes, sir.

Q Thank you.

Are you aware if pilots ever got in any seat of any aircraft?

A I know that they did not get into my aircraft, no pilot got into my aircraft, and I believe that none of the other pilots came out

to the other aircraft as well.

Q Would the engines ever be running without the pilots in the seat?

A No, sir. Unless a crew chief was operating, but that's another job.

Q Did you ever do that for tail number 525?

A I've never had to run an aircraft.

Q Okay. When do you recall learning that Americans had died in Libya?

A I honestly can't remember when I found that out exactly, but it was not too long after it happened.

Q Not too long. Does that mean like the 12th or the 13th or --

A I do remember hearing about an Ambassador, something had happened to an Ambassador, and I can't remember specifically what day. I found out more information.

Q Do you know how long it takes for an F-16 to fly from Aviano to Libya?

A To Libya, it should be -- they would have to refuel somewhere somehow, either by tanker or by landing at another base.

Q And my question was, do you know how long it would take an aircraft to get there, an F-16?

A So altogether -- altogether at the most, it would take about 4 hours at the very most, I would say. And that's a fully armed aircraft as well, fully -- fully loaded with missiles and bombs.

Q Do you know about -- were there any tankers refueling

aircraft assigned or stationed at Aviano around September 11th or 12th of 2012?

A I'm not sure if there were any tankers.

Q Okay. The tankers that your squadron typically uses to do air refueling, do you know where they come from?

A I'm not sure.

Q Okay. You just mentioned that it's possible for an aircraft to get refueled at another base? Is that what you said?

A Yes, sir.

Q Okay. Describe that for me. Does that have a name? What's it called? How does that work?

A There are -- obviously you can refuel at any base that has the fuel required for the aircraft, but if you're looking for a quick refuel, then it would be a hot-pit maneuver is what you would call it. Essentially, that's landing the aircraft, the engines are still running, and refueling. And this all happens in a very short period of time, then the aircraft can continue to taxi out and take off again.

Q Does Sigonella typically have the ability to do hot-pit refueling for F-16 aircraft?

A I believe I can't accurately comment on that. I know that if there was a crew that was flown in, then it could be taken care of, but other than that, I'm not too sure.

Q Are you aware of any if your aircraft had ever done hot-pit refueling during the entire time you were in Aviano? Had that ever occurred that you're aware of, a hot-pit refueling occurring at

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Sigonella?

A Not that I'm aware of.

Q Okay. Have you ever conducted hot-pit refueling maneuvers at Aviano, just in terms of, like, practicing?

A At the end of -- at the end, yeah, I was trained on hot-pit refueling.

Q How long does that take?

A To hot-pit refuel an aircraft?

Q Uh-huh.

A It can take -- depending on if there's any problems with the aircraft, it could take probably 15 to 30 minutes --

Q Okay.

A -- to get that done.

Q And do you know how far it is from Aviano to Benghazi?

A Mileage-wise, no, but from a map, I can tell that it's not too far, maybe a 2-hour flight directly.

Q Subsequent to the attacks in Benghazi, was there ever any kind of discussion by your unit about an after-action about how we did, how we performed, that kind of thing?

A I'm sure there was. I just don't recall it at the time.

Q Did anybody in your chain of command ever talk to you about your actions that night, what you did that night, how you performed, et cetera, to get your tail number prepared and ready?

A I don't remember any specifics on that. We were just doing our job, so --

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Q Do you know what the Accountability Review Board is?

A No.

Q Also known as an ARB?

A I'm not sure.

Q You don't know?

A I'm not sure.

Q Okay. That's okay.

When did you first become aware that this committee wanted to speak with you?

A Basically it was Monday. Monday, I was aware that Washington was -- was a place I was going to have to travel to the next day. And I believe they told me something about a committee -- the committee on Monday, but, in general, I was just told that I was coming here for an interview.

Q Who told you that?

A I was told by the captain, my flight chiefs, and some of the commanders on base.

Q Were they, like, all in a room and called you in?

A At first I was called in early to work by my flight chiefs, and they had me come in with my blues uniform, and proceeded to tell me once I got there that I was going to be talking with the commander and the captain about certain things regarding Benghazi. And then once I had talked to them, I was notified that a TDY to Washington was in order. And then I proceeded to talk to a lot of other high-ranking individuals in the -- in their offices and in a meeting room kind of

like this.

Q Why did they want to talk to you?

A They wanted to basically let me know that they had -- that I had their support and that kind of give me a briefing of what was going to happen and figure out how I was going to get to Washington, what the living costs and all that would be, so --

Q Did they tell you why we wanted to talk to you?

A They said that there was a Facebook post as well as a video circulating around, and that basically, my name had come up as being vocal about Benghazi in -- on Facebook, possibly. And they kind of gave me a little briefing about that, too, as far as having a political -- a vocal political decision of my own, like, on Facebook; they wanted me to be aware that I was -- you know, while I have, you know, freedom of speech and all that, that, you know, it is good to be careful with what you post on Facebook, so --

Q All right. And did they -- how many Facebook posts did they refer to, or did they?

A They didn't refer to any specifically.

Q Right.

A I don't think they were aware of what exactly the post was, but they -- they basically just gave me the brief rundown of it.

Q And what's the video they talked about?

A The video apparently was a video from someone who was in Aviano and had something to say about Benghazi, essentially.

Q I want to show you a Facebook printout and ask you if you

recognize that, please.

A Yes, sir.

Ms. Green. Is this exhibit 1, Mac?

[REDACTED] Exhibit No. 1

Was marked for identification.]

BY MR. TOLAR:

Q What I'm showing [REDACTED] is a printout of a Facebook page marked as exhibit No. 1.

I'd just like you to look at that and tell me if you recognize that.

A Yes, sir.

Q And what is that?

A This is just a Facebook post I made in regards to Benghazi and my thoughts, on an emotional basis, of what could have been prevented, and basically my opinion of what could have been done, my personal opinion.

Q And when did you post this on Facebook?

A It was a while back, a pretty long time ago. I can't recall the exact date.

Q Was it in Jan- -- was it in 2016?

A It might have been really early 2016 or late 2015. Around that time, I believe, if I were to guess.

Q And what makes you think -- you said, an F-16 in full afterburner would have had those terrorists running in terror and saved lives.

Explain to me what you mean by that?

A An F-16 is a pretty ominous aircraft, especially to the enemies of America. They know what that sounds like. It's very loud, it's very obvious what it is. And I believe -- I believe from this post that -- personally that a flyover would do a very good job of terrifying those who would be out to get Americans.

Q But, again, exhibit 1 is a Facebook post that you posted on your Facebook account, correct?

A Yes, sir.

Q Anything else you want to say about this Facebook post?

A Basically just want it to be known that, you know, it was my personal opinion of something. I had no background information. It was simply what I thought in my inner self could have made a difference, not representing the Air Force or anything else.

Q Knowing what you know now --

A Yes, sir.

Q -- about the events in Benghazi and how it happened and what happened, do you still believe your statement to be true that they could have been launched and it made a difference?

A Personally, I do believe they could have made a difference. I believe we had enough time, and I believe that we had the -- the manpower and the aircraft that were capable. I believe that if we had been able to, we could have made a difference, but then again, I do not know the background, I don't know anything above my level at that time. And I want to be sure that I'm not associating this with anything

that the Air Force has going on that I might not have known about.

Q I understand.

A So --

Q So let me do this.

A Yes.

Q How could that have made a difference? What would have changed had that happened?

A Well, essentially that first attack, that was -- that was quick, it happened quickly. The Ambassador, he was -- he was killed pretty quickly in relationship to -- to the time that we got information on the attack. And I believe that maybe after that first attack and after we were alerted, we could have possibly prevented that second attack that happened later on. And from what I heard, there was the second attack where the -- the two other military members died. And I know if an F-16 fighter was able to be in the airspace above the compound at that time, I believe it would have made an impact on the situation, and might have -- might have possibly made a different outcome, because they are -- they are a show of force, a show of power, and the terrorists know that.

Q And the second attack you're referring to is the mortar attack that killed --

A Yes.

Q -- two additional Americans?

A Yes, sir.

Q Do you know what time that occurred?

A Specifically, no. I don't remember.

Q It was approximately 5:15 a.m. --

A 5:15.

Q -- on the 12th.

A Yes, sir.

Q You said it would take 4 hours?

A I'd say at the very most, it would take 4 hours.

Q Let's say it took 3-1/2.

A That could be about -- about right, depending on --

Q Well, let's conservatively say four.

A Okay.

Q So that means they would have had to have launched from off
Aviano --

A Yes, sir.

Q -- at 1:15 a.m. in order to get there when the attacks
occurred on the rooftop.

A Correct.

Q 1:15 a.m., they would have been -- they should have launched
at that time. How long did it take to get them ready?

A It took probably -- I would say it was within the hour that
I arrived at work. It did not take long. I'd say -- I'd say at the
very most, an hour to get them ready.

Q I guess I'm trying to figure out --

A Yes, sir.

Q -- how you -- those aircraft that you all got -- were they

ready at 1:15 a.m.?

A They were -- they were ready to launch out by the time that I was out in the truck, essentially. So I honestly don't know specific times, and everything time related specifically is speculative.

Q Are you responsible, or does the squadron maintain logs, mechanical records or anything that indicates when a tail number is ready to go?

A There is a record where basically the super will sign off, and the super is the superintendent of the whole flight line, essentially.

Q Okay.

A He will sign off on an aircraft that is completely ready to fly, and that can be -- that can be done at really any time after a crew chief has looked at the jet and inspections are done. So there is documentation. There is quite a bit of documentation. Each aircraft has its own set of forms --

Q Sure.

A -- that is documented with different inspections and servicing that is needed.

Q So when you got tail number 525 ready to go, do you go find the superintendent, say, Hey, Super, I'm good to go. Come check me out?

A Essentially the expediter will probably go find him --

Q Okay.

A -- and then he'll bring him over or he'll drive over himself

[REDACTED]

and make that signature underneath the last inspection or the last write-up.

Q Right. But going back to the time here --

A Yes, sir.

Q -- recognizing that that mortar attack happened approximately 5:15 a.m., do you still believe those aircraft could have gotten there in time to make a difference?

A I -- honestly, my personal belief is that they could, because 4 hours, that's at the very max, and that's if everything went wrong, in my opinion.

Q All right.

A But that's my personal belief.

Q I'm going to ask you to look at another Facebook page, please.

A Yes, sir.

Mr. Tolar. We'll have that marked as exhibit No. 2.

[REDACTED] Exhibit No. 2

was marked for identification.]

BY MR. TOLAR:

Q Would you please look at that and tell me if you recognize that document.

A Yes, sir.

Q Do you recognize it?

A Yes, sir.

Q What is it?

[REDACTED]

██████████

A It's another Facebook post I made. This one has the date on it, so January 18th.

Q You made this -- you made this posting?

A Yes, sir.

Q And it appears that you made this in response to watching a movie?

A I did see the movie "13 Hours," and while I know it's cinema and all that, I knew what had happened from my point of view, and it did -- it did kind of give me an emotional response, and that's probably the basis for why I -- I made this post.

Q Anything else you want to say about this post?

A Let's see. No, I don't have much else to say about this post.

Q Who is Adam Housley?

A He --

Q You're friends with him on Facebook. Are you friends with Adam Housley on Facebook?

A Yes, sir.

Q Huh?

A Yes, sir.

Q Okay. Who is he?

A He's a -- I believe he is a reporter.

Q What kind of reporter?

A A news reporter.

Q And who does he work for?

██████████

██████████

A I believe Fox News.

Q Have you ever communicated with him via social media, through Facebook or Twitter or something like that?

A He is my friend on Facebook.

Q Have you ever spoken with him?

A I have spoken with him before. Yes, sir.

Q You have?

A Yes, sir.

Q How many times?

A I can't recall.

Q What were the circumstances of you speaking with him?

A Basically, I think it was in regards to one of my posts on Facebook.

Q Did he reach out to you or you to him?

A He reached out to me.

Q And what did he ask you?

A I'm sorry. Can I take a minute?

Mr. Tolar. Let's go off the record.

Mr. ██████████ Yes, sir.

[Discussion off the record.]

██████████

[2:04 p.m.]

Mr. Tolar. All right. Let's go back on the record, please.

Mr. Richards. This is Edward Richards with DOD Office of General Counsel.

I just want to say, pursuant to a conversation we've had with the senior airman, he is going to respectfully decline to answer any more questions regarding conversations with Mr. Adam Housley and/or Fox News. He has answered questions to this point, but he prefers not to for additional items. And we will respect that, given it's a voluntary interview.

Thank you.

BY MR. TOLAR:

Q On the night of the 11th/12th, when you had airplanes ready to go and things of that nature, did you and your peers ever talk about frustration with not being able to launch, get in the game, do your jobs, et cetera?

A Yes, I've had conversations with other members who also feel the same way and basically wish that we could have done more that night after finding out more of the facts of what happened.

Q Are they frustrated by the inability of you all to launch those aircraft and perhaps make a difference?

A Yes. I would say not because of the inability. I think it's because we had the ability to launch the aircraft and, yeah, we did not.

Q Do your peers -- are they afraid to speak out because

they're afraid of retribution?

A I'm not too sure if they're afraid or if they think it's a lost cause or anything like that. I'm not sure what all of their political views are or anything with regards to them, so I can't make an accurate statement on that.

Q Have any of them -- I'm not asking you to name them, but just in general -- anyone talked about a fear of retribution should they speak openly and honestly about what they've experienced?

A I believe there's that general thought around everyone that maybe there might be some kind of retribution from that. I can't accurately read their minds or anything.

Q I understand.

A That's my opinion.

Q How would retribution take place?

A I think that they would be worried that something maybe classified could potentially come out or they could get in trouble because they spoke out maybe in a public fashion and they might find a way to get to them and make them take back what they said or something in general. I think that would be --

Q Have you been counseled or gotten in any kind of trouble for your Facebook posts?

A No. I have no problems with anyone in the military.

Q Is there anything else that you think it's important for this committee to know about what you did that night, what your unit did that night, anything at all that you want to share with this

committee?

A I believe it's important to note that the 510 was completely ready for anything that night. We were able to launch; we had capable aircraft. Although I do not know the background, I don't know the higher-up. I was an A1C doing my job. And what I saw that night was a family of Air Force members coming together to make something happen, a real-world mission, an alert-ready status, basically us ready to take on whatever the world had for us at that point. I believe we are the world's greatest Air Force. And, personally, I think that we could have done what we needed to do that night, if given the choice.

Q And you're absolutely sure that all this occurred on the morning of September 12, 2012, when you prepared these planes?

A Yes, sir.

Q Any chance it could have been the 13th, the following day?

A Are you asking if the aircraft are loaded?

Q I'm asking if you got the date wrong.

A No, sir.

Q Okay.

A Everything happened on the 12th.

Q Is there anybody else that you think it's important for us to speak with that might also have information to share with the committee that would be helpful?

A I don't believe I have information on people who could help. I believe people who can help would be higher up, high-ranking, and would have more of a background on what's going on.

Q Okay. Thank you.

Mr. Tolar. Let's now go off the record.

[Recess.]

Ms. Sachsman Grooms. We'll go back on the record.

My name is Susanne Sachsman Grooms. I'm a staffer on the minority side. And this is Shannon Green.

EXAMINATION

BY SACHSMAN GROOMS:

Q So what would you be doing today if you weren't here?

A If I wasn't here, I would be working a swing shift over at the 34th AMU at Hill Air Force Base, Utah.

Q And you're Active Duty?

A Yes, ma'am.

Q And how many days has coming here taken you away from your job?

A I'd say, technically, this could be considered part of my job because I was sent here by the commander. I'm on orders and I've taken it that way. But my job at the 34th, I'll be gone for about 3 days.

Q Three days?

A Yes, ma'am.

Q And I believe we were told that you are 23.

A Yes, ma'am.

Q So, on September 11, 2012, how old were you?

A At that time, I was 19, I believe.

Q And I ask that just to get a little perspective about how really new you were in the military. Is that a fair understanding?

A That is fair. I was relatively new to the military.

Q How long had you been in the military?

A Since 2011, August 9, 2011, so not too long.

Q August 9, 2011?

A Yeah, 2011.

Q Okay. So about a year and a month?

A Yes, ma'am, about that.

Q And I think you told us how long you thought the flight time was between Aviano and Benghazi. Have you ever flown from Aviano to Benghazi?

A No, ma'am.

Q And I believe you said you don't know the mileage, right?

A No, I don't have that off the top of my head.

Q Okay. And so how did you figure out that flight time?

A That was basically me going online and looking at maps and then doing the mileage and finding out for myself how many miles and how long, with an F-16 that's fully loaded at cruising speed, how long it would take for the aircraft to make it to Benghazi.

Q So you went online?

A It was a combination of, yeah, going online and just knowing the F-16's, kind of, specs that way.

Mr. Tolar. I apologize. Just for the record, this is at Secret level only.

And, Bill, I don't know if there's a line there, when you talk about capabilities of aircraft, that exceeds that. I don't know, but I just want to --

Mr. Richards. Okay. His clearance is Secret.

Mr. Hudson. He's at Secret.

Mr. Tolar. I didn't know if -- let's go off the record, please.

[Discussion off the record.]

BY SACHSMAN GROOMS:

Q So is it fair to say that someone more senior to you in the military who's more of an expert in the planes would know better than you how long the flight time is from Aviano to Benghazi?

A I would say it's pretty easy to figure out the flight time if you know what the aircraft can do.

As far as everything between and generating aircraft to be mission-capable and, you know, the whole thing with aerial refueling or hot pit refueling at another base, that adds time. And I believe that a senior might know a little bit better about -- a little more specific on those numbers of how long it would take with all those extra pieces.

But the exact flight time from point to point is pretty easy to figure out, I would say, for anybody.

Q Okay. And those other pieces you think take -- the refueling, I believe, you thought would take how long?

A Well, there would have to be people shipped down to the base, or there would be people there that would be contacted. There would

have to be a truck there with the fuel. So there are a whole bunch of stipulations that could take longer or shorter depending on how prepared Sigonella or whatever base was to accept an aircraft.

Or even, you know, it obviously would be faster with aerial refill. So there are a whole bunch of different factors that could play into that.

Q And you don't know anything about those other factors on that night. Is that accurate?

A All I was told was that aerial refueling was not an option. And that was the reason given to me that night for the aircraft not launching out.

Q And who told you that?

A That was basically from expeditors and flight chiefs.

Q And so is it fair to say that you don't know how long all of those other factors would have taken, you don't know how long it would've taken to land somewhere and whether they would've been able to get the tankers there and how long it would've taken to do the refueling on the way to Benghazi?

A A specific scenario like having an aerial refuel available, I believe that it would definitely be -- if everything went perfectly, it could take probably a little over 2 hours en route. But that wasn't an option, apparently, so the hot pit refueling would obviously add a bit to that.

And I can't 100-percent accurately give a time that would show you, you know, how long it would take specifically. But, as you know,

it was just my personal belief that we could've got it done and could've had the aircraft refueled in a timely manner.

Q And I'm just trying to understand what your personal belief is based on.

A Right. And let's just --

Q Because, just to be clear -- and I want to make sure we understand it -- you did tell us you don't know all of those other factors that would've come into play in refueling.

A Yes.

Q Is that accurate?

A Yes. I don't know if there were any outside stipulations that were factoring into this, us not being able to even launch out in the first place. And that would be what probably bothered me the most, is that we had no jets in the air, period.

BY MS. GREEN:

Q Am I missing something? Did you say the flight time, you believed, was 2 hours from Aviano to Benghazi?

A That was for the aerial refuel. I would say it would take, like, over 2 hours. That's what I think it would take, because, obviously, it's done on the go.

But I have not had -- the only experience I have with that is launching out aircraft that have to be aerial-refueled and then them coming back in the manner. So I know when they go, I know when they come back, and I've seen how long it takes for an aerial refill to occur.

So that's what I'm basing my knowledge off of. I think there are

always factors -- weather, there's availability of tankers -- all kinds of things that can influence how long something takes. But that night we were told we did not have an aerial refuel option. That was not an option.

Q And so you would've had to land --

A Right.

Q -- and refuel.

A Exactly.

Q And where is it that you think you would've landed?

A There's a base called Sigonella that is in between Benghazi and Aviano. And it is able to take F-16s, from my knowledge. And the only thing is whether or not it had fuel there and people who could do the hot pit refuel.

Q I think you mentioned you'd have to send folks in advance, right?

A Depending on if they had people there or not. If they had people there that could support the mission, then it would work. But, otherwise, we would have to ship our own people down there to accept the jets.

BY SACHSMAN GROOMS:

Q But you don't know that night whether there were people in Sigonella prepared to refuel the plane.

A I do not.

Q And you don't know whether there was fuel in Sigonella prepared to refuel the plane.

[REDACTED]

A No.

Q But it's your personal belief that the plane could've taken off from Aviano, flown to Sigonella -- how long is that trip?

A I don't want to give an exact time because I'm not sure, but it is pretty close to -- I think it's a little more than halfway from Aviano Air Base to Benghazi.

Q How long would you think that would take?

A So probably maybe an hour or, like, a little over an hour, around then. I can't exactly give you a time.

And I'm getting my knowledge of this because I have had to go refuel aircraft that have landed at other bases. And that is common practice, because some aircraft you have to weather-divert if -- basically go to another airbase if they can't make it back. And, basically, they'll send a team of us out to an airfield other than the one that we're at, and then we will refuel the aircraft there, and then they will continue on to their destination. So that's what I'm basing my experience off of there.

Q Okay. So you've been involved in the refueling.

A Yes.

Q But you've never been in Sigonella. Is that accurate?

A I've not been in Sigonella.

Q Okay. And you don't know what the circumstances were like that evening?

A No, I don't.

Q And so you don't know if they would've had to send a crew

[REDACTED]

to go with the plane, before the plane, to go help with the refueling in Sigonella. Is that accurate?

A If they did do that and they went that route, they would've sent a crew as soon as possible. So preferably before the jet even took off, they would want to have the crew there around that time.

Q But you don't know if they had to do that or not.

A If they had to?

Q Yes. You don't know if they had to send the crew to Sigonella, right, because you don't know if there's a crew in Sigonella?

A Oh, exactly, yes. I don't know who was there or anything about that base at that time, that night. I was just there doing my job, and that was it.

Q But you think that it would've taken somewhere around an hour to get from Aviano to Sigonella. Is that accurate?

A I think it could be around that time.

Q Okay. And then, in Sigonella, it would be some time period -- we'll call that X, because I'm not sure how long --

A Right.

Q -- you think it would take in Sigonella to refuel. Is that accurate?

A Yeah, it would take about -- if they were to land, taxi in, depending on the airport, you know, like I said earlier, 15 to 30 minutes might be an acceptable time for a hot pit maneuver to happen. So it could be anywhere from within an hour that it would take for them to refuel and take off again.

Q And that's in about an hour with good circumstances, right? If they had the fuel ready and the crew ready and everything, right?

A Yeah. And, you know, we've been through circumstances where weather is really bad. And, you know, a hot pit is a relatively simple maneuver, which is done pretty quickly, pretty easily, and there isn't that much needed to perform it. So I believe, regardless of -- as long as we had what we needed there, we could've done it pretty easily.

Q In about an hour.

A In about -- at the most.

Q Okay. So if those factors were there --

A Right.

Q -- and you don't know if they were or weren't -- is that right?

A Yeah. Exactly.

Q -- it would take about an hour, you think.

A I think, yeah, at the most. You know, are you including the time it would take for personnel to fly to the base, or is that just being on the base and the jets landing?

Q I don't know. Which way should we do it? So you're the one who's estimating out for us really how long you think this process is going to take.

A Uh-huh.

Q You gave us an hour flight to Sigonella, right? You told us an hour at Sigonella. And I assume we're going to get to an hour after Sigonella to get to Benghazi.

██████████

A Yeah, maybe an hour or less. And I would have to look again to get specifics on any of this. But, as you can see, like, on a map, you know, Aviano is not that far from Benghazi.

Q Okay.

And I think I asked you before, were you basing your info and do you think other people know better than you -- right? More expertise, people who fly airplanes, right?

A Right.

Q -- who have flown that route. And you said no, you felt that you were good enough to do this because you looked it up on the Internet. Is that an accurate description of what you said?

A No. I would base it more on my experience.

And I actually do believe that, yeah, there would be someone more qualified than me in a high-ranking position, especially at that time, who would know the specifics on flying to a base outside of, you know, Aviano. And what I have for you is just an estimate, in my opinion, of what it would take and kind of a very rough timeframe of how long it would take to do it.

Q Okay. So, now, just so that I'm clear --

A Right.

Q -- you think somebody with a higher rank that night, with more expertise and more information that night, would be able to give us a better estimate of how long it would've taken that night to get from Aviano to Benghazi? Is that accurate?

A Definitely more accurate. They would probably be able to

██████████

██████████

give you actual maybe numbers, somebody with a high rank and who is more used to designing, maybe scheduling these flights and all that.

Q And perhaps someone who knew where the refueling tankers were. Would that be a helpful piece of information to have known?

A Yes. If there was a refueling tanker, then it would've made everything go a lot more smoothly.

Q And perhaps someone who would know whether there were crews in Sigonella and fuel in Sigonella.

A Yeah.

Q Would that be helpful?

A That would be very helpful to know.

Q Okay.

And, just to be clear, I think in the first hour you described waking up -- you said you went to bed, you woke up, it was September 12th, it was dark, and you couldn't recall what time it was. Is that accurate?

A Yeah, I can't recall exactly what time it was. It was 2 years ago, so --

Q And your estimate of the time was -- I don't recall.

Ms. Green. 1 or 2 a.m. I think he said.

Ms. Sachsman Grooms. Sometime between 1 and 2 a.m.?

Mr. ██████████ Yeah. Very rough estimates. One o'clock in the morning, 2. Maybe even 12. I just remember that I had gone to sleep and I woke up to a call from my --

Ms. Green. You mentioned that you went to bed late that night

██████████

so that's why you thought it was 1 or 2.

Mr. [REDACTED] Yeah. I believe late for me -- because we usually had to wake up for dayshift pretty early -- late for me was, like, 11 o'clock. So around that time.

BY SACHSMAN GROOMS:

Q Could it have been as late as 3 a.m.?

A I know things happened pretty quickly, pretty early on. Again, I wish I could remember a time. I wish I had a way I could get a time exactly. But, from what I remember, I was not asleep very long before the call came.

Q And then there's also a time period in the traveling to the base. Is that accurate?

A To Sigonella from Aviano? Or --

Q No. In the time from traveling -- so you wake up sometime between 1 and 2, or 1 or 2?

A Right.

Q Is that accurate?

A I'm not sure exactly.

Q You're not sure when you wake up --

A Exactly.

Q -- and then you travel to the base, right, where you did roll call?

A And I was living on base at the time --

Q Okay.

A -- so it was a very short distance, probably about a 5-minute

drive-ish, maybe, around that time.

Q So I think you estimated in the last hour it took you about 15 minutes to get into work?

A Yeah. I was there pretty quick. I can't give you an exact time, again, but it was a really quick process, and the urgency was there, so --

Q And then you went through roll call?

A Yes.

Q How long does roll call take?

A Roll call was relatively quick, as well. Aircraft were being loaded while we were in roll call and prepped. So I believe roll call probably took about, at the very most, 10 minutes, at the very, very most.

Q So we start at X time, because you don't know exactly what time you woke up, and we've now added 25 minutes. Is that accurate?

A Yeah, give or take a little bit.

Q Sure. And then you go out, and I think you said it takes about an hour to get the plane ready. Is that accurate?

A No, planes are pretty easy to break down and get ready. They were all refueled. All the maintenance was done on the jets that we were assigned to. So we just had to run outside and check the gauges and break down, you know, the essentials of the jet, which does not take very long, probably at the most, like, 15 minutes at the very most, to break a jet down.

Q So I think in the first hour you said it took about an hour.

It's now just taking 15 minutes?

A An hour to?

Q After roll call, before --

Ms. Green. For the aircraft to be ready.

BY SACHSMAN GROOMS:

Q For the planes to be ready to go, wheels up?

A If you're talking about loading munitions --

Q Uh-huh.

A -- loading munitions plus everything, like the breakdown and all that, then that would take probably about an hour altogether. And, like I said, when I arrived at work, the weapons crews were already there loading bombs and missiles on the aircrafts. So that was already, like, in process. And then my additional breakdown of the jet was 15, 20 minutes.

Q So you're doing the math now from 25 minutes after roll call, and then how long until we're ready for wheels up?

A From roll call to wheels up?

Q Uh-huh.

A I would say, once I got in the truck, drove over, broke down the jet, I'd say we could've had that in the air probably within 45 minutes to an hour after roll call --

Q Okay.

A -- I would think. Because everything was already starting, all the processes were started before I got to the workplace in the first place.

But this is just me basing off of I did go to Afghanistan, and I was able to see how quickly we were able to prep jets and launch and recover. So that's me going off of that experience and other experience that I've had in exercises, alert launching, and all that. So --

Q Why are we going off of your alert launches experiences instead of what actually happened that night? I'm confused.

A Oh, I understand the question.

Q I'm trying to understand how long it actually took that night to get ready for wheels up.

A Right, right. And --

Q It is just that you don't recall exactly how long it took that night?

A Exactly. That's what I'm saying, is I don't know the specifics, so I'm kind of going off of -- partially going off of experience. But I do remember we were prepared pretty quickly.

Q Okay. So you feel as if you were prepared pretty quickly, but you weren't watching a watch.

A No. I was kind of just in a rush, and I was concentrating on learning how to do alert and -- well, making sure I knew how to do an alert launch and recovery.

Q But, in your experience, you would estimate that it took between 45 minutes to an hour. Is that right? That's what you just said.

A Yeah, I believe so. With weapons, munitions loading and

all that, I think it would be --

Q Okay. So I --

A -- an accurate statement.

Q -- did my math on my paper that sometime -- an hour after you woke up to an hour and 20 minutes after you woke up. Does that sound about right?

A It could be. I know that they were already starting to do -- gears were turning while I was still asleep, and then I got the call. Because there were people already at the workplace who were working on the aircraft already before I showed up.

Q Yes. I understand.

A Okay.

Q That was your estimate, was 45 minutes to an hour after you left roll call, right? So I just added up those numbers.

A Yeah. I think that might be an accurate statement. Again, this is me trying to put together the timeframe.

Q All right. We've been going for probably longer than is necessary. Is it just fair to say you don't remember how long it took?

A That is fair to say. That is accurate.

Q Okay. And it's fair to say you don't know really when you woke up?

A That is fair to say, as well.

Q And it's fair to say you don't really know when they were ready to go?

A Yeah, that is fair to say. I had no timeframe to go off

of in the situation.

Q Is it also fair to say you don't really know with any specificity how long it would've taken a plane to fly from Aviano to Benghazi on the night of the attacks with the circumstances that were occurring that night?

A No, not with any specificity on this. Basically, that is something that would be determined by actual people who were probably outranking me. And, like I said, I was an airman first class just told to do my job, obeying orders, and that's what I did that night. Everything else that is, you know, a theory is just speculation from me.

Q Okay. And so it's fair to say you just don't know how long it would have taken?

A To go from Aviano to Sigonella?

Q That night.

A Not specifically.

Q Okay.

Okay. Let's pull out -- and I'm going to use this one as exhibit 3.

[██████████ Exhibit No. 3

was marked for identification.]

BY MS. SACHSMAN GROOMS:

Q It looks similar to the ones you've seen already.

A Okay.

Q I'm giving you exhibit 3 because that is the way the

document was presented to me the first time I got it from the Republican staff. And I'll just walk you through it.

A Okay.

Q The first page of exhibit 3 appears to me to be the same email as exhibit 2. Does that look right to you?

A Yes, it does.

Q Okay. And that email appears to be written by -- or, I'm sorry, it's not an email. Excuse me. It's a Facebook post.

A Yes, ma'am.

Q My social media skills are not very impressive.

It appears to be written on January 18th at 8:50 p.m. and has a timestamp. It reads, "My old F-16 squadron the Buzzards got some short screen time in the new movie 13 Hours. sadly it was not of them raining hell on the pathetic Ansar al-Sharia or even doing a low flyover to scare the hell out of them.. il never forget waiting for the order to alert launch with fully capable armed F-16's and doing nothing.. i don't think il ever know for sure who or what exactly the reason was we didn't provide air support that night but this I know, we have a corrupt government with disregard to human life, that looks at us as tools on the physical side of their pathetic political battles..."

It has a hashtag. The hashtag reads "ifyouvoteforhillaryyouarebeyondstupid." And it has another hashtag that reads "Buzzards" and another hashtag that reads "rule."

Is that accurate?

A Yes, ma'am.

Q And did you write that?

A Yes, I did.

Q The second page of this document appears to be a very similar post, but I believe you said you wrote that one quite a while before the first. Is that accurate?

A This one might've been first. I can't honestly recall this.

Q It reads -- I'm sorry. And it doesn't have a timestamp. This is just the way I got it. I didn't pull it off of Facebook myself.

It reads, quote, "I was an f-16 crewchief stationed at Aviano ab when the attack happened. I was called into work, and we scrambled jets, armed and prepared them for an alert launch and then, we did nothing.. As the closest air base to Benghazi we could have had jets in the air over the compound in just a few hours and Believe me when I tell you an f16 in full afterburner would have had those terrorists running in terror and saved lives. Yet we never got the order and did nothing. I am sick of our government and I don't care what excuses they make. We let them die that day."

And it has a link to a passionforliberty.com Web site, "Benghazi - The Mystery of the Missing Air Support."

Is that accurate?

A Yes, it is.

Q Okay. Are these two Facebook posts about basically the same subject?

A Yes, ma'am.

Q Are they expressing the same sentiment?

A Ah, yes, they are.

Q And I think you described that as your personal opinion, your personal belief?

A Yes. That is my personal opinion only.

Q Uh-huh. And the hashtag "ifyouvoteforhillaryyouarebeyondstupid," is that your personal political belief?

A That is a personal political belief that I had. And I have been cautioned to stay away from political beliefs, being in the position that I am. So I would say that was an emotional response to something that may have been a little bit unprepared.

And, just for the record, I did not mean to politically associate anything with myself. But, you know, I did out of an emotional kind of context.

Q So I'm not sure I totally understood that.

A Yeah.

Q Is it just that you're expressing regret over having done it? Is that the --

A Yeah. I mean, it's kind of what I've been -- what I've learned from this, obviously, is, you know, Facebook is a tool that can be viewed by everybody. And, for the record, I do not want my political beliefs to come together with, you know, my career and all that and everything like that. And so that's just me, for the record, telling you that.

Q Okay. You don't want your personal political beliefs impacting your career. Is that your point?

A Yes. And I know in the situation that I am, as an Active Duty military personnel, that can negatively have a negative outcome for me, like, a negative look for me, as well. And I do regret some of this because I don't believe this was the place to be having a political post is what I'm saying.

Q Okay. Did you remove this hashtag from your post recently?

A Yes. I did last night, actually. I went through just reading some of my old posts, and I realized that it was a little bit extreme for the circumstance and decided it would be better off if I removed the hashtag from the post.

Q Okay. Did you have any conversations with anyone in Congress about removing the post?

A No. It was simply me talking with my commander and supervision on base and the general outlook I got about making posts on Facebook. I know that some of my posts were a little extreme and caused a lot of controversy, so I kind of edited a few, and, you know, I wanted to make them more accurately represent my thoughts without seeming excessive.

Q But you didn't take down the actual post. Is that right?

A No. I felt like there was no need to take down the whole post. It was there, everyone had seen it, and that was that.

Q Okay.

And, in the post, you're expressing that -- and I'll just read

it -- "i don't think il ever know for sure who or what exactly the reason was we didn't provide air support that night." Is that accurate?

A Yes, that is accurate.

Q Okay. And I think you've stated that again today; you don't know what was the actual reason.

A Exactly.

Q Okay.

And then you expressed, and I'm quoting, "but this i know, we have a corrupt government with disregard to human life, that looks at us as tools on the physical side of their pathetic political battles."

What did you mean by that?

A By that, I meant basically that, you know, there is a corrupt side of every government. And I believe that there are people who are corrupt in the government. And that's my honest opinion. And I made it into a Facebook post, unfortunately. But I believe that there are those people and people who believe that way.

You know, maybe it looks like I generalized the whole government into one group with this, but, specifically, it was just a personal belief of mine that there are those who feel this way. And I have no specific experience to back this up. I have no way to, you know, prove stuff like that. But that was my personal opinion due to what I've experienced and what I've seen in my military career.

Q Okay. I'm sorry. So have you seen or experienced a corrupt government in your military career?

A Not exactly. I just -- there are -- there are just ways

that I have seen the government work and ways that I have seen things play out that I disagree with personally. And I believe that, I mean, it is impossible to have a government with not an ounce of corruptness in it. I believe there's no way for a government to be perfect.

So I was kind of portraying that through this post. And, as can you tell, I was frustrated and a bit angry, and emotionally it came out as this Facebook post that you see here. So --

Q But is it fair to say that you don't have any knowledge of any specific corruption related to the decision to not send F-16s to Benghazi on the night of the attacks?

A I have no specific proof of anything like that. The only question I had was why. That was it.

Q Okay. And you're just expressing the question of why, but you don't know the answer.

A Exactly.

Q And let's just look further in this document. The rest of the document, it looks like it's a printout from Hill Air Force Base. And then the page after looks like it's your profile maybe. Is that accurate? Is that your Facebook profile?

A Ah, yes. That looks like an old profile, yep.

Q Okay. And Hill Air Force Base, is that your Air Force base?

A That is the one I'm stationed at now.

Q Oh, okay. All right. I guess that makes sense because it probably would've been in a package of -- this was a package of materials I got from the Republican staff.

[REDACTED]

A Okay.

Q And I guess it's the package of materials they gave when they were trying to find you. So maybe they printed out your location.

A Sure.

Q Okay. I'm going to ask you a series of questions that we ask all to the witnesses that come in.

A Okay.

Mr. Hudson. Can I go off the record for a minute?

Ms. Sachsman Grooms. Sure.

[Discussion off the record.]

BY MS. SACHSMAN GROOMS:

Q So I'm going to ask you a series of questions that we ask all of the witnesses. There are a series of public allegations that have gone on since the attacks. We ask about them. I'm not asking you to speculate. I'm just asking if you have knowledge, if you have evidence to support these allegations. If you don't, we'll just move on. And I'm going to read through them quickly, but you can always stop me, okay?

A Okay.

Q It has been alleged that Secretary of State Clinton intentionally blocked military action on the night of the attacks. One Congressman has speculated that Secretary Clinton told Leon Panetta to stand down and this resulted in the Defense Department not sending more assets to help in Benghazi.

Do you have any evidence that Secretary of State Clinton ordered

[REDACTED]

Secretary of Defense Panetta to stand down on the night of the attacks?

A No.

Q Do you have any evidence that Secretary of State Clinton issued any kind of order to Secretary of Defense Panetta on the night of the attacks?

A No.

Q It has been alleged Secretary Clinton personally signed an April 2012 cable denying security to Libya. The Washington Post Fact Checker evaluated this claim and gave it four Pinocchios, it's highest award for false claims.

Do you have any evidence that Secretary Clinton personally signed an April 2012 cable denying security resources to Libya?

A No.

Q Do you have any evidence that Secretary Clinton was personally involved in providing specific instruction on day-to-day security resources to Benghazi?

A No.

Q It has been alleged that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Qadhafi to his own people in order to garner support for military operations in Libya in spring 2011.

Do you have any evidence that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Qadhafi to his own people in order to garner support for military operations in Libya in spring 2011?

[REDACTED]

A No.

Q It has been alleged the U.S. mission in Benghazi included transferring weapons to Syrian rebels or to other countries. A bipartisan report issued by the House Permanent Select Committee on Intelligence found that, quote, "the CIA was not collecting and shipping arms from Libya to Syria," end quote, and they found, quote, "no support for this allegation," end quote.

Do you have any evidence to contradict the House Intelligence Committee's bipartisan report finding that the CIA was not shipping arms from Libya to Syria?

A No.

[REDACTED]

[3:05 p.m.]

BY MS. SACHSMAN GROOMS:

Q Do you have any evidence that the U.S. facilities in Benghazi were being used to facilitate weapons transfers from Libya to Syria or to any other foreign country?

A No.

Q A team of CIA security personnel was temporarily delayed from departing the Annex to assist the Special Mission Compound, and there have been a number of allegations about the cause of and the appropriateness of that delay. The House Intelligence Committee issued a bipartisan report concluding that the team was not ordered to stand down, but that instead, there were tactical disagreements on the ground over how quickly to depart.

Do you have any evidence that would contradict the House Intelligence Committee's finding that there was no stand-down order to CIA personnel?

A No.

Q Putting aside whether you personally agree with the decision to delay temporarily or think it was the right decision, do you have any evidence that there was a bad or improper reason behind the temporary delay of the CIA security personnel who departed the Annex to assist the Special Mission Compound?

A No.

Q A concern has been raised by one individual that in the course of producing documents to the Accountability Review Board,

damaging documents may have been removed or scrubbed out of that production.

Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to the ARB?

A No.

Q Do you have any evidence that anyone at the State Department directed anyone else at the State Department to remove or scrub damaging documents from the materials that were provided to the ARB?

A No.

Q Let me ask these questions also for documents that were provided to Congress. Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to Congress?

A No.

Q It has been alleged that CIA Deputy Director Michael Morell altered unclassified talking points about the Benghazi attacks for political reasons, and that he then misrepresented his actions when he told Congress that the CIA, quote, "faithfully performed our duties in accordance with the highest standards of objectivity and nonpartisanship," end quote.

Do you have any evidence that CIA Deputy Director Morell gave false or intentionally misleading testimony to Congress about the Benghazi talking points?

A No.

Q Do you have any evidence that CIA Deputy Director Morell altered the talking points provided to Congress for political reasons?

A No.

Q It has been alleged that Ambassador Susan Rice made an intentional misrepresentation when she spoke on the Sunday talk shows about the Benghazi attacks.

Do you have any evidence that Ambassador Rice intentionally misrepresented facts about the Benghazi attacks on the Sunday talk shows?

A No.

Q It has been alleged that the President of the United States was virtually AWOL as Commander in Chief on the night of the attacks and that he was missing in action.

Do you have any evidence to support the allegation that the President was virtually AWOL as Commander in Chief or missing in action on the night of the attacks?

A No.

Q It has been alleged that a team of four military personnel at Embassy Tripoli on the night of the attacks were considering flying on the second plane to Benghazi, but were ordered by their superiors to stand down, meaning to cease all operations. Military officials have stated that those four individuals were instead ordered to remain in place in Tripoli to provide security and medical assistance in their current location. A Republican staff report issued by the House Armed Services Committee found that, quote, "There was no stand-down order

issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi," end quote.

Do you have any evidence to contradict the conclusion of the House Armed Services Committee that there was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi?

A No.

Q It has been alleged that the military failed to deploy assets on the night of the attack that would have saved lives. However, former Republican Congressman Howard "Buck" McKeon, the former chairman of the House Armed Services Committee, conducted a review of the attacks, after which he stated, quote, "Given where the troops were, how quickly the thing all happened, and how quickly it dissipated, we probably couldn't have done more than we did."

Do you have any evidence to contradict Congressman McKeon's conclusion?

A The whole we weren't ready thing, I mean, is essentially what I'm getting from that -- that phrase, essentially. I -- I could -- I would disagree with the fact that we weren't ready to go and the -- the facts stated there.

Q Okay. The conclusion was --

A The conclusion --

Q -- given where the troops were --

A Right.

Q -- how quickly the thing all happened, and how quickly it

██████████

dissipated, we probably couldn't have done more than we did.

A Honestly, I think we could have done more. That's my honest --

Q And that's your personal belief?

A That is a personal belief and --

Q And --

A -- from what I viewed that night in Aviano.

Q Okay.

BY MS. GREEN:

Q You mentioned earlier that you didn't know anything was happening in Benghazi that night.

A Yes. We were notified of a real world situation, and that was pretty much it.

BY MS. SACHSMAN GROOMS:

Q And it's your personal belief that a plane could have gotten from Aviano to Benghazi before the 5:15 a.m. mortar attack and -- yes. Is that right?

A I believe so. From my -- from my knowledge of that night, I think that we -- we definitely could have. And what really bothers me the most, I would say, is that we did not even so much as launch an aircraft that night, and usually that is what happens. When real world comes down to the wire, we launch an aircraft and we relay orders to the pilot while he's in the air. That's essentially what usually happens.

Q What usually happens, you're speaking of usually. Have you

██████████

been in that experience before?

A Well, Afghanistan, when we have a crisis go down. There was an incident where American soldiers were being ambushed, and we had to -- we had to rush to basically save their lives. And we didn't know exactly what the mission was, the pilot, he didn't even know exactly what the mission was until he was flying in the air, and he was relayed the information and more specific targets and accuracy while he was flying.

BY MS. GREEN:

Q That pilot was already in Afghanistan, right?

A And he was in Afghanistan at the time, so --

Q And he was flying in Afghanistan?

A Yes. Yeah. We had all our jets there.

Q So he didn't need anything to refuel in Afghanistan, right, to get to the location?

A I'm not sure if he needed a tanker or not, but I believe it was a -- a short flight, I believe.

BY MS. SACHSMAN GROOMS:

Q And were you involved in the decision that night on whether to send that pilot to the rescue mission in Afghanistan?

A No. I was just notified to go crew the jet, and that's what I did.

Q Do you have any evidence that the military -- I'm sorry -- that the Pentagon had military assets available to them on the night of the attacks that could have saved lives, but that the

██████████

Pentagon leadership intentionally decided not to deploy?

A I have no evidence, no.

Ms. Sachsman Grooms. Okay. With that, I think I'm completed with my questions. I do want to --

Mr. ██████████ Yes.

Ms. Sachsman Grooms. -- thank you for your service.

Mr. ██████████ Thank you.

Ms. Sachsman Grooms. I'm sure this is not where you expected to be.

Mr. ██████████ Not at all.

Ms. Sachsman Grooms. And regardless of sort of the rest of the social media aspects of it --

Mr. ██████████ Right.

Ms. Sachsman Grooms. -- we do understand that you joined our Armed Services to help us out, and we appreciate that.

Mr. ██████████ Okay. I appreciate your support.

BY MR. TOLAR:

Q Sir, I've just got a couple of -- I'm sorry. I've got a couple of follow-up real quick.

A Sure. Yeah.

Q You mentioned when you got to the flight line after you --

A Right.

Q -- had the ready meeting.

A The roll call.

Q Roll call. I'm sorry. That the aircraft -- that your tail

██████████

number, 525, was basically prepped with weapons on it. Is that correct?

A Yes. It was being armed.

Q Do you know when -- do you know when the crew that was working on that tail number started preparing that aircraft?

A I'm not sure about that. They were there before I was --

Q Okay.

A -- so I'm not sure.

Q Based on your experience --

A Right.

Q -- how long would it take to prepare that aircraft to the level that it was prepared when you showed up on the flight line that night?

A To the level it was prepared, at the most, my aircraft would have taken an hour at most.

Q So the team that prepared tail number 525 would have needed approximately an hour to get it to the state that it was when you showed up?

A Yes, with weapons loaded.

Q With weapons loaded?

A With weapons loaded, yes, sir.

Q And is there -- what do you call it, an ammo supply point for the weapons?

A There is a place where they do get their weapons. I'm not entirely sure where. That was not part of my job at all --

Q I understand.

A -- so I'm not sure.

Q Do you believe it's physically located on Aviano Air Base?

A Either on or next to, I believe. Obviously they would not have live ammunitions out in Italy just for anyone to drive by.

Q Typically how long does it take to request weapons, get them moved from the supply point or the storage facility, and move to the flight line and prepare to load on an aircraft? Approximately how long does it take, based on your experience?

A In Aviano, I had no other experience with a real-world situation, so I really have nothing to compare that to. I don't know exactly where they get the live ammunition from. Usually they use the fake ammunition, or they load the jets for, like I say, a practice bomb run or whatever before -- before I'm out at the spot to accept the pilot.

Q Perfect.

A So --

Mr. Tolar. Again, thank you again for your service.

Mr. [REDACTED] Yes, sir.

Mr. Tolar. Appreciate your being here with us today. It was important. Thank you for your time. That's all we have.

Mr. [REDACTED] Thank you, sir.

Mr. Tolar. Off the record.

[Whereupon, at 3:15 p.m., the interview was concluded.]

**INTERVIEW OF
MICHAEL MORELL**

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, SEPTEMBER 28, 2015

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

PHILIP G. KIKO, *Staff Director and General Counsel*
CHRIS DONESA, *Deputy Staff Director*
DANA CHIPMAN, *Chief Investigative Counsel*
MAC TOLAR, *Senior Counsel*
CARLTON DAVIS, *Investigator*
SHERIA CLARKE, *Counsel*
SARAH ADAMS, *Investigator*
SUSANNE SACHSMAN GROOMS, *Minority Staff Director/General Counsel*
HEATHER SAWYER, *Minority Chief Counsel*
PETER KENNY, *Minority Senior Counsel*
SHANNON GREEN, *Minority Counsel*
LINDA COHEN, *Minority Senior Professional Staff*
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FOR MICHAEL MORELL

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Mr. Davis. This is a transcribed interview of Michael Morell conducted by the House Select Committee on Benghazi. This interview is being conducted voluntarily as part of the committee's investigation into the attacks on U.S. diplomatic facilities in Benghazi, Libya, and related matters, pursuant to House Resolution 557 of the 113th Congress and House Resolution 5 the 114th Congress.

Can you please state your full name for the record?

Mr. Morell. Michael Joseph Morell.

Mr. Davis. Thank you. The committee appreciates your appearance at this interview. My name is Carlton Davis. I'm with the committee's majority staff. And we're going to go around the table quickly so you understand who everybody is here in the room.

Mr. Chipman. And I'm Dana Chipman with the majority staff.

Mr. Donesa. I'm Chris Donesa with the committee staff.

Ms. Rauch. I'm Laura Rauch with the minority staff.

Ms. Cohen. Linda Cohen with the minority staff.

Ms. Sawyer. Heather Sawyer with the minority staff.

Ms. Green. Shannon Green with the minority staff.

Ms. Leiber. Rachel Leiber, CIA.

Mr. Wainstein. Ken Wainstein, Cadwalader.

Mr. Tolar. Mac Tolar, majority staff.

Ms. Clarke. Sheria Clarke, majority staff.

Ms. Adams. Sarah Adams, majority staff.

Mr. Kenny. Peter Kenny with the minority staff.

Mr. Davis. Before we begin, I'll go over the ground rules and explain how the interview will proceed. The way questioning proceeds is that a member from the majority will ask questions first for up to an hour and then the minority will have an opportunity to ask questions for an equal period of time. We will firmly adhere to the 1-hour time limit for each side. Questions may only be asked by a member of the committee or designated staff member, and we will rotate back and forth, majority, minority, 1 hour per side, until we are out of questions, you have nothing left to give, and the interview will be over.

Unlike a testimony or deposition in Federal court, the committee format is not bound by the rules of evidence. The witness or their counsel may raise objections for privilege, subject to review by the chairman of the committee. If these objections cannot be resolved in the interview, the witness may be required to return for a deposition or hearing. Members and staff of the committee are not permitted to raise objections when the other side is asking questions.

This session will allow for the discussion of classified information up to the TS/SCI level.

You are welcome to confer with your counsel at any time throughout the interview, but if something needs to be clarified, just let us know. If you need to discuss anything with your counsel, we can go off the record and stop the clock and provide you the opportunity.

We'd like to take a break whenever it is convenient for you, including, if necessary, in the middle of a round of questioning. Do not hesitate to ask. We want to make this process as easy and as

comfortable for you as possible.

As you can see, an official reporter is taking down everything you say to make a written record, so we ask that you give verbal responses to all questions, yes and no, as opposed to nods of the head. I'm going to ask the reporter to jump in in case you respond nonverbally.

Do you understand that?

Mr. Morell. Yes.

Mr. Davis. We should both try to not talk over one another so it's easier to get a clear record. I'm probably more guilty of that than anybody else here in the room.

We would want you to answer our questions in the most complete and truthful manner possible, so we will take our time and repeat or clarify questions as necessary.

If you have any questions or if you do not understand any of our questions, just let us know, and we will be happy to clarify or repeat. If you honestly do not know the answer to a question or do not remember, it is best not to guess. Just give us your best recollection, and if there are things you do not know or you cannot remember, just say so and inform us who, to the best of your knowledge, may be able to provide a more complete answer to the question.

You are required to answer questions from Congress truthfully. Do you understand that?

Mr. Morell. Yes.

Mr. Davis. And this also applies to questions posed by congressional staff in an interview. Do you understand that?

Mr. Morell. Yes. Yes.

Mr. Davis. Witnesses that knowingly provide false testimony could be subject to criminal prosecution for perjury or for making false statements. Do you understand that?

Mr. Morell. Yes.

Mr. Davis. Is there any reason that you may be unable to provide truthful answers to today's questions?

Mr. Morell. No.

Mr. Davis. That's the end of my preamble. Do you or Mr. Wainstein have anything you would like to say before we begin?

Mr. Morell. I don't.

Mr. Davis. Okay.

Heather.

Ms. Sawyer. Yes. I believe you're no stranger to testifying before Congress, and it's our understanding that you've testified on the House side on three prior occasions.

Mr. Morell. And once on the Senate side.

Ms. Sawyer. And two of those were in classified settings, one was in opening hearing.

Mr. Morell. That's correct.

Ms. Sawyer. And it's our understanding that you were going to have an opportunity to review your prior testimony before today. Did you have that opportunity?

Mr. Morell. I reviewed the three HPSCI testimonies, the transcripts of the testimonies in full. Thank you very much. I did

not review the SSCI transcript in full because they required me to come to a SSCI spaces in order to do so. I didn't have time to do that. I did review a very partial transcript that CIA had, several pages, but not the entire transcript. So three of the four.

Mr. Sawyer. Okay. Great. That's all I have for now. Did you also have an opportunity -- you had submitted to the open hearing that HPSCI had on April 2nd, 2014, a 23-page written statement. Did you also have the opportunity to review that?

Mr. Morell. Yes. I reread that.

Mr. Sawyer. Okay. Great. That's all we have for now. We look forward to your testimony.

Mr. Morell. Great.

Ms. Sawyer. And, again, thank you for agreeing to appear voluntarily and answer our questions.

Mr. Morell. You're welcome.

Mr. Davis. Great. The clock reads 9:07, and I'll begin my first hour of questioning now.

EXAMINATION

BY MR. DAVIS:

Q I was hoping you could start off for just a minute and explain your background at the CIA from when you entered the agency to when you left just in a minute or 2.

A Sure. So I started in 1980, started as an analyst on international energy issues, moved quickly to being an analyst on a variety of East Asian issues, became a manager of analysts there, spent

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15 -- spent 16 years doing that.

Then I started a series of senior staff jobs and a series of senior management jobs. Those culminated in an appointment by General Hayden to be the number three of the Agency in 2006. I remained on the CIA senior leadership team for 7-1/2, first as the number three, the executive director, I think we called it the associate deputy director at the time, it's been renamed now executive director. Then I became the director for intelligence, which is the Agency's senior analyst, did that for 2 years, and then became deputy director in May of 2010, did that for 3-1/2 years, and during that time served twice as acting director.

Q Briefly, you mentioned that you served as senior staff and senior management before you became the number three of the Agency. Can you just walk through a couple of your positions as senior staff and senior management?

A Sure, absolutely. So I'd say the first one was head of the PDB staff, so the staff that edits the PDB, prepares it for one final senior management look before it goes to the President of the United States. George Tenet's executive assistant for 2 years, 1998-1999. That would be a second. A third would be 3 years as -- 3 years as -- these are all staff jobs -- 3 years as the senior analyst [REDACTED]

[REDACTED]

Senior management jobs during that period would have been the deputy director of the office -- the deputy director of the Counterterrorism Center for a very short period of time, the head of

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the Office of Asian and Latin-American Analysis. And I think that would be it.

Q Okay. That's wonderful. Thank you very much.

A You're welcome.

Q So I was hoping we could jump forward ahead to the night of the attack --

A Okay.

Q -- September 11th, 2012. Describe where you were, what were you were doing, and how you first learned about the attack.

A Sure. So I was on a TDY in the Middle East. I had been to -- been to Israel, I believe, and then went on to Jordan, so I was in Jordan the night of the attack. I had dinner that night with the head of Jordanian intelligence and the head of the Jordanian military. Was aware during that period of an attack on the U.S. Embassy in Cairo and what had happened there.

Went back to my hotel, did some emails, may have made some phone calls, I don't remember, went to bed. Was awoken at some point by my executive assistant and told of the attack on the TMF. And what she told me was that the -- there had been an assault on the TMF, that our officers from Benghazi base had responded, that one State Department officer had been killed, that the Ambassador was missing, but that everybody had made it back to Benghazi base safely. So I went back to bed at that point.

She again woke me up several hours later to say that Benghazi base was under attack. This was the second attack on Benghazi base that

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night. The first one had already happened by the time she had briefed me first time around. So the Benghazi base was under attack the second time around.

At that point it was, I don't know, 6 in the morning Amman time, I believe. I threw on some sweats, went to the SCIF in the hotel, and had an on-and-off -- on-again-off-again instant messaging conversation with COS Tripoli, was on-again-off-again probably for a couple hours. The thrust of my interactions with him was just wanting to let him know I was thinking about him, wanting to make sure that he knew that if he needed something and wasn't getting it he could ask me. That was the nature of our conversation.

Q So backing up a little bit, you said you were awoken by your executive assistant. Her name was?

A

Q Is that on the system?

A Yes.

Q So that would be --

A Yes.

Q Okay. --

A Yes.

Q -- on the system.

A So that would be the first name or her pseudo.

Q Okay. Who else was traveling with you, accompanying you on the trip?

A So chief NE. So the chief of Near East Division.

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Q Is that going to be [] I guess is how we're referring to him?

A I don't know.

Can I use first names? []

Q [] Okay.

A [] --

Q Okay.

A -- was traveling with me.

Q All right.

A And he had a much more extensive instant messaging conversation with COS Tripoli, I don't know about chief Benghazi base, and he did with headquarters as well.

Q Okay. So [] the three of you --

A And my chief of staff, [].

Q Okay.

A Oops. []

Ms. Leiber. It's okay.

Mr. Morell. Sorry. Not undercover. No longer with the Agency.

BY MR. DAVIS:

Q Sure. So you began same-timing with the chief of station. Can you describe your interactions with the chief of station? Not that day, but over the prior couple of years, what was your relationship like with him?

A So he had -- he ran the group in the Near East Division that was responsible for North Africa. So I had little interaction with

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him until the Arab Spring started. So when Tunisia happened, Egypt happened, I started seeing a lot more of him, he was in my office quite a bit. And then when Libya happened, U.S. involvement in Libya happened, he was in my office quite a bit. So I had not a lot of contact with him prior to the Arab Spring, but an awful lot after.

Q Okay. And when you say "an awful lot," daily, a few times a week?

A I'd say a few times a week.

Q Okay. Were you able to make any judgments with him, you know, over the course of your extensive interactions with him as a CIA officer?

A I thought he was an outstanding intelligence officer.

Q Did you have any interactions with him once he became chief of station Tripoli? I know it was a very short period of time that he was there?

A I don't -- I can't recall whether I did or not. Nothing stands out in my mind.

Q Okay. So you thought he was an outstanding intelligence officer?

A Yep.

Q Did you ever have reason to question any judgments or decisions that he had made up until that point?

A Nope.

Q Okay. In your book, you quote -- actually, there are a couple of direct quotations of the same-time messages you had with the

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chief of station. I'm going to read you a couple of those quotes. One of them was, and I'm quoting directly, "I am sorry." Another direct quote is, "Hang in there. I am praying for you." Those direct quotes in your book, did you actually type those exact words?

A Yes.

Q Do you remember that from memory? Did you have occasion to review the same-time messages? How do you know that's what you wrote?

A I had occasion to review them.

Q Okay. And was that something that you did while you were -- did you go back to the office and review the same-time messages? Did you take them with you? How did you have occasion to review them?

A No. So when I -- one of the things that I was permitted to do when I wrote the book, because I was a Presidential appointee, one of the things that I was permitted to do is review my papers. So all of the papers from my office that had been put into, I don't know what they call it, but put into storage, per the Presidential Records Act, I had an opportunity to review. Those same-times were in there.

Q Okay. And did you review any same-time messages in advance of today's interview?

A No, no.

Q So you were awoken at 6 o'clock in the morning by your executive assistant again. And you put on some sweat --

A Roughly.

Q Roughly. You put on some sweats, you go down to the SCIF in the hotel, you're same-timing with the chief of station. Are you

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doing anything else at this point? Are you making any calls back to headquarters, making calls anywhere else to acquire information?

A No.

Q No. Okay. And you quote, I'm reading another quote from the book, "He was making all the right decisions." That's you writing.

A [Nonverbal response.]

Q What decisions are you --

A I don't think I wrote that. I don't think I wrote that. I think that's what I said to my team after we got up --

Q Sure.

A -- to leave for the Embassy.

Q When I say you wrote that, you wrote that in the book.

A In the book, yes.

Q Right. Right.

A Absolutely.

Q But he was making all the right decisions. So what decisions was he making at that time that you felt were the right ones?

A So the decision to send officers to Benghazi.

Q From Tripoli?

A From Tripoli. The decision to send the two military officers who went in particular, and the decision to -- the decision to pull people out of Benghazi when the mortars showed up.

Q And you're just soaking up information at this point? I mean, what kind of questions are you asking him?

A So I'm -- as I said earlier, I'm asking him, do you need

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anything? I think I asked him repeatedly, do you need anything? Can I help in any way? That was the -- that was the key question I was asking him. I probably asked some factual questions along the way, as I think about it here, but the main question was, what do you need? Do you need anything? Can I help?

And the context is important here, right, and you're going to hear me say that a lot today, because I'm an analyst by training. Context is everything to analysts. The context was I was very conscious of the fact that this guy was in the middle of a crisis, and the last thing he needed was the deputy director of CIA micromanaging him. So I didn't want to overwhelm him with questions and I didn't -- certainly didn't want to provide direction to him, right, he's the guy on the ground, he's the guy I pay to make those decisions. So I was very conscious of not overdoing it.

Q Sure.

A And I also had, right, I also had chief NE sitting right next to me with his -- you know, doing his own communications and telling me information as well. So I had multiple people.

Q In the course of your same-time conversation over the couple hours with the chief of station, do you recall him ever typing or saying anything regarding the protests or demonstrations --

A No.

Q -- that occurred prior?

A No.

Q So at some point you ended your conversation over same-time.

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What did you do at that point?

A So I had a series of appointments at the Embassy. And we were scheduled to leave that day to go on to the next stop, which was Saudi Arabia, but because CIA lost two officers that day, something I couldn't say in the open hearing --

Q Sure.

A -- but because a CIA officer -- we lost two CIA officers that day, I really felt I needed to come home. So when I got to the Embassy, the first thing I did was call Dave Petraeus and told him that I thought I should come home, and he agreed. So I asked my team to make plans for, you know, to go home immediately, and I called my counterparts in Saudi Arabia and told them I would not be coming and why, give them the courtesy of that.

A little later that day -- then we had some meetings in the Embassy. And then a little later that day there was the deputies meeting, kind of the first deputies meeting --

Q This is on the 12th?

A 12th -- that I attended via SVTS from Amman.

Q What can you share with us about that deputies meeting that you remember?

A So I don't recall a lot, but what I do remember was -- I can't tell you, you know, who was there. Certainly Denis McDonough and John Brennan, certainly people from State and DOD, FBI, CIA. The folks were on from Tripoli, I believe it was chief of station and chief of base.

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I don't recall much of the conversation. You know, I did not have a lot to add. I was in Amman. You know, I wasn't in Washington, wasn't able to talk to the analysts before I went to the Deputies Committee, which was a routine thing for me. So I don't remember saying a lot and I certainly don't remember a lot of the conversation.

Q Now, you said that you believe that folks from Tripoli were there, chief of station, chief of base. Are you aware whether, I guess it was the deputy chief of mission at that point --

A Yes. I think he was there.

Q -- was on the call?

A I think -- yeah. I think he was there.

Q Okay. Do you remember him making any comments or the chief of station making any comments during the phone call or the video conference?

A Yeah. They spoke. I don't remember what they said.

Q Okay. Do remember any discussion or any mention whatsoever of any type of protest that had preceded?

A I don't. I don't.

Q Okay.

A And certainly in the aftermath of this whole thing, nobody ever said that there was a discussion of that.

Q Do you recall at this point whether anybody was assigning accountability for the perpetrators of the attack?

A I don't believe so. I don't believe so, but I can't recall.

Q Sure. Do you know then or at this time whether or not people

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had made a conclusion internally whether any Al Qaeda associations were involved in the attack by that point?

A I don't know.

Q Okay.

A I don't know.

Q Would it surprise you if people were making assertions that Al Qaeda was involved almost immediately in the aftermath of the attack?

A Would it surprise me? Yeah, a little bit, a little bit it would surprise me.

Q Okay.

A Analysts tend to be pretty careful.

Q So you went back to DC?

A Uh-huh.

Q You arrived back at DC on the 12th and the 13th?

A Yeah. So it was very late on the 12th, very early on the 13th. I forget the time we actually touched down at Andrews.

Q Okay. I want to step back to the 12th for a minute. I'm going to pass out Exhibit 1. And we can take a look at that and discuss it here for a minute.

[Morell Exhibit No. 1

Was marked for identification.]

Mr. Davis. So this is probably something that you've seen before.

Mr. Morell. Yep. Yes.

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Mr. Davis. So this, I believe, is the very first CIA product, written product we've seen about the attack.

Heather, do you have a copy?

Ms. Sawyer. Yes.

BY MR. DAVIS:

Q Okay. It's a Middle East and North Africa situation report 12 September, 2012, 07:00, Eastern Daylight Time.

My first question to you is, do you know who wrote this report?

A No.

Q Okay. Not the individual, but the office who wrote the report?

A Yeah. It says at the bottom. Office of Middle East and North African Analysis.

Q Okay. Would this have been done jointly with any other office or was it just MENA?

A So I don't know the answer to that question. You know, this was written by the task force. There had been a task force in place for quite some time. It was started sort of at the beginning of the Arab Spring. The task force produced daily updates on all sorts of things going on in the Middle East. What I don't know is whether members of the task force just came from that office or if they also came from other offices.

Q Okay. And the daily updates that the task force was producing, where would that product end up?

A So it was for senior customers, it was done for senior

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customers.

Q Give me an example of who a couple senior customers might be.

A President of the United States.

Q So something like this, if it's done for senior customers, it would be very thoroughly vetted for the source, it would go through the most rigorous procedures internally that the CIA has?

A Yes. In fact, let me just add one thing --

Q Sure.

A -- about the previous question. You know, you asked who wrote this. Clear that the Defense Intelligence Agency, right, had some significant role in its production since it's on the masthead.

Q Uh-huh. Is there anything inaccurate -- I mean, you can take a minute to read it if you'd like. I know you've seen it before. Is there anything in here that at this time you would characterize as inaccurate?

A Can I read it?

Q You may.

A So I think the number 20 is wrong in the first sentence. I think it ended up being more than that.

Q Okay.

A The first sentence in the second tick is a special sentence that we should talk about. It's not inaccurate now, but the analysts thought it inaccurate at the time. We should come back and talk about that.

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Q And what in particular about that sentence?

A So, you know, from today's perspective, it's absolutely right, but from -- but what happened with this particular piece is -- the way the -- the way the review process works, right, is analysts write something, it goes through a series of managers, right, who ask questions, make changes, ask why things aren't in there, why certain things are, et cetera, et cetera, right.

And then once it's done with the kind of internal office review process, it goes to the PDB staff and the PDB staff edits it. And when the PDB staff is done editing it, the analysts come and they look at it and they say okay or they say it's not okay, you know, you changed the meaning of something, change it back. So they have a discussion, right? And when the analysts are happy with it, they go home.

So when the analysts went home that night, that sentence wasn't in there.

Q Which sentence are you talking about?

A "The presence of armed assailants from the outset suggests this was an intentional assault and not the escalation of a peaceful protest."

Q I'm sorry. So the first sentence on the first tick?

A Yes.

Q Oh, okay. I'm sorry. I thought you the said the second tick.

A Okay?

Q Okay.

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A Yep. It wasn't in there.

Q Right.

A That was added.

Q So can I interrupt for a second?

A Yeah.

Q So at what point in the process did the analysts go home? You know, had it already gone to the PDB staff?

A So it went to the -- okay. Very important, right? This is -- this is my understanding. I wasn't there.

Q Right.

A I didn't have firsthand knowledge. This is what I was told later, right? As we dug into this whole thing and had numerous conversations about it, this is what I was -- everything I'm talking about now is what I was told later, right? So it's kind of hearsay, right, but I believed what my analysts told me.

Q Well, let me stop you right there. So you say everything that you were told later. So we're going to discuss this sentence, you know. Who would know why the sentence was --

A The analysts who wrote it. The analysts who wrote this.

Q Okay. But, again, that's somebody from the task force or from MENA.

A Yes.

Q You don't know who that individual is?

A No, but I think -- I think the person who ultimately became responsible for all this analysis, right, the head of the Office

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of Terrorism Analysis at the time, would probably have -- would probably actually have firsthand knowledge of what I'm talking about here --

Q Understood.

A -- and would know who the analysts are who actually wrote this, right --

Q Yep.

A -- who would be exactly the right people to talk to.

Q Yeah.

A Okay.

Q We'll talk with at some point.

A Okay.

Q Yeah.

A So my understanding, right, is the analysts send this up to the PDB staff, it gets reviewed, they look at it, they're happy, they go home, that sentence is not there.

Q So had the PDB staff already reviewed and given the analysts --

A I believe so.

Q -- a check?

A I believe so.

Q Okay.

A But I don't know for sure.

Q Okay.

A So in the morning, the analysts come in and they see that

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sentence and they go nuts, right, because nothing is supposed to be added or changed after the analysts go home, right? This is the analyst's document at the end of the day.

Q Sure.

A Right? My understanding of what happened, you know, being told this later, my understanding is that the senior editor that night on the PDB staff, on the staff up there, right, added that sentence, and she added that sentence because she believed that there needed to be some sort of bottom line here, and there wasn't, right, without that sentence.

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

Q So the sentence ended up being accurate?

A Yeah. Absolutely.

Q Is that what you're saying?

A In retrospect.

Q Okay. But the process that was conducted that evening on a piece that was going through the rigorous review of the PDB staff and ultimately may have ended up in the PDB for the President, the process that evening was flawed?

A Yes. Yes. And the analysts complained about it in the morning, I'm told.

Q So from my perspective, I'm very new to this arena, it seems

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like it's a problem that you have these rigorous processes in place, and on this particular occasion a piece is going before the President and somebody inserts a sentence that substantively changes the meaning of a bullet point without any additional review by the analysts who wrote the piece.

A Yes. You're absolutely right.

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

A Yes.

Q And how often does something like that occur?

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

Q Okay.

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

Q Sure.

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

Q Do you know if that occurred in this instance?

A I don't know.

Q Okay. Do you know who was in charge of the PDB staff --

A At the time.

Q -- at this time --

A I don't.

Q -- September 2012?

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A I don't remember.

One of the pieces of context here that's important is there's essentially two PDB staffs at this time and today. There's a CIA PDB staff staffed by CIA officers. They do kind of the -- they do the -- they do all the review, all the heavy kind of review and heavy interaction with the analysts. And then there's a DNI PDB staff that really has longer-term planning responsibilities, and the head of that often does final review of the whole shooting match here before it goes to the President.

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

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

Q But it happened in this case, though.

A So it's not a huge problem, right, it doesn't happen very often.

The way you prevent it is twofold, right? You make it very clear when somebody shows up to the PDB staff what their responsibilities are and what their responsibilities are not, you're not the analyst. And, two, when something -- when something does happen, even something very minor, right, you make it very clear then that they overstepped their bounds. That's how you prevent it.

Q You said the analysts came in the next morning and threw a fit. So they saw the final piece, presumably?

A Right.

Q And you were told -- you were told that they threw a fit?

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A Uh-huh.

Q And who told you that?

A I think [] did.

Q Okay. So [] would be the best --

A And it's not the next morning that I heard this, right?

Q No, no, no. I understand.

A It's weeks later.

Q Right. But [] told you weeks later that the analysts had come in the next morning and thrown a fit?

A I believe it was [] Not 100 percent sure.

Q Okay. So [] in charge of OTA?

A Uh-huh.

Q This piece was prepared by Office of Middle East and North Africa Analysis.

[The reporter requested a clarification.]

BY MR. DAVIS:

Q Okay. So [] head of OTA?

A Yes.

Q This piece was prepared by MENA and possibly in conjunction with the task force. And what was [] role in relation to MENA or the task force? Are these separate entities or are they under the OTA umbrella?

A So, no, this would have been under the MENA umbrella.

Q Right.

A And as I said earlier, I don't know to what extent there

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were other analysts on this task force from outside of MENA, right? There may have been analysts from OTA on this task force. That's a good question for [] I don't know the answer to it.

Q So when you say [] told you that the analysts threw a fit, did you deputize [] with running an internal review and interviewing these individuals? How does [] know that --

A I don't know.

Q You don't know.

A I don't know.

Q So that was the narrative that made it up to you?

A Yes.

Q Okay. I want to stay on the day of the 12th. You had talked about the deputies call that you were on. Are you aware of any other phone calls that day or SVTS's by high-level individuals?

A No.

Q And I guess in particular I'm asking about whether or not there was a principals meeting that day that you're aware of?

A I don't know.

Q Okay. So you don't know if there was a principals meeting --

A I don't.

Q -- on the 12th?

A I don't.

Q Okay. I want to go to the next day, September 13th, and there's a piece that came out on that day that we're going to discuss.

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I'll mark this deposition exhibit 2.

[Morell Exhibit No. 2

Was marked for identification.]

BY MR. DAVIS:

Q This is a piece that you're familiar with, correct?

A Yes.

Q And you put a lot of stock into this report. Is that correct?

A Can you define "stock"?

Q Well, sure. When you were editing the talking points on Saturday, September 15th, this was one of the documents that you based your analysis off of?

A This -- this was -- right. I saw this as what the analysts believed at the time they wrote it, and this was still operative at the time I edited the talking points, yes.

Q So when you say it was still operative at the time you edited the talking points, what do you mean by that?

A Meaning the analysts hadn't changed their view. This was their view as of that Saturday morning. It wasn't only their view as of the 13th, it was their view the morning of the 15th.

Q And if the analysts had changed their view, how would that change have manifested itself?

A In another written product or the analysts coming to me and saying, boss, we have a change in view here, and we're going to write about it tomorrow or the next day.

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Q Okay. So I'm on page 1 here. It's the WIRE article, Office of Terrorism Analysis.

A Yes.

Q So that would have been written -- this piece would have been written by OTA. Is that correct?

A Uh-huh.

Q And at the very bottom of page 2, it says, "This WIRE was produced jointed with the Office of Middle East and North Africa Analysis."

A Yes.

Q So that would have been a joint effort --

A Yes.

Q -- between those two individuals?

A Yes.

Q Those two offices. Okay.

A Yes.

Q All right. Do you have any idea who in OTA or MENA wrote this piece?

A I do not.

Q Do you have any idea how senior that individual was?

A No.

Q Is it possible the individual was a GS-9.

A Sure.

Q Is it possible the individual was a GS-10?

A Sure.

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Q GS-11?

A Sure.

Q All right. If you knew how senior that individual was, would it have changed your outlook on the assessment written by the analysts here?

A No. No.

Q Okay. So OTA would have had the lead on this report since they're the -- they're on the byline at the very top, Office of Terrorism Analysis?

A Yes. Exactly right.

Q So how would it work, OTA and MENA producing a WIRe jointly? How does that process work?

A So it varies. I'm not speaking specifically about this, because I don't know, right, but in general the process would be that -- could be, like, one of three things, right? One would be that OTA took the lead, did a first draft, left some blanks where they wanted MENA to fill things in, sent it to them, they filled them in, right? That's one way it can be joint.

A second way that it can be joint is that they actually sat down at the machine together and typed it out, right, two analysts sitting down at the machine together. I've done that a hundred times myself. Okay?

The third way it can be joint is we'll do -- we'll do the piece itself and you do the facing page, right? So that's -- you divide it up, you know, in bigger blocks, right?

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Q What do you mean, "the facing page"?

A So page 1 is the piece itself. If you look at page 2, that's a box. It's what we call a box, it's a box.

Q So page 2 -- so the entirety of page 2 is a text box?

A Yes.

Q Okay.

A Yes. So those are the possible ways it can be joint.

Q Okay. Do you have any idea how many analysts from OTA or MENA worked on this piece?

A I don't.

Q Okay. So MENA, that is part of -- or was part at the time of the DI. Is that right?

A Yes.

Q And what about OTA?

A Same.

Q Okay.

A I mean, it's -- OTA had two reporting chains, right, it was part of the Counterterrorism Center. So the head of OTA would report -- have two reporting chains. One is to the director of the Counterterrorism Center and the other would be to the DI front office.

Q Okay. And this particular piece -- so the analysts there, do they work for OTA as a whole, are there two divisions within OTA, or do they just have two reporting channels?

A No. The analysts there work for OTA.

Q Okay. So OTA has the advantage as being a mission center

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of working more closely with the operators on the ground. Isn't that the purpose of the mission center?

A Yes, yes.

Q And the DI analysts and MENA did not have that at the time?

A No. They did, but not to the same extent, right?

Q So explain the concept of the mission center, because I know that they're prominent now?

A So traditionally, right, traditionally -- traditionally analysis and operations have been stovepiped. In the centers that began maybe 20 years ago, I think CTC was the first center, in the centers that began 20 years ago, we brought the two together. And when you bring the two together, what you learn is that there's considerable synergies, and those synergies benefit both analysis and operations. Benefits operations from the fact that you have analysts saying, here are the information gaps we need you to fill, here are the specific organizations and people who might have that information, and when you do have a source, here's the questions you should be asking that source, right? So operations benefit greatly.

Analysis benefits greatly too because the ops guys are on the ground, right, they've got that understanding of being on the ground, and that's important, and it becomes an input, becomes one of many inputs, right, into the analytic process.

And the other thing -- the other thing that the analysts get in these mission centers is they get knowledge of the source and the sourcing chain, right? So when you pick up a CIA intelligence report

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provided by a human source, there's another document, right, that says, here's how we got this. And that document says, this is the source who gave it to us and this is how that source acquired the information.

So the analysts in mission centers have access -- greater access to those documents, called than analysts in nonmission centers. And having that understanding of who the source is and how they got the information is invaluable to understanding the credibility of the information you're looking at.

Q That's very helpful.

A So here's -- here's an important point, though, right? It's not black and white. It's not as if the analysts in the centers had that and the analysts outside of mission centers didn't have that. So outside of mission centers, the degree to which they have that access varied dramatically across the Agency, right? So in Central Eurasia Division, where Russia is, the analysts got virtually nothing on who the sourcing -- who the source was and how you got the information.

Q But in OTA --

A But in MENA, MENA was ahead of the pack, right, in terms of nonmission centers in terms of getting that information.

Q And OTA as part of the CTC mission center --

A Had it.

Q Yeah. Okay.

A Had it.

Q So this particular WIRE piece, how would the editing process and the approval process have worked for this particular piece?

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A So my understanding, I don't know for sure, right, my understanding would be that this probably -- so the two analysts, right -- or multiple, there might have been more than two, I don't want to just assume there's two, there might be more than two -- but the analysts who wrote this, once they were happy with it, it probably went through the Office of Terrorism Analysis management chain, probably.

If I were an analyst -- if I were a manager in MENA, I would want to see it too, even if it was formally going through the OTA chain. But probably formally went through the OTA chain. When was happy with it, it went to the PDB staff for editing. After the PDB staff --

Q So the PDB staff would have edited this particular WIRE?

A Yes, because it was a PDB.

Q This particular WIRE was a PDB?

A Yes.

Q Okay.

A So they would have edited this. Once the PDB staff and the analysts were happy with it, it would have gone to the DI front office for a review. So all PDBs at that time, maybe still, I don't know, but at that time were reviewed by the DI front office. I don't know who in the DI front office would have reviewed this piece. The senior leaders there took turns. And then once they signed off on it, then a senior manager in the DNI would sign off on it.

And the other thing to say about it was during that process of the DI front office looking at it, it was coordinated throughout the community, right? So although this was written by CIA, it would have

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been coordinated by the rest of the intelligence community.

Q And how would that coordination have taken place?

A So, again, the PDB staff sends it out, right, to the various agencies, I don't know to which agencies this one would have gone, but they would have sent it out, it would have gone to, quote, the right analysts, the appropriate analysts, the experts. They would have looked at it. If they had a different view, they would have raised their hand and said, look, we have a different view.

Q So you read this the morning it came out?

A Yes.

Q Is that because it was part of the PDB or --

A Yes.

Q Okay.

A Yes.

Q And you know that other people in the White House read it?

[Discussion off the record.]

BY MR. DAVIS:

Q Okay?

A Uh-huh.

Q Okay. So when this came out, there are 47, I call them footnotes. Do you call them source notes?

A Source notes.

Q Source notes. There are 47 source notes. Do you ever read any of the source notes or accompanying source materials when these things come out?

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A So great question. So what I got every morning, right, I had a briefer who was the first person I saw every morning.

Q Yep.

A Probably spent an hour with that person. That person brought in a big, thick book, and that big, thick book had everything the President was seeing that day, had things that other senior decisionmakers were seeing that the President wasn't seeing. So if there was a memo for the Secretary of State or a memo for the Secretary of Treasury, I would see that. I would see WIRes that were not PDBs, that my briefer thought I should see.

And then I would also see raw traffic. So CIA, HUMINT reports, NSA SIGINT reports, DIA IRs, FBI IRs. Anything that my briefer thought I should see would be in that book. So I would actually see many of these -- not many. I would see some of these sources. I'm not saying I saw any of these --

Q Sure.

A -- I don't know. But in general, I would see many of the sources that the analysts would subsequently use in a piece before the analyst ever wrote a piece.

Q So this particular piece, the WIRe, I'm on page 2, the title of the section there is "Extremists Capitalized on Benghazi Protests."

A Yes.

Q And if you want, you can take a minute to actually read the paragraph and the three bullet points underneath.

The title there, "Extremists Capitalized on Benghazi Protests,"

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the way I read it, and this is just my reading, you can read and tell me if you agree, nothing in the text box below supports that headline. There's no mention of a protest in the headline -- I'm sorry -- there's no mention of a protest in the actual text.

A Yes, there is, in the first sentence.

Q And where does that say?

"We assess the attacks on Tuesday against the U.S. consulate at Benghazi began spontaneously following the protests at the U.S. Embassy in Cairo."

A I'm sorry. You're right.

Q I'm sorry. There's nothing about a protest in Benghazi?

A Correct.

Q I'm sorry. Nothing about a protest in Benghazi.

So my question to you is, you know, the title, "Extremists Capitalized on Benghazi Protests," is that something that the analysts would have put in? Is that something -- is that a title that would have been edited in the editing process? Where does that title come into play, I guess is my question?

A So I don't know in this particular case, obviously, but I would tell you the analysts would not have signed off on it unless they agreed with it.

Q Okay.

A And that's a question to ask them, but that would be my assumption, is that there's no way they would say this is ready to go if they disagreed with that.

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Q Okay. So I guess my issue is we talked about the September 12 MENA update where there was an insertion by the PDB staff, analysts didn't sign off on that, yet somehow that made its way, you know, to the President's desk. How do we know it didn't happen in this case as well?

A Because I believe I would have heard about it, right?

Q But you didn't hear about it the first time, did you?

A No. I heard about it later, right?

Q You heard about it later. Right.

A I believe if they didn't agree with this, that I would have heard about that later.

Q Okay.

A I believe.

Q And you don't think you heard about that later here?

A I'm sure I didn't hear about that later.

Q Okay. I'm going to pass out a couple other documents really quickly, and we can discuss those.

Q Are you ready?

A Yeah, yeah.

Q Sure. All right. So these two documents I handed out, if you look at page 2 of the WIRE, the first bullet point.

A Uh-huh.

Q

A Uh-huh.

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Mr. Kenny. Carlton, could you just identify the document for the record?

Mr. Davis. Sure, Peter. So exhibit 3 is a New York Times blog, The Lede: "Obscure Film Mocking Muslim Prophet Sparks Anti-U.S. Protests in Egypt and Libya." And the date on that is September 12, 2012.

[Morell Exhibit No. 3

Was marked for identification.]

Mr. Davis. And exhibit 4 is from the National Security Agency,

The date on that is September 12, 2012.

[Morell Exhibit No. 4

Was marked for identification.]

BY MR. DAVIS:

Q So these two documents, if you look at the first bullet point in the September 13 WIRE, there are two source notes there, source note 29. And source note 29, I believe, is the New York Times blog. That's exhibit 3. Okay? And source note 30. Source note 30 is the NSA report, and that is exhibit 4. Do you see that?

A Uh-huh.

Q So I want you to take a look at --

A I'm learning.

Q -- exhibit No. 3, the New York Times blog. And, you know, I don't know if you've read it yet, but you can take a look, take a minute to read it if you want.

What I'm getting at here, I'll tell you what I'm getting at, is

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nowhere in the article, at least the way I read it, and I might be mistaken, nowhere in the article does it say anything about a protest in Benghazi except for the headline of the article. The headline of the article reads "Obscure Film Mocking Muslim Prophet Sparks Anti-U.S. Protests in Egypt and Libya."

I don't believe the body of the article supports that headline. I don't know if you agree, or if you want to --

A Let me read it.

Q Sure. Absolutely. Sure.

A I agree with you.

Q Okay. And you agree, I guess, that there's no mention of a protest in Libya absent the headline of the article?

A Yes.

Q Okay. So seeing this article, seeing that it is sourced here, footnote 29, I guess do you have any thoughts on the sourcing for source note 29? And we can go ahead and read source note 30, which is the NSA report as well. And I'll direct you to what I'm looking for.

A Yeah. Go ahead.

Q Yeah. So the NSA report, that's exhibit 4, the way I read the NSA report, the only mention of a protest in this report is at the very end on page 2, the unclassified paragraph. Let me know if you agree with that or if you disagree.

A Which paragraph? I'm sorry.

Q I'm sorry. The unclassified paragraph on page 2.

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A Yes.

Q So let me read the first sentence. "According to collateral, hundreds of protesters yesterday broke into the U.S. Consulate in Libya's eastern city of Benghazi, killing one American.

What does it mean, "according to collateral"? What is collateral?

A Really you have to ask NSA.

Q Well, I mean, you're a senior analyst.

A No. I would read that, right -- I mean, if you want a specific answer to your question, you have to ask NSA. I would read it as probably press reporting.

Q Okay. Press reporting.

A Uh-huh.

Q Okay.

A It means -- it technically means, I believe, I believe it technically means non-SIGINT source.

Q Okay. So a non-SIGINT source. You know, it could be you're walking down the street and somebody's walking in the other direction, you overhear a conversation, could that be considered collateral?

A I don't think so. I think for it to be collateral, NSA has to have a piece of paper.

Q Has to have a piece of paper?

A Right?

Q Okay.

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A I think.

Q Okay.

A But, again, it's a question for them.

Q But non-SIGINT. Is that right?

A Yes.

Q Okay. So what it says in paragraph 2, "disparaging the Prophet Muhammad, according to signals intelligence," is it fair to say that, according to signals intelligence, that this paragraph is actually the case, given the fact that in the NSA report, it actually says according to collateral? Is that a misleading clause?

A Where are you again?

Q I'm sorry.

A It's okay.

Q So I am looking at the WIRE. Okay? I'm looking at first bullet point on page 2. The last clause, "according to signals intelligence," and then it quotes it.

A Yeah.

Q And, again, I'm trying --

A Yeah.

Q I'm trying to tie it all back to the headline --

A Yep.

Q -- "Extremists Capitalized on Benghazi Protests," I'm having a hard time understanding how that headline is supported by the evidence.

A Right.

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Q So far, nothing in the actual text of the WIRE supports that, and so now we're looking at each footnote, footnote 29 -- source note 29, we've looked at the New York Times article, the body of the article doesn't support that, just the headline, and now we're looking at source note 30, "according to signals intelligence." You know, where in here does it support that but for collateral, is my question to you.

A And so -- look, I don't know the answer to your question, right, why they wrote it the way they did.

Q You understand the problem I'm having, though, reading this, of course, in retrospect. You see the title, we're reading each paragraph, we're reading each bullet point.

A Right.

Q Everything is either -- I mean, we can look at source note 31, 32, or 33.

A Yeah.

Q You flip back to page 4, open source, open source, open source, two of which are not from this country. So it's all open-source reporting at this point that supports the headline that says, "Extremists Capitalized on Benghazi Protests." There's no signals intelligence, there's no human intelligence that went into this report that would support that, and that's what I'm trying to get you to understand.

A So -- and here's the context, I think. Number one, regardless of whether -- regardless of whether the analysts wrote this piece as well as they could have, regardless of how they sourced it,

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right, they believed, they believed at the time that there was a protest, right, and that the attackers, the assaulters took advantage of that protest to attack. That's what they believed.

Q I understand.

A So that's important context one --

Q Right.

A Right?

Q Okay.

A Important context two is that -- and I don't -- I don't know the specifics of this, right -- but there -- I was told, again, this is what I was told as opposed to what I actually have touched and felt and read myself, right, that there were a dozen or so pieces, right, that told the analysts that there was a protest, right?

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[10:00 a.m.]

BY MR. DAVIS:

Q Did you have any idea of what the makeup of those dozen or so pieces are, whether they are open source or NSA or CIA reporting?

A My understanding was a mix of reporting.

Q Was that your understanding at the time or has it since been your understanding?

A Since, since, right, since it's become an issue.

Q We can dive into this in a subsequent hour. We can talk about all this --

A So context number two, right, is that analysts don't spend a lot of time making sure that these footnotes match. Okay. They just don't. They just don't.

Q Is that a problem?

A It certainly is when you have a situation like this.

Q I'm a lawyer. I mean, if you're writing a Law Review article, those things are going to be footnoted to death.

A Is a problem? Yes. Is it a problem? Yes. So those are the few pieces of context, right, is they believed is what they believed, right? They had a set of -- they believed they had a set of information, a set of data points, that took them there. Third, I think you've got to be a little bit careful going through this sentence by sentence and source by source, because analysts aren't as careful as they need to be.

Q Why aren't they as careful as they need to be? If you're

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producing a piece for the press, shouldn't every sentence have a valid source note?

A Yes, absolutely. You're absolutely right. I couldn't agree with you more. But here's the reality. You write one of these things; you write one of these things. It goes through a long review process. It gets up to the PDB staff very late. You're waiting around; you're waiting around; you're waiting around, right, and the piece you sent up there is sourced, right, they start moving things around, sentences around, right, the last thing you worry about, the last thing you worry about at 9:00 at night when you've been there all day is, do I have these footnotes right?

Q I get it.

Ms. Sachsman Grooms. Mr. Davis, could you try not to speak over the witness? You guys have been doing it pretty consistently. I think it's probably going to make it difficult for the record. I'd like for him to actually get a chance to answer his questions in full, your questions in full.

BY MR. DAVIS:

Q I'm sorry. Were you done?

A Yes.

Q Okay. I apologize. Look, I get it. I understand the reality. I've experienced the reality. My question is why is that the reality? And why isn't it a better process? You were deputy director, you were an analyst for 30 years.

A So, any large organization that you run, and, look, let me

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say one thing at the outset and then answer your question because I want to answer it.

Q Sure.

A You're asking me to be kind of a fact witness on the analysis and how it was produced, and I'm more than happy to share with you what I know, right? But I am far, far from the best person to be the fact witness on the analysis. Okay? The head of the DI, who actually signed off on this piece. The person in the DNI staff and the senior person in the DNI who actually signed off on this piece, [] who presumably reviewed this piece, the analyst who presumably wrote it, right? Or who wrote it, they're in a much better position to be a fact witness.

Now, to answer your question, in a large organization, right, you're running a large organization, and you look at the issues that you need to deal with, and there's a long list of issues you need to deal with, a long list of issues you want to get your arms around and you want to fix, right, you prioritize. You prioritize. The fact that analysts don't spend a lot of time worrying about whether their source notes line up at the end of the day, that's pretty far down on my priority list as the deputy director, even if it even is on my list as the deputy director.

Q Here's why I'm asking you these questions. I understand what you're saying about a fact witness, and we'll interview [] [] at later date and discuss that. But what I'm talking about here is process, and there's nobody better to talk about process than

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you. You were the head of the PDB; you were an analyst for decades; you were the presidential briefer; so you understand the process, and that's why I'm asking you these process-related questions. I'm not questioning you on the facts, certainly.

A Yes.

Q And more importantly, when you sat down to revise the talking points on the 15th, this was the key document that you relied on we discussed earlier.

A There was also a PDB on the 15th.

Q We'll talk about that in a subsequent hour certainly.

A I read that prior to editing the talking points as well.

Q I'm trying to point out the flaws, at least as I see them as an outside observer 3 years later, with this particular piece that you relied upon, so that's why we're having such an extensive conversation about it. I'm not questioning anything that you did or didn't do.

A Right. And if you want to get to a bottom line from me, from me, I don't think this was as well done as it could have been for a lot of reasons. I have reasons beyond yours as to why I don't think this is as well done as it could be, and you're pointing out some additional ones. So I don't think this is as well done as it could have been.

Q You say you have reasons beyond mine. Would you care to share who those are?

A Sure. I'll give you a great example. So the first

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sentence: We assessed the attacks on Tuesday against the U.S. Consulate in Benghazi began spontaneously following a protest at the U.S. Embassy in Cairo and evolved into a direct assault against the Consulate and a separate U.S. facility in the city. Right?

Q Yep.

A Sounds like, sounds like the analysts are saying -- so first of all, it's not clear, it's not very clear, right. But it sounds like the analysts are saying that they think that the people who are protesting became the people who did the attack, right? And subsequently, when they wrote on the 15th, I think that became even clearer -- we'll get to that. But that's not what they believed. That's not what they believed when you talked to them weeks later about this. What they really believed is that there was a protest, right, and that the attackers took advantage of the protest, right, to get close to the facility but that the attackers were not the protesters. The protesters didn't become the attackers. The attackers showed up, took advantage the protest. That's what they really believed. That's what the title says, right; extremists capitalized on Benghazi protests. So that's actually a more accurate description of what they believed. The first sentence takes you in a different direction.

Q And that's why I'm so confused. That's what the title says. First sentence takes you a different direction, and every subsequent sentence takes you in a different direction. We'll talk about that first sentence in a subsequent hour, because I think the first sentence is very similar to the first sentence of the talking points as

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originally drafted by so we can talk about that later.

I'm at 59-1/2 minutes. This is a good place to stop. We can cover a different topic during my next hour. We we'll go off the record and take a break.

[Discussion off the record.]

EXAMINATION

BY MS. SAWYER:

Q Mr. Morell, again, my name is Heather Sawyer. I am one of the counsel with the minority members of the Select Committee on Benghazi. We have been joined now by Representative Congressman Schiff from California. I believe you know each other.

A I know him well, yes.

Q Congressman Schiff is one of the members of the Select Committee on Benghazi. He also was a member of the certainly of the House Permanent Select Committee on Intelligence at the time it investigated the attacks in Benghazi and issued a bipartisan report.

A Yes.

Q And we are now privileged to have him serve on that committee as the ranking member. So I know that he has some questions for you, but I wanted to start by just briefly asking you, hopefully briefly, a few questions about the two exhibits my colleagues -- a few of the exhibits, all of them really, but, in particular, exhibits 1 and 2 to start with.

Now, you had explained that exhibit 1, by its kind of mark on that first page, was prepared by the Office of Middle East and North Africa

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Analysis. Was that a piece that was coordinated throughout the intelligence community?

A I don't know. I really don't know. Clearly DIA signed up to what was here. I'm basing that judgment on the fact that they're on the masthead, but who else, whether it was beyond CIA and DIA, I just don't know.

Q And then the second piece, you had indicated was coordinated, you explained in general the coordination process.

A Yes.

Q But also, that the production of it was joint with the Office of Middle East and North Africa Analysis as well as the Office of Terrorism Analysis?

A Correct.

Q So the same office that had written, or been primarily responsible, at least, for exhibit 1, would also have been a co-author or co-producer of Exhibit 2?

A Yes.

Q So by that can we presume that they agreed with the content of exhibit 2?

A These analysts?

Q The same office who wrote exhibit 1, agreed with the contents of exhibit 2?

A Yes.

Q And had they not, is there a mechanism for them to have signaled that there was disagreement?

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A Yes.

Q And what would that mechanism be?

A So if there is a significant dissent, and significant means meaningful to senior policymakers, if the dissent matters in some meaningful way, it would be noted, it would be noted in what is given to the President, that so and so has a different view.

Q So with regard to both exhibit 1 and exhibit 2, had there been significant disagreement, would we have expected to see that noted on the product?

A If it was meaningful, yes.

Q And there isn't any note on either of these exhibits?

A No.

Q So then returning to the conversation that my colleague had with you about what was on exhibit 2 that you identified as a text box?

A Yes.

Q The thing that bears the title, Extremists Capitalize on Benghazi Protests, you spent a fair amount of time discussing with my colleague two particular sources footnoted at numbers 29 and number 30. Do you recall that conversation?

A Yes.

Q Now, footnote 29 is cited as the source for the proposition that associates in Benghazi decided to storm the U.S. Consulate after hearing how protestors breached U.S. Embassy security in Cairo to protest a video produced in the U.S. For that particular proposition, does source 29 support that? And I'd have you just take a look at

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exhibit 3, I believe it is.

A Exhibit 3, yes.

Q Which was the source.

A So you're saying the proposition that -- can you say that one more time?

Q That proposition that is actually cited to support the proposition -- I presume that what they're trying to do, and I understand that you explained that sometimes at the end of the day they may not have the opportunity to go back and make sure that every single footnote corresponds to every point they're making, but they thought that footnote 29, specifically -- I mean, they inserted it in the middle of the sentence, so they thought it supported, I presume, that portion of the sentence, as well as presumably supporting the overall caption Extremists Capitalize on Benghazi Protests at the end of the day, but certainly for the proposition that protestors breached U.S. Embassy security in Cairo to protest a video produced in the U.S. Does source 29 support that proposition?

A Let me read it again.

Q Sure.

A Yes.

Q What about source 30? That's cited for the proposition that the video was disparaging the Prophet Muhammad, according to signals intelligence. I think we discussed the signals intelligence issue, but the rest of that proposition?

A So the proposition, you're saying it supports the

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proposition that --

Q There was a video that --

A That there simply was a video?

Q And that it was a breach of U.S. Embassy security in Cairo to protest the video produced in the U.S. disparaging the Prophet Muhammad, according to signals intelligence. And if you look at exhibit 4, in particular what I was looking at --

A Yes.

Q -- was the note that says it was likely not a planned extremist operation but rather extremists in Benghazi apparently took advantage of the riotous situation to provide support and militant expertise.

A I'm sorry. Where is that?

Q That is on exhibit 4.

A I'm there, yeah.

Q Toward the bottom of the page,

A I agree with you that that's what it says, right. It's just important to note this is an analytic comment by NSA. This was not part of the intercept.

Q Is there any reason to believe that that intercept did not exist, that the signals intelligence they're referencing, even though they don't have it sourced particularly here, was something that they did not have in hand?

A I doubt that. I don't know, but I have no reason to believe

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it doesn't exist.

Q My colleague in the last hour talked about those two particular sources. There are also two additional dash points in that text box on exhibit 2 that have several other sources: 31, 32, 33, 34, at least. Now, presumably all those dashes were sources that supported the caption above, Extremist Capitalized on Benghazi Protests. Is that a based assumption?

A I'd have to look at them. I'd have to look at them.

[Morell Exhibit No. 5

Was marked for identification.]

BY MS. SAWYER:

Q Well, what I'm going to show you now is one of them that we are going to mark as exhibit 5 or purposes of identification. Have you had a chance to take a look at exhibit No. 5?

A Uh-huh.

Q I believe that exhibit No. 5 is source 34, open source BBC International reports Middle East-Libyan officials says U.S. guards opened fire during protests?

A Yes, it looks that way to me, too, yes.

Q I think this is actually one of the sources you cite in your written statement to HPSCI on April 2, 2014 --

A Yes, I did, yes.

Q -- on, I think it was page 5 where you identified some of the evidentiary basis for the conclusion that there was a protest over a film in Benghazi, is that accurate?

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A That's correct. And I could only, for that hearing, cite unclassified sources. I couldn't cite the classified ones.

Q So this would have been the unclassified source available to the analysts at the time who were making this assessment, and they actually cited this particular source?

A Yes.

Q And in that, can you explain just what this source is and what it indicates?

A So it's a press report, right. It's something that Al Jazeera, right, it's on Al Jazeera TV, so it's a report on what happened on Al Jazeera TV; and it's a report of the statements of a senior Libyan Ministry of Interior official.

Q Wanis Al-Sharif; is that the individual who was --

A Yes, in Benghazi.

Q In Benghazi at the time?

A Yes. I don't know if it was at the time of the attack, but at the time he said it, right.

Q And he was a senior official with the Libyan Government?

A Libyan Under Secretary. I assume that means he is a senior official.

Q And in particular, I'd just direct your attention down to the bottom of page 1 there, and my understanding of this was this was a press conference that Mr. Al-Sharif actually held and said these statements at?

A Sounds that way, yes.

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Q And it reports him as saying "Yes, they, the people attacking the Consulate were carrying weapons. They opened fire in anger, disapproval, and denunciation of the content of this film and in protest at the U.S. not stopping this film," end quote. So I understood that to be the exact words that Mr. Al-Sharif had uttered and that the analyst had relied upon, at least in part, in concluding both that there was a protest in Benghazi?

A Yes, but it actually gets stronger even later.

Q And where do you think it becomes stronger?

A Where he says Al-Sharif said that -- this is the second full paragraph on the second page. Al-Sharif said that other individuals had become imbedded with protestors.

Q So extremists potentially who might be capitalizing on the protests, he was reporting?

A Exactly. Exactly.

Q And he does go on to say that this situation was taken advantage of for their own aims, so he even explains further this notion that they may have capitalized on a protest that was going on?

A Correct.

Q And he very directly explains and in some way justifies, right, at least the protest, because if you go on to read, it says, I think two paragraphs down from what you had identified, it says "The official stressed numerous times that the film had, quote, 'tainted' symbols of Islam and that, quote, 'these are symbols that no doubt provoked the ire of Muslims. He said the situation had its

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justification from the point of view of the protestors and so on. It's not a personal matter, but a matter that touches the Muslim's sacred symbols." So his explanation certainly for the protests is anger over the film?

A Yes. He is linking the protests to the video, yes.

Q So that source, as well as the source my colleagues used in the last hour, came from a binder that was provided first to the House Permanent Select Committee on Intelligence during its investigation, then also to this committee. By our count, there were 19 sources that both mentioned a protest in Benghazi and that it was over anger at the YouTube video mocking the Prophet Muhammad. So 16 times, by our count, mentioned both a protest and a film. Now I understand that you indicated, and I think obviously part of this process over the last 3 years had been identifying flaws and trying to, in a forward-looking way at some point, make improvements. But based on some of those sources that we've just discussed, the overall caption of that piece produced on the 13th -- well, distributed on the 13th, that extremists capitalized on protests in Benghazi to me would seem to be, as you said in your written statement, seemed to have an evidentiary basis. Would you agree?

A Absolutely. And as I explained earlier, that's exactly what the analysts believed.

Q They believed that at the time they distributed this piece on the 13th and they still believed it on the 15th when you were crafting the unclassified --

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A Yes. Yes, when I was editing the talking points.

Q Sorry. So they believed it when you were editing the unclassified talking points that were given to the House Permanent Select Committee?

A Yes.

Q I just am trying, for the clarity of the record, to finish the question.

A Oh, I'm sorry.

Q I appreciate your eagerness and your eagerness probably to finish as quickly as you can today.

A No, I'm fine.

Q And we will probably get to this later, but that assessment was also true, the assessment that extremists had capitalized on protests in Benghazi was also true the morning that Ambassador Rice when on the Sunday talk shows and spoke both about the regional unrest and the attacks in Benghazi?

A Yes.

Q At this point, I'm going to turn it over to Congressman Schiff because I know that he has some questions for you, and we want to make sure that we get to those.

A Yes.

Mr. Schiff. Mr. Morell it's good to see you again.

Mr. Morell. It's good to see you, sir.

Mr. Schiff. I wish it were under different circumstances. When you testified before the HPSCI in April 2014, I thanked you for your

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more than three decades of service to the country and noted it was regrettable that you were being called to testify again about the Benghazi attacks.

Now, nearly 18 months later the fact that you are being called to appear before a congressional committee for the fifth time is that much more regrettable, especially in view of the publication in November of 2014 of the bipartisan HPSCI report on the Benghazi attacks that, from my perspective as a member and now as the ranking member of that committee, should have put to rest any questions that might be asked of you.

So, I regret again that we are seeing each other under these circumstances. I hope, I hope, this is the last time. There won't be a tenth committee on Benghazi. This committee has now gone on longer than Watergate, and, to my knowledge, we have no significant new insight into what happened in Benghazi more than we had when we concluded the intelligence investigation back in November of 2014. That's not much to show for the \$4.5 million we spent on it or the time investment in it. And, again, my apologies for bringing you back.

Again, I just want to thank you so much for your service to country. Benghazi was tragic in many respects. It was most tragic for the families of those who were lost. There was a lot of other devastation in the wake of Benghazi, including efforts by some on the Hill to cloud the distinguished career of people who have been dedicated to this country, and I deeply regret that that's happened; and I don't want to miss the opportunity again to thank you for your extraordinary

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service.

Mr. Morell. Thank you, sir. It's always good to see you.

Mr. Schiff. In the 3 years since the attacks there have been several allegations about the talking points that have been made against you, and I want to give you a chance to respond to them for the record, as well as the claims that have been made against the intelligence community more generally. It's been alleged that the reason the White House, the State Department, didn't have to make substantive changes to the talking points to reflect their preferred political narrative was because you and others in the intelligence community did it for them. Would you like to comment on that?

Mr. Morell. So it's not true. The classified analysis that was produced was exactly what the analysts thought. The talking points were exactly what the analysts thought. Politics was not in anybody's mind. The analysts, the reviewers, mine. It's one of the interesting things, Congressman, is at the time that the work was being done, nobody who was doing the work in the intelligence community recognized that there were any politics here at all to begin with. It was only later that it became political. So analysts weren't even thinking that way. I wasn't thinking that way. Everybody was trying to make the best decisions they could.

I think one of the strongest points here is that I know analysts better than I think I know my own kids. And if the analysts had believed that what they had written was somehow being turned for political reasons, or if the analysts had believed that I was somehow editing

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the talking points for political reasons, they would have gone crazy. They would have done exactly what the analysts in CENTCOM are doing right now. And whether there's any truth to that, I don't know. But analysts take very, very, very seriously their responsibility to speak truth to power, their responsibility to tell it like it is, their responsibility to not let their views on policy or their views on politics interfere in any way with what they're writing, and they are the first to speak out if they believe that's happening; and they did not say a word in this case, because they don't believe that happened in this case.

Mr. Schiff. Of course, I remember how those talking points came about when the then-Ranking Member Dutch Ruppersberger asked for something that would give us guidance on what we could say publicly so we wouldn't get in trouble by revealing classified information. Perhaps we were all naive on the committee and in the intelligence community in thinking in the wake of this tragedy that it was not going to be politicized. That's certainly not why we asked for talking points. That's certainly not why you gave them to us, but it certainly has been ever since.

So let me ask you further about allegations that you made substantive changes under pressure from the White House, the State Department, or someone else.

Mr. Morell. No, not true. I never had a single conversation about what the talking points should say. There was no coordination with the White House or State Department on my part in terms of what

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the talking points should say. So it's just not true. There's no there there. There's this view, right, that I took the warning language out because I knew the State Department was angry, right? I decided to take the warning language out long before I knew that the State Department was angry.

One of the things we have never talked about in any of these settings is the fact that the person who showed me the talking points for the very first time, Director Petraeus' chief of staff, will tell you, if he were in this room, he would tell you that that first time I saw the talking points was the first time I was aware of them. That was late on Friday. He will tell you that my immediate reaction was the warning language is inappropriate and has to come out.

And my staff will tell you that I was not aware at that point that the State Department was upset. So every decision I made about what to do with those talking points was made with the belief that it made them more accurate, and it was in the best interests of the Central Intelligence Agency to say it that particular way, not in the best interests of anybody else.

Mr. Schiff. I have to confess I've never really understood even the theory about how the changes in talking points were supposed to be helpful to the administration or put the events in a more favorable light. I have to confess, I have never understood the theory of that, why the administration, why it would make them look better. We lost four Americans. Any way you said that in talking points, it was a tragedy, so I found the whole thing very difficult to understand, the

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obsessive focus on talking points. It's just astounding to me that here we are years after the events, and we're still talking about talking points; but we are where we are.

Finally, the allegation was made that the talking points were designed to make the administration look more favorable by downplaying the role of terrorists in the attack. Would you like to comment on that theory?

Mr. Morell. I think this is a really important point. From the get-go, the analysts believed that this was terrorism. The first piece on the 12th was written by the Middle Eastern office, but every subsequent piece was written by the Office of Terrorism Analysis, which would tell you what the Central Intelligence Agency thought about it. You know, there's this whole issue of extremists versus terrorists. Right? Some people say that in the talking points, some people changed terrorists to extremists. No, no, no, no. That's the way wrote it as extremists. Some people point to the use of the word extremists as trying to downplay terrorism. In the analysts' mind, in the analysts' mind, they are the same. You know, recently I pulled up a congressional testimony by Director Petraeus in early 2012 where he was talking about the current terrorist threat to the United States of America, and he goes back and forth between terrorists and extremists. The analysts wrote that for them.

It's not only the analysts who interchange them. It's non-analysts who interchange them. In reading the open HPSCI testimony, I noticed that Chairman Rogers went back and forth between

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terrorists and extremists. And I also noticed because I watched it at the time when Chairman Gowdy was on Charlie Rose on May 4 after he was appointed chairman, he call Ansar al-Sharia an extremist organization. He didn't say terrorists. He said extremists. Everybody interchanges them.

When 9/11 happened, we didn't write a piece that said this is a terrorist attack. Everybody knew. In the minds of the analysts from the get-go, this was a terrorist attack, and I think that is reflected in what they wrote.

The other thing to say about the talking points, sir, is there wasn't anything in the talking points that was inconsistent with the classified analysis at the time, what the analysts believed. So the talking points are not as complete, but they are fully consistent with what the analysts wrote in their classified reporting and therefore what they believed. Sorry for talking so much.

Mr. Schiff. No, no. I was thinking about the fact that you mentioned Chairman Rogers' use of extremists and terrorists. When he presided over the intelligence investigation and we produced a report that the conspiracy theories over stand-down orders and interference with security and gunrunning, it didn't ultimately put to rest those conspiracy theories that went on. It just created a new conspiracy theory about why the Republican chairman and Republican members of the Intelligence Committee would sign on to report that it was a whitewash of the administration; that was the new conspiracy theory.

So instead of three after that report, we had four conspiracy

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theories. But I can tell you in the 16 months of this investigation, we have uncovered no more evidence of those conspiracies than the Intelligence Committee did over a year ago.

In the 33 years you have worked with the agency, you worked under both Democratic and Republican Presidents obviously. I understand that you provided the daily presidential brief for President George W. Bush and were with him, in fact, on the morning of the 9/11?

Mr. Morell. Yes, sir.

Mr. Schiff. And I'm talking about the 9/11 when the Trade Center and the Pentagon were attacked. If you could share a little bit with us about how these accusations have affected the intelligence community. One of the concerns I have is that when we Members of Congress politicize the work that the intelligence community does, it changes the product that we get in the sense that members of the intelligence community have to think twice about how the politicians will use their work product and might use it against them; or in the immediate aftermath of a terrible event, when we're eager to get information about what happened, I have to think that members of the IC now think to themselves we have to give them as little as possible because, God forbid, if what we know now should prove to be wrong later, we'll be accused of trying to cover up or whitewash or mischaracterize something for some political purpose. Do you think this investigation has had that kind of impact on the intelligence community?

Mr. Morell. You'll remember, sir, that both the DNI and the Acting Director of CIA at the time, both are on record saying that we're

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not going to do talking points anymore. That's the reason why we said that. But here's my bigger concern in all of this, and, you know, I testified three times while serving at the Agency and once after I left, and I've been quite vocal, as you all know, about this issue. Two chapters on Benghazi in my book, the chapter on the talking points, the longest chapter in the book, to the great dissatisfaction of my publisher. I've written some op eds, and why are you so vocal about this?

The reason I'm vocal about it is because the basic charge being made is that the Central Intelligence Agency crafted its analysis with politics in mind, and then a senior member of that agency did so as well, right, that the whole agency did and that I assisted that. And the reason I push back on that so hard is less because of concern about me -- I'm a big boy. I understand how things work in this town -- but I'm concerned about the reputation of the Central Intelligence Agency, right, because to be effective, for the analysts to be effective, there has to be a perception among the consumers of the intelligence that it is nonpartisan, that it is objective, that it is written without a policy line in mind, that it is written without politics in mind; and any perception that damages that reputation is damaging to the mission of the CIA, and that's why I've been so vocal about this, because I'm concerned about that. I don't want anybody to think that analysts or senior managers at CIA are somehow not being objective because that objectivity is so absolutely critical.

Mr. Schiff. And how did this affect you personally with your

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family and your relationship with colleagues?

Mr. Morell. I did have my kids asking me about allegations that I lied to Congress, and, you know, I had to explain that to them. That wasn't a lot of fun. It affected my relationship with some Members of Congress, and I'm not happy about that. I valued those relationships. I hope to redevelop those relationships. But I'll go back to what I said earlier, sir. I'm much less concerned about me in this than I am the organization and the institution which has to continue to serve this country for a long, long, long, long time.

Mr. Schiff. Well, I'm concerned about how it's impacted you because you've been one of the finest members of the IC, and you've devoted yourself to the country; and to the degree that we mistreat you, I think it discourages a lot of other people from pursuing careers in the IC, and we need brilliant people and good people like yourself. I appreciate your generosity on this, but it concerns me, and I know a great many Members of Congress feel exactly the way I do.

Let me turn, if I could, to the report produced by the HPSCI. The conclusions of that report really, I think, reflect and validate your testimony to Congress. For example, the report found that there was no intelligence warning prior to the attacks, that the intelligence was and remained conflicting about the identities, affiliations, and motivations of the attackers. That's entirely consistent with your prior testimony explaining the complex circumstances surrounding the attacks and the contradictory information that IC analysts confronted in the hours and days following the attacks. You testified several

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times that the initial assessment of the analysts has largely withstood the test of time. One aspect that there was a protest has changed, but that changed within 2 weeks of the attacks once the agency had the opportunity to review the film from the temporary mission facility. Is that correct?

Mr. Morell. Yes.

Mr. Schiff. We're continuing to get briefings from the IC on the events in Benghazi as they further develop intelligence, and we were recently notified there was no new information that alters the IC's analytical conclusions about the attacks. Are you aware of anything that causes you, at this point, to alter what the CIA's ultimate analytical assessments were?

Mr. Morell. No, sir.

Mr. Schiff. The HPSCI report also concluded, consistent with your prior testimony, that there had been no stand-down order or unreasonable delay by the Benghazi chief of base in sending CIA security contractors to assist the State Department personnel at the temporary compound. Nonetheless, since the April 2014 hearing, the contractors making this allegation published a book, continues to criticize the chief of base and other State Department and Defense Department, CIA personnel. That book, as you probably know, has now been made into a movie, which I understand will be released the first of the year. I've been watching the trailers --

Mr. Morell. I've not seen them.

Mr. Schiff. I think you'll probably have the same reaction I did,

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which is the thing that will leap out at you the most vividly is the beginning statement where it says on the screen, this is a true story. Certainly, I would hope that some elements of it are true, but in one significant respect at least, if the trailer is true to form, they needed a bad guy, and the bad guy is the chief of base. I don't anticipate the film being less critical of the chief of base.

In your recent book, The Great War of Our Time --

Mr. Morell. Sir, can I say something on this point because --

Mr. Schiff. Yes.

Mr. Morell. I don't think this is something that came out before, but when this first became an issue, right, when the first allegations were made that there was a stand-down order to CIA officers by the chief of base or by somebody, right, not to go to the aid of their State Department officers, Director Petraeus and I took it very seriously, and we did a whole bunch of things.

I personally spoke to our director of security who had spoken to all of her security officers, and she told us, she told Director Petraeus and I that there was no stand-down order. I personally asked our director of support to talk to the chief of security, and I asked one of the senior members of the operational side of the Agency to talk to the chief of base, and they reported back to me essentially the same story, no stand-down order. Director Petraeus, in the aftermath of Benghazi, took a trip to Libya, to Tripoli, where he met with the folks who were still there and had a conversation about this and came back and said, as far as my conversations went, no stand-down order. So

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I just wanted to add that to all the evidence that's out there suggesting that there was not.

Mr. Schiff. In your recent book, The Great War of Our Time, as in your testimony before HPSCI, you've explained that the slight delay, which you note in your book was 5 to 8 minutes was justified, and exactly the right decision by the chief of base who had to, quote, "ensure that he was not sending his officers needlessly to their deaths. The chief of base has understandably not spoken publicly in his defense in light of the book and upcoming movie." Do you want to add anything further to what you just said in terms of the decision made by the chief of base?

Mr. Morell. No. I think he made the right decision, sir.

Mr. Schiff. Let me just conclude the questions I have for you, asking you a little bit about a piece you wrote in May of 2015 called Debunking the Benghazi Myths. You discuss in that piece, quote, While there are no shortage of new arguments on this old subject, there are also some old ones that resurface on a regular basis. One is the debate on whether an anti-Islam YouTube video played any role in sparking the Benghazi attacks. The short answer is that we still don't know with absolutely certainty. While much remains unknown about what motivated all the people who were there that night, at least one attacker, Abu Khattala, has claimed that he was motivated by the YouTube video. Is that right?

Mr. Morell. Yes, he said that publicly to a reporter, yes. I don't know what he said to the FBI in interviews, but he said that

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publicly.

Mr. Schiff. So by the account of one attacker who has been indicted in this, the video played a role in the attacks; and he was, I think, according the indictment, in a leadership position?

Mr. Morell. Yes. One thing I'll say about the whole video issue is that the analysts in those early pieces that they wrote did not attribute what happened in Benghazi specifically to the video. First, we have already gone over the piece, the first causal -- the first cause that they laid out was that this was in response to what happened in Cairo, which was, according to the analysts, response to the video. A couple days later, they added to that and said possibly another cause was Ayman al-Zawahiri's call for revenge in the death of Abu Yahya al-Libi that call was just a day or so before Benghazi. But it's also true, right, it's also true that the analysts never said it wasn't the video. And it's also true that the analysts said, and they said this repeatedly, that we won't know for sure what motivated these guys until we actually capture them and talk to them.

So that's why I said in the book, look, we still, at the end of the day, don't know what role the video played here, and it may turn out that it played a significant role. It may turn out that it didn't. We just don't know yet, but it's absolutely true that Abu Khattalah told a reporter that was part of his motivation, yes?

Mr. Schiff. Again, for me this gets back to having difficulty understanding the whole theory of the case against the administration or against the intelligence community about this. If the initial

belief was that the cause was the events in Cairo, that wasn't in a vacuum. It's hard to imagine that anyone who might have been spurred to action by what was going on in Cairo was unaware of why Cairo was going on at all. So I'm not sure, again, that I understand this whole theory of attack. You mentioned in your article also that while the most strident voices on Benghazi ridicule the notion that a video might have played a role, among those who argue that the video may have been a factor include the FBI.

Mr. Morell. Yeah, it was something that jumped out at me when I read your HPSCI report on Benghazi. I think it was in early 2014 that the FBI briefed you on that.

Mr. Schiff. In the final paragraph of your piece you conclude that those who focus on the questions that the amount of replanning and the role of the video seem to miss is that the answers to those questions make no difference to the bottom line, that the attacks were terrorism, and that the terrorists murdered four Americans. They make no difference to the most important point going forward that the U.S. must do the best job it can in protecting its diplomatic intelligence and military personnel in dangerous places. With regard to that first point this was terrorism, that terrorists killed four Americans, do you think we have lost sight of the fact that the only people who acted intentionally to cause harm were the personnel overseas, were the terrorists?

Mr. Morell. Yes.

Mr. Schiff. Not President Obama, not Secretary Panetta, not

Secretary Clinton or Ambassador Rice or anyone at in the U.S. Government or the State Department or intelligence community?

Mr. Morell. Yes. And, sir, if I could make a point. My arguing that whether there was a protest or not, whether Al Qaeda was there or not, whether this was preplanned, to what extent that this was preplanned, my argument that those have absolutely no bearing on whether this was terrorism or not is not only something I believe; it's something that senior members of the intelligence community at the time believed. Matt Olsen is on record with both SSCI and HPSCI saying exactly the same thing. So I'm not alone in that belief.

Mr. Schiff. I can only say, to conclude my own questions and comments on this, that there's nothing that I'm aware of that we have uncovered in the last 16 months that contradicts anything that you have said in your testimony. And the only discovery this Select Committee has trumpeted has been the discovery of a private email server that Secretary Clinton had. Interestingly, though, in a committee that has become known for its leaks, the committee has trumpeted nothing it has gleaned from any of those emails, apart from the fact of what server they were on. And I think that's cold comfort to those who were generally interested in whether we were going to uncover something new about what actually happened in Benghazi. So I want to thank you again for your patience and your service, and I hope the next time I see you will be in a very different circumstance.

Mr. Morell. Thank you, sir.

Ms. Sawyer. I just wanted to quickly clarify while the Ranking

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Member on HPSCI is still with us, he had referenced a briefing that the committee had received, and I just wanted to clarify on the record and have him confirm, that was a briefing to the House Permanent Select Committee on Intelligence; it was not a briefing of the Select Committee on Benghazi. Is that accurate?

Mr. Schiff. Are you talking the briefing where we --

Ms. Sawyer. The recent briefing where there was an Intelligence briefing that the current assessment, there's nothing in the intelligence that alters the assessment?

Mr. Morell. Thank you. I understood it that way. Thank you.

Mr. Schiff. This was a point of clarification on what we saw, what we were informed, that there hasn't been any intelligence that has changed the conclusion of the --

Mr. Morell. That's good to know. Thank you.

BY MS. SAWYER:

Q And you certainly had briefed in the run-up to Benghazi, so certainly at the time -- I'm assuming you, but I say it in terms of the Agency -- with regard to the intervention in Libya, the intelligence around that, the intelligence that then was in the superseding months before the attack, that also was fully briefed to the standing committee of the Congress, the HPSCI, was it not?

A Yes, both in writing, right, and all the WIRes that we produced, and certainly orally, the Director, myself, other senior officials, yes.

Q And apparently, and obviously that type of briefing of the

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standing committee of the Congress as to what the intelligence is telling us today is still ongoing; is that appropriate and correct?

A I would hope so.

Q Including, presumably, one of the issues that Congressman Schiff has asked this committee as well to look into, which is in a forward-looking way, how recommendations for improvements -- and we had talked a little bit about the analytic process and improvements -- are being implemented. Before you left the Agency, did you have the chance to participate in any of those implementation briefings?

A No. But -- well, let me back up. So when I was Acting Director, and I forget the exact timing, I think it was late 2012 -- thank you, sir, very good to see you.

Mr. Schiff. Thank you.

Mr. Morell. Late 2012 I asked for two lessons learned to be written. One lesson learned was what we call an analytic line review, which is basically to say to the analysts, take a look at your work, your judgments, the information you had at the time and could you have done anything better.

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[11:10 a.m.]

Mr. Morell. I asked for that. The analyst completed that fairly quickly and I sent it to both SSCI and HPSCI immediately after receiving it.

I also asked for a lessons learned on the process by which the talking points were produced. I asked a senior lawyer in CIA's Office of General Counsel, a career lawyer in CIA's Office of General Counsel to do this lessons learned study. I specifically asked him to go wherever the truth took him, including with regard to me, that if he had lessons learned from me, if he had critiques of me, I wanted to hear them.

He produced a report, a draft of a report. And when he did that we were in the middle of a debate between the executive branch and the Congress on what could be shared with regard to the talking points and what couldn't. So my lessons learned were stuck. I very much wanted to share them with SSCI and HPSCI. I finally did so, without approval, a few weeks before I left government, sent them to both SSCI and HPSCI. And I spoke about both lessons learned at my open testimony in 2014.

BY MS. SAWYER:

Q So on two key subjects, both the analytic process that resulted in the assessments, the initial assessment, the evolving -- the changed assessment, there was I think you referred to it as the analytical review of fact?

A Yes.

Q And then there was also a review of another issue that has

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been the subject of intense congressional scrutiny, which is the crafting of the unclassified talking points. Is that accurate?

A Yes, and that is exactly why I asked for them.

Q And so on these two issues that have been the subject of exhaustive examination there were internal processes, and the results of those were turned over to Congress and committees before this committee?

A Yes. And not only the results, but when I first asked for them, I sent a letter to Chairman Rogers, Ranking Member Ruppertsberger, Chairman Feinstein, Ranking Member Chambliss that I had asked for them and that I would turn them over when they were done. So I told them at the time that we were doing these.

Q And so with regard to those two key questions that now eight congressional committees have touched on, at least, some have examined quite exhaustively, the analytic process and the drafting of unclassified talking points, is there anything that this committee needs to know or can learn that has not already been discovered through both the process that the Agency undertook and now the congressional investigations?

A I don't believe that I have anything to add about those lessons learned that I didn't say at the 2014 hearing.

Q And then while we're on just the subject of briefing in this hour, with regard to those prior briefings, I read your recent book. A copy of it is here.

A Thanks.

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Q "The Great War of Our Time."

A Thanks.

Q I have it in audio and hardback.

A Double thanks.

Q And I noticed in there that you, in talking about the Arab Spring, had indicated -- and I will just quote from the book -- that the intelligence community, you said, "We thought and told policymakers that this outburst of popular revote would damage Al Qaeda by undermining the group's narrative. Our analysts figured that the protests would send a signal throughout the region that political change was possible without Al Qaeda's leading the way and without the violence that Al Qaeda said was necessary. Instead, with a few exceptions, the development of people's gaining the right of self-determination had the unforeseen effect of key countries suddenly losing the will or the capability to deal with Al Qaeda and other militant groups."

In that passage you indicate that the consequences of the popular uprisings in countries in the Middle East, presuming including Libya, with regard to the will or the capability of the successor governments was unforeseen by the intelligence community. You know, if the intelligence community, who was briefing the policymakers who were making decisions, did not foresee that result, would you have expected the policymakers themselves to have --

A No.

Q -- foreseen it?

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A No.

Q So, for example, you know, Secretary Clinton and President Obama have been roundly criticized in part for apparently failing to foresee some of the consequences of the popular uprisings in some of those countries. Do you think those criticisms with regard to that type of foresight are fair?

A No. I think -- people who know me know there is nobody more self-critical of myself and the organizations I am involved in. One of the things I have made clear is that we should have done a better job in asking the question and answering the question, what are the implications of the Arab Spring going to be? We could have done a better job, not only as an agency, but as an intelligence community.

Q And, you know, as they say, hindsight is often 20/20 vision, but do you lay fault in an intentional kind of way with anyone within the intelligence community or within the U.S. Government for not having had the vision to have done differently?

A Fault is a big word, right? In terms of -- in terms of there's -- in my view -- in my view there was -- and this is Michael Morell's view, right -- there was an intelligence failure in not asking the question and answering the question about what is the impact going to be, particularly with regard to Libya, I think. Because it was -- Libya was the only place where the United States of America made a choice to push the Arab Spring forward, right? Everywhere else we were -- we were making a choice not to try to stop it, right? And in my view, we couldn't. We couldn't have stopped it in Egypt, we couldn't

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have stopped it in Tunisia, we couldn't have stopped it in Yemen. But in Libya we made an active choice to push it.

And so in Libya I think in particular we owed the President a piece of paper that said here is what we think the aftermath is going to look like when Qadhafi leaves, right, and we didn't do that.

Now part of that blame rests with the analysts. Part of that blames rests with the leadership of the intelligence community for not asking the question. Part of that blame rests with the decisionmakers for not asking the question, right? And part of the blame rests, right, with decision makers for not -- for not having a more robust conversation about what do we do in the aftermath to maintain stability, right?

Same kind of criticism that was made of the Bush administration with regard to winning the war in Iraq can be made of this administration with regard to removing Qadhafi and not thinking through what do we do next, what are we doing the day after.

Q And within that list of decisionmakers, you know, there was robust debate among the Congress. You know, Congress, you never get fully 435 Members of the House or 100 Members of the Senate to agree, but there was robust debate about how the United States should be engaging throughout the Middle East, including in Libya. Would you include within the decisionmakers who should have asked the questions more -- perhaps more aggressively at the time, would you include Congress within that?

A Yes.

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Q And when you said we made an active -- we made an active choice, I presume that what you were saying was the support for the United Nations resolution --

A Uh-huh.

Q -- to support a no-fly zone over Libya. Is that the reference?

A Correct, correct.

Q So it was not a reference to us putting military boots on the ground --

A No, no.

Q -- in Libya?

A Correct.

Q I think I have run up on my time for this hour. So we will look forward to talking further with you. And at this point I think take a break.

A Okay. Thanks.

[Recess.]

Mr. Davis. This is Carlton Davis. We will begin our next hour of questioning. It is 11:30. Mrs. Brooks arrived during the last hour and sat very patiently. She is here again, so she is going to begin our questioning.

Mrs. Brooks. Thank you, Carlton.

Good morning.

Mr. Morell. Good morning.

Mrs. Brooks. I have not had the fortune of reading your book or

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of listening to the book on tape, but there was a line of questioning. And you mentioned Khattala and what you had either seen that he had said publicly. And I just wanted to talk a little bit about what your role was or what was the CIA's role in finding and in assisting the FBI in finding the perpetrators.

Mr. Morell. Yeah, ma'am, the only thing that I can say is that in the aftermath of Benghazi, FBI had the lead on the investigation. We were assisting the Bureau in any way we could, obviously largely through intelligence collection about who was there that night and where those people were now.

With respect to Abu Khattala, I don't know. That all happened after I left. So, unfortunately, I can't tell you what specifically role the CIA played in identifying him as being in the compound, as identifying him as a leader, and then in his -- ID'ing his location and his capture. I just don't know.

Mrs. Brooks. At what point was the FBI involved?

Mr. Morell. From the very beginning, from as soon as it happened?

Mrs. Brooks. And so if the FBI was involved as soon as it happened, did you have or a point of liaison with the FBI to work on the investigation? Or how does that work.

Mr. Morell. So the CIA has a signal officer who is on rotation to the Bureau who is our interface with the Bureau. I am sure -- got to be careful here -- I don't know if that was the channel through which we worked Benghazi. I don't know if we appointed a specific person to interface. So I don't know exactly how it worked. But there

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was considerable assistance, considerable interaction between CIA and the FBI on this issue?

Mrs. Brooks. Do you recall who that CIA interface was.

Mr. Morell. I don't know. I'm sorry.

Mrs. Brooks. And so were you involved in any meetings or discussions with the FBI about what specific assistance CIA was going to be providing?

Mr. Morell. No.

Mrs. Brooks. Okay. Were you involved at all in the FBI's investigation.

Mr. Morell. No. I would -- I had two kind of interactions with the Bureau. One was the Bureau of course was represented at all of the deputies meetings that occurred around this issue. And so I would hear Sean Joyce's briefing on what they knew at what point. And then Sean and I would occasionally talk just to make sure that the FBI was getting from us what they needed. That was kind of the role I played. That was kind of interaction that Sean and I had?

Mrs. Brooks. We had -- my recollection is, is that the FBI had considerable difficulties getting into Benghazi and what they needed to conduct their investigation in their normal course. Were you involved in that during that timeframe? And if so, what was your role?

Mr. Morell. Yeah, it's a good question, and I am stretching my memory here, but I do recall Sean calling me and saying, your guys are giving us a hard time about going to Benghazi, can you help? So I did, I did do some intervention on our end that I think got them there sooner

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then they would have otherwise, but I am really stretching my memory here?

Mrs. Brooks. And I understand this is the best of your recollection, but when you say the FBI -- and I understand between interagencies that is how it works when the higher-ups have to get involved to break through the interagency difficulties which happen on occasion -- where was -- who were your guys that were impeding FBI going in?

Mr. Morell. So I assume, don't know for sure, I assume that it would have been the station in Tripoli. I believe, I don't know for sure, based on what I was told, I believe that the issues had to do with security, security concerns in Benghazi, and the extent to which those could be mitigated. Those were the issues.

And so it would have been the station in Benghazi and it would have been the CIA security office who, you know, would have been responsible for making sure that who we sent to Benghazi and who we took to Benghazi, we could protect them.

Mrs. Brooks. Was it CIA's role to work with the Libyan Government at all on those security concerns or was that the State Department's role exclusively.

Mr. Morell. No, this would have been our -- you mean after the fact, taking the FBI?

Mrs. Brooks. Yes.

Mr. Morell. Yeah. [REDACTED]

[REDACTED] -- I believe, I believe, again, you know,

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I am stretching my memory here -- [REDACTED]

Mrs. Brooks. And do you have any recollection of what kind of team, when FBI finally got into Benghazi and finally, you know, began their investigation, what kind of team --

Mr. Morell. I don't.

Mrs. Brooks. -- would have been involved?

Mr. Morell. I don't, ma'am. I don't, ma'am. I'm sorry.

Mrs. Brooks. Okay. And obviously the entire investigation and the subsequent arrest of Khattala took quite a considerable amount of time. What would be CIA's role in an investigation like this? And I appreciate you might not know specifically.

Mr. Morell. Right.

Mrs. Brooks. But what would be the role of the CIA in an investigation like this?

Mr. Morell. So it would be -- and, again, I like the way you asked the question because I don't know specifically in this case -- but what it should be, put it that way --

Mrs. Brooks. Correct.

Mr. Morell. -- what it should be is really three -- threefold -- twofold. The first is the analysts looking at all of the available information, in particular looking at the video, [REDACTED] trying to help the FBI identify specific individuals who were in the compound. We know that

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guy is John Smith. So that is one role, right?

[REDACTED]

[REDACTED]

Mrs. Brooks. After the incident.

Mr. Morell. After the incident. On two things, right? One would be, who did this specifically, you know, groups, individuals, responsibility, who was there collecting that kind of intelligence. And then another type of intelligence collection is once you have identified, right, once you have identified who was in the compound, Abu Khattala, right, then where are they, physically where are they?

Mrs. Brooks. Which country.

Mr. Morell. Which country, which city, which house. And not only where are they, but once you find the house in the city in the country, much more tactical intelligence collection then, right? When are they there? Do they leave the same time every day? How long are they gone every day? Do they spend every night there? Because then you start thinking about tactical operations, right, to go get them.

So analysis, operations, that is the way I kind of break it down.

And, again, so much of this -- I'm sorry, so much of this happened after I left.

Mrs. Brooks. I'm sorry, when did you leave?

Mr. Morell. So I left my job as deputy director on August -- early August, I think it was August 8th, early August 2013?

Mrs. Brooks. But certainly the investigation began on September 11th or September 12th.

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Mr. Morell. Yes. Yes, ma'am. Yes, ma'am.

Mrs. Brooks. And so how many people -- because I would certainly assume that the administration was incredibly interested in finding the perpetrators --

Mr. Morell. Uh-huh.

Mrs. Brooks. -- and so how many CIA personnel would have been involved in these different --

Mr. Morell. So I don't know. I just don't know. I would say a couple things. One is I did go down to an analytic office that was working on the identification issue, right, they had the video from the TMF, right?

Mrs. Brooks. Right.

Mr. Morell. And

[REDACTED] So I went to visit them. There were a whole bunch of people there, a whole bunch of analysts there?

Mrs. Brooks. Good.

Mr. Morell. And then the other thing I'd say is that in terms of intelligence collection, when we pulled out of Benghazi on the morning of September 12th, not having a presence somewhere makes intelligence collection much, much more difficult. So not making excuses, I am just saying it makes it much more difficult. So any operations to collect -- to recruit sources, collect information in and around Benghazi, right, much more difficult when we weren't in Benghazi. Still possible, still done, but much harder.

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Mrs. Brooks. Right. Do you have any idea roughly how many sources you had in Benghazi -- I'm sorry, in Libya -- prior to September 11th?

Mr. Morell. I don't, ma'am, I am sorry.

Mrs. Brooks. Who would know?

Mr. Morell. The chief of station.

Mrs. Brooks. Okay, so the chief of station would know how many sources we had.

Mr. Morell. Absolutely he would.

Mrs. Brooks. And remind me who was that at that time.

Mr. Davis.

Mr. Morell.

Mrs. Brooks. Okay. Thank you.

And so besides the one time where you recall going down as they were doing the analysis on the videos, were you involved in other meetings --

Mr. Morell. Sure.

Mrs. Brooks. -- about the ongoing investigation?

Mr. Morell. Yes, yes.

Mrs. Brooks. Which means September --

Mr. Morell. Absolutely, absolutely, absolutely?

Mrs. Brooks. How often?

Mr. Morell. So I don't know how often, but let me give you the context. So the director and I had a three times a week meeting with the Counterterrorism Center. The Counterterrorism Center had the led

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in working this issue. Would have -- had the led -- not would have -- had the led in working this issue with the FBI. I remember on a number of occasions the director and I getting updates from the Counterterrorism Center at these three-times-a-week meetings about progress we were making in this investigation.

And oftentimes there would be an FBI officer there. There is a senior FBI officer on rotation to the Counterterrorism Center and he would often come to these meetings. And he would sometimes say, here is the status of the FBI investigation. So the director and I were certainly hearing it, certainly getting updates, but we were not directing it in that way.

Mrs. Brooks. Certainly, but you were helping and your analysts were helping --

Mr. Morell. Yes. And we were asking questions -- what about this, what about that, right? And then we were helping out when Sean Joyce called me and said need help.

Mrs. Brooks. And what were your thoughts about the investigation when you learned that Khattala had been arrested?

Mr. Morell. I thought it was great. I'm on record, ma'am, in the open HPSCI hearing in the spring of 2014 as expressing frustration for how long it had taken the United States to bring some of these people to justice?

Mrs. Brooks. And how about the fact that we were only bringing one person to justice?

Mr. Morell. I thought it was an important first step,

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particularly a potential leader, right? I'd like to see more people brought to justice.

Mrs. Brooks. And yet we did not have apparently sufficient evidence or enough intelligence to know who any of the other people were?

Mr. Morell. Ma'am, I don't know the status of where we stand, right? I don't know if they have identified 15 people, 20 people, and they are looking for them, or two people or one person. I just don't know where the investigation stands.

Mrs. Brooks. Okay. When you left how many people had we identified?

Mr. Morell. I don't -- I don't recall. It wasn't a large number at all.

Mrs. Brooks.

Mr. Morell.

Mrs. Brooks.

Mr. Morell. I don't know, ma'am. I really don't know.

Mrs. Brooks. I don't have anything further.

BY MR. DAVIS:

Q Are you familiar with the name Ali Harzi capture in connection with the Benghazi attacks?

A [Nonverbal response.]

Q Are you familiar with an individual that was held in Tunisia for a short amount of time?

A No, no.

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Q Are you aware of anybody that may have been captured and interrogated in response to the Benghazi attack that was held in Pakistan for a certain amount of time?

A No.

Q No? Okay.

You mentioned earlier in your discussion with Mrs. Brooks that part of the role that the CIA had was you'd look at the video,

You mentioned Abu Khattala. Was Abu Khattala affirmatively identified via facial recognition?

A I don't know.

Q You don't know. Okay. So you just mentioned him because he has been arrested.

A Yes.

Mr. Davis. Okay.

Are you good.

Mrs. Brooks. Yes.

BY MR. DAVIS:

Q I want to switch gears for a minute and go back to our discussion that we were having in the first hour. We made it through September 11th, we made it through September 12th, we made it through September 13th. So I'd like to kind of walk through September 14th, September 15th, and maybe September 16th.

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A Sure.

Q I have 44 minutes. I am very optimistic we will be able to do that in 44 minutes. So when we come back from lunch we can go on and talk about new topics that had not been mined very much before.

So I'm going to hand out three exhibits. We can talk about those, go through them, go through them one by one. And there will be more, but these are the first three.

During the last hour the minority handed out an exhibit, it's exhibit 5, which was a press article that talked about protests. It cited a Libyan Interior Ministry official on Al Jazeera.

[Morell Exhibit No. 6

Was marked for identification.]

BY MR. DAVIS:

Q Exhibit 6 is a New York Times article, September 14th, 2012, written by Peter Baker, David Kirkpatrick, Suliman Alizway.

Are you familiar with Peter Baker at all?

A Yes, I believe I have met him.

Q You met him. And what is your assessment of Mr. Baker?

A I don't have an assessment.

Q Do you know what his role is at The New York Times?

A Beyond being a reporter, no.

Q Okay. But he's a reporter with The New York Times?

A I assume so.

Q Okay. All right. Your assessment of the New York Times as a media organization?

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A My assessment of The New York Times is that, like any media organization, it gets a lot of things wrong. And my assessment of The New York Times is that its reporting and editorials are fairly biased, in my view.

Q Okay. This is not an editorial, is that fair to say, this article by Mr. Baker?

A It sounds that way.

Q Okay, okay. I just want to direct your attention to page 2. And it's the second full paragraph on page 2. It starts off, it says, "According to guards at the compound, the attack began at 9:30 p.m. without advanced warning or any peaceful protests. 'I started hearing, God is great, God is great,' one guard said. 'I thought to myself, maybe it is a passing funeral.' (All the guards spoke on the condition of anonymity for their safety.)"

Next paragraph. "'Attack, attack,' the guard said he heard an American calling over his walkie-talkie as the chants came closer. Suddenly there came a barrage of gunfire, explosions and rocket-propelled grenades."

Do you recall whether or not you read this New York article on September 14th, 2012?

A I don't recall.

Q Is it possible that you did?

A Sure.

Q Is it likely that you did?

A No, I wouldn't say it's likely I did.

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Q Okay.

A It is just as possible I didn't read it.

Q A front-page article in The New York Times about Libyan guards encounter a deadly riot. It is just as likely you did or did not read it?

A You know, I didn't pick up The New York Times every day.

Q Sure.

A What I looked at was what my briefer gave to me both in terms of intelligence and in terms of open-source material, including U.S. open-source material.

Q So it's possible that this is the open-source material your briefer gave you?

A It's possible and it's also possible not.

Q Is there a record of -- you said you got a thick binder from your briefer every day. Is there a record of what that is on a daily basis?

A I don't know. Maybe. I don't know.

Q Who would know?

A The briefing staff.

Q Okay. You were head of the briefing staff. You were a briefer yourself.

A So we kept -- we kept -- when I was head of the briefing staff we kept a record of what was shown to the various senior policymakers.

Q Okay. But that was a very limited number --

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A I don't know about a record of what was shown to the director and deputy director.

Q Okay, that's fair.

Let's look at Exhibit 7 -- I'm sorry, one more question on Exhibit 6. I apologize.

A Sure, no.

Q So the same paragraph we were talking about on page 2, here is The New York Times citing one guard from the consulate. I mean, how would you assess that in terms of credibility from what the guard said reported in The New York article?

A How would I assess it?

Q How would you assess it.

A Michael Morell?

Q Yes.

A I wouldn't give it great credibility.

Q Okay.

A Right? I mean, it's a data point. It's a data point. It's one guard. You don't know who it is. You don't know the conditions under which he was talking. I mean, it's a data point. I wouldn't discount it totally, but I wouldn't say this is absolute fact.

Q Sure. So the data point -- I'm putting that word in your mouth -- in Exhibit 5, from Wanis al-Sharif, that the press reporting said there was a protest in Al Jazeera, is that another data point?

A Yes, but it's a data point that I would give, Michael Morell as an analyst, would give greater credibility to.

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Q Why is that?

A Because it's a senior Libyan Government official who presumably -- you don't know for sure -- but presumably has access to more information. And I don't know how the analysts weighed these things at the time, so I'm telling you my reaction.

Q Sure. So exhibit 5, let's look at exhibit 5 really quickly, the top of page 2.

A Got it.

Q This is Mr. al-Sharif talking, top of page 2: "He added: 'At this time, when guards inside the consulate heard the sound of gunfire, it seems that they thought there was an attack or that there was going to be an attack on the consulate, so opened fire from inside the consulate.'" Does that seem very credible to you, that United States guards or guards inside the consulate working for the United States opened fire?

A No, it didn't happen.

Q Okay.

All right. Let's move on to Exhibit 7.

[Morell Exhibit No. 7

Was marked for identification.]

BY MR. DAVIS:

Q Exhibit 7, the subject of this is request -- document request 1-001673, from CIA production, date September 14, 2012, 8:27 a.m. "Subject: Forward Worldwide Unrest Update," 0700, on 14 September.

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Can you talk about what exactly the worldwide unrest update was? Not necessarily this one in particular, but just generally speaking.

A Sure. When the unrest began across the Muslim world as a result of the video, there was unrest, there were protests, the administration was deeply concerned about the prospect -- possibility prospect of violence against U.S. facilities and U.S. persons. We were having daily deputies meetings to discuss the safety of Americans and the safety of U.S. facilities overseas, two a day deputies meetings, one in the morning and one at night.

One of the things the director and I did -- and I don't know which one of us in particular did -- one of us asked all of [redacted] those countries where there was unrest as a result of the video to do a daily update, right? This is the daily update from Tripoli for that day in response to that request.

Q So this is something, I am looking at the from/to line, not the first from/to line, but in the body from [redacted] -- that's [redacted], correct?

A I assume so. I can't --

Q [redacted] -- that would be [redacted]

A So [redacted] was my EA.

Q Right. And [redacted] was?

A My chief of staff.

Q And [redacted] was?

A My other executive assistant.

Q So this is an email that you received or you saw on a daily

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basis --

A Sir, I didn't receive this email.

Q Right.

A It didn't come into my email, right, Michael Morell is not on here.

Q Right.

A But [] gave it to me.

Q [] gave it to you?

A [] walked in my office and gave it to me.

Q Okay. And that is what the purpose of these emails were, for your consumption?

A Yes.

Q Okay. So turn to page 2 here. Page 1, I believe, is about Cairo, reporting from [] and reporting from [] Page 3, see where it says Tripoli?

A Uh-huh.

Q And then it says Tripoli, and then there are seven data points after Tripoli. I am going to read right after it says Tripoli. "Tripoli: COS passed the following update being formulated by NE now. Number 1. Fighters were trained, not an undisciplined militia. State compound was on assault/probe vice flash mob. This is based on the observations of CIA officers who were in the fight assessing the fighting method of the attackers."

And that's a statement that presumably you read in this update, that it was here with you.

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A Uh-huh, probably, yep.

Q Okay. So how would you assess the validity of this particular email coming from station?

A Look, I took seriously -- I took seriously whatever my COS's said to me.

Q Okay.

A Okay? This one in particular, who I had spent previous months getting to know and trusting.

Q Uh-huh.

A So, you know, sure I read this, sure I gave it credibility, right? But just look at the first one, for example, that you just read, right? Is he talking about the attack on the TMF or is he talking about the first attack on Benghazi base or is he talking about the second attack on Benghazi base, the third attack of the night? It's not clear.

Q It says State compound, it was an assault/probe vice flash mob?

A Where is that?

Q It's on bullet point one.

A Okay, okay.

Q At least how I read it he is talking about the State compound.

A Okay. So at the time I would have read that, right?

Q Uh-huh.

A But, look, this is really important, right, this is probably the most important context of the day here.

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Q Uh-huh.

A I'm not the analyst. The director is not the analyst. The head of the DI is not the analyst, right? The analyst is getting all of this information. This is one piece of hundreds of documents that they are getting.

Q Did this actually go to the analysts?

A I assume so. I assume so.

Q Okay. Why would you assume it went to the analysts if it was created for you?

A Because I believe all the updates -- the updates were shared. I mean, that's something we can check, okay, something we can check.

Q So you believe that this worldwide unrest update was shared with you?

A Absolutely. And something you can ask

Q But I'm not interested at this point in what the analysts know, I'm interested in what you know. And at this point you know what the COS was reporting in this document and that was that there was an assault/prove vice flash mob?

A And you know what? This turns out to be wrong. I'm sure you've seen the NCTC analysis and the NCTC video of what that assault actually looked like on Benghazi that night.

Q Have you looked at the entire video?

A Yes.

Q Okay. So walk me through exactly what you saw, the footage?

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When did you start watching the footage, at what time and at what time did you --

A So what I watched multiple times was the analysis produced by NCTC that was presented --

Q I'm not asking about the analysis, I'm asking about --

Mr. Wainstein. Let him finish.

Mr. Davis. Okay.

Mr. Morell. And the video, video clips were embedded in there.

BY MR. DAVIS:

Q So you saw clips?

A I saw clips.

Q But you didn't see the whole video?

A Correct.

Q Okay. So, I'm sorry, you can finish with your statement about the NCTC analysis.

A And that analysis was very clear, right, that this was not a military-style organized attack, right, that when you watch that -- when you see when you see those clips, right, and you look at their analysis -- so it's not just the clips, right, it's the analysis, right, that this was -- at the TMF, right, it's different at the base, at the TMF this looks much more like an organized mob than it does a military-style assault.

Q And did the organized mob, did they show up with weapons?

A Yes.

Q They showed up with AK-47s?

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A I don't know the specific weapons.

Q You know the specific weapons. You know an AK-47 when you see one, don't you?

A I wasn't looking at the video close enough to try to identify weapons.

Q Okay. So you don't know whether or not they showed up with AK-47s?

A I know they showed up with weapons, right, because that was the analysis that we received.

Q So what you are saying is the assault/probe vice flash mob is incorrect.

A No, what I'm saying is, is look -- and what I said about the analyst is absolutely true of me, right? This wasn't the only piece that I was shown that morning.

Q Oh, no, we're going to go through others.

A Okay. But the pieces I saw that morning are going to mean much more than the pieces you're going to show me. You're going to show me certain ones, right?

Q Well, why don't you give me an example of other pieces that you saw that morning regarding Libya and the attack? Do you know what they were?

A Let me tell you about a piece that the CIA station disseminated, right, on Friday the 14th, right, with a source of the CIA station saying there was a protest.

Q Okay. Well, we were going to talk about that later, but

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we can jump in and talk about that one now if you want do that.

A So, look, the point is -- the point is -- the point is there is a flood of information coming in, right, and it's not my job as the deputy director of CIA to assess all this stuff. Right?

Q Right.

A It's the job of the analyst. So I'm looking at it from the perspective of, geez, is there anything here that's going to lead me to raise questions with the analyst?

Q Okay. And was there anything in this particular email, the worldwide unrest update, that caused you to raise questions with the analyst?

A So this is not the -- this is not from the 14th. So, no.

Q No. Okay. Let's look at Exhibit 8.

[Morell Exhibit No. 8

Was marked for identification.]

BY MR. DAVIS:

Q This was September 14, 2012, 4:05 p.m., from [] chief of station, to [] Do you know who [] is?

A No idea.

Q Okay. I believe she was a TTC.

So this is an email, and I will read it -- you can read it. You just take a minute to read it. Have you seen this email before?

A No, not that I'm aware of, put it that way.

Q That's fine. Why don't you take a look at it?

A The email or the --

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Q The actual email.

A On top?

Q Yes. I'm sorry. Page 1, just page 1, just the email.

A Okay.

Q Okay. You don't believe this is something that you have ever seen?

A Not that I remember.

Q All right. So we asked the chief of station about this email. He says he believes it made it to you. He said his questions --

Ms. Sawyer. Carlton, if you could do us a favor and if you are going to cite what the chief of station said in context, would you please show him what he was asked and how he responded.

Mr. Davis. Okay. We can do that later. I'm just asserting that the chief of station said that he believed the email made it to you and he had no reason to believe that it did not. And we can share that with him during a different hour.

But at some point on the 14th you actually asked the chief of station for a further assessment of --

A No, no.

Q You did not? You never asked him for an assessment?

A The 15th.

Q It was on the 15th. So you never asked him for anything on the 14th?

A No.

Q Okay. And that's what you've testified to, you believe,

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consistently --

A Yes.

Q -- in your open testimony and closed testimony?

A Fifteenth is Saturday.

Q Fifteenth is Saturday, that's correct. Okay.

A That's correct.

Q So you had no conversations through your executive assistants back to the chief of station asking for any further information?

A On the 14th?

Q On the 14th?

A I don't believe so.

Q Okay. And hand out Exhibit 9 very quickly and we can talk about Exhibit 9.

[Morell Exhibit No. 9

Was marked for identification.]

BY MR. DAVIS:

Q While we're doing that, let me cite exhibit 8 really quickly. It's request 15-0005 from the CIA production. September 14, 2012, 4:05 p.m. The second sentence of the email -- well, the email says, "[] we are verifying some of the events that took place in front of the State Department facility with some of the Embassy personnel. The RSO noted that he was not aware of a protest in front of the consulate. (The DOS facility where the Ambo and the ARSO's were staying)." And then the email goes on from there.

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Exhibit 9. Exhibit 9, I apologize for all the talking, this is document request 18-123. This is document number You had mentioned that you saw an email -- I'm sorry, you had seen a report from station that mentioned that there was a protest. I'll give you a minute to look at this if you'd like --

A I don't know. Let me just be clear here.

Q I can point you to --

A I don't know if I saw it at the time or if it was raised with me later.

Q Okay.

A Okay?

Q Okay. All right. That's fine. Then we'll set it to the side for now, if you're not sure whether or not you saw it at the time.

A Okay.

Q Okay. Sorry about that, I misheard you. I thought you said you did.

A Perhaps I misspoke.

Q That's fine. We can dissect that later on, if need be.

So you talked during the last hour how you were first brought into the fold on the HPSCI talking points later in the day on the 14th. Just share with us briefly how that unfolded, your understanding of what the process was before you became aware, and when you became aware and what you did at that point?

A So my understanding, based on what I was later told, was that in the director's briefing of HPSCI that morning that the ranking

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member asked for unclassified talking points that Members could use that weekend with the media. The specific request I was told was, what can we say about what happened in Benghazi, more or less. I was told later that [] who was at the briefing with the director, came back to headquarters and immediately [] -- didn't ask [] analyst -- but [] sat down and did a draft of the talking points.

My understanding, based on what I learned later, is that [] coordinated those inside of CTC, and [] may have actually coordinated them with the Office of General Counsel, don't remember that for sure. And then once [] had coordinated them with -- inside CTC, with both the analysts and the operators, analysts and operators, and with OGC, that [] sent them to the Office of Congressional Affairs. Based on what I understand later, [] idea was that the Office of Congressional Affairs was going to send them back to HPSCI, right?

Q Uh-huh.

A That would be the -- that would be the path back to HPSCI.

It's my understanding -- this is still all before I ever even heard about the talking points, right -- my understanding at that point that the director of the Office of Congressional Affairs puts together an editing session with his officers and with officers from the Office of Public Affairs. Actually, I think the first thing they did was they sent them out to the interagency and then kind of recalled them. But the main thing they did, right, was their own editing sessions where they made a number of changes, and there was no analyst in the room

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when they made these changes.

They then sent them out to the interagency -- oh, I'm sorry, they also showed them to Director Petraeus, most likely through his chief of staff. And I was told later -- learned later, right, that Director Petraeus asked that the warning language be put in; the warning language being the warning we had done to [redacted] and the general warning language about all the reporting we had done about the deteriorating security situation in eastern Libya and in Benghazi in particular, that the director asked that that be put in.

That was then sent out for coordination in the interagency, and I think people were talking back and forth, and some changes were made, some changes were made by State, some changes were made by the FBI, a couple changes made by the White House. This was all before I even knew about the talking points.

Q Yep.

A Okay. So there was a weekly meeting on Syria, followed by our three-times-a-week meeting on counterterrorism. In between those two meetings, the director's chief of staff walked up to me in the director's conference room and said, here, you need to see these. You need to be aware of this, you need to get involved in this. I said, what's this? And he explained the origin of the talking points and he explained kind of where they were in the process. I skimmed the talking points, and I immediately reacted to the warning language.

Q That's what you testified to Mr. Schiff?

A Immediately reacted to the warning language. And if [redacted]

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were here he would tell you exactly the same thing, I think. And he would also tell you why I reacted to the warning language because I told him, that I thought it was inappropriate for us to put the warning language in because I thought this was going to come back, it would blow back on the Central Intelligence Agency for thumping our chest and saying, see, we got this right, we warned, not our fault, somebody else's fault. I thought that was -- I thought that would be really bad for the CIA.

Why do I think that was bad for the CIA? Because in the interagency for CIA to be effective in conducting its mission I need things from the rest of the interagency. I would routinely called Bill Burns and asked Bill to take care of things for me. I mean, we might have an ambassador somewhere who says CIA is not going to meet with anybody from that group or CIA is not going to meet with that person anymore. And it would come to me and say, can you get Bill to help us out here? And I'd pick up the phone and call Bill and Bill would help us out.

So I needed State Department to do things for me. So the last thing I wanted was State Department angry for CIA saying, we warned you, over to you. So when I made a decision right then and there that I thought the warning language was inappropriate, I was thinking about what was best for the Central Intelligence Agency, not -- not what was best for Secretary Clinton or the State Department or President Obama.

So I say to my EA, where is this in the process? And he said, it's being coordinated. I say, okay, I will deal with it in the

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morning. I made no changes that night, contrary to the SSCI report on Benghazi which says I did. I have no idea where they got that from.

So that's it for that night with me, right? But later that night what happens is the State Department objects, right, to the inclusion of the warning language. I wasn't surprised at all the State Department objected to the warning language being in there. If I was State Department I would have objected too. So the talking points late Friday are in limbo because the State Department is not coordinated.

So I come in the next morning and my -- and the next morning, by the way, is a deputies meeting at 8. Family Day at CIA -- once a year you allow families to come on the compound, walk around, visit offices, et cetera, et cetera -- is at 9.

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[12:12 p.m.]

A And first thing my EA tells me is that Denis McDonough, then the deputy National Security Advisor, wants to talk about -- wants to talk about the talking points in the deputies meeting, and I say, okay. I have a conversation with General Petraeus about the talking points, and [] was there, and I believe he would -- if he were here, he would agree with what I'm about ready to tell you, that I told Director Petraeus that the talking points were stuck, that the State Department was objecting to the warning language, and I told him that I agreed that the warning language should be taken out, and the Director didn't say a word to me. He didn't tell me that he was going to put it in, he didn't say, keep -- keep the warning language in there, I think it's really important. He didn't say anything.

We do our family day stuff, which includes literally hundreds of people coming through my office and shaking hands with me, and the whole time I'm thinking these talking points are sitting on my desk, actually my EA's desk.

So when the family thing is done, I go and edit the talking points and I literally edit them in 5, 10 minutes and I fly through them. And as you know, I made a bunch of changes, and the most significant of which is taking out the warning language. So that's kind of the -- that's kind of the story there.

[Morell Exhibit Nos. 10, 11, and 12
Were marked for identification.]

BY MR. DAVIS:

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Q So you mentioned that you weren't brought into the loop. So we're going to hand out three exhibits. First one, exhibit 10, is the 100 pages of talking points that the White House released publicly in May of 2013. I presume you have looked at those, not recently, at some point in your life?

A Yeah. I wouldn't say I've looked at them, you know --

Q In depth?

A -- in depth, but, yeah, I got them.

Q Okay. And then the other two exhibits we can discuss in a couple minutes.

So you said you weren't brought in the loop until your -- I believe it was your weekly meeting where [] --

A Between the meetings.

Q Between meetings where [] said, hey, we have these talking points. You immediately objected. You mentioned later on that evening the State Department had some objections to some of the language in there.

Did you have any conversations, whether email or telephone with anybody at the State Department regarding the talking points --

A No.

Q -- that Friday evening?

A No.

Q No. And when I say "anybody," that includes Jake Sullivan, that includes Mr. Burns, that includes Victoria Nuland.

A Nobody.

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Q So you never talked to anybody about it?

A No.

Q Okay. Great. So let's look at exhibit 10. These are the talking points. And the way these things are printed out makes them very difficult, quite difficult to decipher. So I just want to draw your attention to a couple particular areas. And I realize that a lot of these emails are before you were brought into the fold. So the very first email is at 11:29, 9/14/12. You weren't aware of this tasking at that point. So all I'm asking you to do is to look at these emails and kind put your analyst hat on. Okay. I understand you're the deputy director, but, you know, you're a very senior analyst with a wealth of experience, so I'd ask you to put your analyst hat on --

A Sure.

Q -- and just give me your thoughts.

A Sure.

Q So to direct your attention to page 4, and the bottom of page 4 -- on the top of page 4, it says, "NE coords on the below paper to include the earlier edits," so there have already been a couple of edits, but if you look at the bullet points of where the talking points are at this point in time, I believe it's -- if you go to the bottom of page 3, I believe it's 2:39 p.m. 2:39 p.m. is what it says on the date and time.

A I see that.

Q So the very first bullet point at the bottom of page 4, "We believe, based on currently available information, that the attacks

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in Benghazi were spontaneously inspired by the protests at the U.S. Embassy in Cairo and evolved into a direct assault against the U.S. consulate, and subsequently its annex."

Have you seen that language before anywhere?

A Yes.

Q And where was that?

A I think when we went through this whole --

Q In the September 13 WIRE. I mean, you can look at exhibit -- I believe it's exhibit 1, and it mirrors very closely to that language.

A Yeah. It's a little bit different.

Q Exhibit 2.

A It's a little bit different.

Q A little bit different, but it mirrors very closely to that language?

A Yes.

Q Is that fair to say?

A Yes, it is.

Q This assessment may change as additional information is collected and analyzed and currently available information continues to be evaluated.

Second bullet point: "The crowd almost certainly was a mix of individuals with access" -- I'm sorry -- "from across many sectors of the Libyan society. That being said, we do know that Islamic extremists with ties to Al Qaeda participated in the attack."

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Do you know if, at that point, it was known that Islamic extremists with ties to Al Qaeda participated in the attack?

A I believe so.

Q So you believe --

A Yes.

Q -- there was intelligence --

A I believe there was intelligence.

Q Okay. And when you say, "intelligence," do know what type of intelligence it was?

A I don't.

Q Okay. Could it have been signals intelligence that had indicated that at that point?

A Could have been signals intelligence, could have been HUMINT. I don't know.

Q Okay. So flipping ahead to page 3, this is a response.

A Flipping ahead or backwards?

Q Backwards. Backwards. There was a response, and it says, second tick says, we know -- I believe "know" is italicized -- extremists with ties to AQ participated -- I believe that's italicized -- in the attack, which implies complicity in the deaths of the American officers. Do we know this, question mark. And that was a question, I believe, that came from NCS at 2:52 p.m. Do you follow?

A Yes.

Q Okay. I realize it's a little difficult to follow --

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A Yes.

Q -- as written. So flipping back to page 2 --

A And I do know --

Q Yes.

A -- by the way, based on what I've learned subsequent, right, I do know that this was part of the internal coordination inside CTC that undertook herself.

Q Okay.

A Okay?

Q Okay. Great. So flipping back to page 2, so this is an email at 3:19 p.m. Do you see that?

A Yep.

Q I'm not entirely sure who drafted this email, but it says, good point that it could interpreted this way. Perhaps better stated that we know they participated in the protests; we do not know who was responsible for the deaths.

So kind of putting your analyst hat on, is it fair to say that they know that Al Qaeda participated in the protests?

A So, yeah. Yes.

Q But there were no protests?

A We didn't know. At the time, we thought there were.

Q I guess my question is, the original --

A So, yes, it would have been fair.

Q But the original bullet point said, we know, we know extremists with ties to AQ participated in the attack.

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At the time, that was known based on intelligence, HUMINT, SIGINT, whatever it was, but the change says, perhaps better stated that we know they participated in the protests. That turned out to be a false statement. Is that --

A Look, I think -- so this is -- I'm now going to go beyond Michael Morell the analyst here --

Q Yep.

A -- right? This is a little difficult situation you're putting me in here --

Q I understand.

A -- because I know stuff about this, but you're asking me to not -- you know, you're asking me to set myself aside from that, right?

Q Yeah. Sure.

A So my understanding, this conversation's taking place through [] coordination, right? And one of the things they're conscious of, right, is the CIA general counsel, and this is not in -- and as you know, he wrote an email that day, but we had talked about this in the days before, that we had to be very careful, very careful in attributing a specific group or specific individuals as the perpetrators of the attack, because the FBI investigation was just beginning, right?

Q Right.

A So that is the reason why they -- they softened this language. I think that's what [] will tell you.

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Q Okay. I understand that. Let's flip ahead to page 15, I guess. So that language was softened, because there was concern in the second bullet point that if we stated publicly that Al Qaeda participated in the attacks, that might somehow jeopardize the prosecution. Is that fair to say? Is that your understanding?

A That was my understanding --

Q That was your understanding.

A -- of why the -- my understanding of why the change was made.

Q Okay. And that referred --

A My understanding.

Q That referred to the second bullet point as opposed to why "attacks" were changed to "protests"?

A My understanding.

Q Okay. Let's flip to page 15.

A Because you said, you know, when we started this whole process, you said, you know, if there's somebody who knows better, let us know.

Q And I appreciate that.

A All right? --

Q I understand that.

A -- knows much better than I.

Q I understand. And, again, this is not a process that you were involved with. I'm asking you to review documents before they came to your desk. And so it's fine. I understand that.

I just want to flip ahead to page 15 very briefly. You look at

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the first bullet point.

A 15?

Q Yes, page 15.

A Sure.

Q First bullet point, so this is 4:42 p.m., it's from the chief of media relations, OPA, at the CIA, for review before sending to White House. First bullet point, "The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the U.S. embassy in Cairo and evolved into a direct assault at the U.S. consulate, and subsequently its annex."

So that's the first sentence to bullet point one.

Bullet point two: "The crowd almost certainly was a mix of individuals from across many sections of Libyan society" -- "sectors of Libyan society. The investigation is ongoing as to who is responsible. That being said, we do know that Islamic extremists participated in the violent demonstrations."

A Yes.

Q So what we see here, at least how I read it, in bullet point two, the concern that was raised earlier about Al Qaeda or Islamic extremists being involved in the attacks has being changed to being participated in the violent demonstrations. Do you see that?

A That's the change they made, yes.

Q But in bullet point one, it appears that the word was also changed. The currently available information suggests that the demonstrations --

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A Yes.

Q -- in Benghazi --

A Yes.

Q -- you got the attacks in Benghazi.

A Yes.

Q Do you know why that was changed to bullet point one if there was an issue on bullet point 2?

A So bullet point two was a change that was made in coordination.

Q Right.

A Bullet point one was a change that was made in the Office of Congressional Affairs Office of Public Affairs editing session.

Q Uh-huh.

A Right? And when we looked at this later, didn't know this was happening at the time, right, when I looked at the talking points, I had no idea all the changes they had gone through, right?

Q Right.

A None.

Q I understand.

A Now, what they said -- you know, as we looked into this, what those officers in OPA and OCA said is that they changed it because it didn't really make a lot of sense as it was written, right, that attacks evolved into an assault.

Q Right.

A That's kind of weird to say that, even though that's what

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the PDB originally said, right?

Q That's the PDB said that had gone through the extensive editing process 2 days earlier.

A But to me, to me as an analyst, put my analyst hat on again, to me, what's important is that the concept that there had been a direct assault was still in here, they hadn't lost that at all.

Q Right. But the word "attack" had been changed to "demonstration" --

A Right.

Q -- and that made it all the way through the final version of the talking points.

A Yes.

Q Yes. Okay. I mean, are "attack" and "demonstration," are those synonymous words to you?

A No.

Q So the meaning of the sentence was entirely changed?

A Right. But here's what I'm saying is the -- and I'm explaining, I'm not defending what they did.

Q Right. I understand.

A I'm explaining.

Q Okay.

A I'm on the record for saying there should have been an analyst in the room when they were making these changes, right?

Q Uh-huh.

A But what they say is that saying the currently available

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information suggests that the attacks, I think it was attacks, right, that the attacks in Benghazi were spontaneously inspired by the protests and evolved into an assault. Attacks evolving into an assault doesn't make any sense.

Q I understand that.

A So, right? What the analysts were saying was protests evolved into an assault, right? That's what they were saying in the PDB.

Q But that's not what the PDB said.

A But that's --

Q That's not the language.

A That's not the language in the PDB, but that's what they believed, right?

Q Okay.

A And as I said again, what's important is that the concept of direct assault is still in there.

Q So I want to jump --

A Nobody took that out.

Q So I want to jump ahead to the -- my time's running brief, so I might trickle a little bit over in hopes that we will not have to revisit this topic on my next hour, if that's okay.

So you already said you didn't talk to anyone at the State Department that night. Ben Rhodes, you can look on page 55, he says, "There's a ton of wrong information getting out into the public domain from Congress and people who are not particularly informed. Insofar

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as we have firmed up assessments that don't compromise intel of the investigation, we need to have the capability to correct the record as there are significant policy and messaging ramifications that would flow from a hardened misimpression."

So we can explore that more in depth later on, but did you speak with Ben Rhodes --

A No.

Q -- about these talking points at any time?

A No.

Q No? Okay. So I want to direct your attention to exhibits 11 and exhibits 12, which I believe you have in front of you.

Mr. Chipman. They're on your left, sir.

Mr. Morell. Here? Got it.

BY MR. DAVIS:

Q Yeah. So exhibit 11 is an email, September 15, 2012, 7:27 a.m. to [redacted] from [redacted], "Subject, forward DDCIA weekend TPs." And I want to direct your attention in particular to the bottom of page 2. Are you familiar with this email? Have you seen this email before?

A I just want to make sure this is the one I remember.

Q Sure. Look at the bottom of page 2.

And in particular, I'll direct you to the very bottom.

A Yeah, go ahead.

Q In caps it says, "INTEL: Station notes the following information from the past 24 hours which strengthen station's

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assessment that the attacks were not/not spontaneous, and not/not an escalation of protests."

A Yeah.

Q Okay. So you're familiar with this email?

A Yeah.

Q And you're familiar with this email roughly around the time that it was sent by at 7:27 on September 15th?

A [No verbal response.]

Q The next paragraph says, "press reports note that at the time of the attack" --

A Yeah.

Q -- circa 2130 local --

A Yeah. I don't know if I'm looking at the right document here.

Q I'm sorry. Is that 12?

Mr. Chipman. The header should read --

Mr. Davis. Oh. I'm sorry.

Mr. Chipman. -- the daytime 9/15 --

Mr. Morell. Okay. I was looking at the next one.

Mr. Davis. I apologize, sir.

Mr. Morell. All right. I've got it.

Mr. Davis. I'm sorry.

Mr. Morell. Now I'm with you.

Mr. Davis. I'm sorry.

Mr. Morell. No, no. No, no.

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Mr. Davis. Okay.

Mr. Morell. I'm with you. Yes.

Ms. Leiber. I'm sorry. Just so the record is totally clear.

Are we talking about the exhibit 12 or 11?

Mr. Davis. How is it marked -- sir, how is it marked on your -- how is that exhibit right there marked?

Mr. Morell. 12.

Mr. Davis. Okay. Then it's 12. Then that's my mistake.

Mr. Wainstein. So 12 is 9/15/2012, 7:27.

Mr. Davis. Correct. Request 15-0011.

Mr. Morell. Yep.

Mr. Davis. I apologize.

Mr. Morell. Yep.

Mr. Davis. Okay. Thank you.

BY MR. DAVIS:

Q So you're familiar with this email?

A You betcha.

Q And you were familiar with it at the time it was sent?

A Yes.

Q Okay. And the other one, exhibit 11, this is request 1-002167, that's the one you were looking at earlier. Date, 9/15/12, 8:50 a.m. from to Michael M. That's you, correct?

A Yeah. Probably.

Q Michael J. M.?

A Yeah, yeah.

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Q Yeah.

A That's me.

Q "Subject, forward, observations from the 11 to 12, September 2012 attacks against the U.S. consulate and a separate U.S. facility in Benghazi, Libya." So you also had this -- you received this email?

A I received it.

Q On September 15th?

A Actually I received it.

Q And presumably you read this email on September 15th?

A I almost certain -- I don't remember reading it, but I almost certainly would not have not read an email from the chief of staff.

Q The message from you to [] says, "Sir, comma, some parts of the below seem a bit odd or at least they don't mesh entirely with what I've heard" --

A No, no, no, no, no. This is an email from [] to me.

Q Yes. I'm sorry. From [] to you. "Some parts of the below seem a bit odd or at least they don't mesh entirely with what I've heard before, I think. I also think this should not have been sourced to a CIA officer. She/he was clearly" -- "clearly was getting the info from a militia commander in all or most of what's reported below. Anyway, please see the highlighted text as examples of what I mean. I know I'm confused."

So this is an email that you believe you would have almost

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certainly read because it came from the chief of staff?

A Yes.

Q Okay. So I just --

A But I don't remember it.

Q You don't remember it. Okay.

A I don't have any recall of it.

Q So I just want to put these two emails, I guess, side by side here, exhibit 11 and exhibit 12. They both came into you and you read both of them, at least you believe you read both of them, the morning of September 15th shortly before you made the final edits on the talking points. Is that fair to say?

A Well, I know I read 12.

Q You know you read 12. You believe you read 11.

A I presume I read 11.

Q So why don't you share precisely -- well, let me ask. 12 is an email that was sent by the Chief of Station. It says, "Station notes the following information from the past 24 hours, which strengthens stations's assessment that the attacks were not/not spontaneous and not/not an escalation of protests. Press reports noted that at the time of the attacks circa 2130 local, guards posted at the U.S. consulate in Benghazi and Libyans residing in the vicinity reported the absence of protests at the consulate and specified that the attack began without warning. A CIA officer on the scene noted that at approximately 2200, there was no sign of a protest at the consulate."

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What were your thoughts when you read that?

A So this jumped out at me. You know, this is -- context here, right, this is in a big pile on my desk.

Q Sure.

A Context, right, we're having two deputies meetings a day, is putting together for me a pack of stuff that he wants me to read before I go to the deputies meeting, okay. This is part of that stack. So this is in a stack of stuff. It's not sitting there all by itself with a little sticky that says, this is incredibly important. Okay? It's in a stack of stuff.

I go through it, I read this, right, and the line in there about, we don't think this was a protest, right, jumps out at me. Why did it jump out at me? Because the analysts believed there was a protest. So here I have my analysts saying there was a protest, and I've got my Chief of Station, a guy I've got a lot of confidence in, right, telling me there was no protest.

The other thing that jumped out at me were that the reasons he gave -- where are we here? Let me find it again.

Q The bottom of page 2, last -- beginning the last paragraph is what you're probably looking for.

A So he gives two reasons, right, why he thinks -- or two reasons here why he thinks there was no protest, the first is that there were press reports saying no protest, but what goes through my mind, right, is, look, I know that there's press reports that say there were protests. Okay?

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Q Do you know which press report -- press reports in this email he was referring to?

A No. He says here, right, guards posted at the -- so he doesn't get into specifics.

Q He doesn't get into specifics --

A But --

Q -- so you don't --

A -- you know, a little bit, right?

Q Sure.

A And then the next reason he gives is that a CIA officer on the scene noted that at approximately 2200, there was no sign of a protest at the consulate. And what goes through my mind then is, well, you know what, that's -- 2200 is 20 minutes after the attack started, right? Maybe everybody dispersed by then. What I react to now is that they didn't get there at 2200. They got to the corner, they got to the corner of the street that the TMF was on at 10 minutes after 10:00. They didn't even -- they didn't get to the TM -- to the front of the TMF itself until 2240, an hour after the attack started. So not compelling at all, right?

So I say to my EA, this is a friggin' big deal. COS says no protest. Our analysts say there's a protest. Could we ask him to give us more on why he thinks there's no protest? Okay? So my EA sends a note -- I assume my EA sent a note to him. He could have sent it through other channels, right? My EA sends a note that says, deputy director wants to know more, right? Big deal. Deputy director wants

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to know more. So that's Saturday.

The other thing that happens on Saturday, right, the other thing that happens on Saturday is that we have the deputies meeting at 8 o'clock. I read this before the deputies meeting. At the beginning of the deputies meeting when we're going around the room and Denis is asking for updates, one of the things I say in my update is that I got a note from the COS saying that there was no protest. That's obviously in conflict with what the analysts think. We're looking into it. We'll get back to you. Okay?

So the next morning I come in, Sunday morning.

Q Could we stay -- could we stick with Saturday? Is that --

A Well, I'm trying to get through the whole story here.

Q Okay. Okay.

A So -- and then I'll be done with this.

Q Sure.

A Okay?

Q Sure, sure.

A The next day I come in and there's a nice cable from the COS saying, here's why, here's all the reasons why I think it's a protest. Okay? I tell my EA, send it to the analysts and say, does this -- what do you now -- what do think now? Right? Does this change, does this change your judgment about a protest? All right? And I send an email, I forward this COS cable to the Director and I say, this is why he thinks there wasn't a protest. I've asked the analysts to look at it. They'll get back to us. His response was,

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Great. Let's see what the analysts say.

That night, they get back to us and they say, look, we looked at it. We're sticking to our judgment that there was a protest, although we're open to changing it. Okay?

If I had to do this whole thing over again, I'd do it exactly the same way. I'd do it exactly the same way. I think that my actions in this regard were exactly what you would expect a deputy director to do.

Q So you were the one that was tasked -- I don't know if "tasked" is the right word, but you were the one that said that you would change the talking points because you were so dissatisfied with the product from Friday. Is that right?

A So two things happened, right, two things happened that made me the editor of the talking points at the end of the day. One was that there was controversy in the community over them, right? So it rose up, right?

Q Right.

A The second was that Denis wanted to talk about them, right, at the deputies meeting, right, which Denis turned out to never have raised them. I raised them, then, at the end. So those two things kind of vaulted this into my lap at the end of the day and, right, my concern about the warning language blowing back on CIA.

Q So when you were editing the talking points -- this wasn't the first time that the Chief of Station had mentioned the fact that there was -- there was not necessarily a protest. The day before, the

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email, exhibit 7 that we've talked about at the beginning of the hour, State compound was an assault/slash probe vice/slash mob. I mean, did that fit into what you --

A It didn't jump out at me the way this did.

Q Okay.

A Okay?

Q Okay. So this, exhibit 11, is stronger than --

A 12.

Q So exhibit 12 is stronger than the assessment given by the Chief of Station a day earlier?

A I certainly remember it that way.

Q You certainly remember it that way. Okay. But ultimately, you're the one that put the pen to the paper and changed the talking points?

A Yes.

Q And the information you had in front of you at the time, when you were editing the talking points, you had the WIRE from 2 days earlier, correct? That was -- that was fresh in your mind, is that right, the assessment?

A And the --

Q
September

13 wire?

A And the WIRE/slash PDB from the 15th which reinforced some

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of the judgments from the 13th. But go ahead.

Q Yeah, yeah.

A Go ahead.

Q No. I'm only rolling my eyes because, I mean, that's a separate conversation that we're not going to be able to get into during this hour, so I guess we're going to have to spill over into the next hour.

Ms. Sawyer. Yeah. And, Carlton, you're going into my hour.

Mr. Davis. So we can go ahead and --

Ms. Sawyer. We're already over time.

Mr. Davis. I acknowledge that I --

Ms. Sawyer. We already gave you --

Mr. Davis. I appreciate that. I acknowledge that I went over time.

Mr. Morell. But you -- but I -- look, I see where you're going. Okay?

BY MR. DAVIS:

Q Here's where I'm going, okay, just to put it plainly, and we can go through the 15th WIRE and some of the sourcing issues that there were with the 15th WIRE, but, you know, everything I've read, you know, from what you have said, you know, and you said so on the 16th, you said when the report came in from station on the 16th, Look, we'll send it to the analysts, we'll see what the analysts say. I actually have a different read what the analysts come back as what you say, and maybe we can discuss that a little bit later, but the bottom

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line is you were editing the talking points, the analysts were not editing the talking points.

A [No verbal response.]

Q You had all this information in front of you, the WIRE from the 13th, the WIRE from the 15th, the email from the 14th, the email from the 15th, the other email from the 15th, and it was incumbent on you as a former analyst to kind of assess everything --

A No.

Q -- you know, at the --

A No.

Q You don't see it that way?

A No, no, no, no, no. Not at all.

Q Why don't you see it that way?

A It's not my job, it is not my job to be the analyst, right? It's not my job to take all this information and come to an analytic conclusion. That's the job of the analysts. So when I -- look, and had I done that, had I played analyst, right, and started editing the talking points and started changing them to reflect what the COS said, the analysts would have protested, because they -- at that moment, they still believed that there had been a protest. So for me to take it out because the COS said there wasn't one would have gotten a reaction from the analysts. They would have seen me as politicizing the analysis. All right?

Q How would that have politicized the analysis, the fact that you're --

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A They would have seen it that way.

Q But you're taking judgments from somebody that you had worked with very closely, somebody that you had deemed an exemplary intelligence officer.

A Look, managers at CIA don't do the analysis. When they are perceived to be doing the analysis, the analysts go nuts, right? Bob Gates was accused of that, other senior officials at CIA have been accused of that. Analysts go nuts when they think that managers are doing the analysis themselves, particularly when they disagree with that analysis. So the last thing I was going to do was change the analysts' analysis, right?

Their -- their analysis at that point and the way they had written the talking points was that there was a protest; they believed that at the time, right? Turned out to be wrong, but they believed that at the time. And, and not only did I edit the talking points, you know, perhaps not in the -- in the most artful way, right, absolutely not --

Q Sure.

A -- but I sent it back to the analysts and I sent it back to the operators, right, the people who were above the Chief of Station in the chain of command, and everybody said, these are okay.

Q Did the operators say it was okay?

A Yes.

Q They did?

A Yes.

Mr. Davis. We'll go off the record at this point since I'm

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10 minutes over my time. I appreciate it.

[Discussion off the record.]

Ms. Sawyer. I think that the time is 1:30.

BY MS. SAWYER:

Q I wanted to start, Mr. Morell, just by discussing a couple of the exhibits from the last hour.

A Sure.

Q So if you could get those in front of you.

A Which ones?

Q I want to just start with exhibit 6, which was The New York Times article that bears the headline, Diplomats' Bodies Returned to the U.S. and Libyan Guards Recount Deadly Riot. You were shown a portion of that article, and I wanted to ask you actually about something that came a little later. If you look on page 3 down toward the bottom of that section, the second to last paragraph is talking about American officials were also still trying to get more clarity on the arrests of four men said to be involved in the attacks, but as they continued sorting through intelligence, they have disputed suggestions floated in Washington and abroad that the attack in Benghazi was premeditated.

Then there's a quote, it says, quote, We have no indication that that's the case, an administration official said. The current information available to the White House suggests that the protests in Benghazi were spontaneous and spurred by the Cairo protests, but evolved over time as Islamic extremists took advantage of the

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situation, called in reinforcements and weaponry, and mounted an attack.

Only the first part of that was an actual quote, the rest was a representation of what the administration official said.

You know, one of the themes that we talked about and have come clear, and you expressed a concern that the way the points were written, it could have given the impression that there was a belief that the protesters had become the attackers, and you had said that was never the belief. Is that accurate?

A That's my -- so, yes, that's my understanding based on what the analysts subsequently said to me.

Q This article seems to draw a distinction and doesn't make the claim that extremists -- that protesters were the attackers. It mentions specifically Islamic extremists took advantage of the situation. Was that consistent with what the agency believed at the time?

A Yes.

Q And to the extent it also believed -- you've made very clear that the belief was that there were protests in Benghazi?

A Yes.

Q Certainly as of the 13th through, and we'll get to exactly when the assessment changed, but through the 15th and 16th --

A Absolutely.

Q -- of September. And so to the extent there was the belief that there were protests and there were attackers, and it sounds like

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there was a mix, there was a belief that there were a mix of individuals and maybe they were all in a group, protesters embedded with -- attackers embedded with protesters, is that a fair characterization?

A Yeah. I think -- I think, and this is a good question for the analysts, right, but my perception -- my reading of what the analysts have been saying is that the people who actually attacked, right, there was a mix of individuals among the attackers. They weren't talking about attackers and protesters as a mix, but the guys who actually attacked, there was a mix of people.

Q So that also was a mix of individuals --

A It's my understanding.

Q And difficult to ferret out exactly who was involved even in that mix of individuals. Is that accurate?

A Uh-huh.

Q With regard to protesters who were there --

A At the TMF, I'd say in particular, right. As you go on to the attacks on the base, you know, a lot of the kind of non-aggressive types have gone away, I think.

Q With regard to the belief that there were people there to protest, and the belief was there was a protest, was there any reason other than anger over the YouTube video ever given for the reason protesters would have been at the temporary mission facility?

A Not given, right? The analysis at the time was, right, that they were there because of what happened in Cairo, right, which, of

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course, was a result of the video, but I can't -- I certainly can't think of any other reason they would be there.

Q And, again, this article that indicates that Islamic extremists took advantage of the situation is consistent with the notion in the header on that WIRE that we talked about, which is exhibit 2, I believe.

A Yes, it's consistent with the headline.

Q Extremists Capitalized on Benghazi Protests.

A Uh-huh.

Q So I wanted to talk with you and walk you through a little bit some of the other documents that we've talked about that I think show the evolution of when you became first aware and when others became first aware that there was a discrepancy in the reporting on the protest. You indicated in the last hour that, you know, your testimony was that if you had it to do, you would do it exactly the same. And I want to go through these documents, because I believe, reading them very closely, as we have had the luxury to do, as HPSCI before us had the luxury to do because we've had the documents, they do bear out how the process worked and, quite frankly, that it worked relatively well in this instance. So I do want to have you bear with me as we walk through this process.

So I want to turn your attention to what I think is one of the first documents my colleagues were talking with you about, exhibit 7.

A Sorry. Got it.

Q I believe this was a document you said you were not sure

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that you had ever seen. Is that --

A So what I said was --

Q Oh, I'm sorry. It's the Worldwide Unrest Update.

A Yeah. What I said was I probably did see this.

Q Great.

A I think that's what I said.

Q And that is dated September 14th, 2012, at 7:20 a.m.

A Uh-huh.

Q Was that -- and it looks like the folks there are all in, you know, headquarters base, so that would have been D.C. time early in the morning on the 14th.

A Yes.

Q And on that second page, my colleague talked to you a bit about the reporting in from Tripoli. And I just wanted to make sure that you had a full opportunity to explain, because I felt that you were trying to explain why you did not think even there that was definitive as to what had happened at the beginning of the incident at the temporary mission facility, and I think you were explaining, it says, "Fighters were trained not an undisciplined militia. State compound was an assault/slash probe vice flash mob. This is based on the observations of CIA officers who were in the fight assessing the fighting method of the attackers."

Now, the CIA officers were not there at the very outset of the attack, you had explained. Right?

A Correct. They did not actually walk onto the compound

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until an hour later.

Q And you had said that the video that you had seen, you referenced NCTC's analysis and NCTC's video that --

A Video --

Q -- came from the temporary mission facility.

A Video clips, yes.

Q I know that HPSCI and the other intelligence committees had access to that video. This committee has also had access and has reviewed that video. I don't remember every detail of it, and I probably have seen it more recently than you, but my sense, at the beginning, my recollection of the beginning of that video was there were several people, not all of them were armed.

A Correct.

Q Is that accurate?

A That's absolutely correct.

Q So the notion that every person that swarmed onto that compound was armed with heavy, or any weaponry is not accurate. Is that correct?

A So that's absolutely correct. I remember Matt Olsen saying at one session where we went through it is that there were no heavy weapons visible on the video. I don't know if that's true, but I remember Matt saying that.

Q And my recollection as well, from what I saw, and I'm not an analyst, I'm not a military expert, was that there was a certain amount of what appeared to be disarray among the people swarming onto

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the compound. It did not, to me, look like they were well organized and all following a, for lack of a better word, central command. Is that --

A That is my assessment as well. It's not only my assessment, it's the assessment of NCTC and the assessment of CIA, safe to say, the assessment of DNI that this was not a well organized military assault; that these individuals, as you noted, were not all armed, some were, some weren't; that they -- once they got on the compound, they -- they seemed more happy to just be on the compound than to be interested in hurting anybody.

A group of them actually ran to the other end of the compounds just in -- ran by buildings, not into them. A number of them tried to knock down doors, tried to knock open doors that were locked, and in some cases, they were successful, and some cases they weren't and just walked away. In some cases they went into buildings where there were Americans hiding and didn't search for them, but rather walked away with suits and XBoxes and the like.

So absolutely, absolutely I agree with you. It was -- in no way in my mind was this a -- was the first attack, was the attack on the TMF a military-style assault.

Q Now, I ask you that question not to say that I think either you or anyone reading this thought the CIA officers were incorrect with regard to how they were describing their engagement with the attackers, which is what I understand they were describing here. Is that accurate?

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A Sounds that way, yes.

Q Because by the time they were engaged with the attackers, it might have been a very different complexion of individuals, different weaponry versus not armed versus -- they might have been military trained or had some military background. Is that accurate?

A My officers were under fire.

Q So they were potentially describing a different complement of individuals than had been on that compound initially?

A Possibly.

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[1:42 p.m.]

BY MS. SAWYER:

Q And that's why it was not necessarily definitive, one of the reasons this would not necessarily be definitive as to whether or not there had been a protest or protestors in the mix of people who were on that?

A Correct. You're absolutely right. But the context here, right, is that we're also talking about things that were learned much later than when this came in. You've got to be a little bit careful. I think the more important point regarding this document is that, is what I said earlier, right, this is just one of many, many, many documents that are coming into CIA headquarters at the time. And the analysts are looking at all sorts of things that are coming at them. So no single document is definitive, even a document from the chief of station.

Q Absolutely. And part of what the analysts at headquarters are counting on, I assume, is for their experts in the field, including the chief of station, to flag for them and help point out where those officers in the field feel like there has been an oversight or a misunderstanding of what they've seen on the ground.

A Yes. One of the important points here that I don't know if it's been discussed enough, is that when analysts write a PDB, it's required, oftentimes when they write a WIRE, they do it anyway, is they coordinate with the relevant station. So anything that's a PDB I'm confident went out to the station. Right. My understanding, I didn't

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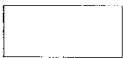
know it at the time, I don't know the details today, but my understanding was there was a pretty robust dialogue going between the analysts at headquarters and the station about the judgments that were being made, right, that's a normal thing. That happens all the time between analysts and stations about what they think happened, what they think is going on, where they think things are heading. It happened in this case I'm told. Very routine.

Q I'll have you take a look at exhibit 8, which you were shown in the last hour. Now, exhibit 8 to me looks like an example of exactly what you're talking about. This may be the exhibit that you were asked about that you were not sure you had seen?

A Correct. Absolutely right.

Q So I wanted to direct your attention -- you know, the point that was focused on in the last hour was this front page, first page, which is, my understanding was it was sent to -- my colleague said it was an analyst -- at CTC potentially, so someone here at headquarters? Would that be --

A I don't know. I don't know where the person is. I'm sorry. The person is in Washington metropolitan area. You can tell that from



Q This is coming from, my understanding is that's the chief of station --

A That is the chief of station, yes.

Q -- from Tripoli. So there was email that was discussed in the last hour, but if you take a look at what appeared to me to be the,

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I don't know if it's an email. You can explain to me what this is, but down beneath, that the chief of station is responding to information that has been sent out. It includes a lot of reporting information. It says the intelligence we have collected, and I'm looking at page 2 at the top right after the line top secret, HCS/SI. It says the intelligence we have collected on the recent attacks in Benghazi

[redacted] And then it goes down and it identifies, by name, a few people, [redacted]

It goes on to identify [redacted] was also involved in the attack. [redacted]

[redacted] And then it goes on to say below [redacted] we are still gathering information, and it identifies [redacted]

Before I ask you my next question, to me this was a very clear example of a point that you have made and others have made time and again about the use of the word "extremist," as opposed to the use of the word "terrorist." To me this is an actual product. You have an analyst discussion and an analyst collection. The word being used here is "extremist," consistently and throughout. Not terrorist, even when they are talking about people who they are saying are affiliates, associates, tied to Al Qaeda who we clearly, in this country, believe to be terrorists. Would you say that's accurate?

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A Yes, it's an example of that, yes, it is.

Q And it seemed when I saw this document and many others, that it was a little -- it was beyond belief that people writing these documents and using the word "extremists" could have had the foresight to have done that with the knowledge that Congress might some day accuse them of using the word "extremist" to try to mislead the American people. Does that seem equally unlikely, unbelievable, impossible to you?

A Yes, it's impossible to me.

Q So on the next page, down at the bottom is the assessment, as far as I can tell. So at the very bottom of this page it says, quote, "We assess extremists took advantage of the opportunity presented by protests at the U.S. Consulate in Benghazi to (per base officials, a protest did not materialize at the Consulate facility) launch an attack on the U.S. Consulate and CIA base on September 11 and 12."

So my understanding of this document was that this information that we just discussed, identifying potential people who were involved and having that assessment acknowledging that the base officials had a different point of view was sent out and that the email sent by the chief of station was potentially a response to that assessment. I understand you and I are speculating a little bit, but does that seem likely?

A So I don't know why did what he did on Saturday morning. This could certainly be a reason. Maybe it was a kind of compilation of discussions that he had with headquarters that led him to do it.

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I think what's important to me here is this idea, right, that I was the only person to know that the chief of station, right, had a different view. Clearly the analysts on the 14th knew that the station had a different view about the protest issue. And the analysts were sticking on the 14th, right, even on the 14th when they knew the station had a different view, they were sticking to their judgment.

Q And that email that went from the chief of station, the one on page 1, says, you know, [] quote, "We are verifying some of the events that took place in front of the State Department facility with some of the Embassy personnel," end quote. So I read that -- he uses the word verifying the information. He doesn't say we know with certainty. We know this is absolutely correct. So as I read it, it doesn't read as if they themselves are saying with certainty. They are confirming that they're verifying information, I presume, to get it back to the analysts at headquarters. Does that seem possible?

A Yes.

Q So this would be a potential example of exactly the type of back and forth that might occur as an analyst is trying, as you said, to gather all of the data points in order to make the best possible assessment based on the best possible information available at the time?

A Yes. I do believe, though, I do believe that [] firmly believed that there was no protests. So I don't think [] was being, you know, not open minded. [] was open minded. I don't think he was saying I don't know whether there was a protest or not. I think

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he really believed it.

Q And is apparently gathering information to help convince others of that belief. Is that accurate?

A Yes, yes.

Q Now, I just wanted to, for a moment, pause. You know, in this document it mentions Ansar al-Shariah. It mentions individuals associated with Ansar al-Shariah. You were given another document by my colleagues. I don't recall if we ever discussed it. It was exhibit 9?

A Got it.

Q This looks to me like just a raw intelligence report. You can correct me if I'm wrong.

A Yes, this is a [REDACTED]

Q And it has information in there about the degree of relationship, et cetera. I assume that's all in order to help analysts to make a determination of how much weight to give this particular data point?

A Correct.

Q I think on the fourth page, the bottom of that page, No. 2 down, it's describing what I assume is the actual information [REDACTED]

[REDACTED] Is that accurate?

A Yes, it's accurate.

Q And it's [REDACTED]

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[REDACTED]
in exhibit 8 as [REDACTED]

A Yes.

Q And in that, I think, second sentence it says, [REDACTED]

[REDACTED]
[REDACTED] took advantage of a planned demonstration at the Consulate to protest the film denigrating Islam and the Prophet Muhammad to carry out retaliation for the death of senior Al Qaeda leader, Abu Yahya al-Libi." [REDACTED] but it indicates [REDACTED]

[REDACTED] Would that be accurate?

A Yes, and this is what I was referring to earlier when I said our station had disseminated a report indicating, suggesting, there was a protest.

Q Okay. And then that group, we have discussed them a number of times, Ansar al-Shariah, I think it came up in the first hour that they had initially claimed credit for the attack?

A Yes, publicly, yes.

Q And then they recanted on actually taking credit; is that accurate?

A That's correct.

Q And that recantation, I'm going to show you what will be marked as exhibit 13 for identification purposes.

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A Thank you.

[Morell Exhibit No. 13

Was marked for identification.]

BY MS. SAWYER:

Q This is a three-page document. It has the title: Libya: Ansar Al-Shariah Video Statement on U.S. Consulate Attack in Benghazi. It's a document that we received from the Agency. HPSCI received it before us, as did the other Intelligence Committee on the Senate side, I believe. The origination date on that next line indicated to me that it was, it originated on September 12?

A Yes.

Q 2012?

A That's my reading as well.

Q This was one of the sources I think that you had cited in your written statement to HPSCI on April 2, 2014, as part of the evidentiary basis for the assessment that there had been an protest in Benghazi. Do you recall that?

A Yes.

Q I'll direct your attention to the very end. Can you describe what this is, this document?

A Yeah. This is an open source center. Open source center is a DNI entity managed by CIA. Their job is to exploit open source for intelligence purposes, and what they've clearly done here is looked at this video and essentially did a write-up of it.

Q And if it were in Arabic initially, which I assume the video

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was --

A This would be a translation of it.

Q -- would there be any reason to doubt their translation?

A No.

Q And this open source and products disseminated by open source are products that the analysts rely upon?

A Yes, very much so.

Q So on that second page right before, it's about two-thirds of the way down, right before the "to see the video you can go to document number," right above that it says, it's describing Ansar al-Shariah's explanation, the paragraph before. And it says: "The Ansar al-Shariah Brigade did not participate in this popular uprising as an independent entity. Rather it was performing its duty in the Al-Jala Hospital and other places where the brigade was entrusted with some duties. The brigade did not participate as an independent entity acting upon some orders. Rather it was a spontaneous and popular uprising in response to what the West did. Thank you," end quote. So portion that I just read would have been what the Speaker from Ansar al-Shariah said?

A Actually said, yes.

Q And that statement, this was a spontaneous and popular uprising, that statement was something the analyst, you cited it in your --

A It was one of the reasons they went to protest, yes.

Q And when they make that statement in response to what the

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West did. On page 1 of this same statement a little earlier, there was a description -- I'm sorry. It's not page 1, it's page 2. It's a little further up the page from their last -- it's the second and third paragraphs. There's a description, historically, they talk about their Prophet being derided by an evil Danish caricaturist. And then they go on in the next paragraph to say now history repeats itself but with different people. Our Prophet, God's prayer and peace be upon him, has been assaulted and derided by some people in the United States and other countries. There is an American pastor who is known for his animosity to Islam and Muslim supported by Copts. They carried out this outrageous act. What was your understanding of that reference to the pastor and what the West did and what the spontaneous and popular uprising was about?

A This is the first time I've read this, right now. So my understanding is that what the West did is a reference to the video. Okay. You could argue that it might be a reference to the killing of Abu Yahya al-Libi, right, possibly. But I take it to mean the video.

Q And in the context of this statement where there is a discussion about both historic and current offenses, or deemed offenses against the Prophet, that would be a reasonable conclusion to draw?

A Yes.

Q So turning your attention now to exhibit 12, which was another document, I think, in the chronology of the assessment that my colleagues discussed with you in the last hour, and this is the document that had the subject line DDCIA weekend TPs?

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A Yes.

Q Which I understood as being weekend talking points about the attack?

A Uh-huh. This was the weekend version of the daily update.

Q And this is now the one that you had discussed, and it's dated 9/15, 2012 and the time is early in the morning, again, 7:30 a.m. This is the one that you had discussed in the last hour as really having grabbed your attention, and on page 2, the intel piece there, station notes the following information from the past 24 hours which strengthen station's assessment that the attacks were not/not spontaneous and not/not an escalation of protests. The acknowledgment there is that the information they're providing here in this document came in in the last 24 hours. Is that accurate, just on the face of the document, what it says there?

A In terms of the reasons he gave?

Q Yes.

A So here, I don't know the timing of when that information became available to him.

Q And I was only making that assumption based on his from the past 24 hours.

A I will say this, though, that it's my understanding, and I'm on the record on this on numerous occasions, that when the analysts did make their protest judgment, writing it on the 12th, publishing it on the 13th, that there were a dozen or so sources that suggested to them, told them there was a protest, and there were zero, zero sources

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saying there wasn't a protest, when they made that judgment on the 12th and published it on the 13th. So these are clearly posts post that time period.

Q And given what you just said, and it was in your written statement as well, so this is not the first time you've said it, that there were 12, according to your tally, reports of a protest, zero reports of no protest. What would the justification have been for the analysts to ignore that body of data points?

A So this is a great question. Right. If you read the analytic line review that the analysts did, I think they were actually too hard on themselves. My view is that, yes, they got the protest judgment wrong, but they got it wrong for the right reason. What do I mean by that? They had enough sources telling them that there was a protest. They had nothing to contradict that. It was not an unreasonable judgment for them to have made at the time. That's point number one. And they certainly didn't make it for the wrong reason, right, the wrong reason being because they were trying to play to the White House or play to the State Department or play to whomever. They made it because they thought it was the right judgment to make.

Q And you explained that when you saw in this report, the weekend talking points, the info that you felt was at odds with the current assessment, you had immediately then tasked that out. One of the first things you did was ask the chief of station --

A Can I say one of the other things about this, right?

Q Yes.

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~~TS/SCI~~

A The reason I paid so much attention to this was, A, it jumped out at me, the difference.

Q Sure.

A The other was he addressed this to me. So this is saying to me, Michael, I have a different view. That was the first time that happened, that he said, Michael, I have a different view.

Q Well, on this document, on -- oh, I see. When you say that's the chief of station?

A Yes.

Q That's where my confusion was. Understood. Now, I think you explained, but just briefly, you certainly have explained it in your testimony before, you've explained why you sought more information, because you didn't feel that these points in here standing alone were definitive, certainly was one. Is that correct?

A Correct. Correct. I would go further than saying definitive, right. There's reason to question both, right; reason to question the first is that, okay, so there's some press reports now that there wasn't a protest. Well, there's press reports that there were. And then the fact that his officers didn't see a protest when they got there, well, it took them a while to get there. So maybe the protest had dissipated already. Right. So I saw neither as definitive, and that's why I asked for more information.

Q So you had noted it here, and I just wanted to ask, on exhibit 11, this was something I think that you were asked about, and it sounded like your chief of staff had flagged this for you with a note to you,

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some parts of the below seem a bit odd --

A So this is the director's chief of staff. is the director's chief of staff.

Q Okay. Flagging it to you?

A Yes.

Q Thank you. So a different person than just yourself noticing, flagged to you something that they felt was a discrepancy?

A Yes.

Q I couldn't tell necessarily what was highlighted.

A Yeah, and I wish we could tell because it's quite likely that that's all I would have read. That I would have gone to what he highlighted, right, and not read the whole thing.

Q So it's not clear whether it was something about a discrepancy and protest, no protest, or a different discrepancy, but it would be another avenue where someone did notice something in the analytic process, reached out to you, so, again, to me, what this showed was people were noticing and paying attention to potential discrepancies?

A Yes.

Q And they were noticing that, and not just ignoring it or setting it aside, but in this instance, reaching out to you and saying there is a discrepancy?

A Correct.

Q So the discrepancies, from what I can tell in these examples, certainly were not swept under the carpet, hidden, disguised?

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A No. In fact, the kind of interesting logic here is that if I was so, so focused on keeping the protest front and center, why did I ever raise it as an issue? Why did I ever tell the deputies about it? Why did I ever ask the COS for more information? Why did I ask the analysts to take another look at it, right? Why didn't I just look at it and drop it into my burn bag if I was so interested in keeping the focus on the protests? Doesn't make any sense.

[Morell Exhibit No. 14

Was marked for identification.]

BY MS. SAWYER:

Q I'm going to show you what we're going to mark as exhibit 14 for identification purposes. This is a four-page document. It bears the request number at the top of 1-002397. It's a document that we were given access to in the Select Committee by the Agency. It's an email that you have referenced, and you have referenced in that written public statement and your public testimony?

A Yes.

Q So I just wanted to -- the subject line of this is, if you look at the bottom email where the chain appears to start, is "subject, per your request more explanation on Tripoli station assessment on attacks." Is that the chief of station's --

A Response to my tasking from Saturday that came in Sunday morning, yes.

Q So this, again, is an early morning delivery to you?

A Yes.

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~~TS/SCI~~

Q You do get a lot of early morning, 7:30 in the morning?

A I sure did. I don't anymore. Thank God.

Q So that one was 7:30 on Sunday morning?

A Yes.

Q And that does have the further explanation indicating why the station has assessed?

A Uh-huh.

Q Within that email explaining it, and I would just direct your attention to page 2 at the bottom, and I would quote -- in addition to talking about the protest, the chief of station says, quote, "We lack specific information regarding what spurred the attack; we cannot discount that it was a reaction to the 9/11 anniversary, call for reprisals against Abu Yahya al-Libi's death, or the YouTube video, quote, 'Innocence of the Muslims.'" It goes on to say, "However, intelligence indicates the action almost certainly was planned in advance and possibly was an off-the-shelf contingency," end quote.

So in that document, and even talking about the attackers, the chief of station indicates that there are three possible, in their view, motivating factors?

A Yes.

Q And they haven't, at that point in time, ruled out any of those, even vis-à-vis the motivation of the attackers?

A Correct.

Q Setting aside if there were protestors and there was a protest, what they would have been angry about?

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A Correct. Which, in my mind, raises one of the ironies here.

Q And what would that be?

A Which is that I've been criticized for not changing the analysis to fit the chief of station's view or not forcing the analysts to adjust their analysis to the chief of station's view about the protests. And yet I think those same people who have criticized me for that would not have wanted me to change it to say that the video was one of the causes of what happened in Benghazi, as the chief of station suggests here.

Q So if I understand what you're saying, it's a little bit of cherry picking. They're telling you that you look to the same source for one proposition that happens to fit the --

A Yes, I'm on the record on this point in HPSCI, yes.

Q So the point is that they look at the source, the chief of station, the same source that says no protest, and because that's what they are criticizing you for, they accept that without any question. Is that accurate?

A Correct.

Q But looking to that exact same source?

A Correct.

Q Who says you cannot discount the role of the video for the attackers?

A Correct.

Q They would like to dismiss that out of hand?

A Correct.

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Q And they would like to claim that there is no evidentiary basis as well for that claim?

A Correct. And, again, I'll just repeat what the analysts have said all along, which is we won't know for sure what the motivation was until we capture these guys and talk to them.

Q And we have captured one and he has indicated that the video motivated him?

A As far as I know, he told a reporter. I don't know what he's told the FBI.

Q Fair enough.

A Can I say something else about this?

Q Please.

A May I do that?

Q Yes.

A We just had a conversation previously, right, about why I didn't use my 30-some years of an analytic skills to connect the dots here and change the analysis when I edited the talking points. One of the interesting things about this exchange between the Director and I is, the Director in the last line says, anyway, look forward to what the analysts have to say, showing that the Director understands fully, right, that it's the analysts' call. The Director didn't say, Michael, what do you think? The Director didn't say, Michael, why didn't you use your 30-years of analytic skills when you edited the talking points? The Director exactly understood who makes the calls at the Central Intelligence Agency.

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Q That is a helpful observation, as well as the fact that, I want to point out that you had testified in public that you immediately flagged this for the Director. This email certainly shows that you did. It shows to me with the time stamp that was in 10 minutes of receiving this further explanation, you sent that on to Director Petraeus. Is that accurate?

A That's correct.

Q And your email actually says, quote, "The bottom line is that I don't know what to make of this. We need to have the analysts look at this and see if there is anything here that changes their view. I have asked them to do so," quote. I think you made that statement in the public domain. This email is very consistent with that, shows that. Then you did task it out. Once you got this information, you asked them to account for this in reconsidering their assessment as I understand it?

A Yeah, and I was even a little snarky about it, if you look at my EA's email. I think what I actually said to him was send this to the analysts and see what they think now, right, implying that maybe they should really, really think about this. Maybe the chief of station is right, it was the tone. But I was a little snarky in my tasking.

Q Before we leave this exhibit, with regard to the chief of station's note that among the potential motivating factors was the, he said the YouTube video, quote, "Innocence of the Muslims." The chief of station, I think you described him as an outstanding

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intelligence officer, he mentioned the YouTube video Innocence of the Muslims. He doesn't mention the Cairo protest.

A Right.

Q So is it possible that he was connecting the dots in the way someone like Ambassador Rice might in terms of talking about why people might be angry, both protestors or attackers?

A Yes. I don't want to speculate as to what he was thinking. He is in a much better position than I am, but that is a way to connect the dots.

Q In any event, he identified precisely the video, not the protest in Cairo?

A Correct. Can I say just one more thing about this?

Q Yes.

A Since this is on my mind here. I think the other piece of context here is that somehow there's a view, right, that we understood at the time the importance of these particular talking points, right, that at the time that they were written and at the time that they were edited, that we understood that they would become a huge issue, right; that Ambassador Rice was even going to use them, right? We didn't know that when we wrote the talking points, when I edited the talking points, no idea that Ambassador Rice was going on the Sunday shows, no idea that she was going to use these talking points. When we wrote them and we edited them, we wrote them for HPSCI. So in that context, there can be no let's craft these in a way that make the administration look good and have Susan say it tomorrow.

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Q Right. That is certainly one way in which that -- you have made that distinction many times. I feel like you have many times tried to explain that you did not know when you edited it, nor did the analysts know when they wrote the talking points that you then edited, that Ambassador Rice, or any single person really, was going to appear on the Sunday talk shows; so one of the significant ways in which one could read that is to say how could we possibly have colluded to craft a statement for her or anyone else?

A Correct, correct.

Q I think others have also read it to mean that you would have written those talking points differently somehow for Ambassador Rice than you wrote them for Congress?

A So I don't know for sure, right. I don't know what the Condi narrative would look like. But I will tell you this, right, if the President were going to say them, there would have been a tremendous amount of attention to them, right, by a whole bunch of people, right. And having the administration, having the executive branch say something publicly, right, is a big, big deal. I don't want to imply at all that having Congressmen say something is not a big deal. It is. Absolutely it is. But having it be an administration position, having it be a position of the United States of America, is a huge deal.

Q So in terms of the actual content, though, the content was consistent. These were unclassified talking points?

A Yes.

Q I just want to make sure that I'm understanding that she

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was not given information that somehow was inaccurate or inconsistent with the classified assessment, or not based on the best available information that the analysts had at the time?

A So my -- again, I'm on the record on this over and over and over again? There is nothing in the talking points that is inconsistent with what the analysts had written in their classified reporting, and inconsistent with what the analysts believed at the time the talking points were produced.

Q And at the time they were produced and sent to HPSCI, the assessment was that what happened in Benghazi had spontaneously evolved from a protest?

A A protest.

Q So to the extent that Ambassador Rice said that, that was fully consistent --

A Fully consistent with the talking points, fully consistent with what she had read in her PDB every day.

Q And then the other statement that has, the parsing of what she said and the other statement that she said within that, and I read, in advance of this, all of the --

A So did I. So did I.

Q Very good. She did discuss the role of the video, certainly with regard to the general unrest in the region, and included within that, Libya. I think if you looked at her talking points, you will see that when she spoke specifically about Benghazi, she did use the exact talking point that it spontaneously evolved?

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A Yes.

Q It is equally true that she also then, in generally describing why the administration and, I think, the intelligence community believed that the unrest in the region had come up was about the YouTube video?

A Yeah. So my reading of it was that -- my reading of it was that in almost all the references to a video, it was consistent with what the analysts had said, right. Benghazi, a result of the protests in Cairo which were a result of the video. She said that over and over and over again. In a couple places, she either said or implied strongly that Benghazi was the video, right, but it was just a couple places. And as I said before, and, again, she's the only person that can tell you why she said that, a lot of different reasons. One of those reasons could be connecting the dots as we talked about earlier.

Q And to the extent that the analysts, newspaper reporters, were citing to and relying on particular sources, like Ansar al-Shariah's own statement, for example, and Ansar al-Shariah said there was a protest in Benghazi and it was over, anger over a video; was her connection of the dots unreasonable --

A I don't believe so.

Q -- to the extent that even happened? I'm not sure reading the transcript that it jumps out at me. But to the extent that happened, was that unreasonable?

A I am very clear on this in my book, and what I say is that only she can tell you. I don't know whether you'll get an opportunity

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to talk to her or not, but only she can tell you. She may have been using the talking points that Ben Rhodes wrote for her, right. She may have been doing that. She may have been connecting the dots, according to the analysts, protests cause Cairo, Cairo causes Benghazi, right, connect those dots. She may have been doing that. She may have had a different source.

One of the important pieces of context here is that senior policymakers aren't just receiving information from the intelligence community. They're receiving information from all sorts of different places, from other parts of the U.S. Government, from the media, from think tanks. They're receiving all sorts of information. And they're allowed to have their own views. They don't have to have the view of the intelligence community.

Certainly you don't want them to be inconsistent with it, but they can have their own views, and nothing new about that. So why she emphasized the video possibilities, only she can tell you.

Q Well, here's my question about that. I'm not sure I agree that she emphasized the video about Benghazi, but do you have any reason to believe that, unlike your analysts, that Susan Rice didn't believe there had been a protest in Benghazi when she went on the Sunday talk shows 5 days after the attacks?

A I believe she believed there was a protest, yes, absolutely.

Q And if she believed there was a protest, and the way she described it, the way she certainly described it on Face the Nation, was almost verbatim the way that you and I have talked about it, there

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was a protest, and I think she used the word "highjacked," not "capitalized."

A Right. She actually did a better job of explaining it than the analysts did. She actually explained it in a way that the analysts actually believed as opposed to what they wrote.

Q Right. So Susan Rice's representation that there was a protest that had been highjacked, taken over, capitalized on by extremists, actually accurately portrayed what the intelligence community --

A What the analysts thought, yes.

Q What the analysts thought at the time.

A Yes.

Q And to the extent she believed like they believed that there was a protest, and the protestors were there. What reason, other than the YouTube video would she have ever been given, she have been given, for protestors to have been there?

A The logical conclusion is yours, right. One possibility is the Abu Yahya, the killing of Abu Yahya al-Libi and Zawahiri's call for revenge. Right. That is a possibility why people might show up for a protest at the U.S. Consulate in Benghazi.

Q And it's certainly one that the analysts believe might apply to the individuals who attacked. Is that correct?

A Yes, much more likely in that case, yes.

Q But with regard to the protestors, and I'm going to share with you what we're -- let's go off the record.

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[Discussion off the record.]

[Morell Exhibit No. 15

Was marked for identification.]

BY MS. SAWYER:

Q I'm going to hand you, and has been marked as exhibit 15 for identification purposes. And this is a document that, again, bears the request 1-004095 up in the right-hand corner. It's a document that was produced to the committee by the agency. It doesn't have a date on it. It's marked unclassified/FOUO, which my understanding is for official use only?

A Yes, that's what it means.

Q Yes. Have you ever seen this?

A No, not that I recall.

Q Sure. It just bears the title Protest Against Controversial Film --

A It doesn't look like a CIA map to me.

Q And it may or may not be. It was produced to us from the Agency. And it does have a key down there. It's a map of a broad, broad region because it has France in it, and then it has the Middle East and North Africa. The bigger circles are for planned protests. The smaller ones are for ongoing protests. It includes, by my count, I think it includes 13 different locations. Oh, I think under that key, it looks, if you have very good eyes --

A I don't.

Q Or a magnifying glass, I don't know if that

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helps us, is that open source center?

A Open source center. Doesn't look like a CIA map.

Q And we talked about open source as being one potential data point?

A Yes.

Q And this, I think, has 13 different locations, one of which is Libya, Benghazi, 11 September. So this document identifies, with regard to Benghazi, one place, and it looks like it's a smaller circle of ongoing protest potentially. And, again, just protests against the controversial film. And I showed you this not so much as a definitive intelligence product, but just to have you explain to us a little bit about the regional context within which this was occurring because you've talked a lot about context and how important context was. And here is a context and a map that shows 13 different places between the 12th -- I don't think there's anything beyond the 13th there -- where there was protests against the film. So what was going on?

A So there were protests, some of them massive, across large parts of the Muslim world -- this may not even capture it all, I don't remember -- as a result of the video, no doubt as a result of the video. Some of those protests actually resulted in people getting inside of U.S. facilities, Cairo and Benghazi, of course. Many of them resulted in threats, significant threats, to U.S. facilities and U.S. persons. The reason we were having two deputies committee meetings a day was to make sure that we were doing everything we could to protect U.S. facilities and U.S. persons. We were making decisions to draw down

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certain facilities. We were making decisions to ask local governments for more security. We were making decisions to put additional security at facilities. And this went on for quite a long period of time.

Q And I think in your public testimony before HPSCI, not in the -- I don't recall it in the written statement, but in the oral, there was a question about the deputies committee meeting, and particular on that Saturday, and was a little bit of likely incredulity that there wasn't a tremendous amount of focus on Benghazi and the issue of the protest. I think you tried at that point in time to explain in the context in which things were actually happening in real-time, that was not the case. Could you explain to us again --

A So Saturday is the 15th. It's 3 days after Benghazi happened. The FBI has already taken over the Benghazi investigation, and there is all of these demonstrations and protests occurring, and we're worried about the safety of other Americans, right. We're looking forward, right. We're not looking back. Benghazi, a horrible tragedy, right, a lot of work to be done on Benghazi in terms of the FBI investigation, in terms of looking back and who did what when and all those kinds of questions. We all knew that was going to happen, but we were looking forward to make sure that Americans were going to be safe going forward, and that's where our focus was in the two deputies committee meetings that were happening every day.

Q And to the best of your recollection, what were the types of things, the steps that were being taken to try to make sure?

A Adding Marines to facilities, making sure there was rapid

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response forces from U.S. military in places where they needed to be, drawing down personnel at embassies because of concerns about threats. As I said, asking the local government to beef up security outside of our facilities. All of those things were happening. And there were long to-do lists that came out of every single deputies meeting, right, of things that people were tasked to do as a result of those kinds of conversations and those kinds of decisions, very typical.

Q One of the things that jumped out at me was when you explained that one of the changes you made, that has been criticized, was you removed the word "Islamic" before the word "extremist," and you've explained why that was. And one way you've characterized that was, one, you thought it was still clear that that was probably the reference. And that on top of that, you described it as risk mitigation. Was that part of this dynamic?

A It was absolutely within this context. And, again, with this in mind, right, I mentioned earlier that I probably did all of those edits in 5, 10 minutes, right; it was fast. The only thing I had thought about beforehand was the warning language, which I knew about the day before and I talked to the Director's chief of staff about, et cetera, et cetera, and talked to the Director on Saturday morning. Everything else I was seeing for the first time. So in the context of what's going on in the Muslim world, right, and the vast majority of it due to the video, right, the last thing that I wanted is for somebody to stir the pot even more, right, and it was an instantaneous decision to take the word out before because of that, because of what

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I just said, right, because of that risk mitigation. In thinking about it after the fact, I would do it again.

Q You would take it out?

A I would do it again.

Q And that point that you made out, that people might, you didn't want to do anything to stir the pot. The concern that others might seize on, anything that the U.S. Government was doing, as well as the video and the success of the attacks to gin up even further attacks, was that actually happening? Were organizations like Al Qaeda pointing either to the film or to --

A So I don't remember -- I don't have a great memory on this, but I believe, something to check with. I believe that the overall terrorist threat reporting went up during this time period, not surprising to me; but I don't recall with great clarity.

Q Do you recall press reporting that Al Qaeda had been citing to both the video and the success of the attacks to further incite violence?

A If you showed it to me, I would say not surprised, but I don't remember.

Ms. Sawyer. I think we may be out of time for this hour but let me make sure my colleagues don't have anything before we take another break.

Okay. I think we'll go ahead and go off the record.

[Discussion off the record.]

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[2:50 p.m.]

BY MR. DAVIS:

Q Just a couple things to discuss about what we had been discussing before we kind of weighed into different areas. I'd like you to go back and take a look at -- I believe this is Exhibit 10. It is the 100-page White House release of the talking points. So it's the big document in your stack.

A Got it.

Q And if you'll turn to page 70.

A Yes.

Q So can you please explain what page 70 is?

A Yeah. So when I edited the talking points -- when I was done editing the talking points -- I sent them out to a handful of deputies for a kind of final -- final -- a final look. And this is Matt Olsen's response to the email I sent out -- that I sent out.

Q Okay. So, "Michael -- This looks good to me -- Matt."

A Yes.

Q And then a bunch of stars? See that?

A Yes.

Q And then what is underneath that?

A So what's underneath that -- so it's my understanding -- I don't know for sure, right -- but it's my understanding that -- are these the NCTC taking points? -- it's my understanding that somehow NCTC also got a tasking from Congressman Ruppertsberger for talking points on Benghazi, right, somehow separate from the request to

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Petraeus, and these are the NCTC talking points.

Q So I'm just going to read the first line here. It says: "These are the points that ONDI leg sent to Ruppertsberger yesterday afternoon based on his request."

So it's your understanding that there is a separate request specifically to NCTC or ODNI in addition to the request sent to Petraeus, it's not the same request?

A Correct. My understanding today, not at the time.

Q Okay. Was this the first, Matt Olsen's email, was this the first you were even aware there were NCTC talking points or did you know about it --

A I don't recall when I first became aware.

Q Do you know if these NCTC talking points went through any type of interagency editing process?

A I don't know.

Q Okay. Should they have gone through an interagency editing process?

A Yes.

Q But you don't know if they did?

A Correct.

Q Is that something Mr. Olsen would be able to speak to?

A You betcha.

Q Okay. Great. I'm going to pass out a separate, another exhibit, and that's Exhibit 16.

[Morell Exhibit No. 16

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Was marked for identification.]

BY MR. DAVIS:

Q And it piggybacks on the conversation you were having the last hour about Susan Rice on the talk shows. So this particular exhibit is a transcript from her appearance on "This Week" on ABC on September 16, 2012. And you can read the whole thing if you want. I'm just going to direct your attention to a narrow portion on page 3. Right in the middle of page 3.

So the second Susan Rice comment on page 3 it says, "Rice:" -- see that? -- "It's actually the opposite."

A Uh-huh.

Q So I'm going to read that. It says: "It's actually the opposite. First of all, let's be clear about what transpired here. What happened this week in Cairo, in Benghazi, in many other parts of the region..." And then Jake Tapper says: "Tunisia, Khartoum..." And Susan Rice says: "...was a result, a direct result of a heinous and offensive video that was widely disseminated that the U.S. Government had nothing to do with, which we have made clear is reprehensible and disgusting."

So Susan Rice's comment there that what happened in Cairo and Benghazi and many other parts of the region was a result, a direct result of a heinous and offensive video that was widely disseminated, is that statement supported by the talking points that you edited and sent out for interagency coordination?

A No.

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Q Do you know where she received her assessment? Do you know how she formulated the assessment that what happened in Cairo and in Benghazi was a result, a direct result of a heinous and offensive video?

A So we just had a long conversation about this, right, and my bottom line was she has to tell you that, right?

Q Right.

A Why she said that. The other conversation we had was what are the possible reasons why she said this. And one of the reasons, connecting the dots, connecting the analytic dots that were in the talking points. The other possibility, the Ben Rhodes talking points, right?

Q Yeah, we will get to that later.

A And then the third was, right, she is allowed to make her own judgments about things.

Q But that particular statement was not supported by anything that you edited or anything coming out of the intelligence community?

A Yeah, but also let me be clear, right, that in nothing that we had written to that point did we say that Benghazi was a result of the video, right? But we also didn't say it wasn't.

Q Right, right.

A So it wasn't -- it wasn't -- this is not consistent with what we said, it's not inconsistent with what we said.

Q But there is no supporting evidence coming from the intelligence community, written down --

A By the analysts.

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Q -- by the analysts --

A By the analysts.

Q -- that support that assessment?

A Right. There were some data points that we saw earlier, right, but not by the analysts, yes.

Q Okay, understood.

I want to skip ahead to a meeting, I believe it occurred in late November, with some Senators?

A Yes.

Q Senators McCain, Ayotte, and Graham, I believe.

A Yes.

Q Can you just generally describe what the purpose of that meeting was?

A Yes. So I got a phone call from Denis McDonough, who was then the deputy national security advisor. He told me that -- of course I knew from the media that Susan was under attack for what she had said on the Sunday shows. He told me that Susan wanted to go to the Hill and have conversations with her critics. He told me that the President wanted me to go along with her. He made very clear to me that my job in going along with her was to talk about the classified analysis, to talk about the talking points, and importantly, to show, actually to show the Senators the consistency between the talking points and the classified analysis. That's what he told me my job was. And I said yes and I went.

Q Had you attended any similar types of meetings before?

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A No.

Q Was it unusual for the deputy national security advisor to call the -- to call you, the deputy director of the Central Intelligence Agency --

A Then acting director.

Q Then acting director, and accompany the Ambassador to the United Nations to a meeting on the Hill? Is that an unusual request?

A No, not to accompany the U.N. Ambassador to a meeting. Unusual to accompany her to such a meeting.

Q What do you mean to such a meeting?

A Where she is going to defend herself, right, as opposed to talk about a policy issue --

Q Sure.

A -- where it would be very relevant to ask me to go along.

Q Why did they call on you as opposed to letting her defend herself on her own?

A So here's my take on this, here's my take on this. I believe that the reason that I was asked to go and the reason I said yes, it was perfectly appropriate, right, that my role was to say, here's the talking points she used -- I didn't know about the other talking points which I guess we'll come to at some point -- here's the talking points she used. Those talking points, everything in them fully consistent with the classified analysis, fully consistent what the analysts believed, right? I thought that was perfectly appropriate. I still do think that was perfectly appropriate.

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What I didn't appreciate at the time was that there was a personal political downside for me in attending that meeting, that I was putting myself at political peril from attending that meeting, right? Perfectly appropriate in the request, perfectly appropriate for me do what I was asked to do, but, man, was I putting myself in a tough spot. So why didn't number 2, right, this political peril I was putting myself in, why didn't that trump number 1, right? And it's because I didn't even think about it at the time.

Q I think in the book you wrote you were political naive?

A Yes, politically naive.

Q Was attending the meeting, in retrospect, was that a mistake?

A Yes, I believe it was.

Q Did you think your presence there was requested to insulate or protect Susan Rice in any way?

A I think my -- I think my presence there was to show that what she said, right, about Benghazi was consistent, right, at least the protest, spontaneity part, right, was consistent with what the analysts really believed.

Q I guess what I'm trying to get at is, do you think in any way -- I mean you're a career analyst, you're known or so I've heard you're known around the community as a very straight shooting, as a straight shooter, you call it like you see it. So the fact that you were accompanying her -- did you know if the Secretary of State at that point had announced that she was going to step down? Do you know if

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Susan Rice at that point --

A Yes, I believe so, right? I believe that was the whole point -- in fact, that is what Denis said, right, her possible nomination to be Secretary of State was at risk, absolutely.

Q So it was a very inherently political meeting --

A Yes, it was.

Q -- that you were inserting yourself or that you had been asked to -- it was a very inherently political meeting that you had been asked to attend.

A Yes.

Q But, again, I didn't realize it at the time. I really didn't. I didn't know I was walking myself into this political setting?

Q And Mr. McDonough said the President had personally asked for you to attend the meeting?

A Yes, he did, but I'm also smart enough, right, to know that a lot of people throw the President's name around when they're asking for things.

Q So I want to fast forward ahead from that meeting to May of 2013, and that was when the White House released Exhibit 10, which you have in front of you, the 100 pages of talking points.

You know, to the extent you can go back in time and put yourself in May 2013 and remember what the narrative was, that Susan Rice had relied on the intelligence community talking points for what she had said, and that kind of spurred the White House to release this to show

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everybody that there was no political pressure on the talking points, does that sound familiar?

A You betcha.

Q Yeah. So when they released these talking points, the White House, the narrative was squarely focused on the CIA for the intelligence that they had provided, the analysis and the talking points they had provided to Susan Rice, is that fair to say?

A Yes.

Q And as the chief editor of the talking points, your hand scribble on there with the list of names, a lot of that fell on you.

A Yes.

Q And did the White House ask you to speak to the media about these talking points?

A Yes.

Q Can you explain how that unfolded?

A And so when the White House released the package, they did -- they did a press backgrounder at the White House and they asked a number of administration officials, I forget all of who was there, but I was asked to attend, I was asked to participate. I was asked to participate obviously to explain CIA's analysis and the talking points and the evolution of the talking points, yes. Not an unreasonable request, in my view.

Q Were you surprised that the White House released these talking points publicly?

A I don't remember.

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Q So you talked earlier how you had commissioned two different reports internally at the CIA, one was an analytic line review, another was a lessons learned. Did you share those documents with Congress?

A The first one, analytic line review, immediately.

Q Okay.

A The second one, no, I did not, because it was held up in the debate over what Congress could receive with regard to the package.

Q Okay. And who was part of that debate over what Congress could receive as part of the package?

A The DNI, it was the DNI that had the lead, Bob Litt had the lead in negotiating this with the Hill with, I believe, SSCI and HPSCI.

Q Do you remember any internal discussions about the possibility that executive privilege might be invoked over these documents?

A Uh-huh.

Q And so the fact that you were forbidden from sharing an assessment with Congress over the possibility of executive privilege and then all of a sudden the documents were released publicly, did that seem to you to be a pretty large turnaround?

A So, you know, I don't remember, I simply don't remember why, you know, why the shift, right, why all of a sudden the administration decided to release these publicly. I don't remember being part of those discussions. I don't recall being part of those discussions. So I don't know why they decided all of a sudden to do it.

Q Do you think it might have been politically beneficial for

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them to all of a sudden release those documents?

A I think -- I think -- I'm speculating now, okay, so speculating -- I think that the criticism kept going up and up. The different theories about what was going on kept on expanding right, and the White House wanted to put that to rest by putting it all out there. That's my guess.

Q Did they put it all out there when they released those talking points?

A Not in my view.

Q Can you elaborate on that?

A Sure. So 2014, mid-2014, I open the newspaper and I see Ben Rhodes' talking points from the 15th of September, right, designed to prep Susan Rice for her Sunday shows. And I say to myself, I have not seen these things before. When I saw them in the media in mid-2014 it was the first time I ever saw them.

Q Dana's handing out talking points, we can discuss them in a minute.

I want to go back, before we talk about the Rhodes talking points. So you had seen the videos of the TMF, you had seen NCTC analysis of the videos. Did you want those videos to be released as well?

A I did, I did.

Q And was there anybody who agreed with you that those videos should be declassified and released?

A Yes, the DNI agreed with me.

Q The DNI. When you say DNI, you're talking about DNI

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Clapper?

A Yes.

Q Were those videos released?

A No.

Q Why did you want those videos to be released?

A Because, look, my view, not only strongly today because of all of this, but even at the time, my view is when there's -- when there are questions about -- when there are questions about what was done on a particular issue, particularly when there's questions of impropriety, the best thing to do is to get everything out, the best thing to do is to get all the information you can out. Let the American people see it all and let the American people decide.

You know, I thought the video -- the NCTC analysis told the story of what actually happened that night and I thought the American people deserved to see it.

Q And who prevented the video from being publicly released?

A The White House -- the White House never responded to the DNI and my repeated suggestions that it be released.

Q So you were acting director of the CIA at the time?

A Uh-huh.

Q And Mr. Clapper was the director for national intelligence. And you two repeatedly pushed the White House to release this video.

A Yes.

Q And they did not.

A Correct.

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Q And instead they released the package, so to speak, they released the package --

A I don't remember the timing of our suggestion, right? But, yes, you're absolutely right.

Q So they released the package and at the time they released the package they did not release exhibit 15, which is --

A The video.

Q They did not release the video.

A And they did not release this.

Q All right. So before we talk about that, just a couple brief questions. The week after the talking points were released, I think shortly thereafter, you testified before HPSCI, do you recall that, when you testified before HPSCI, do you remember that?

A Yes, yes, yes.

Q And I believe there are some public allegations that resulted from that testimony. Are you familiar with what I'm talking about?

A Keep going.

Q Well, do you know what I'm referring to?

A No, I don't.

Q Okay. There are public allegations that when a question was asked about who changed part of the talking points, who removed the reference to -

A Right.

Q -- do you know what I'm referring to?

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A Yes.

Q And you're familiar with the public allegations that resulted as a result of your silence?

A Oh, yes.

Q This was addressed later at a public hearing where you took these allegations head on?

A Yes.

Q Are you familiar with that?

A Yes.

Q Do you have anything new to add on that topic?

A Yes, actually.

Q Okay. Please share.

A So let me be clear, let me be clear that we are talking about two separate instances. You're talking about HPSCI. There is actually a separate occurrence at SSCI, at the SSCI testimony, right?

Q Yeah, yep.

A The occurrence at the SSCI testimony was Senator Burr asking all the witnesses who were there -- I was one of several witnesses who were there -- asking the witnesses two questions: Who changed attacks to demonstrations in the first sentence of the talking points, as we talked about earlier, and two, who took Al Qaeda out, right? And I said -- when it came to me I said, I don't know. I said, I don't know. At the time an absolutely truthful answer, I didn't know who took them out. These were testimonies in the fall of 2012. Okay?

The very next day I think is the HPSCI testimony, maybe it was

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the same day, I don't know, the very next day or the same day, HPSCI testimony. DNI is asked who took Al Qaeda out of the talking points, right? DNI said, I don't know. I sat there. Okay. So, again, I didn't say anything because I didn't know, all right? So Senator Burr's criticism was, come on, Michael, I've known you a long time, you're a straight shooter, you're candid, I know you weren't lying, but I would have expected, right, I would have expected Michael Morell to say, look, I don't know who took it out, but what you should know, right, is that I made a lot of other changes to the documents, right? I think if you ask some HPSCI members what they expected of me when Chairman Rogers asked the question who took Al Qaeda out and I didn't say anything, I think if you ask some HPSCI members they would say the same thing, right? Okay, Michael didn't lie, but he should have said, don't know, but I made a bunch of changes, guys. And I have said all of that publicly, I have said all of that in testimony.

Here's what's new, right, is that just the day before -- 2 days before -- I had just become acting director. Petraeus left the week before these hearings. I had just become acting director. I made a whole bunch of courtesy calls on the Hill, leadership of the Intelligence Committees, leadership of SAC and HACD, overall leadership. And I saw Senator Reid, Senator McConnell, Representative Pelosi, Representative Boehner, I saw all these people. And in those conversations, in the vast majority of those conversations, the vast majority of those conversations, I told them that I edited the talking points. I told them that I had taken out the warning language. I

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explained to them why I had taken out the warning language. The same conversation that we had earlier, right?

So I'm telling you all this because this is not well-known that I had these conversation on the Hill, but I tell you this, right, to make the point that I wasn't trying to hide the fact that I had made changes to the talking points. I had just told a whole bunch of senior Members of Congress that I had edited the talking points and actually made significant changes. So I wasn't trying to hide anything. I was responding to the specific question that should have been asked.

I'll say one more thing. Before I left government Senator Burr asked to see me to talk about this particular issue. And he said what I just said: Michael, I would have expected you to have raised your hand and said, don't know the answer your question, Senator, but you should know I made a whole bunch of changes. I said, Senator, you're right, you're absolutely right, I should have, I'm sorry. I apologized to him, right? That's not well-known, and it's not in the -- it's not in the additional view section of the SSCI report when they raised this issue. So they don't say -- they raised it as an issue that I should have said more, but they don't say that I apologized to the committee for not having said more. I think they should have.

Q Okay. Thank you.

Next question. The meeting with the Senators that we had talked about earlier, there were allegations resulting from that meeting.

A Uh-huh.

Q You're familiar with those?

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A Oh, yeah.

Q You address them in your book. Is there anything else you'd like to add in addition to what's in your book?

A No, I addressed them in both the open HPSCI testimony and in the book, so nothing more to add.

Q Okay. Great. So let's talk about the document in front of you, document 16.

Mr. Chipman. Document 17.

Mr. Davis. Seventeen? I'm sorry. Document 17.

[Morell Exhibit No. 17

Was marked for identification.]

BY MR. DAVIS:

Q So you said that you woke up one morning, you opened up the newspaper, and you saw these talking points. Give us your thoughts on what you saw, what you thought.

A I thought these are related to Benghazi. I thought these were related to what Susan said on the Sunday shows. And I thought they should have been released with all the other talking points, with all the other stuff.

Q Okay. So let me take that first statement. You thought that these were related to Benghazi. I'm just reading through it here on the first page, I don't see Benghazi listed. Why do you think that they were related to Benghazi?

A Two reasons. One is Benghazi was what was on everyone's mind at the time. Benghazi had just happened, right, the previous

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Tuesday. This was the following Sunday, right, it was the kind of top-of-the-list issue. And two, the -- there is a tick in here -- let me find it -- so the third tick under "goals," third tick under "goals" says: "To show that we will be resolute in bringing people who harm Americans to justice." That only happened in one place.

Q And that was in Benghazi?

A Yes.

Q And you said you feel that they should have been released with the package of the CIA talking points. What are the implications that they were not released with the talking points, the package, and they're coming out a year later? What does that mean?

A I don't know, right, I don't know, the counterfactual is hard to think through. I believe -- I'm speculating now, okay -- I believe there would have been less attention on CIA and more attention on the White House.

Q Do you think that that is part of the reason why the White House only released the package and not these talking points?

A So I don't know, you know, I don't know why they weren't released.

Q I mean, what's your best guess, looking at it now?

A I don't know, I mean, I don't know. You got to ask them why they didn't release these.

Q Well, I'm asking for your best guess looking at the whole landscape.

A You know, they argued, right, that it wasn't about Benghazi.

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As you know, I publicly have pushed back against that. I don't know, I don't know.

Q Okay.

A Leave it at that.

Q Aside from the release of these talking points and the release of the package, is there anything in, at least under the goals and the top-lines, is there anything about this document that makes you uncomfortable as a CIA officer and career analyst?

A Yeah. So, as you know, I'm on the record on this, so the second goal, the second goal bothers me in two ways. The first way it bothers me is that it has a feeling of being political. It has a feeling of being political, right? Blame it on this, not on that, right? Just that concept of blame it on this and blame it on that, not don't blame it on that, has a feeling of being political to me.

Q Ben Rhodes worked at the White House?

A Yes.

Q So what's the problem if he writes something that --

A Because Ben is on the National Security Council staff, right, and I believe, right, and there might be different views out there, but I believe, as a 33-year national security professional, that there should be a very, very sharp line between national security and politics. And I know that's not always the case, but that's what I believe, right? And I believe that that line was crossed here. That is a personal opinion, right?

The second thing, right, the second thing I don't like about that

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is the line, "not a broader failure of policy." The President himself is on the record as saying that he has deep regrets about Libya. We all have deep regrets about Libya. And I talked earlier about the regrets that I have about what the intelligence community should have written prior to the intervention. There are policymakers have regrets about what we did and didn't do in Libya, right, and the loss of stability there.

And so, you know, I don't think "and not a broader failure of policy" is correct as it relates to Benghazi, as it relates to Libya. You can have a debate about the rest of the region, but as it relates to Libya and Benghazi I don't think that's right.

Q Ben Rhodes, what was his title, do you recall what his title was at the time?

A Deputy national security advisor for something.

Q Strategic communications?

A Something like that.

Q Does that sound familiar?

A Yeah.

Q Is that -- you're talking about the line that exists between politics and between national security. Just the mere creation of a position deputy national security advisor for strategic communications, does that connote that those two things are enmeshed with one another, the politics and the national security?

A No, I don't think so, I don't think so. See, I believe that it's important for an administration to be able to talk strategically

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about its national security and its foreign policy. It's very important for us to say things the right way so that the rest of the world understands exactly what our policy is. That is a very important function, what we say and how we say it and how people read it. So, no, I don't see it as an inherently political job.

Q But this particular document you did see as crossing the line?

A Yes, I did.

Q Okay. And do you know if this document made its way up to Susan Rice?

A I don't know for sure. I assume, right, I've assumed, I don't know for sure.

Q And do you know if Susan Rice relied on this document --

A I don't know. I assume.

Q And that's something that you didn't want to answer.

A Right.

Q Did it tick you off a little bit when you saw this document that you had just been taking so much heat?

A I wouldn't say -- you know, as I said earlier, I've been around for a long time, right, and CIA has been the meat in the sandwich in a lot of policy and political debates over the years. So I put it more that it was an "ah ha" moment for me, "ah ha." And now I understand why she said what she said, now I understand a little bit more about what actually happened. I do wish that my colleagues would have shared this with me, right?

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Q Well, you said the CIA, you know, has been -- I think the meat in the sandwich was what you said?

A Yeah.

Q Yeah, but Michael Morell, I mean, had you been in that position before where you were getting publicly lambasted for an extended period of time?

A Not this way.

Q Okay. So this didn't irk you in any way when you saw the document?

A I was more -- I was more -- I was more focused on -- and it's like I said this morning to Congressman Schiff, I have been more focused on the impact of this on the Agency and the Agency's credibility going forward, right, than anything else. And so -- and as I said this morning, right, the Agency's taken some hits to its credibility as a result of this, right? There are some people out there in America who now believe that the Agency doesn't call it like it is, right, that the Agency has politics in mind, right, which absolutely is not true. That bothers me more than anything, right?

To the extent that putting this out would have taken some of the heat off the Agency, I would have loved that.

Q Sure. So we talked earlier about the meeting you had with Senators McCain, Graham, and Ayotte. We talked about how the -- at Denis McDonough's request, perhaps the President's request, we talked about how you briefed media members when the package was released. You have been beaten up for a year and you briefed media members at the

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request of the White House, is what I believe you said.

Did you feel in any way used by the White House when you discovered that these talking points also existed and you were completely kept in the dark until the public found out about them?

A Look, I wish I would have known about them, okay, I wish I would have know about them.

Q Whose fault is it that you didn't know about them?

A I don't know. I don't know why they weren't released. I will tell you, right, I will tell you that when I wrote my book where I say everything I just said to you about these talking points, that Ben reached out to me, hurt by what I said about him, right, that this was political. And Ben explained to me: Look, I wasn't -- I wrote what I wrote, I did what I did here. But I wrote these talking points in probably the same amount of time that you, Michael, edited your talking points, right? There wasn't any intent on my part. This is Ben talking to me, right?

Q Sure.

A So it is what it is.

Q Going to move on to a different topic now. And to the extent you remember, I know we're talking about things that were several years in the past, in March of 2011 the United States supported the United Nations and NATO in a no-fly zone over Libya. At the time -- were you deputy director at the time?

A Yes.

Q How involved were you in discussions about whether or not

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the United States, A, should support the U.N. Security Council resolution, and B, whether or not the United States had vested interest in pursuing the policy in Libya?

A So I was involved in the vast majority of the deputies meetings that would have taken place. I don't remember how many there were. I don't remember when they were. I don't remember what percentage I actually went to, but it would have been a high percentage. And I was at a couple of the principals meetings on the issue as well, either as the CIA representative or as a backbencher to the director.

Q So to the extent you can remember, what was the primary rationale?

A The primary rationale was the need to prevent a humanitarian disaster.

Q And when you say a humanitarian disaster, that can mean --

A A belief that Qadhafi was going to kill thousands and thousands of his own people, right, in order to protect his own skin.

Q Is genocide a fair word here?

A I don't know if the word genocide was ever used.

Q Okay. So the CIA at that point, what type of collection was the CIA undergoing to ensure -- or not to ensure, but to verify whether or not this belief existed?

A So I don't remember the collection that was being done at the time. I certainly do remember that it was the analysis of the intelligence community that the Libyan people were at significant risk.

Q So it was the analysis of our intelligence community that

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the Libyan people were at significant risk?

A Uh-huh.

Q In terms of acquiring information from other Western intelligence services, is that something that was coordinated at this point of time? Given the U.N. Security Council resolution and the fact that it was a NATO operation, did you reach out to Western European countries for their analysis?

A So I didn't personally. I mean, that's something that would happen normally, right?

Q Uh-huh.

A As to why we have [redacted] to discuss that, there are analytic exchanges all the time. So I didn't. I don't know whether the director did or not, but I didn't. But I assume -- assume -- that there was interactions between CIA and other intelligence communities -- other intelligence communities about our views.

Q [redacted]

Ms. Lieber. Can you give us a minute?

Mr. Davis. Sure.

[Discussion off the record.]

Ms. Lieber. Just for the record, Rachel Lieber, counsel for the

CIA, [redacted]

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[Redacted]

BY MS. SAWYER:

Q And, Rachel, could I just ask you a clarifying question. That concern here, would that have been the same concern [Redacted]

[Redacted]

A [Redacted]

Q So the questions that you may not be able to answer to this committee were asked and answered by HPSCI at the time?

A At the time we talked about Benghazi [Redacted]
[Redacted]

Q [Redacted]

A Absolutely, yes.

Q Okay. And that was contemporaneous when it was happening.

A Yes.

Q Not 3 years later.

A Not 3 years later. [Redacted]
[Redacted]

BY MR. DAVIS:

Q [Redacted]

A I don't remember.

Q [Redacted]

A I don't remember.

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Q [redacted]

A No.

Q [redacted] What other --

A Qadhafi controlled Tripoli.

Q What other -- [redacted]

[redacted]

A Correct.

Q [redacted]

A Correct.

Q [redacted]

[redacted]

A [redacted]

Q [redacted]

[redacted]

A [redacted]

[redacted]

Q [redacted]

[redacted]

A I don't know for sure, but I don't believe so.

Q [redacted]

[redacted]

A I don't, I don't.

Q So when you say it's the assessment of the intelligence community that Qadhafi posed a great threat to his people on what

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intelligence or sources was that assessment based?

A I don't -- I don't -- I can't recall. You know, there is people who know that a lot better than I do.

Q Would that be based on human sources from inside of Libya?

A I don't know.



Q What were the goals, to the extent you can remember, of the intervention in general?

A The goal began, right, the goal began to prevent -- to prevent the killing of large numbers of people and it evolved to the removal of Qadhafi.

Q You said you participated in many, if not all deputies committee meetings, you participated in a couple of principals meetings. Was there universal agreement amongst individuals attending those meetings that this is something in the United States' best interest?

A No.

Q And can you share some of the disagreements over why the United States should intervene in Libya, A, in terms of who they were, and B, in terms of the arguments that were proposed?

A So the argument to intervene was what we just talked about, right, which was to prevent -- to prevent a humanitarian -- significant humanitarian crisis. And that in my memory, right, in my memory, and

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my memory is not great here, but as far as I can recall that would have been Susan Rice, who was then U.N. Ambassador, that would have been Samantha Power, who was then a senior director at the White House, a senior director on the NSC staff, and Secretary Clinton.

On the other side was a view really led by Secretary Gates that it wasn't in U.S. interest to get involved here and we didn't have any national -- significant national security interest at stake.

Q So in addition to Secretary Gates were there any other entities that did not view this --

A So it would have been -- it would have been -- and I'm speculating here now, I mean, I remember strongly -- I remember, you know, with confidence Secretary Gates. I believe -- I believe the Chairman of the Joint Chiefs had the similar view. I don't remember the views of others.

Q So you say Secretary Rice, Samantha Power, Secretary Clinton. So the only entity you mentioned there from the White House was Samantha Power. She was an NSC?

A Senior director.

Q Senior director. How many senior directors are there at the NSC?

A I don't know.

Q Roughly 10, 20?

A Somewhere in there.

Q Okay. Were there other individuals in the White House that were advocating intervention?

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A Not that I can recall.

Q Do you know how Denis McDonough -- do you remember discussing this with him on the calls?

A I don't, I don't.

Q So you're saying Rice, Power and Clinton. Why are you so confident it was the three of them?

A Because I just remember.

Q You just remember, okay, they were more forcefully advocating. Okay.

A [Nonverbal response.]

Q I'm going to pass out another exhibit here, it's Exhibit 18.

[Morell Exhibit No. 18

Was marked for identification.]

BY MR. DAVIS:

Q This is a Politico article where you're heavily cited, so we can discuss some of your quotes.

A Heavily cited or I wrote it?

Q So this is from June 14, 2015, it's called "Beyond Benghazi: Hillary, Sid and Libya." So the actual article -- so I printed out -- this is the printout of the last three pages of the article. The article is actually much longer than this. Due to the way that Politico prints out multipages off of their Web site it was very challenging to print out the entire article.

A Okay.

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Q So these are just the last three pages. This is where you are quoted in the article. So you can take a minute if you want to read the last three pages or if you want I can point you in the direction of what I'm going to ask you about and you can take a minute and read it then and respond to the questions.

A Can I take a minute and read it now?

Q Sure.

A Okay.

Q So my first question, I'm going to direct you to the top of page 3 in the document?

A Uh-huh.

Q I'll just read you the paragraph. "Former CIA deputy director Michael Morell says it's clear the State Department failed on multiple levels, including 'critical areas' in not having enough security personnel on the ground. Those specific lapses -- including ignored or declined requests to beef up diplomatic security in Libya -- have been detailed in earlier investigations. But Morell says the overall policy was plagued by a lack of foresight, and here the CIA was to blame as much as State." And then you're quoted. "'One of the problems was not going into it with a very detailed plan for how you're going to maintain stability,' Morell told POLITICO. 'We never really had a conversation around the table about 'what's going to happen, how's it going to look?' The intelligence community never wrote that paper...That conversation was not as rich and rigorous as it should have been.'"

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So my first question to you is, whose responsibility was it for ensuring that that conversation around the table occurred?

A So I'm on record today saying both, the intelligence community and the policy community.

Q In the deputies committee and the principal committee meetings that you attended daily in the February-March 2011 timeframe, you mentioned one group of people that pushed for intervention, you mentioned one group of people that did not push for intervention. The intelligence community, you, yourself, did you advocate one way or the other? What was your role at these meetings?

A So CIA never advocates for policy in a meeting. Well, I shouldn't say never. CIA should not advocate for policy at a meeting. Sometimes directors who are not of the intelligence community cross that line. But in this case, as far as I remember, there was -- I was certainly not advocating anything.

Q Right.

A My job -- my job, right, my job was to put the intelligence on the table, the intelligence analysis on the table, and to make sure that the conversation, right, the policy conversation around the table didn't veer too far away from the facts and the analysis.

Q So if it's your job to provide intelligence and analysis and it's everybody else's job to discuss politics and strategy --

A Policy.

Q I'm sorry?

A Policy.

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Mr. Chipman. Policy and strategy.

BY MR. DAVIS:

Q I'm sorry, yes. Why would it have been -- why would the CIA be to blame more so than other executive branch agencies for not having the conversation about what it would look like afterwards?

A Because at the end of the day, right, it's -- at the end of the day it's the intelligence community's job to fully inform a policy decision, right, to tell the President everything that he needs to know before he makes a decision, right?

So one of the jobs of the intelligence community is you think of all the possible questions that a President needs the answers to, right, before he makes the decision. In this case, I didn't -- what I'm saying here and what I said earlier today, right, is that we didn't do as good a job as we could have, right, in asking all of those questions. And that's essentially what I'm saying here.

Q Did any of your customers ever ask you to write --

A No, they did not. And, you know, they're in part responsible for that as well. If we don't think of every question, they should think of some. They're smart people, they're deeply involved in national security, they have been for years, right, they have a responsibility to think of those questions too.

Q So why didn't the intelligence community, why didn't you on your own, you, I'm talking about the CIA and the intelligence community, provide that assessment of --

A I don't know, right? I mean, I just don't know, right? We

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didn't. And, you know, one of the things that -- one of the things that bothers me most about this particular failure on our part is that this is exactly what happened in Iraq, right? You know, a little bit different, right, because it was actually a U.S. policy decision in the aftermath of our military success in Iraq that ended up leading to the instability, but they're very similar, right, that we didn't say here's what you're going to face in the aftermath, right? Yeah, these application, these application decisions in Iraq.

So I don't know why, right? This kind of -- all this thinking, right, you're seeing here really happened after I left.

Q So you left in August 2013?

A [Nonverbal response.]

Q So the rebels took over Tripoli around that timeframe, August 2013. Qadhafi was killed in October -- I'm sorry, I'm sorry, 2011. I'm sorry, 2011.

A 2011, yeah.

Q I'm sorry. Let me back up here. So the rebels came over and took over Tripoli in August 2011. Qadhafi was killed in October 2011. Was there any type of assessment from the intelligence community at that time about what was --

A Not that I recall.

Q Okay. And is that a failure on the intelligence community's part not to generate such an assessment?

A Uh-huh.

Q And were you given any taskers by any of your customers to

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develop that type of assessment?

A No. I mean, we did have, to be fair, right, to be fair here, we did have conversations around the table about the kind of day after and what people would do kind of the day after, but they were just not as, as I say here, rich and rigorous as they needed to be.

Q So you talked a little bit about the intelligence failures on the front end of not fully planning this out. How do you square that comment -- I think Mr. Schiff was earlier and he talked about how the HPSCI report found no intelligence failures -- how do you square those two comments?

A The HPSCI report was primarily focused on the question of how did we perform with regard to Benghazi itself, right? And the HPSCI judgment from my reading of the report is based on two things, right, it's based on the fact that the intelligence community had provided what I would call strategic warning prior to Benghazi that the security situation in eastern Libya in general and the security situation in Benghazi in particular were deteriorating. And so I think HPSCI was saying, look, they provided strategic warning, good for them.

The other thing HPSCI was looking at was, was there any information, was there any tactical information available prior to the Benghazi attack that if you had connected the dots you would have seen it coming? And I think HPSCI was saying, there wasn't, right, somebody didn't miss something here, right? So two completely different -- they were talking about Benghazi in particular, this is a much bigger issue.

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Q And are you aware of any intelligence prior to the Benghazi attack that could have tipped anybody off that an attack was coming?

A No.

Mr. Chipman. How would you have acquired that tactical information you say was lacking? Was there an omission by design, by organization, by function, where you would have typically acquired that tactical information?

Mr. Morell. Yeah, fantastic question, right, and I'm on record in a whole bunch of different places talking about lessons learned from this whole thing, right? And I think the number one lesson learned is that when we have a security situation like we had in eastern Libya and in Benghazi, that we owe it to the people that we have on the ground to provide them with what I would call battlefield intelligence.

So on a battlefield what happens? On a battlefield you saturate the environment with intelligence collectors, [REDACTED]

[REDACTED]

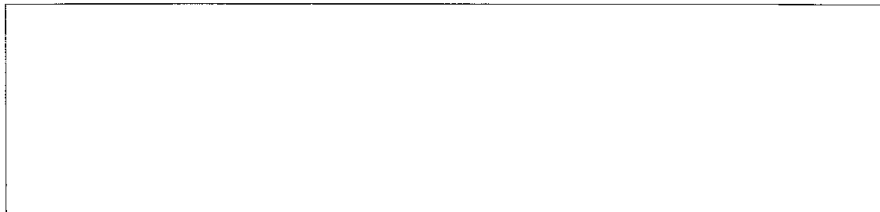
[REDACTED] Why would that -- how could that have possibly made a difference, right? Here's how. If we had saturated the environment

[REDACTED]


[REDACTED]

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BY MR. DAVIS:

Q So is it your understanding part of the reason -- 

A I'm not sure.

Q 

A I wasn't aware.

Q You weren't aware of that.

A Not that I recall.

Q Okay. Okay.

So you talked about saturating the environment with intelligence. You talked in your book about how the CIA actually provided a lot of intelligence on the deteriorating security situation in Libya, especially eastern Libya, in 2012. Give me an assessment of what your understanding of sort of the security situation in and around the Benghazi area was in the months leading up to the Benghazi attack.

A So my assessment looking back now -- my assessment at the time was that it was a dangerous place and it was getting more and more

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dangerous. That was my assessment.

Q

[REDACTED]

A

[REDACTED]

Q Can you talk about the intelligence, I guess, that was coming from the analysts during the spring, summer, fall 2012 timeframe regarding specific incident reporting in Libya?

A So, as you know, there were a number of specific security incidents in Benghazi in particular. And I don't want to say the analysts reported on every single one of them, but they reported on the most significant ones and they reported on, I would say, many of them.

Q Is it fair to say that people reading each assessment or each report would come to the conclusion that it was a very dangerous place?

A Yes.

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Q So when the analysts write these reports or write their analysis, how are they disseminated amongst the intelligence community for customers to consume?

A So most of these things are disseminated as wires, right, which go out electronically all over the intelligence community. In this case they -- right, there's two entities that really matter here, right, one entity is the CIA [redacted] and the other entity is the State Department, which has a facility there. So it would have gone to -- it would have got to the right people at State Department in two ways, right? The diplomatic security people at State Department had access to all of this reporting --

Q Can I interrupt?

A Sure.

Q So you say they have access to the reporting, but that's no guarantee that they're actually reading the reporting, is it?

A Sure, absolutely right, absolutely right. But it's their job to read it, it's their job to read it. More importantly, more importantly, it's my understanding, I don't have firsthand information on this, but it's my understanding that [redacted] of the Ambassador [redacted] highlighted this reporting about the security situation and the analysis about the security situation.

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[3:47 p.m.]

BY MR. DAVIS:

Q All right. I got a couple minutes here.

You made the trip to Tripoli --

A Yes.

Q -- in early 2012?

A Yes.

Q Can you talk about the reasons for that trip?

A So we were watching the situation in Libya, right, the inability of the government to get its arms around the security situation and the deteriorating security situation, which you talked about, the rise of militias, the rise of extremist terrorists in the eastern part of the country. And one of the reasons -- one of the things that we felt needed to be fixed immediately was that the old Libyan intelligence service had fallen apart, and we felt strongly -- we at CIA felt strongly that there needed to be a reconstitution, a rebuilding of the Libyan intelligence service. And the White House, the President specifically sent me to Libya to try to convince the prime minister to recreate, reestablish an intelligence service.

Q Was that the sole reason of your trip to --

A Yes.

Q -- talk about the reestablishment of a --

A It was the primary purpose.

Q Primary purpose. All right.

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[REDACTED]

A [REDACTED]

[REDACTED]

Q Okay. Did you learn anything new while you were over there about the security situation, the deteriorating environment?

A No.

Q Did you spend the night in Tripoli?

A No.

Q Why not?

A My security team would not allow me to do so.

Q So in --

A I wanted to.

Q So it was in and out in one day?

A Uh-huh.

Q Who accompanied you on the trip?

A Mike Vickers --

Q Okay.

A -- accompanied me on the trip. One of my EA's accompanied me on the trip. I don't know which one. Probably my chief of staff. I don't know for sure. And somebody from -- somebody from the Near East Operations Division front office would have accompanied me. I don't remember who.

Q So you were talking earlier, or we were talking earlier about the two main entities, obviously, that this affects: There's

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the State Department and there's the CIA, [REDACTED]

[REDACTED] the CIA, writing all the analysis.

The question is is the State Department reading the analysis.

Did you ever have a conversation with folks over at the State Department, whether it's Bill Burns or Jake Sullivan or anybody about, Hey, guys, things are getting pretty bad in Libya. What are you doing about it?

A No.

Q Is that something you wish you'd done in retrospect?

A You know, I don't -- I haven't thought about it before you've asked the question right now, right? You know, there are well-established mechanisms for the State Department to understand CIA and the Intelligence Community's views on security. You know, had my guys come to me, had my guys come to me and said, you know, we think the TMF is not as secure --

Q Right.

A -- you know, would you talk to Bill Burns, I would do it in a heartbeat. If they came to me with concerns about the State Department's facility and didn't ask me to talk to Bill Burns, I would have talked -- probably talked to Bill Burns, but in the absence of that, I don't think so. The other thing you have to remember here is there's a lot of stuff going on.

Q Sure, sure.

A Right? I mean, this is not the only thing happening.

Q [REDACTED]

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~~TS/SCI~~

[REDACTED]

A Yep. [REDACTED]

[REDACTED]

Q Sure. Sure.

A -- but it was --

Q It was appropriate given the threat environment in
Benghazi.

A Yes.

Q Okay. And was that the case with the State Department
facility you later on learned?

A I don't believe so.

Q Were you surprised how few security personnel were at the
State Department facility?

A I was surprised by two things.

Q Okay.

A I was surprised by -- and, you know, I'm not a security
expert, right, so this is not expert opinion, you know, by Michael
Morell; certainly my reaction, right?

I was surprised at the lack of physical security, I was surprised
how easy it was for the guys to get on the compound, and I was surprised
by how few officers there were protecting Ambassador Stevens.

Q In your view, did the State Department take the necessary
measures and precautions to secure their facility in Benghazi?

A No, based on my own kind of, you know, visibility into this
and also based on the views of the ARB.

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Mr. Davis. Our hour's up, so we will go off the record with that.

Mr. Morell. Okay.

Mr. Davis. Thank you.

[Discussion off the record.]

Ms. Sawyer. I think the time is 4:05.

BY MS. SAWYER:

Q I wanted to lead off by just going back and talking a little bit about Susan Rice's appearance --

A Sure.

Q -- and the preparation of Susan Rice.

A Sure.

Q You talked a fair amount about that in the last hour. So just briefly on exhibit 16, that was one of the transcripts --

A Yes.

Q -- one of her five appearances. It's from ABC News. You were directed to one page of that document, page 3. And, you know, one of the things we've talked about a fair amount today is context. So I wanted to first direct your attention to page 1 where she -- Ambassador Rice is actually asked very directly about Benghazi, and she's asked a question about, what can you tell us about the attackers who were at the embassy or at the consulate? And she gives an answer there, and the first thing she says, it's important to know there's an FBI investigation that has begun and will take some time to be completed. That will tell us with certainty what transpired.

That was accurate, was it not?

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A Yes.

Q So some of the things she's obviously signaling there is that we don't know all the answers yet. Is that accurate?

A Yes.

Q She goes on to say, "But our current best assessment based on the information that we have at present is that, in fact, what this began as, it was a spontaneous, not a premeditated response to what had transpired in Cairo. In Cairo, as you know, a few hours earlier there was a violent protest that was undertaken in reaction to this very offensive video that was disseminated."

So right there, is that consistent with what --

A Fully consistent with CIA's analysis.

Q It's fully consistent with the CIA's analysis. It's also fully consistent with the unclassified talking points that were provided to HPSCI?

A Yes.

Q In that next paragraph, speaking again about Benghazi, she indicates, "A small number of people came to the embassy -- to the consulate, rather, to replicate the sort of challenge that was posed in Cairo. Then as that unfolded, it seems to have been highjacked, let us say, by some individual clusters of extremists, who came with heavier weapons, weapons that, as you know, in the wake of the revolution in Libya, are quite common and accessible, and it then evolved from there."

So we had talked earlier about that title of the piece, Extremists

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Capitalized on Protests in Benghazi. So is this a reflection of the Intelligence Community's assessment as to what happened in Benghazi at the time?

A Yes.

Q So you were directed to page 3. And, again, I just want to point out the context. You weren't shown the question that she was asked. She was shown a map. We looked at a map in the last hour, a map from open source. I don't know what map she was shown, but I presume it's a map of the region. It says, look at this map, if you would. There have been protests around the world over the last several days. So maybe it was even a worldwide map.

The question is, why is the U.S. even less popular today in some of these Muslim and Arab countries than it was 4 years ago?

That is the question that is posed to her. That is the question she answers when she says, it's actually the opposite. First of all, let's be clear about what transpired. What happened this week in Cairo and Benghazi, in many other parts of the region, and that's where she talks about that all being a response to the video.

A Uh-huh.

Q Now, some of the very same sources that were being cited, and we talked about them last hour, Ansar al-Sharia, by the CIA, to make the assessment that it had been a protest were tying that protest directly to the offensive video.

A Uh-huh.

Q Was what she said here inconsistent with what those same

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sources were saying, the same sources we were relying upon to believe -- and I think you said it was the belief, it was the true belief, not a fabricated belief -- that there had been a protest?

A Uh-huh.

Q And is this not the same kind of cherry picking? If you are looking to a source to say it's a protest, and the same source says that protest was about a video, is that not the same irony, cherry picking that would be a problem?

A Yeah. Here's what I'll say, is that what she said is not inconsistent with what the analysts were saying.

Q It just wasn't in the talking points that were produced to HPSCI?

A Nor was it in their classified analysis, right, that that video caused Benghazi. Now, I understand your point about the much bigger context she's drawing here, right, the whole region and she throws Benghazi into it. I understand that. The only point I'm making is what the analysis and the talking points said and what they didn't say, right? They didn't say the video caused Benghazi. They didn't say it didn't, they didn't say it did. That's all I'm saying.

Q Okay.

A And what she said here is not inconsistent with what the analysts believed.

Q And that was what they actually believed. It wasn't a false narrative?

A It was not a false narrative.

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~~TS/SCI~~

Q And it was supported by -- it had an evidentiary basis?

A Yes, as we talked about earlier.

Q So there had been some members who have accused Ambassador Rice of being a liar, of intentionally misleading the American public, and they have said that she did not have a scintilla of evidence to support what she said on the Sunday talk shows.

Now, I looked that word up, "scintilla" --

A What does it mean?

Q -- because I thought I knew what it meant, but I wanted to be sure. It means a fragment, a spec, a dot, an iota.

I mean, there was a scintilla, at least, of evidence to support what she was saying.

A Yes.

Q Is that not true?

A Yes.

Q Now, I just want to turn to the document that you discussed with my colleague. It's exhibit 17. And just --

A Sorry.

Q Exhibit 17 is the email from Ben Rhodes.

A Oh, okay.

Q -- to a group of people --

A Got it.

Q -- with a subject line, "Prep call with Susan, Saturday at 4:00 p.m. ET," which I assume is eastern time.

A Yeah. You can go ahead.

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Q So that document --

Mr. Morell. You don't have it, do you?

Ms. Sawyer. Oh.

Mr. Morell. I don't know why I don't have it. Oh, I got it. I'm sorry. I put it in there. That's a bad place for it. Okay.

BY MS. SAWYER:

Q Sure. So this document comes -- the prep call is going to happen Saturday at 4:00 p.m., it says. You and I talked -- and, again, context is something we've talked a lot about. And you and I had talked the last time we spoke about the context, certainly at the deputies committee's meetings, and you said at that point in time that the focus really wasn't exclusive to Benghazi, that it really was about the regional unrest and what was happening in the region.

A Uh-huh.

Q You remember that discussion?

A Yes, yes.

Q Is there any reason to believe that, just like the deputies, and just like the rest of the United States Government that we talked about were very focused on what was happening in the region and what steps needed to be taken throughout the region, that Ambassador Rice or Mr. Rhodes would have, unlike all those other people, been focused only on Benghazi over that weekend?

A So I think I'd make two points, right? One is there's nothing inconsistent with this with your broader point, right, about what we were all focused on, but the second point I'd make is that what

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the American people were focused on were very different than what I think we were focused on, right? They were focused looking backwards, right? So -- and this was written, right, with kind of the listener in mind, right, who the listener was going to be here in mind. And so it's not -- it's not 100 percent clear to me, right, that this is only about the broader issue and not about Benghazi.

Q Okay. Well, I'd just have you take a look at page -- well, one thing -- well, let's look at page 3 first, then we'll talk about this.

Page 4, which is what I assume to be the start of this email thread, because if you just look, it only goes on one more page. And I think this is very clear. And, you know, you were asked to kind of interpret, as best you could, based on this document what you thought it meant and what you thought. I certainly don't mean to be challenging your interpretation.

A No. It's okay.

Q I just want to make it clear that you weren't an author, you're not working off of what you know to have been the intent?

A Correct. In fact, I --

Q You were asked to speculate a fair amount in the last hour. I would, quite frankly, have preferred not to have you speculate at all, but I do have a very different reading of it than was explained, so I do want to just explore whether there's also reasonable alternative interpretations.

A Uh-huh.

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Q And so on that page, this email goes out explaining that there's going to be a call. And do you see the line down below where it says, here are the promos? Do you have any understanding of what that might have meant?

A Yeah. So a promo is -- I know this now, because I work for CBS, right? So a promo is what the -- what the show is saying it's going to be about, right, when they're putting out the word, right, of why people should watch the show.

Q And this has then a description, at least from four of the five shows, I don't think it has all five, but it has four of the five, and she was going to appear on all of them. So presumably, looking at the promos, not only would they be thinking what is the audience going to be listening for, but what is she going to be asked, and what is the range of things she's going to be asked. Is that a fair --

A Yes, yes.

Q -- fair assumption?

A Yes.

Q Well, starting with just -- we can start from the bottom. Fox News Sunday, the promo says, anti-U.S. protesters spreading across the Arab world days after deadly attack on the consulate in Libya. What should the U.S. involvement be in the trouble -- I assume that was troubled -- region?

That one right there does not specifically mention Benghazi. It speaks much more --

A Sure, it does.

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Q -- broadly about the region.

A Sure, it does. After a deadly attack on the --

Q I'm sorry.

A -- consulate in Libya.

Q Excuse me. It is not exclusive to --

A Correct.

Q -- Benghazi. And actually, it kind of proceeded the way -- even though this transcript was not Fox News, it proceeded exactly how this transcript unfolded that we just looked at in exhibit 16. They talked first about Benghazi, true? Yes? Is that accurate?

A I'd have to go back --

Q I'm sorry.

A -- and look, so --

Q Yeah. Exhibit 16 that we were --

A So, yes, they first talked about Benghazi.

Q And then a little later, they talked about the broader unrest, and called directly onto the table questions about U.S. involvement, questions about U.S. policy, and that was on page 3.

A Yeah.

Q So both Benghazi was covered and broader unrest.

A Yes.

Q Would that be accurate?

A Yes.

Q And it seems from the other promos, and we can walk through all of them, that that was generally what could have been anticipated,

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that there would be a discussion of Benghazi as well as the broader regional --

A Yes.

Q -- unrest. Is that fair?

A Yes, that's absolutely fair.

Q And if you are the person preparing the individual who's going to appear on these shows, would you not expect to want to and need to prepare that person for the full range of --

A Yes.

Q -- questions?

A Absolutely. Including Benghazi, yes.

Q So it's not a mutually exclusive proposition, is it, that this document is either only about Benghazi or only about --

A Absolutely correct. Absolutely correct.

Q So it could be both about Benghazi and about the broader regional issue?

A Absolutely.

Q So in that "Goals" section, one of the goals that you pointed to -- well, let's just go through the goals. Up at the top it says, "To convey that the United States is doing everything that we can to protect our people and facilities abroad."

Now, that goal is one that you specifically mentioned and emphasized quite a bit with regard to exactly what the deputies were heavily focused on in their meetings over that weekend in particular. So that goal certainly seems to speak to what was on everyone's mind.

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Was that accurate?

A Yes.

Q It goes on to say, "To underscore that these protests," plural, "are rooted in an Internet video and not a broader failure of policy."

Again -- in the transcripts you were shown, Ms. Rice was shown a map, a map that presumably was a worldwide showing of protests, not a protest in Benghazi. So is it at least fair to assume that the conversation that they want to have broader policy, setting aside whether or not it was appropriate for Mr. Rhodes to be the author of this or not, but the conversation about broader policy was not limited to Benghazi?

A Correct.

Q And then the next one is the one that I think you felt kind of more strongly showed that it was about Benghazi, because it says, "To show that we will be resolute in bringing people who harm Americans to justice, and standing steadfast through these protests."

One of the things that you and I talked about was the fact that when you edited the talking points, you removed the word "Islamic" from in front of "extremists," and that was somewhat of a risk mitigation, a prophylactic measure, as it were.

If the concern, and it's clearly one that you articulated, it's caught in that first goal, is that there is a worry about protecting our peoples and facilities, is it not a possible alternative reading of that, that it's not only about we are going to get the people who

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harmed, past tense, our people in Benghazi, but it's a warning, and it's also a reminder to our people here, so if our audience is our people here, that we will bring people who harm us to justice, so it's a warning to the people who would wish us harm that we will find you. Is that not a possible alternative reading of that goal?

A Yes. It's not the way I read it, but, yes.

Q And then the other one that wasn't discussed is just to reinforce --

A And I should emphasis something here.

Q Yes.

A The reason I focused on the third tick was after this was made public, White House spokesperson, I forget who it was, Jay Carney, in response to a question, specifically said that the reason this wasn't released is because it wasn't about Benghazi, right?

Q Understood.

A And that was not -- did not feel right to me, right, and the third tick, in particular, seemed to undercut that to me, and that's why I focused on it.

Q I think that's a fair explanation. And let me --

A And I understand --

Q -- also explain to you why.

A Go ahead. Sorry.

Q When I saw in your book that you had said that, I was a little surprised, so I wanted to refresh my recollection as to why in the spring of 2013, certain documents were released. My understanding of it is

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that those documents that were released, and you were shown, it's exhibit 10, the 100-page collection, is that the documents released in spring 2013 were in specific reference to the drafting and editing of the talking points created for the House Permanent Select Committee on Intelligence.

I agree that the explanation as to whether this is about Benghazi versus about the HPSCI talking points could have been articulated more clearly, but I just want to make clear that you don't take the position that this document, exhibit 17, is about the crafting, editing, drafting, thought process that went into the HPSCI talking points?

A No, not at all.

Q So this document wouldn't have been in a 100-page -- if the request was for, show us, please, all of the emails pertaining to the crafting of the talking points for the House Permanent Select Committee on Intelligence, it would not have been appropriate to include this email as part of that process?

A Yeah. I don't know, right, if --

Q And it's a very particular question, and I'll explain why.

A No. I understand the question you're asking. I just need to think for a second, right?

So I'm sitting here and I'm thinking, okay, if I'm the decision-maker, and somebody comes to me and says, we've been asked to put together all of the materials related to the crafting of the CIA talking points for HPSCI, and here we have this, right? Should we include it or not?

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Q And that's presuming the same person who decided to turn over --

A Yeah. I'm just --

Q -- the 100 --

A I'm trying to play the question back, right? You asked me what I thought.

Q Uh-huh.

A And I'm trying to -- so I'm trying to think through it in a way that it might be presented to me as the decision-maker, right?

Q No. I -- my question is a little different. If the -- Mr. Wainstein. Can he answer --

Ms. Sawyer. -- specific --

Mr. Wainstein. -- that question, though?

Ms. Sawyer. Sure.

Mr. Wainstein. Can you let him finish out?

Ms. Sawyer. Oh, sure. Sure.

Mr. Morell. I think -- I don't know -- to be honest, I don't know what I would do, I don't know where I'd come out, but I might say, look, the reason people care about the crafting of the talking points for HPSCI is what ultimately happened to them, that they were used by Susan Rice, right? So there could be an argument made, right, let's include what ultimately happened to them, right, in the materials. You could make that argument. You could also make an argument that this has got nothing to do with how they were crafted, and so you leave them out. But I could -- I could go either way, I think, at the end of the day,

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in a decision about whether to include them in that package or not?

BY MS. SAWYER:

Q And I think, based on how you felt about certain things that were misunderstood when you didn't answer when the question was a little more specific, probably in hindsight, the decision would have been better to be more transparent. And I think you've been very clear you wish there had been greater transparency.

A Yes.

Q Would that be fair?

A Yes, it would be fair.

Q It also doesn't mean necessarily that there was an intent to mislead?

A Correct. I -- I happen -- you know, I happen to believe Ben when he told me he didn't give much thought to these and that he had no intent, political intent when he wrote them. I happen to believe him.

Q And that based on what we discussed, certainly it's believable and a possible interpretation that these were an effort to prepare Ambassador Rice to answer the broader contextual question about what was happening --

A Sure.

Q -- and what we were doing --

A Sure.

Q -- and not just Benghazi?

A Sure. But there is -- right. The reference that I -- the

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third tick, right, isn't the only reference -- reference to Benghazi, right. At the bottom of page 2, there's a whole question --

Q Absolutely.

A -- about Benghazi, so --

Q And that question, just to look at that, I mean, when it is specific to Benghazi, it says, "we are not aware of any actionable intelligence indicating that an attack on the U.S. mission in Benghazi was planned or imminent." That was fully consistent with the intelligence community's --

A Yes.

Q -- assessment?

A Absolutely.

Q And then that next sentence, "The currently available information suggests that the demonstrations in Benghazi were spontaneous and inspired by the protests of U.S. Embassy in Cairo and evolved into a direct assault on the U.S. Consulate and subsequently its annex." I think that may be verbatim out of what ended up in the talking points.

So certainly when it came specific to Benghazi, the talking point there was fully and absolutely consistent with the IC's assessment and its talking points?

A Yes.

Q You know, just to note for the completeness of the record, there's also an entire section on Iran, which has really nothing to do with Benghazi, or there is some discussion of regional issues as

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well, but --

A Yes. And she was asked --

Q -- certainly not --

A She was asked about the nuclear issue.

Q Right. So that was about the nuclear issue.

A Yes.

Q It wasn't about the protests, it wasn't about Benghazi.

So even though this committee has been exclusively focused on Benghazi, there still -- there were other issues in the world, including other issues related to protests in other places. Is that accurate?

A Yes.

Q And then, again, I just -- on that email, before we leave it, I just wanted to go back to that second point where we were talking about the broader failure of policy, and you had made a comment about you thought that was not necessarily accurate, because -- and you made a specific reference to Libya and how the President might feel about Libya.

Again, if this is a document that is about preparing Ambassador Rice for the shows, and the shows are specifically talking about regional unrest and that regional unrest truly is a protest over a video, was that inappropriate to --

A So, you know, it's interesting to look at the -- to read all four goals at once, right, just to read through them at once. And when I read 1, 3 and 4, you know, what I read is what I would expect

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somebody, a member of the national security team, to say, right? Two has this weird flavor: blame this, don't blame that. That doesn't sound to me like a national security official speaking. That sounds to me like a political type speaking. That's --

Q So it's more the --

A That's --

Q -- author, not the content?

A Yes. Well, not the author, right? The author is a national security person, the author is a member of the national security staff, which is -- look, if that had been written by a political person in the White House, I'd say it's perfectly appropriate. It wasn't. It was written by a member of the national security staff, which is why to me, that's a crossing of the line. You know, and -- and I don't know whether Tom Donilon, his boss, thought it was a crossing of the line or not, but if I were the National Security Advisor and somebody who worked for me wrote this, right, and I asked them about it, and they said, look, I didn't have any intent. I wasn't -- you know, I wrote these really quickly. I -- you know, boss, I wasn't trying to be political here, I'd say, okay. Would you please be careful in the future, because this sounds political to me.

Q Got it.

A And I would have left it at that.

Q So I wanted to also explore with you, there was some conversation specifically about security and security -- steps that had or had not been taken by the State Department and the security

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posture at the State Department, in particular, in Benghazi. The information that you were giving, was that based on information you had available to you at the time or was this information that came to you some time later?

A It was information that came to me some time later.

Q And what was the source of that information?

A So there were two sources. There were really two sources: One was reading the Accountability Review Board report, and two was sitting through multiple hearings with State Department officials when they were asked questions about their security posture. So the first SSCI hearing, the first HPSCI hearing, Pat Kennedy was a witness, asked an awful lot of questions, a lot of questions were asked about the security situation.

Q So just to be clear, your opinion is based on certainly what was in the ARB, which was a very -- I mean, what was your sense of the ARB? I found it to be very thorough, hard-hitting. Was that your sense --

A Yes.

Q -- of what they had done there?

A Yes.

Q It wasn't based on your own assessment?

A No, no. I would have no -- I would have no expertise in making such an assessment, personal assessment.

Q And in the Agency, where does the expertise for security-related issues reside?

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A With our Office of Security.

Q And so those would have been the individuals who, both at the time and to this day, would have been responsible for doing security assessments anywhere in the world, but in Benghazi as well?

A Right. And I think, and I'm very proud of my Office of Security in this regard, is that all of the [REDACTED]

[REDACTED]
[REDACTED] were all done without the knowledge and direction of the Director and I. It happened exactly where it should have happened, which is in that security office. Our people did their jobs.

Q So you would not have, you know, personally -- you said without the knowledge of either yourself, the Deputy Director, or Director --

A Petraeus.

Q -- Petraeus. So you would not have been personally reviewing the security setup at all?

A No. There were a couple places in the world where the Director and I were focused on the security situation for one reason or another, because of our own concerns, because of concerns on the Hill, because of concerns in the White House. So we were focused on them, [REDACTED] but our -- you know, I believe that my director of security and her people did an outstanding job in assessing the security situation [REDACTED]

Mr. Wainstein. Did you have a security briefing in Tripoli?

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Mr. Morell. So when I was -- Ken just asked me did I get a security briefing when I was in Tripoli, right? [REDACTED]

[REDACTED] in Tripoli about the security of that

[REDACTED]
[REDACTED] This is when I went to try to convince the prime minister.

BY MS. SAWYER:

Q But with regard to Benghazi, as with regard to most places, neither you nor the Director would personally review security requests. Is that accurate?

A Yes.

Q You wouldn't personally review -- you wouldn't have to be called upon to approve or deny --

A No.

Q -- a particular security request. Is that accurate?

A That's correct, unless it was extremely expensive or created problems for another agency or, you know, were anywhere out of the ordinary, no.

Q And I think you indicated very clearly that that expertise would reside with the Office of Security and those would be the individuals who would be expected --

A Yes.

Q -- to both make the decision, make the assessment, and approve or deny any security requests.

A Yes.

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Q Would you expect it to run any differently in the State Department?

A I don't think so, but I don't know. I don't know the culture there, but if I were the Secretary of State, my expectation would be that it would operate the same way as CIA.

Q And then one thing you -- are you familiar with on the State Department side of mechanism called the Emergency Action Committee?

A Yes.

Q

A Yes.

Q -- on the Emergency Action Committee.

A Yes. There --

Q Is that accurate?

A

Q And you had indicated earlier, and I just want to make sure I understood, that had any of the people -- you believe that had any of your people [redacted] come to you with a concern -- had a concern, they would have come to you with a concern? Did I hear that accurately or --

A I think if my -- I think -- I think if my guys had significant concerns about the security of the State Department facility, they would have said something up the line, right? I

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wouldn't have expected somebody [redacted] to come to me, right, send me an email, but I would have expected them to raise it up the line.

Q And were you ever made aware that anyone had raised it up the line?

A No.

Q Were you aware that there were planning meetings both in Tripoli and in Benghazi to plan Ambassador Stevens' trip from Tripoli to Benghazi?

A No. First I've heard of it right now.

Q [redacted]

A No.

Q [redacted]

A Nope, I was not.

Q And you certainly never heard reported up that anyone in those planning meetings had expressed a concern about Ambassador Stevens' trip to Benghazi?

A No.

Q Despite the fact that that trip was scheduled to take place that would include a date that was 9/11, which is the anniversary that for Americans is of great note, the anniversary of the terrorist attacks on the World Trade Center?

A I'm not aware of anybody expressing concern.

Q Now, you mentioned the ARB. One of the findings

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that -- similar to was discussed last, one of their findings was that these attacks were, I think their phrase was, unanticipated in their scale and intensity. And you had indicated that there were no specific tactical warnings. Would you agree that with regard to this type of attack, they indicate it was unanticipated in their scale and intensity? Do you agree with that finding?

A Not really. You know, the first attack on the TMF, as we talked about earlier, I don't believe was of significant intensity, or even scale. The attacks on the TMF, right, were more of a military-style assault, and certainly the first one with small arms, heavy arms, which was repulsed, right, but I think could have easily been anticipated.

The use of mortars, whether it was anticipated or not, it probably should have been, because mortars were everywhere, right? So I guess I disagree with that particular finding.

Q But there had been no warning --

A Correct.

Q -- specific tactical warning in the run-up --

A Correct.

Q -- to the attacks?

A Correct.

Q And as part of the information that you -- certainly at the time, were you aware of how the State Department facility responded to that earlier attack in June?

A I don't. I wasn't then. I'm not now. There was some

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discussion in the ARB, but I forget about it.

Q So you didn't have any firsthand knowledge?

A No.

Q And no one within the agency reported ever to you that they did not believe that that had been handled appropriately?

A No.

Q

A Yes.

Q -- that was convened to discuss that attack. Would that be correct?

A Yes.

Q As well as any other incident that had occurred over which an Emergency Action Committee might be convened?

A Yes.

Q And that would include Emergency Action Committees that might be convened to monitor the ongoing threat environment?

A Yes.

Q My colleague was just pointing out, which is true, I think -- it's getting late in the day, you had been referencing the attack at the TMF, but you referenced, in particular, mortars.

A Yes.

Q So I just wanted to make clear. That was at the attack at the Annex?

A Yes. There were no mortars at the TMF.

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Q Right. And in terms of you said you don't know whether it was anticipated the mortars, but you felt like maybe it should have been, because those were something that were available?

A Yes.

Q So that was with regard to the attack on the Annex?

A Yes.

Q And in the end of the day, even with the enhanced advanced security that had been put in the Annex, given that was a mortar attack, it was not sufficient to --

A Correct.

Q -- prevent the loss of life there?

A Absolutely right. Correct. Which is why --

Q So sometimes even if something could or should have been anticipated, even with increased and appropriate security measures --

A It may not be enough.

Q -- casualties will occur?

A Yes.

Q And this goes a little, I think, to another question that I just wanted to explore with you. You know, again, it's easy in hindsight to say why were we still, at least the State Department facility, in Benghazi. Could you talk a little bit about -- and I think what this last question displays is even when security steps and measures that people feel are fully appropriate and will protect our personnel, sometimes that does not prove to be true.

A Correct.

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Q Is that accurate?

A Correct. This is a really important point, I think it's a really important point, is there is absolutely no way to guarantee -- to guarantee the safety of our people overseas, even when we take all the appropriate actions, and it's really important to keep that in mind. If we want zero casualties, we should bring everybody home.

Q And talk to me a little bit about why we don't. I mean, there has to be a really critical mission issue. That means that obviously we sometimes do put -- have people in --

A We put people in harm's --

Q -- dangerous people.

A We put people in harm's way all the time: Central Intelligence Agency does, State Department does, the Department of Defense does. And in every case, right, you make a judgment about whether the mission that's being conducted there is worth the risk. In some cases, those decisions are done down inside of the organization, in some cases they're done at the very top of the organization, sometimes they're done at the very top of the government, but there isn't anybody who believes, anybody who I -- there isn't anybody with experience who believes that it's possible to get to zero risk.

Q And we've talked a lot over the last hour or so on -- not just with me, but with my colleagues, about the need and the desire to get better intelligence and better collection, and was there a

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failure of [REDACTED]
[REDACTED]
[REDACTED]

A Yeah.

Q -- but is there really a substitute for when it is possible, and doing everything that you can to mitigate the risk to personnel, is there really any substitute for having personnel on the ground?

A No, no. You can't conduct diplomacy, you can't conduct intelligence by Skype, right? You have to be on the ground. You know, this -- the way I used to think about it, because there was occasionally when I needed to make decisions, right, about whether we put our officers in a particular situation, and the way I thought about it was if something happens here, and we lose one of our officers, can I look a mom, a dad, a wife, children in the eye and provide a compelling reason why they were there, why the country needed them to be there. That was the -- that was the litmus test that I used.

Q I'm going to ask you a very --

A And the answer was often yes, yes, I can give them a compelling reason.

Q So I'm going to ask you a very difficult question. Two individuals were lost at the Annex despite enhanced security, two individuals were lost at the TMF. If you asked yourself that question about Benghazi, were --

A Yes. The answer would be yes. Yes, I would still have had Benghazi base open.

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Q And that is because it was -- can you just explain to us a little bit? People do ask so routinely, why --

A Why were we there?

Q -- was Benghazi so important?

A Right. So something called an operating directive that goes to stations and bases that says, here's your job. I have no idea what the operating directive for Benghazi base said, right? I never saw it. So here's my understanding of why we were in Benghazi, right? Number one, to collect intelligence on what was happening in eastern Libya with particular regard to extremist groups, terrorist groups, right?

Why? Because of the risk that they could pose to Americans in Libya, because of the risk that they could pose to Americans in the region, in particular Egypt, and because of the risk that they could potentially pose to Americans in western Europe, or even the homeland eventually, right? So understand collecting intelligence and understanding the capabilities, plans and intentions of terrorist groups is a fundamental responsibility, a critical mission, and that was at the top of the list of what my guys in Benghazi were doing.

Two, mission number two was developing the right relationships, liaison relationships with Libyan government entities in Benghazi and the independent militias that were operating in and around Benghazi.

Q And I think I misspoke when I said it was fully briefed at

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the time, and I said [redacted] but I think the time period we were actually talking about was [redacted] which would now be -- math is not my thing.

A [redacted]

Q Continued.

A All the way through.

Q So --

A At the time of the Benghazi attack, [redacted]

Q Okay. So [redacted]

A Uh-huh.

Q -- is safe to say --

A Uh-huh.

Q [redacted]

A Uh-huh.

Mr. Chipman. I'm sorry, Heather. Could you clarify the time period? [redacted]

[redacted] and then the attacks on September 12, [redacted] I was just trying to figure out the timing.

Mr. Morell. I don't remember. [redacted]

[redacted] I just don't know. Easily --

Ms. Cohen. [redacted] 2012, I think.

Mr. Morell. Easily discovered by the Central Intelligence Agency.

~~TS//SI~~

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BY MS. SAWYER:

Q So before we move on to another topic, just one final question. So one of the things you identified, you know, and gave a very, I think, comprehensive and helpful explanation of was collecting intelligence on extremist terrorists in eastern Libya. Certainly would you expect, particularly for people for whom they feel that the government is not doing enough to address the terrorists, terrorism, the increase in terrorism, that they would certainly understand the critical nature of that mission?

A Yes.

Q Okay. I'm going to -- you know, so given what -- I mean, it is a little bit of a -- seems a little bit of a Catch-22: It's critical to be there, because if we're not there, we're not going to find out, but it does -- what are the -- it does then put people in dangerous places. So what are the consequences when it is true that we are not able to be in a place? We're no longer in Benghazi, at least there's certainly no State Department presence there.

A So we lose, right -- from an Intelligence Community perspective, we -- we don't lose entirely, right, our ability to see and hear, but we lose a significant chunk of it and you're forced to find alternative ways to collect information.

We talked earlier, right, about the difficulty of not being in Benghazi that was created for collecting intelligence on the perpetrators of the Benghazi attack and their location. So, yes, there are -- you lose intelligence.

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Q I think I have about 10 minutes left, and I wanted to just take us back and shift us to a different topic a little bit, because one of the things that while I had you here, I wanted to explore with you was with regard to the intelligence products that were coming out of the various components, and particularly in that critical time period that has been examined fairly exhaustively between the attacks and the following week.

And just to confirm, when you spoke to the deputies after you had had your chief of station send more information and your analysts then reconsider their assessment in light of that information, you had said that they, at that point in time, they got back to you on Sunday the 16th, correct?

A Right.

Q At that point in time, they were standing with their current assessment --

A Yes.

Q -- though -- they stood by the current assessment?

A Correct.

Q Though they expressed certainly that they would keep an open mind?

A Yes, they did.

Q And that information that they were standing by their assessment, you also conveyed that to --

A I don't remember. I don't recall doing that. I don't recall doing that. Had we changed it, had we changed it, it would have

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shown up, right, as an intelligence product. So the fact that it didn't would have told them that we didn't change it, but I don't -- I don't recall. I may have said something to Denis. I just don't remember.

Q So I'm going to show you now, and this is just shifting a little bit to some of the product that during that week, my understanding, and you will help make sure my understanding is accurate, that was coming out of the various --

A Sure.

Q -- partners in the intelligence community --

A Okay.

Q -- some of the agency partners.

So this is number what? So this is going to be Exhibit 19 --

A Okay.

[Morell Exhibit No. 19

Was marked for identification.]

BY MS. SAWYER:

Q This is a document that says at the top, Defense Intelligence Agency. It has a date of September 13, 2012. It has a number, DIA-09-1209-848.

A Uh-huh.

Q And this was produced to the committee by the CIA.

Can you first just explain who the Defense Intelligence Agency would be?

A Sure. Defense Intelligence Agency is the intelligence -- main intelligence entity within the Department of

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Defense providing intelligence reporting and analysis to the Secretary of Defense.

Q And this document indicates that it's from DIA, so would that mean that their analysts -- that this was the DIA's product, in essence?

A Yes. No doubt about it.

Q So it would have included their analysts' assessments and they would be responsible for the content of this piece?

A Yes.

Q And then who would receive this piece?

A So this would be disseminated not only within the Department of Defense, but more broadly, in the U.S. Government. So this would have come to CIA, this would have come to the other elements of the intelligence community, and certainly would have gone to the White House, and I don't know about organizations.

Q

Was that consistent with --

A I think it went a little further than we went at the time. We simply said that there may have been Al Qaeda-affiliated people there, right? This makes it sound like more like they -- this makes it sound more significant than I think we thought at the time.

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[4:59 p.m.]

BY MS. SAWYER:

Q It goes on to say there are no indications of preoperational planning for the specific target before the attack. Was that portion consistent with what --

A Yes. Yeah, I would say significant preoperational planning. Right. Even an hour is preoperational planning, significant. Right. We never saw indications beyond a few hours.

Q

A So I read that sentence as them agreeing there is a protest and that extremists exploited the protests.

Q And the chief of station, at one point, had used the phrase that we talk about, or that we saw in his document, off-the-shelf contingency. Would this sentence here indicate something that could be an off-the-shelf contingency-type thing?

A Sure. You could read it that way. I don't think -- I don't recall -- I don't recall any reporting that would suggest that this was off-the-shelf, that there was a plan on the shelf that they grabbed that night. I don't think there was any evidence of that.

Q It goes on to say toward the bottom, on 11 September, Libyans protested outside the U.S. Consulate in Benghazi in response to the release after an anti-Muslim film. There again it ties it to the film,

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but it does cite a press report?

A Uh-huh.

Q And so that was accurate certainly with the CIA's assessment at the time, that there had been a protest?

A That there had been a protest, and then it goes beyond the CIA assessment to say that the protest in Benghazi was motivated by the video.

Q So this product does draw a direct connection between the protest in Benghazi and the film?

A Yes.

Q On the next page at the bottom of page 2, it says, it's talking about regional motivation and capabilities of security force.

It says,

That was not something that was in the product?

A Correct.

Q That we have discussed at least from the agency. But is that something that the agency agreed with or disagreed with as a principle?

A Yes. Earlier somebody read something from my book about Arab Spring causing one of two effects, right, either inability to provide security or unwillingness. In Libya it was an inability. The government was more than willing to try to do the right thing. They had no capability.

Q So certainly the sense of the Agency was not that there was

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anti-U.S. sentiment?

A Beyond the extremists and in general, no, in general, no.

Q And then it goes on to say, [REDACTED]

[REDACTED] - I think this captures to what you were just saying -- [REDACTED]

[REDACTED] That seemed to capture a point you were just describing.

A Yes. There was actually something special about eastern Libya, which is, it was the place in Libya where Al Qaeda, where Libyans who ended up fighting for Al Qaeda all over the place came from, so that was the home of Islamic extremism in Libya for decades.

Q So this piece, at least the portions that I read to you, and there's other portions as well, to a large degree, seems at least consistent with how the CIA was viewing what had happened in Benghazi. Is that accurate?

A Yeah, with a few minor differences, yes.

Q And not just what had happened, but potential motivations, although they do link it directly to the film, not just what happened in Cairo?

A Uh-huh.

Q Is there a mechanism, I mean, did you ever -- were you ever made aware that anyone at the defense -- I mean, this product, as I said, seems fairly consistent. Were you ever made aware that anyone at the Defense Intelligence Agency disagreed with --

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A No.

Q -- the Agency's, interagency assessment, that we talked about that was circulated on the 13th?

A No, and they would have. I'm almost certain. You have to be careful when you say you're certain about something, but I'm almost certain they coordinated on that PDB of 13 September.

Q So that they would have you believe then part of the thorough and coordinated process that went into the product that we talked about, which is Exhibit 2, I think?

A Yes.

Q Now, I talked about DIA generally, but did you ever hear in particular whether Lieutenant General Michael Flynn, who was the director of DIA, disagreed with the Agency's and the intelligence community's broader assessment of what happened in Benghazi?

A No, I did not.

Q Did you hear that at any point in the process?

A No, no.

Q And had he had that concern, would you have expected to hear it from him?

A Yes.

Q And why is that?

A Because those are the kind of confidences that we had at senior level intelligence community. If I disagree with something, if I have significant disagreements with DIA or NSA, those are the kind of phone calls that happen among seniors. As far as I know, right,

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nobody ever called me, Director of DIA, Deputy Director of DIA, good question for General Petraeus, right, whether Mike ever expressed anything to him. But, no, I don't recall any concern on the part of Flynn that he had a different view.

Q So one way would certainly have been a direct conversation, and that never occurred?

A Correct.

Q Another way would have been if it had been reflected in the actual analytical product that there was a major disagreement?

A Correct.

Q And the document that I showed you, I'll just send you back to --

A Except can I just do one thing?

Q Yep.

A I just want to be accurate here. So the people coordinating on the PDB on the 13th and the 15th and the other days, right, those people at DIA are the analysts at DIA. Mike Flynn wasn't coordinating on that stuff. And it's possible, right, for Mike Flynn to have a different view than his analysts, right, absolutely possible. But the same thing that I said about CIA is true of DIA, right. Even if the boss has a different view, the analysts make the call in terms of what goes out the door.

Q And to the extent that there is a difference of opinion, like had you had a difference of opinion that was strong, would you have gone back to your analysts and asked them to at least reconsider?

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~~TS/SCI~~

A I wouldn't ask them to reconsider. I would do two things, and I did two things regularly. One is I would challenge them on their assessments. Why do you say X? Why do you say Y? What's the logic here? Where was the evidence? I would challenge them, and, you know, they pushed back on me. They told me here's why we think this, right, and they weren't afraid of doing that. At the end of the day, when we had a different view, I would go to a deputies meeting and I would say, Here's what my analysts think and here's why they think it; but you also need to know that I, Michael Morell, have a different view. But I always said here's what the analysts think first. And senior intelligence officials are allowed to have a different view, but it's very important that they express the analysts' view first.

Q And is there a way within the community among the partners to -- one way you described as a conversation, and you indicated no such conversation occurred?

A As far as I know.

Q As far as you know with Lieutenant General Flynn. Is there a way, otherwise, to reflect if there's a dissent from a product that is being disseminated through the intelligence community?

A So if when a PDB gets coordinated or an NIE, National Intelligence Estimate, gets coordinated, if somebody has a different view, it gets actually recorded in that piece that gets disseminated as a different view. Again, not every small difference, right, but a meaningful difference. So certainly, certainly, if DIA believed that there had not been a protest, then on September 13, there would

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have been a footnote, there would have been a footnote to that PDB that said DIA disagrees that there's a protest, and here's why.

Q And that would be true of any aspect of an assessment. So it could be a protest, it could be a different aspect, but if there was a significant disagreement?

A Right.

Q You would expect to see that reflected in a note?

A Yes, yes.

Q And to the best of your recollection, were there assessments related to the Benghazi attack where there was a note reflecting?

A No.

Q A dissent?

A Not something written for senior customers, not something that went through the PDB process. The other thing I'd say is that these products that were written, were not all joint, but many of them were joint between CIA and NCTC, jointly written products, coordinated across the intelligence community, right, so they were intelligence community judgments. They were not just CIA judgments. And it's even stronger than that. It's not CIA writing it. It's NCTC writing it together.

Q So in some of those products, if it was a product that was coordinated across the intelligence community, presumably that meant it then did reflect the broader view?

A Yes. As I've said in my testimony, this was an intelligence community view.

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Q At the deputies committee meeting, who represents the intelligence community?

A Oh, that is a tricky question. So the DNI, in theory, puts the analysis on the table. And CIA is there to largely talk about operational matters. The reality is that because CIA is the producer of the bulk of the analysis that goes to senior customers, that the senior CIA official ends up speaking to it as much, if not more, than the representative from the DNI.

Q And are other partners in the intelligence community also in those meetings?

A So not in general. In general, it is the DNI and CIA. When you start breaking it down to particular types of meetings, for most CT, most counterterrorism meetings, NSA would be there. NCTC would be there. But a deputies meeting on a regular subject, right, Chinese behavior in the South China Sea, DNI, CIA, and nobody else.

Q And what about for that week that Benghazi happened, but also the regional unrest?

A So NSA was there. FBI was there, right, in two roles, as a member of intelligence community and then as the lead investigator, right, of a crime.

Mr. Wainstein. Are you talking about the deputies meeting?

Mr. Morell. The deputies meeting.

Mr. Wainstein. Are you talking about a particular one?

Mr. Morell. No, I'm talking about in general.

BY MS. SAWYER:

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Q In general.

A The FBI was there. Other intelligence, NCTC joined all of those, so there were a large number of members of the intelligence community at the deputies meetings that occurred through this period, yes.

Q And who was representing the Department of Defense? DIA was not sitting at the table?

A No.

Q But would their views ultimately potentially have been represented both through the intelligence community representatives and their separate DOD representatives?

A No. So the typical representatives to deputies from the Defense Department were the Under Secretary of Defense for Policy and the vice chairman of the Joint Chiefs. And they, I can't remember a single time where they represented DIA analysis in the room.

Q So the representatives from the intelligence community would be talking about the intelligence even if it incorporated the Department of Defense and DIA?

A That's the DNI's role, right, in particular, to say if there was a community difference on an important analytic judgment.

Q And with regard to Benghazi, in terms of the presentations to the deputies committee, were you, since you were the participant certainly from the Agency in the intelligence community, or to the best of your knowledge anyone else from NCTC asked in particular to convey any kind of alternate views, dissenting views, in particular, coming

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from DIA?

A No. But I would also mention what I had mentioned earlier, right, the actual number of deputies meetings on Benghazi itself, you know, there was a first one; and maybe a couple after had a significant focus on Benghazi, but after that, we were all forward-looking.

Ms. Sawyer. I am being alerted to the fact that I have not only run out of time, I've exceeded my time, so I will stop, and we'll take a break and then reconvene from there. Thank you.

[Discussion off the record.]

BY MR. DAVIS:

Q I have a series of questions that I'm going to ask you, but before we get to that, I want to go back and talk about something you mentioned at the end of the last hour. You were talking about how a lot of these assessments that were coming out in the days after the attack were joint assessments between the Central Intelligence Agency and NCTC, thus making them stronger assessments. Do you remember that?

A Uh-huh.

Q I want to turn your attention to Exhibit 2, which we discussed way back, 7 or 8 hours ago at this point.

A Yes. This is not one of those.

Q This is not one of those. How do you know it is not one of those?

A Because it doesn't say so at the bottom.

Q So it would say at the bottom it was done jointly with the NCTC?

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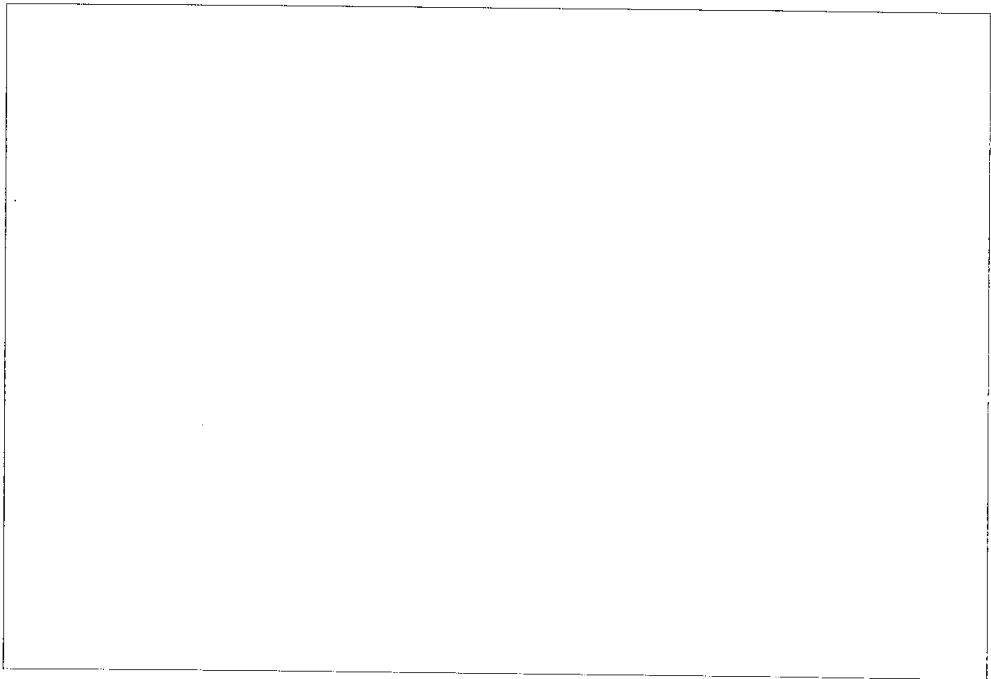
A Yes.

Q Exhibit 2 is not one of them?

A Correct.

Q Great. Were you aware, or are you aware of any efforts by the United States Government in Libya to provide any weapons directly or indirectly to any Libyan rebels or militias or opposition to Qadhafi's forces?

A Can you say that again, please?



[Morell Exhibit No. 20

Was marked for identification.]

BY MR. DAVIS:

Q I'm going to pass down another exhibit. We are up to

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exhibit No. 20. So this is a New York Times article titled U.S.-Approved Arms for Libyan Rebels Fell into Jihadis' Hands, written by James Risen, Mark Mazzetti, and Michael Schmidt, dated December 5, 2012. I can give you a minute to read the article if you want. It's seven pages, or I can direct you.

A Why don't you go ahead and direct me.

Q Sure. So paragraph one: "The Obama administration secretly gave its blessing to arms to Libyan rebels from Qatar last year, but American officials later grew alarmed as evidence grew that Qatar was turning some of the weapons over to Islamic militants." So that's paragraph 1.

Are you aware that the Obama administration secretly gave its blessing to arms shipments to Libyan rebels from Qatar?

A I don't recall. I really don't.

Q Let's flip ahead to page 3, the second and third paragraphs on page 3, I'll just read them and ask you about those. "But after the White House decided to encourage Qatar -- and on a smaller scale the United Arab Emirates, to ship arms the Libyans, President Obama complained in April 2011 to the emir of Qatar that his country was not coordinating its actions in Libya with the United States, the American official said. Quote, 'The President made the point to the emir that we needed transparency about what Qatar was doing in Libya,' end quote, said a senior administration official who had been briefed on the matter.

Next paragraph. "About that same time, Mahmoud Jibril, then the

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Prime Minister of Libyan transitional government, expressed frustration to administration officials that the United States was allowing Qatar to arm extremist groups opposed to the new leadership, according to several American officials. They, like nearly a dozen current and former White House diplomatic, intelligence, military, and foreign officials, would speak only on the condition of anonymity for this article."

So my first question here is, do you remember any of these discussions about encouraging Qatar and to a lesser scale, the UAE, to ship arms to the Libyan government?

Mr. Wainstein. Could we have a quick second?

Mr. Davis. Of course.

[Discussion off the record.]

Mr. Morell. I don't recall.

BY MR. DAVIS:

Q You don't recall?

A I don't recall.

Q Okay. End of the second paragraph I read you, which is the third paragraph on this page, citing nearly a dozen current and former White House, diplomatic, intelligence, military, and foreign officials who would speak only on the condition of anonymity, were you one of those officials?

A No.

Q Jumping ahead to page 5, the first full paragraph on page 5: "Concerns in Washington soon rose about the groups Qatar was

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supporting, officials said. A debate over what to do about the weapons shipments dominated at least one meeting of the so-called Deputies Committee, the interagency panel consisting of the second-highest ranking officials in major agencies involved in national security. 'There was a lot of concern that the Qatar weapons were going to Islamist groups,' one official recalled."

Do you recall any discussions --

A I don't recall. I'm not saying none of this stuff happened. I just don't recall it. One piece of context. I know I've been using the word context to death, but one piece of context was during this period, this was the period where we were preparing to conduct the bin Laden operation, right, and that's where my significant attention was. My memory may be affected by that. Maybe I didn't attend some of these deputies meetings because I was so focused on the bin Laden operation, but I simply don't recall.

Q If you didn't attend a deputies meeting, who typically would have taken your place?

A It would depend, but I would usually send the Director for Intelligence. If it was a straight operational issue, I would send the appropriate person from the NCS, but usually the head of the DI, I would send.

Q And the head of the DI at that point was?

A Fran Moore. Fran, I'm sorry. Fran M.

Q Third parties have alleged that the United States Government was involved in or was aware of efforts to provide weapons

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to various parties in Libya in the period before and after the Benghazi attacks.

Are you aware of any basis to support these or related allegations?

A So if you want to break the sentence apart, can you read it again?

Q Are you familiar with the CIA group Ground Branch?

A Yes.

Q Can you explain what Ground Branch is?

A So Ground Branch are the paramilitary officers for the Central Intelligence Agency, is the best way to explain them.

Q Can you explain the difference between Ground Branch and what GRS does?

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A So GRS' job is to provide security. Ground Branch's job is to provide on the ground paramilitary operations, usually in support of co-reaction.

Q Ground Branch, are they agency employees, or are they typically contractors?

A I'm speculating here. I think they are usually employees, but sometimes contractors.

Q Okay. Are you aware that Ground Branch goes by any other pseudonym or operational term?

A Not that I know of.

Q Task force?

A No.

[REDACTED]

BY MR. DAVIS:

[REDACTED]

[REDACTED]

[REDACTED]

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A At what time?

[REDACTED]

[REDACTED]

Q Was Ground Branch in Libya after the revolution?

A I don't know.

[REDACTED]

Q There has been a report that there has been a Ground Branch element within a couple kilometers of the Benghazi base on the night of the attack. Is that anything that you're aware of?

A No. And I would be shocked if that were the case. And I'm only hearing about it now, so I don't think so.

Q So my last question, before I turn it over to Dana, is where are you currently employed?

A All over the place.

Q Can you describe some of those employment endeavors that you currently have?

A Sure. So I am a member of a public board, publicly traded Fortune 500 company.

Q Absent corporate board memberships, your day-to-day job or any consulting firms?

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A I am employed by CBS News.

Q Okay.

A I'm employed by West Point, Combating Terrorism Center at West Point. I'm employed by the Kennedy School of Government. I am employed in a consulting capacity a whole bunch of people. I'm employed by, in a consulting capacity, a whole bunch of people. I am employed by Servers Capital Management. I am employed by the U.S. Chamber of Commerce. I am employed by a company called Delphi Capital. I am employed by Orbis Operations. I'm employed by Data Miner. I'm employed by Beacon Global Strategies. I'm employed by a company called Team 8. I'm employed by -- I probably missed somebody.

Q How long after you left the agency did you receive your first post-agency employment, did you begin working at any of those agencies, the earliest date?

A The first employment was the U.S. Chamber of Commerce.

Mr. Wainstein. Post-agency.

Mr. Morell. Post-agency. Sorry. Post-agency employment was with the U.S. Chamber of Commerce.

BY MR. DAVIS:

Q When did you first beginning working with the U.S. Chamber of Commerce?

A I believe my first retainer was for the month of October.

Q At Beacon Global Strategies, when did you begin working with them?

A In late November.

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Q Do you remember when you first began having discussions with Beacon Global Strategies?

A I don't. I don't. When it was publicly announced that I was leaving government, a whole bunch of people reached out to me and said, hey, would you be interested? We'd be interested; would you be interested? I don't remember if Beacon did that before I left or after I left, but had they done it before I left, I would have done a recusal letter, so it's very easy to find out. I did a number of recusal letters before I left. But I had -- when I left government in early September -- I left the job of Deputy Director in early August.

When I left the government in early September, I had no intention of hanging my hat, so to speak, at a consulting firm. I had every intention of being my own consultant. I believed that I could be my own scheduler, and I quickly discovered that that was a horrible idea and not practical. And when I discovered that, I said, you know, maybe I do need hang my hat somewhere so I can get myself a scheduler.

I had two sets of conversations. I had one set of conversations with the Chertoff Group who offered me a place to hang my hat there. Beacon did the same. I chose Beacon for a variety of reasons that I'd be even more than happy to talk about, but I chose Beacon. I was actually permitted to hire my own scheduler, so I hired a young lady who had just graduated from UVA, who was the daughter of a friend of my wife's; and she started working at Beacon the same time that I did.

And I am not paid a salary by Beacon. The arrangement that we have is that in exchange for a scheduler, an assistant, exchange for

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an office, exchange for a parking spot, exchange for Uber all around town, they get to use my name. They get to say that I am a senior counselor at Beacon Global Strategies. On any business that I bring them, I get a share of that business, so that's the income I currently get from them, is some business I have brought to them and they're giving me a share of it. But I don't receive a regular salary or retainer from them.

Q What was the period of time -- how long was the period of time between when you announced that you were leaving government and when you actually did leave government?

A Oh, I don't know. I think there was a -- I don't know. I think it was about 2 months, month and a half, 2 months before I left.

Q And during those times you talked about Beacon in particular. Do you recall having discussions with Beacon, the Chertoff Group, U.S. Chamber of Commerce, or is that something that you would have waited until after you left and you would have done a recusal letter?

A No. I was advised by OGC that I could have those conversations as long as I recused myself from anything to do with those companies during the rest of my time. So I had a number of conversations, not a large number, but a handful of conversations, with people before I left; and I did a recusal letter every time I came back from one of those conversations.

Q Did any discussions or conversations you had while you were still employed at the agency prior to departure have any influence

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whatsoever on any decisions you made while you were still at the agency?

A No.

BY MR. CHIPMAN:

Q Sir, I've just got a couple of questions to follow up with Carlton's commitment of 15 minutes. Many others have written books about Benghazi, some of which have not sold as well as your more global book; but they've all got a theory. And one such theory is that the Benghazi attack bore all the hallmarks of a state-sponsored terrorist attack with Iranian fingerprints all over it. In your time as the Deputy at the CIA, around the time of the attacks in September of 2012, did you see anything to lead support to that theory?

A No, nothing.

Q And since that time, as of your departure of August of 2013, or even to the present, have you come to learn anything that would support that theory?

A No.

Q The same book seems to indicate that whether or not there was a U.S. Government involvement in the transfer of weapons to Syria or Turkey in particular, that the matter was of such concern that on September 2 of 2012, Director Petraeus flew to Ankara to try to sort out any problem with respect to that shipment. Do you recall whether in the week prior to your travel to the region in September of 2012, that the Director also made a trip to the Middle East and Ankara in particular?

A I don't recall.

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Q Don't recall?

A And I can say with authority that Central Intelligence Agency was involved in no way in shipping weapons from Libya to Syria.

Mr. Chipman. That's all I've got, sir. Thank you.

Mr. Davis. We'll go off the record.

[Discussion off the record.]

BY MS. SAWYER:

Q Mr. Morell, thank you. You've been very patient. I think we're getting toward the end of the day, and I hopefully just have a few questions, just a few mostly clarifying questions.

I think you were asked in the last hour about Exhibit 2 and whether Exhibit 2 was a piece that was coordinated across the community?

A I was asked whether it was a joint product with NCTC, I believe I was asked.

Q Oh, okay. And I may have misheard that. Like I said, it's late in the day.

A It was coordinated across the community, but it was written solely by CIA.

Q Okay. But it is the product that you referred to in your written statement, both on page 3; it's coordinated with analysts across the IC?

A Yes.

Q And then on page 5 you go on to say that it was thoroughly coordinated as well?

A Yes.

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Q And then I wanted to turn your attention briefly back to exhibit 18 that was shown to you, article, and you are given not the full article but an excerpt from Politico, and the parts that you were shown, the excerpts had some quotes from you. And I just wanted to make sure that I was fully understanding. And I'll direct your attention to page 3 of the exhibit.

And there's a paragraph that says "in the end," and it then cites to you, and there's a long quote from you there: There was no intelligence failure in terms of seeing the rise of extremists, and you talk about that. And then toward the end you say, "I think of Iraq, Gaza, Afghanistan, and Libya, I think it's probably both a failure of intelligence and a failure of policy in two different administrations." The issue that it sounds to me you were talking about was the kind of lack, both on the part of the intelligence community, as well as policymakers, in really planning out into the future, and that these were some examples of instances where that had happened?

A Yeah, I think more I was trying to make a point of the difficulty of bringing democracy to places that aren't ready for it and the significant implications that can follow when you try to do that, so that's true in every one of those cases.

Q Right. And in particular regard, right in that next paragraph, it says, Indeed, it is hard now to remember that only weeks before the Benghazi attacks, Libyans had voted in free elections for a new governing body. So, again, it's a reminder right there that in terms of foresight versus hindsight, in terms of do you think it was

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perfectly foreseeable that they would have accomplished that election, the first free and open election I think in 40 years, with very little violence around that election?

A I think the bigger issue -- so I don't disagree with what you just said, but I think the bigger issue is, and this is an intelligence issue, absolutely, intelligence analytic issue, is not understanding that in these authoritarian societies that we're talking about here, that the personality of the leader is everything, and personal relationships with individuals in the rest of the government are everything, and that institutions, particularly security institutions, are all personality-based. And so when the leader goes away, that those institutions often just break down. There's really nothing to the institution besides the leadership of it, and that's something I think that we didn't fully understand, didn't fully appreciate, didn't fully talk about in the case of Egypt, in the case of Libya. It's currently playing out in front of our eyes in Syria. So I think that's the bigger issue.

Q And you had mentioned on the next page, there's another quote that's very particular and specific to Iraq, so Iraq would be another example in there certainly. Do you see where I'm saying, the larger question is whether America learns. Right?

A Is that me?

Q "As Michael Morell notes, in Iraq, we never wrote a national intelligence estimate," so I was just pointing that out as another example in addition to the ones, particular to that Arab Spring period

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of spring 2011. We are talking now about an instance that certainly preceded that, so I just wanted to make clear that our conversation here was not specific and alone towards Libya?

A Correct.

Q Certainly not specific and alone toward Benghazi.

A Correct.

Q And certainly not specific and alone toward why were we in Benghazi, in particular, on the night of 9/11, 2012.

A Correct.

BY MS. COHEN:

Q And on the policy, you were talking about the policy debates, and looking regionally, you mentioned Syria; and HPSCI has had, and you may have been one of them, of intelligence officials, long-time experienced intelligence officials saying they don't recall a more complicated set of circumstances. And to varying degrees, we did mention Yemen as another one where there is no U.S. presence now, and that was what we thought was a capable and willing government. So in the sense of looking at the planning the day after, the exit strategy, the whether to join the fray, all of these, would you say that these decisions have become much more complex --

A Yes.

Q -- with the changing, and the combination of the geopolitical with the terrorist situations?

A Look, what I say to people is that there are three long-term fundamental dynamics underway in the Middle East that individually are

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incredibly complicated and complex, and you put them together and the complexity skyrockets. I won't bore you with what those three dynamics are, but they are why we are where we are. There is very little the United States can do about them, in my view. It doesn't mean we can't manage around them. There's very little we can do to stop them. And I have said over and over again, and I'm on the public record as Syria is the most complicated policy problem that I have ever seen.

BY MS. SAWYER:

Q Shifting to another topic that had come up a little bit in the last hour with regard to intelligence collection, and I think, [REDACTED]

[REDACTED] you know, I had, when I was reviewing your prior testimony said noted that in your public hearing, and I think it came up briefly, you had mentioned that this issue was on the radar. People understood that [REDACTED]

[REDACTED] Would that be fair?

A On the part of the Libyans?

Q No. [REDACTED]

A The kind of intelligence I was talking about that we would have liked to have had?

Q Yes.

A Yes.

Q And in your testimony you had answered a question where there was a request as to what can we improve on, and you indicated there, I think the things that we need to do is make sure that this

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does not happen again, is one I think we need to improve the intelligence collection in these kinds of places like Benghazi. Where there's a real risk, we need to make sure that we have battlefield kind of awareness, and you have referenced that term "battlefield awareness" today. And you went on to say, and I think this committee knows, that

[REDACTED]

A Yes.

Q So that was an issue again, when I said "on the radar," I just want to flesh out that the Agency was well aware of?

A Intelligence community, yes, [REDACTED]

[REDACTED]

Q Thank you. In reference to this committee, this was obviously before HPSCI, [REDACTED] had been briefing HPSCI on at the time?

A I don't know for sure. I wouldn't be surprised. I didn't brief anybody on HPSCI. I wasn't aware if Director Petraeus, it would have been the DNI [REDACTED]

[REDACTED]

Q And then briefly with exhibit No. 20, does The New York Times article, U.S.-Approved Arms for Libya Fall Into Jihadis' Hands, you were asked a number of assertions in the article. Just in general, however much of this article -- I just note first of all, the date of

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the article is December 5, 2012. HPSCI did an investigation in the Benghazi attack. It issued a report in November of 2014. I'm representing that to you, but that's a 2-year period after this article?

A Uh-huh.

Q So certainly this article and these allegations were in the public domain --

A Yes.

Q -- by the time HPSCI was doing its investigation. Is that accurate?

A Yes, yes.

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[6:03 p.m.]

Ms. Sawyer. So however much of this article may be true or untrue, certainly those questions and issues would have been briefed to the House Permanent Select Committee on Intelligence.

Mr. Morell. Yes. Yes.

Ms. Sawyer. So the fact that you were unable to answer questions with us, because we do not have the same -- we are not read into the same programs, we don't have the same access, is certainly not a signal as to any of the particularized allegations that you couldn't answer.

Mr. Morell. Correct. Correct.

Ms. Cohen. And most of the questions that have been asked by our colleagues talk about Libya

But if you were to break it down and had we had the access for this,

Mr. Morell.

BY MS. SAWYER:

Q I'm going to shift gears now to a different and cover several

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topics. As you are well aware, this is now the eight congressional investigation into the Benghazi attack?

A I thought it was the ninth, but you guys probably have a better count than I do.

Q It's many. And I think Congressman Schiff made it clear it's our hope, I think it's the hope of everyone on the committee that this is the last. So we are therefore asking every witness a series of allegations. These are public allegations that have been made since the attacks. It's our understanding that even where the minority members may believe these questions have been asked and answered, the majority has signaled intent to continue investigating them. They certainly have never advised us that a single one of these is off the table.

And it is true certainly while anyone can speculate about the Benghazi attacks or what happened in Benghazi, there is a limited number of individuals who have actual firsthand knowledge. You are one of those individuals, and we appreciate the time that you've spent today as well as all of your prior testimony.

So I'm going to ask you a series of questions. Some of these questions will fall in categories where you would have firsthand knowledge, some of them you may not. And as I ask, we'll just explore any of the areas where there is knowledge that you can share with us?

A Sure.

Q It has been alleged that Secretary of State Clinton intentionally blocked military action on the night of attacks. One

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Congressman has speculated that, quote, "Secretary Clinton told Leon Panetta to stand down and this resulted in the Defense Department not sending more assets to help in Benghazi."

Do you have any evidence that Secretary of State Clinton ordered Secretary of Defense Panetta to stand down on the night of the attacks?

A No.

Q Do you have any evidence that Secretary of State Clinton issued any kind of order to Secretary of Defense Panetta on the night of the attacks?

A I'm sorry, could you read that one more time?

Q Do you have any evidence that Secretary of State Clinton issued any kind of order to Secretary of Defense Panetta on the night of the attacks?

A No.

Q It has been alleged that Secretary Clinton personally signed an April 2012 cable denying security to Libya. The Washington Post Fact Checker evaluated this claim and gave it four Pinocchios, its highest award for false claims, yet allegations of this nature have persisted.

Do you have any evidence that Secretary Clinton personally signed an April 2012 cable denying security resources to Libya?

A No.

Q Do you have any evidence that Secretary Clinton was personally involved in providing specific instruction on day-to-day security resources in Benghazi?

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A No.

Q It has been alleged that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Qadhafi to his own people in order to garner support for military operations in Libya in spring 2011. Do you have any evidence that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Qadhafi to his own people in order to garner support for military operations in Libya in spring 2011?

A No.

Q It has been alleged that the U.S. Mission in Benghazi included transferring weapons to Syrian rebels or to other countries. A bipartisan report issued by the House Permanent Select Committee on Intelligence found that, quote, "the CIA was not collecting and shipping arms from Libya to Syria and that they found no support for this allegation."

Do you have any evidence to contradict the House Intelligence Committee's bipartisan report finding that the CIA was not shipping arms from Libya to Syria?

A No.

Q Do you have any evidence that the U.S. facilities in Benghazi were being used to facilitate weapons transfers from Libya to Syria or to any other foreign country?

A No.

Q A team of CIA security personnel was temporarily delayed from departing the Annex to assist the Special Mission Compound and

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there have been a number of allegations about the cause of and the appropriateness of that delay. The House Intelligence Committee issued a bipartisan report concluding that the team was not ordered to stand down, but that instead there were tactical disagreements on the ground over how quickly to depart.

Do you have any evidence that would contradict the House Intelligence Committee's finding that there was no stand-down order to CIA personnel?

A No.

Q Putting aside whether you personally agree with the decision to delay temporarily or think it was the right decision, do you have any evidence that there was a bad or improper reason behind the temporary delay of the CIA security personnel who departed the Annex to assist the Special Mission Compound?

A No. No.

Q A concern has been raised by one individual that in the course of the producing documents to the Accountability Review Board damaging documents may have been removed or scrubbed out of that production. Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to the Accountability Review Board?

A No.

Q Do you have any evidence that anyone at the State Department directed anyone else at the State Department to remove or scrub damaging documents from the materials that were provided to the ARB?

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A No.

Q Let me ask those questions also for documents that were provided to Congress. Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to Congress?

A No.

Q Do you have any evidence that anyone at the Central Intelligence Agency removed or scrubbed damaging documents from materials that were provided to Congress?

A No. No.

Q It has been alleged that CIA Deputy Director Michael Morell --

A That's me.

Q -- altered unclassified talking points about the Benghazi attacks for political reasons and that he then misrepresented his actions when he told Congress that the CIA, quote, "faithfully performed our duties in accordance with the highest standards of objectivity and nonpartisanship," end quote.

Do you have any evidence that CIA Deputy Director Mike Morell -- you -- gave false or intentionally misleading testimony to Congress about the Benghazi talking points?

A No.

Q Do you have any evidence that CIA Deputy Director Morell altered the talking points provided to Congress for political reasons?

A No.

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~~TS/SCI~~

Q It has been alleged that Ambassador Susan Rice made a, quote, "intentional misrepresentation," end quote, when she spoke on the Sunday talk shows about the Benghazi attacks. Do you have any evidence that Ambassador Rice intentionally misrepresented facts about the Benghazi attacks on the Sunday talk shows?

A No.

Q It has been alleged that the President of the United States was virtually AWOL as Commander in Chief on the night of attacks and that he was missing in action. Do you have any evidence to support the allegation that the President was virtually AWOL as Commander in Chief or missing in action on the night of the attacks?

A No.

Q It has been alleged that a team of four military personnel at Embassy Tripoli on the night of the attacks who were considering flying on the second plane to Benghazi were ordered by superiors to stand down, meaning to cease all operations. Military officials have stated that those four individuals were instead ordered to remain in place in Tripoli to provide security and medical assistance in their current location.

A Republican staff report issued by the House Armed Services Committee found that there was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi? Do you any evidence to contradict the conclusion of the House Armed Services committee that no stand-down order issued to the U.S. military personnel in Tripoli who sought to join the fight in Benghazi?

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A No.

Q It has been alleged that the military failed to deploy assets on the night of the attack that would have saved lives. However, former Republican Congressman Howard "Buck" McKeon, the former chairman of the House Armed Services Committee, conducted a review of the attacks, after which, he stated, quote, "Given where the troops were, how quickly the thing all happened, and how quickly it dissipated, we probably couldn't have done more than we did," end quote.

Do you have any evidence to contradict Congressman McKeon's conclusion?

A No.

Q Do you have any evidence that the Pentagon had military assets available to them on the night of the attacks that could have saved lives, but that the Pentagon leadership intentionally decided not to deploy?

A No.

Q Thank you, Mr. Morell. I thank you again for your patience answering the questions today, for the many times you have answered Congress' question on this, as well as the many other things that Congress, among others, have asked you in your 33 years of service. I know that all members of the committee very much appreciate your tremendous career service to the United States and we thank you for that.

A Can I say something?

Q Absolutely, we would love to hear.

~~TS/SCI~~

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Mr. Morell. Can you hear?

Mr. Chipman. Yes, sir.

Mr. Morell. Just a couple points. One is that I think it's important to say that the Central Intelligence Agency in this time period that we're talking about was the strongest voice in the interagency for a continuing threat from Al Qaeda. There is General Petraeus' early 2012 testimony to Congress where he talks, in the aftermath of the Bin Laden operation, where he talks about how the threat has evolved from the core Al Qaeda in Pakistan to the affiliates and how dangerous the affiliates have been becoming.

There's public speeches that I gave, I'm going to ask Ken to provide them to you, public speeches that I gave where I talk about the continuing grave threat from Al Qaeda in the aftermath of the Bin Laden operation, largely because of the affiliates.

CIA was the strongest voice in the Sit Room about the continuing threat. My analysts were a strong voice about the continuing threat. We drove people crazy with our voice about the continuing threat. I provided a briefing, along with Matt Olsen, to the President of the United States late 2012, early 2013, where we were asked to give the President a picture of what the terrorist threat was going to look like in the years ahead and I was extremely negative, telling him that this would be a fight of generations.

I just think it's important in the context of this whole idea, right, that the CIA wanted to downplay the terrorist threat facing the United States and the CIA wanted to downplay, right, to play some

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political narrative that Al Qaeda had been defeated is not only wrong, but it's completely inconsistent with everything the CIA was saying in what it was writing and what it was saying in the Sit Room and what it was saying to Congress and what it was actually saying publicly, when those rare occasions when it was out publicly. So I just think that was important to note.

The other thing that I think is important to note is that, as I spoke to Congressman Schiff earlier about my concern about the reputation of the Agency, and at that point I was talking about the importance of people seeing the CIA as a source of objective analysis, right, how important that is to our country and that's how -- one of my main concerns here was.

There is another piece of the CIA that I think -- that I want to say, right, and that is that in this whole Benghazi story that my guys on the ground that night, in my view, were absolute heroes, that my guys who went from Benghazi base to the TMF and my guys who went from Tripoli to Benghazi saved lives. And a lot more people would have died without my guys acting with the bravery that they did. And I don't want that lost ever, ever, ever.

And then the other thing, which is going to sound a little surprising but I hinted at it earlier, is I actually believe my analysts did a really good job. Absolutely they got the protest judgment wrong, right? But all of the other key judgments that they made at the time still hold to this very day, and that's kind of remarkable when you think that they made those judgments literally 24 hours after the

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attacks. And as you heard me say later, I think they're actually too hard on themselves with regard to the protest judgment.

And then, and I just think it's important to praise them here a little bit too because they have really gotten beat up, right?

BY MS. SAWYER:

Q Can I interrupt you just for a second?

A Sure.

Q I don't know that we got through the entire, in the hour that I was walking you through, I think you recall I may have started those questions with you saying I want to go back through this with you from my perspective as an outsider looking in. What I see here is a process that worked and worked quite well, even as to the point that was about the protests.

So although I appreciate and understand and think the after-action analytic line review is absolutely helpful, I also thought what we saw in those documents and what you talked about very much showed a process that worked well, would you agree with that --

A Yes.

Q -- in terms of when people saw the discrepancy they highlighted it? Is that accurate?

A So, I mean, just think about the whole process, right, they have to make a judgment, right? We're beating on them, right, to make a judgment about what happened here. They don't -- they want to wait, right, an analyst's intuition is to wait. Wait until I get a lot more information, right? And we tell them: No, you've got to write today,

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the President wants to know what you think, right?

So on very short notice, with limited information, some of it contradictory, not about the protests, but some of it contradictory, they made calls, and they turned out to be largely right.

What's really important, right, is that they kept an open mind about all of those judgements, as we have seen in the evidence, right, they kept an open mind. That's my expectation on them, that's your expectation of them, that's the American people's expectation of them. And when the evidence took them in a different direction with regard to the protests, they changed it, they changed it. It's not easy for an analyst to write a PDB that says we were wrong before, this is what we -- this is what we thought before, this is now what we think, right, but they did it in this case and they did it well.

Q And, again, just to clarify, the definitive, the real time at which they could clearly see and change that assessment was when the Agency had the opportunity to review the video from the --

A Yes. I don't know the exact, right, what I know is that on the 18th the Libyan intelligence service came to us and say: Hey, we watched the video, we didn't see a protest. Right? That kicked it off.

I don't know at what point between the 19th and the 21st when they wrote the piece that ran on the 22nd which changed the judgement that they actually changed in what happened and what they saw and what they didn't see in those 2 days. People have criticized them for taking 2 days, right, to change the judgment. I don't know what happened

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during those 2 days so I can't -- I can't join the criticism or even defend them, right, I don't know what happened in those 2 days.

But I think it's actually a story that you would actually tell a group of new analysts in terms of this is a success story, not a failure, not a failure.

And then the last point I'd make -- the last point I'd make is kind of about the conspiracy theory, right, with regard to CIA cookin' the books, right, whether it was the analysts or Michael Morell or both together or whoever, right, that it's really important to kind of step back and say just how -- even if that was the intent -- it wasn't -- but even if that was the intent, how difficult would that have been from two different perspectives. Right?

One is to get the analysts lined up where you wanted them -- difficult task -- to get the analysts and the rest of the community lined up where you wanted them from a political perspective, to get the senior people lined up where you wanted them, right, to get -- right, to do all of that is just impossible, impossible, right?

Q And that was the reference in your book to if this was a conspiracy --

A Man, it was a big one, it was a big one.

And then the other thing, right, is that in order to -- in order for us to have played politics, in order for us to have played politics here, we would have had to have known ahead of time how all these different things were going to play out and would have become issues, right, the protest versus no protest, preplanning versus no

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preplanning, Al Qaeda guys there, right, or not, right?

All of those issues we would have had to understand where the politics on them were going. At the time we did this analysis and the time we wrote the talking points we had no idea the politics of any of that.

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BY MS. COHEN:

Q I would just like to go back to your first point about Al Qaeda, because we could spend hours but we're not, but having read much of this intelligence over the years about it, about the threat of Al Qaeda, the allegation, as I understand it, was that all of this conspiracy theory was to prevent or to further a cover-up of performance against Al Qaeda. The allegation is that the administration claimed some success in weakening core Al Qaeda and that somehow Benghazi undermines that claim.

So I'd just like to pull that apart a little bit. When you first started, you immediately made the distinction between core Al Qaeda in the FATA and the affiliates, the branches, the sympathizers, et cetera, and the threats. Why is that necessary from an analytical standpoint, from an analytical standpoint, to differentiate, to break down Al Qaeda between core Al Qaeda and the others, and the affiliates?

A Because the affiliates were increasingly posing a threat to the regions that they were in, to Western Europe, and to the United States. And, in fact, by the time we get to 2012, I might not have the timing exactly right, but by the time we get to 2012 the Al Qaeda affiliates are actually presenting a greater threat to the homeland than is core Al Qaeda. And so AQAP, right, is posing a greater threat to the homeland than Al Qaeda is, actually.

Q And one reason is because, looking from the original 9/11 and all the work that CIA and the rest of the IC, the hours and hours of working to try to weaken, in various ways to weaken core Al Qaeda

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was working. And did you ever see -- and leading up to that really gutsy operation against -- by this administration against Bin Laden -- did you ever see the administration reject the idea that these Al Qaeda affiliates were posing a threat?

A No. Look, the degradation, decimation, near defeat of core Al Qaeda came from two places, right? It came from the work of the intelligence community and it came from the policy work of two administrations, the Bush administration, the Obama administration.

And to go back to the CIA point, right, about CIA kind of leading the charge on the continuing threat from Al Qaeda, it was Leon Panetta who stood up and said we need to do the same kind of degradation, decimation of the affiliates that we've done of core Al Qaeda because they've become such a threat, a point he made over and over and over again.

Q So if an administration official or anyone else were to talk about the weakening of core Al Qaeda, would that statement be undermined or need to be covered up because of the Benghazi attacks?

A No. But I would say something important here. For a senior administration to stand up and say, "Man, we've defeated core Al Qaeda," it's right, it's a true statement. I would also want them to say, "But the threat has spread, right, we are now at threat from the affiliates." I would want them to tell the complete story.

Q And Mr. Brennan and others did in fact say so?

A Yes.

Q And to our knowledge there is still no indication that core

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Al Qaeda directed the attacks in Benghazi?

A Correct.

BY MS. SAWYER:

Q And then just one technical. I think I meant to ask you this when I asked if you had the opportunity to review your written statement and said you had.

A Written statement from?

Q From the --

A 2014.

Q -- April to 2014?

A Yes, I did.

Q And is that statement accurate, do you stand by the --

A I actually read it with the idea of what would I change, right, if I did this again -- I'm not suggesting that -- what would I change if I did those again, and there'd be a handful of things I'd change, but I don't think anything significant.

Q So nothing significant to any of the topics that we've discussed today?

A No.

[Discussion off the record.]

Mr. Morell. So, you know, I think I'm confident enough in what I just said to you that I'd be comfortable with that being sort of a written statement today, right, that's how comfortable I am with the judgments in there.

Ms. Sawyer. Right. Because I know we covered much of it. We

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may not have asked you every single question or topic you covered.

Mr. Morell. You came close.

Ms. Sachsman Grooms. It's 23 pages long.

Ms. Sawyer. I think we were very comprehensive. And, you know, part of, again, what we're trying to do is make sure. So if were you to submit a statement to this today, in 2015, 18 months later, it would still be --

Mr. Morell. Be very, very, very close.

Ms. Sawyer. Okay. Thank you. I think that's it, that's what we have. And, again, thank you very much for you time.

Mr. Morell. Thank you guys.

Mr. Chipman. And thank you, on behalf of Chairman Gowdy and the committee, for your service to the Nation.

Mr. Morell. Thank you.

[Whereupon, at 6:30 p.m., the interview was concluded.]

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**INTERVIEW OF
GENERAL DAVID H. PETRAEUS**

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, JANUARY 6, 2016

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

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RACHEL LIEBER
* * *

Mr. Chipman. Let's go on the record.

This is a transcribed interview of General -- retired -- David Petraeus conducted by the House Select Committee on Benghazi. This interview is being conducted voluntarily as part of the committee's investigation into attacks on U.S. diplomatic facilities in Benghazi, Libya, in September of 2012 and related matters, pursuant to House Resolution 567 of the 113th Congress and House Resolution 5 of the 114th Congress.

Sir, could you please state your full name for the record?

General Petraeus. David H. Petraeus.

Mr. Chipman. On behalf of Chairman Gowdy and the Select Committee on Benghazi, we appreciate your time and willingness to come in and talk to us this afternoon.

My name is Dana Chipman, and I am a counsel on the committee staff.

I would like to go around the room and ask everyone else to introduce themselves as well.

Sir, starting with you.

Chairman Gowdy. Trey Gowdy, South Carolina.

Mr. Westmoreland. Lynn Westmoreland, Georgia.

Mrs. Brooks. Susan Brooks, Indiana.

Mr. Pompeo. Mike Pompeo, Kansas.

Mr. Roskam. Peter Roskam, Illinois.

Mr. Schiff. Adam Schiff, Los Angeles.

Ms. Cohen. Linda Cohen, minority staff.

Ms. Rauch. Laura Rauch, minority staff.

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Ms. Dinan. Emma Dinan, counsel for General Petraeus.

Ms. Lieber. Rachel Lieber, CIA counsel.

Mr. Smith. Jeff Smith, Arnold & Porter, counsel to General Petraeus.

General Petraeus. And former general counsel to the CIA and former member of the -- director of the CIA's external -- actually, still a member of the external advisory board. And a West Point graduate as well.

Have you rotated out?

Mr. Smith. I stepped off of that committee and of the general counsel's advisory board over to do so this representation. I did not want any --

General Petraeus. God bless you.

Mr. Smith. -- questions about my responsibilities.

Mr. Chipman. And then around the back table, please.

Mr. Davis. Sure. Carlton Davis. I work for Chairman Gowdy.

Mr. Kiko. Philip Kiko, committee staff.

Ms. Adams. Sarah Adams, majority staff.

Mr. Missakian. Craig Missakian, majority staff.

Ms. Green. Shannon Green, minority staff.

Ms. Sachsman Grooms. Susanne Sachsman Grooms, minority staff.

Ms. Sawyer. Heather Sawyer, minority staff.

Mr. Kenny. Peter Kenny, minority staff.

[redacted] CIA general counsel.

[redacted] CIA also.

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Mr. Donesa. I am Chris Donesa with the committee staff.

Mr. Chipman. Thank you, all.

I would like to go over some of the ground rules and explain how the interview will be proceeded.

Generally, the way the questioning proceeds is that a member from the majority staff will ask questions first for up to an hour, and then the minority will have an opportunity to ask questions for an equal period of time if they so choose.

Questions may only be asked by a member of the committee or designated staff member. We will rotate back and forth an hour per side until we are out of questions and the interview will then conclude.

And, sir, I do understand that we have a hard stop at 5 p.m. this evening for another engagement.

General Petraeus. Yeah, it is with your own Members. And not this committee, HASC actually.

Mr. Chipman. The broader Membership of the House.

General Petraeus. The broader Memberships of the House, yes.

Mr. Chipman. Unlike a testimony or deposition in Federal court, in a transcribed interview, the committee is not bound by rules of evidence. You or your counsel may raise objections for privilege subject to review by the chairman of the committee. If an objection cannot be resolved in the interview, you can be required to return for a deposition or hearing. Members and staff of the committee, however, are not permitted to raise objections when the other side is asking questions.

This session will be conducted at the top secret/sensitive compartmented information level.

You are welcome to confer with counsel at any time throughout the interview. And if something needs to be clarified, we ask that you make this known. If you need to discuss anything with counsel, we will go off the record and stop the clock to provide you this opportunity. We will also take a break whenever convenient. This can be after every hour of questioning, after a couple of rounds, whatever you prefer.

During a round of questioning, if you need anything, a glass of water, use of the facilities, to confer with counsel, please just let us know, and we will go off the record and stop the clock.

As you can see, we have an official reporter transcribing this interview, and so we would ask that you give verbal responses to all questions, yes and no, as opposed to nodding your head. I will ask the reporter to jump in if you do respond nonverbally. Do you understand that, sir?

General Petraeus. Yes.

Mr. Chipman. And I will try not to talk over you and ask that you try to do the same so that we can get a clear record. I would ask that you answer all questions in the most complete and truthful manner possible. We will take our time and repeat or clarify any questions if necessary.

And if you have questions or do not understand any of our questions, please let us know, and we will try to give it another shot. If you honestly don't know the answer to a question or don't remember,

please indicate that as your response.

General, do you understand that you have an obligation to answer questions from Congress truthfully?

General Petraeus. Uh-huh, yes.

Mr. Chipman. And this also applies to questions posed by congressional staff in an interview. Do you understand that as well?

General Petraeus. Yes.

Mr. Chipman. Witnesses who knowingly provide false testimony could be subject to criminal prosecution for perjury or for making false statements. Do you understand that?

General Petraeus. Yes.

Mr. Chipman. Is there any reason you are unable to provide truthful answers to today's questions?

General Petraeus. No.

Mr. Chipman. Okay. That is the end of my preamble.

Does the minority have anything to add at this point?

Ms. Sawyer. Yes. Thank you.

Welcome, General Petraeus. Thank you for agreeing to appear voluntarily and answer our questions today. We know that you have testified previously before the Congress about the Benghazi attacks including before the House Permanent Select Committee on Intelligence. I think that was November of 2012.

General Petraeus. I also did right in the wake of the 9/11 attack, on the 14th of September, as I recall. In fact, if I could right now, I would actually like to ask that the transcript that was

done of the SSCI testimony that I did on the 13th -- unfortunately, the HPSCI did not do a transcript. And that's very unfortunate because there has been some difference of -- although I have gone back and looked at the talking points that I used. I don't think we can put those into the record. But, essentially, they were exactly the same as what I gave to the SSCI the day before.

And then I would like to ask that both the SSCI and HPSCI transcripts in November of the November hearings also be put into the record along with my statements here today.

[The information follows:]

***** COMMITTEE INSERT *****

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Ms. Sawyer. The HPSCI transcript is a part of this committee's record as well. We have had an opportunity to review that transcript. It is our understanding you would also have that opportunity before you appear today. Have you actually had a chance to review it?

General Petraeus. I have. Yes, I have.

Again, I would like to have in particular, really, the SSCI transcript from 14 September put on the record here because that would, I think, clarify or hopefully clear up some of the commentary that took place in the November hearing at the HPSCI in particular.

Ms. Sawyer. Yes.

General Petraeus. Because I used the exact same talking points and the exact same opening statement.

Ms. Sawyer. Understood. And this committee hasn't actually had the opportunity or the benefit of that transcript as of yet. I will certainly take that issue up with the ranking member.

General Petraeus. And I am aware of that. And that is why I have made this formal request to try and cut through the bureaucracy as an old soldier.

Ms. Sawyer. Right. And I certainly think that that is a request that I think, you know, the ranking member would support and would ask the chairman to take under consideration and actually implement and at least make the request of the Senate Select Committee.

General Petraeus. Great. Thank you.

Mr. Chipman. Sir, so we have that request as a matter for the record, and we will work with our coordinate body in the Congress to

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see if we can ascertain a copy of that report and have it provided to this committee.

Sir, the clock now reads 1:10, and I will get started with the first hour of questioning.

General Petraeus. Sure.

EXAMINATION

BY MR. CHIPMAN:

Q Sir, just in general, I understand your background would include a tour as the Commander of Multi-National Forces Iraq from 2007 to 2008, a tour in Central Command as the Commander from 2008 to 2010, a tour as the Commander at the International Security Assistance Force in Afghanistan from 2010 to 2011, and then service as the Director of Central Intelligence from September of 2011 to November of 2012. Is that accurate?

A It is. And if I could add, obviously, there were two previous tours in Iraq that totalled approaching 2-1/2 years also.

Q And that would've been as the Commander of the 101st Division and as a Commander of the Multi-National Security Transition --

A 101st Airborne Division, please, for the record.

Q Sir, the 101st Airborne Air Mobile Division as well as --

A No, no, no. Not air mobile. Airborne Division, parentheses, air assault.

Q Yes, sir.

A There's one other, though, that actually is material to

this, and that is that I was a one-star general in Bosnia from 2001 to 2002. And I mentioned that because I was very, very keenly aware of all the assets that were available in Europe at that time because I was not only the NATO Assistant Chief of Staff For Operations, I was dual-hatted in something I think that's now popularly known. I was the Deputy Commander of the Joint Task Force Justice Assured, the war criminal hunt. We had a very large Special Operations and interagency force that was pursuing that.

We employed the Commander's In-extremis Force, and it actually was deployed to support our operations. And we used a lot of the other assets in that theater during that time or had them on call for some of the more sensitive and, frankly, more risky operations that were carried out.

And I just mention that because when you get to the point about, you know, what was out there and so forth, it was not just a result of command in Iraq and three successive commands in Afghanistan, and Central Command that region, but also even in the European Command region as well.

Q Certainly. And I appreciate that additional explanation. And this was during your time as the Assistant Chief of Staff For Operations as well, and you dual-hatted with the stabilization force in Bosnia?

A Yes.

Q At the same time that you were also leading Joint Task Force Justice Assured?

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A Yes.

Q And that mission was to detain persons indicted for war crimes --

A Right.

Q -- commonly known as PIFWCs?

A Right. And, ultimately, also it was Joint Task Force Counterterrorism Bosnia in the wake of the 9/11 attacks.

Q Right. Thank you, sir.

So with that background, both your time in Bosnia, understanding the footprint and the array of assets available, both Special Operations and conventional, in the European theater, and your background commanding Iraq and CENTCOM and in Afghanistan, you were knowledgeable of Libya's role with respect to foreign fighter movements to and from the battlefields of Iraq and Afghanistan?

A Yes. Yep.

Q And as of the summer of 2012, this is when Qadhafi's days are numbered, to your recollection?

A His days were numbered in 2011. He was gone --

Q Right. Exactly. In summer of 2011. But as of summer of 2012, he was gone.

A Yep.

Q But CIA's efforts at that time was to collect on foreign fighter groups and terrorist activities, particularly in eastern Libya

[redacted] }
A Well, [redacted] the focus was eastern Libya.

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And, obviously, there was an intelligence collection aspect to that mission, and then there were other missions that I can't get into that did not involve providing weapons to Syria, Libyans, or some of the others that have already been answered by previous questions from this organization.

Q Okay. So CIA collecting on foreign fighter groups, terrorist training camps in eastern Libya, at least [redacted], perhaps with more of a focus [redacted]?

A Yeah. And, obviously, we had a [redacted].

Q Right. And then was the CIA effort [redacted], did that also include collecting on security and leadership dynamics as the Libyans were seeking to form a post-revolution government?

A Certainly. What we were trying to do was to understand the situation, the environment, different organizations. Again, this was really a bit of a Wild Wild West kind of scene, and you had numerous organizations that were, in some cases, overlapping even. Many had participated in the fight to get rid of Qadhafi; now we are actually fighting against each other or among themselves.

So it was a very dynamic situation as well. It was one that kept evolving. And a militia group that might help you on 1 day might be unhelpful on another day and might actually be your enemy on yet another.

Q Sir, you had mentioned already that the CIA personnel [redacted] [redacted] were involved in other activities that you are not at liberty to share with this committee.

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Is that accurate?

A Correct.

Q But with respect -- you also specifically stated that none of those activities included the transfer of weapons to Syria, whether MANPADs or otherwise?

A That is correct.

Q In addition to them collecting on foreign fighter camps, terrorist training camps, security and leadership dynamics, [REDACTED]

[REDACTED]

A [REDACTED] I mean, what we were trying to do, again, was just to understand -- [REDACTED] [REDACTED] in particular, just to understand the situation in eastern Libya. And it wasn't just about foreign fighters; it was also about Libyan extremists.

Again, there were elements there of Ansar al-Sharia and Al Qaeda in the Lands of the Islamic Maghreb, AQIM. As I pointed out, in fact, in HPSCI hearing and the SSCI hearing on the 14th and 13th of September, respectively, that we had identified individuals from these organizations. Although at that time, we still didn't have a sense of what particular organization might have actually been organizing or pulling together whatever it was that took place.

Q Okay. We are aware that there was an overt State Department effort to collect -- to obtain control rather over the MANPADs for which accountability had been lost during the post-Qadhafi revolution. Was

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CIA assisting State Department in its overt mission to collect and secure those MANPADs?

A [REDACTED]

[REDACTED]

Q We have seen that the intelligence community clearly conveyed the trend of a declining security environment throughout 2012 and, in fact, the latter part of 2011, following Qadhafi's fall. Given that reality and given that clear depiction of a trend, could we not have placed more emphasis [REDACTED] on a network of human sources that would give us the tactical warning we also need in our operations?

A [REDACTED]

[REDACTED]

[REDACTED] Not the easiest of environments, needless to say, but this is what CIA officers do. The National Clandestine Service is capable of and comfortable doing what it was that we were asking them to do out there.

The other shortcoming that we had was that we did not have [REDACTED]

[REDACTED] There was a program that was ongoing. There was a plan, in fact, for later in September to complete the final steps that were necessary to establish that capability, but that was not present. So we had [REDACTED]

[REDACTED]

[REDACTED]

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Q And so was that particular shortcoming, was that reflected in our inability to [REDACTED]

A It depends. Actually, we had [REDACTED]

Q Sir, understanding that more is always better, you were comfortable in your role as Director of CIA with the ability for your personnel to have adequate force protection posture, given your sources, [REDACTED]? You were comfortable with that force protection?

A In fact, we put a great deal of emphasis on this and I think it's known from other transcripts that in June of that year, so just a couple of months prior, we had a final force protection review out there, and we had done a number of different -- we did a number of different force protection improvements after that. We raised the walls. We put in fighting positions. Again, this is a clandestine base, so it still has to fit in.

But in that part of eastern Libya, it was not uncommon for lots of compounds to have considerable force protection. Everybody had security. [REDACTED]

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us more force protection.

Again, the number of improvements. And every single, in fact, improvement requested by the chief of base and/or recommended by our physical security folks had been made, the folks out of the DS. I mean, this is a small base. This is somewhere between [redacted]

[redacted]

[redacted] So this is quite a bit of force protection for what is a fairly modest size operational base.

Q [redacted]

A [redacted]

Q [redacted]

A Yes.

Q You still had a CIA role to perform [redacted]

A We did.

Q Okay. And are there other CIA facilities around the world that don't --

A Absolutely. In fact, I was just thinking of [redacted]

[redacted] [redacted]
[redacted] in the fight against Al

Qaeda in the Arabian Peninsula, and we need to continue to take the prudent risks that we were taking in that case. And there was one other facility as well.

Q I would like the record to reflect we have also been joined by Mr. Jordan and Mrs. Roby to the committee's interview.

And there are other [redacted]

[redacted] Is that correct?

A Absolutely.

Q Is that an atypical or typical arrangement where there is

[redacted]

A [redacted]

[redacted]

Q Yes, sir.

Sir, who is responsible for the security of all CIA personnel and the facilities in which they work within any given country? Is that the responsibility of the chief of station? Who has got that personal responsibility for their security?

A Chief of station does.

Q Chief of station. And are there responsibilities to security that extend to the regional ops bureaus as well, or is it strictly a --

A Well, there's certainly an oversight. Again, I mean, responsibility goes all the way up the chain and ultimately rests with the Director of the CIA. So, yes, the answer is that there is a supervisory role, and there's even a role beyond the operational chain, which in those days went directly to the Director of the National Clandestine Service or the DS, the Director of the Support, which is what also used to provide the -- does still -- provide the so-called GRS, both in-house and then contract security officers who are generally very, very proficient and often former highly qualified special operators.

Q Sir, in the run-up to 9/11, from your headquarters, there was a cable sent advising all stations essentially to be vigilant because of the impending approach of the 9/11 anniversary. Is that a fair assessment of what was conveyed?

A It is. And as you know, with respect to that region, we developed intelligence 24 hours prior to 9/11 that gave us reason to be very concerned about an impending demonstration at the Embassy in

Cairo. And as you will recall, that Embassy was completely overrun.

But in part because we had given a warning to the Embassy, they brought in very just truly absolutely mission-essential people. And then because it was an Inman embassy, you could literally just button it up, just close it in, and they couldn't do anything. You would literally look through the ballistic glass at the demonstrators in that courtyard.

I went back to that facility, by the way, in the wake of that, saw exactly what they had done and, you know, applauded those who actually thought up the idea of the qualifications for an Inman-style embassy.

Q Okay. And sir, if you can recall, at the time did you know whether that warning was based upon the anniversary of 9/11, whether it was based upon the death of --

A No. I am sorry, the Cairo warning was based because of the YouTube video that had gone viral very, very quickly, after -- I think it was an imam or some individual in Egypt seized on it. And, again, it just spiraled. And we could then on social media see that there was going to be a very significant demonstration there.

Q Okay.

A I should also note that there was around that time as well additional concern, because you may recall that Abu Yahya al-Libi, the number two in Al Qaeda, was killed in the tribal regions of Pakistan. And shortly before 9/11 as well in the days leading up to it, there was an announcement, an acknowledgment really by Ayman al-Zawahiri,

the head of Al Qaeda, that Abu Yahya al-Libi was actually dead.

Q The dissemination of a warning as the 9/11 anniversary approaches, is that also consistent with your experience as a senior military commander? Was that a typical action that you directed in your command tours?

A Yes. And, first of all, when the chief of station got that kind of warning, it was his mission also to share it with his diplomatic boss or counterpart, if you will. And in the case of military commander, I remember my briefer, every senior military commander, the ones running wars at least, and then the combatant commanders all had CIA briefers. And your CIA briefer also brings that in, since they, you know -- 9/11. Let's think long and hard about what we are going to do on that day.

Q And do I understand correctly that after the attacks in Benghazi occurred, that there was an effort made to go back to ensure that that chief of station in Tripoli had disseminated that warning to his interagency counterparts there?

A That is correct, and he had. I mean, look, you know also, of course, that there was every single month for the year leading up to that particular 9/11, a so-called WIRe compilation each month. That's the Worldwide Intelligent Report that highlighted the deteriorating security conditions in Libya, broadly in eastern Libya, in particular.

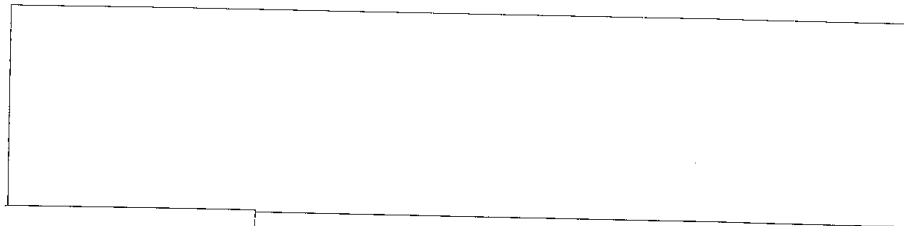
In the several months prior to that 9/11, the U.K. Ambassador had an RPG go through the window of one of the vehicles in his convey -- I

can't confirm that it was his personally -- that took the arm off one of the security force members. And, of course, the U.K. closed its compound down. The U.N. closed its compound in Benghazi. And there was an attack against the western-frequented hotel in Benghazi as well, among a number of others. All of these were well documented and also widely disseminated.

Q From your experience commanding on several 9/11 anniversaries since 2001 up to the Benghazi attack of 2012, do you recall any specific terrorist attack occurring on 9/11 in a given year during your commands in Iraq, Afghanistan, CENTCOM?

A You know, look, on any 9/11 in Iraq or Afghanistan, there were probably numerous attacks. Now, whether they had anything to do with 9/11 or not, I think, is in question. What was clear in this particular occasion is that beyond what took place in Benghazi, and again very much linked to the release of the YouTube video that went viral, we had massive demonstrations, tens of thousands in Islamabad that were headed to the U.S. Embassy but were blocked by Pakistani military and place.

The Embassy in Sana'a, Yemen, was overrun, and considerable damage was done to certain portions of it. And ultimately, we had to put a FAST team, a Marine security team into it. The Embassy in Tunisia was damaged quite heavily, I think most of all, and, in fact, there was an ordered departure of many of the members of that particular embassy. And I think some additional force went in there.



Q And, sir, correct me if I'm wrong, but my recollection is that the only action embassy protest, demonstration, the breaching in embassy occurred in Cairo prior to the attack on Benghazi. These other events that you have just discussed around the region and in Southwest Asia occurred on a some days after 9/11?

A That is correct. The reason I mention them though is because one of the desires I have here, frankly, with all of you today, is to convey a sense that our focus in the wake of Benghazi, once the base is closed -- now all that night, we can go into that if you want to and, you know, what we did during that evening.

But once the base is evacuated, once the wounded were taken care of, the bodies and so forth, and the Embassy, in fact, in Tripoli folded into the station location in Tripoli, we had quite a good, defendable location there as well, and then there was an additional Marine security team that went in.

Once all of that took place, we were consumed, candidly, not with, frankly, talking points or whatever else; we were riveted on what is going on elsewhere in that region. And it was a region that stretched all the way from North Africa and even East Africa through the Middle East and to Central Asia.

This is a very, very important point, because we have all gotten riveted now on, you know, who took out which word in the talking points and everything else. Now, it has taken on enormous ramifications. I understand why and all the rest, so don't misconstrue what I am saying.

But, you know, my focus was on what do we need to do to anticipate further attacks, where are the threats, what are the risks, and then to help the policymakers determine where to allocate what are still limited resources. I mean, we are never operating in a world where there's all the FAST teams or Quick Reaction Forces or aircraft carriers that you might want to have in a given area.

Q Sir, you mentioned a series of WIRe articles over the months preceding the attack in Benghazi and the dissemination of the warning as the 9/11 anniversary approached. Did you or anyone else, to your knowledge, at CIA headquarters direct any further specific changes to our posture either in Tripoli or Benghazi as the 9/11 anniversary approached, if you know?

A Not that I recall, no.

Q At some point in our engagement in Libya during the revolution, we had a presence in Benghazi. I would expect that at that time, there was an expectation from those who were in Benghazi that the U.S. could mount assistance readily in the event of an attack. Is that a fair assessment?

A You have got to ask more specifically what you are getting at here.

Q In terms of military assets that could respond to people

in distress in Benghazi. So for example --

A Oh, well, look, we were running an air campaign.

Q We were running an air campaign.

A We had all kinds of assets that were ready. You may recall the airmen went down, I think, actually coalition aircraft went down, and it was U.S. Quick Reaction Force, if you will, that went in and got them --

Q Right.

A -- in Libya. So, I mean, there were massive assets over top of and flying over Libya, but not U.S. boots on the ground certainly.

Q Right. No boots on the ground but particularly --

A There were other assets on the ground, which is well-known.

Q Particularly aircraft assets were certainly on a string for a response in terms of if any --

A Well, in many cases, they were in the air. But certainly those special, again, assets that would go get a downed air crew or something like that were on call, yes, and they were activated.

Q So with the ouster of Qadhafi, his death, and then a successful election in the summer of 2012, was there a different expectation on the part of those serving in Benghazi about what they could expect to have the assistance of if they got into harm's way? That's really what I am trying to get at is, had it changed where they couldn't legitimately expect outside assistance if they got attacked?

A Well, again, depends what timeline you are talking about.

Q In September of 2012.

A No, I mean, it depends how quickly do you want it? I mean, [redacted] is always available, but even it has to assemble, get on aircraft, fly, establish a forward base, and so forth. It's well-known what the assets are in a given theater at a given time. Obviously, there was no aircraft carrier floating in the Mediterranean that night. There was no AC-130 within any reasonable distance.

The assets that you perhaps would have preferred to have had, again, they were employed in other locations. They were fighting the wars in Afghanistan, still in Iraq, and in a variety of other places, largely in the Middle East.

Q When you say "the assets you would have preferred to have had," meaning attack aircraft? Meaning what kinds of aircraft particularly?

A Well, it's not a should have. Because I don't -- I think assets were allocated appropriately at that particular time given the different threats in different areas and given the missions where we were carrying out a variety of counterterrorist operations, and obviously, the Agency was integrated and involved in all of those.

But, you know, what would you have liked to have had literally over top that night, I mean, right at that moment? How nice it would've been to have an AC-130 with a down link. Of course, remember that this base didn't even have a down link to the Predator that was actually moved over top of it an hour into that.

They couldn't actually see what I could see because, again, they didn't have a down link. That was not a routine mission that they were

carrying out. There are limits to the assets that we have. That was a DOD asset that was shifted over.

Q We have asked, prior committees have asked about our aircraft alert posture from Aviano, Italy, for example. And I believe General Dempsey and, as well, the air wing commander, Brigadier General Zobrist, talked about 20 hours to generate an armed attack aircraft that could've been launched toward Benghazi. From your experience as a combatant commander, as a theater commander, is that a reasonable timeframe to generate such an air crew and airframe?

A Depends what the threat is, obviously. And, again, there were assets around the world in various places that were not only on call, they were overhead doing missions. This was not one that was prioritized for that kind of asset.

In fact, let's also remember what took place that night. This was not a 5-hour running gun battle. This was really three fairly distinct attacks. You have the attack on the temporary mission facility, in which initially there's no shots fired. They just crawl over the wall, open up the gate, go on in.

And, of course, a lot of discussion about, you know, whether this was a detailed planned attack way in advance or this came together, that's still, I think, unknown. What is known is that this was not a four-man stack with night vision goggles and body armor and Kevlar and all sorts of assets.

These are guys that had guns, which everyone in militia in Benghazi had and some RPGs, which, again, were in the pickup truck of

every militia as well in many cases. They go in. They can't even breach the door that is protecting the Ambassador. I mean, that's a fairly basic task if you are going to do a, quote, "attack" to take something down.

So they didn't even have the demolitions or the training or the ability to do that. As you know, what they ultimately did is just create a fire with diesel and smoke the place out. And, tragically, of course, that's what killed at least two of the individuals, as I recall, including the Ambassador.

But that's over pretty quickly. You know, our force rides to the sound of the guns, if you will; generates very rapidly; waits for 6, 7, 8 minutes. In fact, when they asked, "can we get some of the guys with the big guns to help us as we move over there," chief of base is trying to get that. It's clear that it's not going to materialize quickly. They move out, very courageously, incredible initiative, bravery and everything else; go into the facility; do some shooting; secure the position -- again, quite heroic stuff -- and, of course, able to find everyone except for the Ambassador. Ultimately, they muster that out.

But, again, that's over. And, frankly, by the time word would get back to the United States on these different issues, many of these are flat done. You know, by the time my chief of staff walks into the office, because this is in the afternoon, in the United States, or the Director of the National Clandestine Service or others, first of all, you have a fairly confused picture and then by the time you get something

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that's intelligible, it's basically done. They have been evacuated to the Benghazi base.

There's then a sporadic attack, if you will, for somewhere around 60 minutes or so. Again, small arms, some RPGs, our guys shoot back. That's over. And then you have that long lag. And so you had these senses at various times that this is resolved.

And then, of course, you have what clearly is a more planned attack because now they have a mortar, but of course, it's not that well planned because they only had five mortar rounds. And incredibly, speaking as an infantry officer, to have the accuracy that they did to put three of those rounds on the roof of a building inside the base is really quite extraordinary. I have seen very highly trained mortar crews that couldn't have done that with the most stable of base plates and all kinds of ballistic computers and everything else.

But, again, that attack is done. They decide to, quote, burn the base. That's the term for evacuating. They'd already started actually destroying classified information hours earlier. And then they move out with a 50-truck escort to the airport, and then it's a backhaul of resources.

Q Yes, sir. So --

A Now, at a variety of times during that night, I called Tom Donilon. I talked to my chief of staff on a number of occasions. I talked to the chief of ops in the Near East Division, and so forth. I even called directly out to the chief of station, which is something I was sort of loathe to do because you are jumping several levels of

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the chain of command, but I did it.

Constantly talking, you know, what else could we do? We have shifted the Predator. We have [redacted] the Quick Reaction Force, too -- real heroes, as I think you know, and real operators, [redacted] not just -- and so, you know, just racking our brains.

I know the time it takes to get a plane ready at Aviano. What are you going to do with it anyway? Are you going to put a 500-pound bomb in this thing? You have no down link for the Predator. Perhaps they have better radios or other radios that they could establish a link. But, again, this is on --

Q Yes, sir.

A -- as you keep working your way through this.

In fact, we asked, where is the CIF? I knew about the CIF. It had worked for me in Bosnia and in Iraq. Very highly trained special element within the Special Forces group. It's at Stuttgart. I know precisely how long it takes to muster because when we brought them to Bosnia, we had to rehearse it, and we convinced them that it was quicker to stand up from Bosnia than it was from Stuttgart. So I know how long it took from Stuttgart.

Again, these weren't feasible options at all. You know, had there been an aircraft carrier -- [redacted]

[redacted]
Q Yes, sir. We are going to cover the range of DOD response assets in a little bit more detail. And I appreciate that introduction

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to the various things that were going on.

Is it fair to say that given the first attack occurred roughly the 9:30, 9:40 timeframe that evening, 9:40 say -- the final mortar attack occurred prior to 5:30 the next morning -- so an 8-hour span in total -- is it fair to say that whatever assets they could muster from within Libya, whether from Tripoli or what was already in Benghazi, that's really all they were going to have in terms of U.S. Government capabilities to counter whatever was occurring?

A Yeah. Because, again, we did essentially an inventory of, you know, what else is out there. And I see this with Tom Donilon during the night. I did it with my own chief.

We have in the Agency, as you probably know, a three-star military officer called the Assistant Director For Military Assistance, and he is our point of entry into the system. I mean, folks have asked me, gee, shouldn't you have called Leon Panetta or Marty Dempsey? I mean, that's exactly when wires get crossed or the Commander of African Command. Obviously, no way. Again, you have got to make sure this stuff is properly coordinated.

But we knew the assets that were out there. They had been, again, inventoried by a number of different individuals. And, again, that night, to respond to that action, there was not something that was readily available.

Q Fair enough, sir.

And so understanding that this was a factor of asset prioritization in other theaters, resources available, there's not an

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unlimited pile of resources throughout every corner of the globe, time and distance factors in Africa, generally, was it unusual for a CIA facility to not have the expectation of outside assistance in an 8-hour or less response? Did you feel like in an 8-hour or less sustained attack was something that you --

A Well, first of all, it wasn't a sustained 8-hour attack. I mean, again, there were over three distinct attacks. The final attack lasted about 10 minutes, and that was it.

Q Right.

A The intermediate attack was sort of sporadic gunfire for an hour or so, and certainly we did a lot of shooting back.

Q Right.

A And our guys, we believe that we killed a number of those that came at the facility in the two different times that they tried to test our defenses. And had it not been for that tragic accuracy of the mortars, we would not have had those casualties.

But, again, look, the CIA knows the risks that it takes when it puts people into dangerous situations. We, obviously, try to mitigate those risks in any way that we can. There are constant reviews. I mentioned, in fact, [redacted] that was one that we had been going through quite a review of.

Candidly, Benghazi was not one of those other than the enormous amount of force protection improvement that we had made to it, but it was not a place that -- we had a lot of worries about a lot of bases elsewhere in the world, but that would not have been in the top three

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or four, I wouldn't think.

Q Thanks, sir.

Sir, so let's transition to the attack, and you have already given us a pretty good snapshot of what you did that evening. How did you learn of the attack? Where were you at the time?

A I was in my office at the Agency headquarters and I -- again, some of this, it just all starts to become a bit of a swirl. But, you know, you are getting information from the top secret CIA secure Internet system. You are getting some from -- again, your chief of staff is walking in saying: Hey, there's something going on. You know, this is what we are getting.

The Director of the National Clandestine Service, he has stood up, obviously, and then you have your own operations center. And so you are getting a number of different feeds. And, in fact, in the middle of that, Secretary Clinton did call directly and just to be sure, frankly, that I knew that there had been an attack on the temporary mission facility at the Embassy, that the Ambassador was missing.

And assured her: Look, A, we know it; B, we are doing everything we can to possibly -- we have already gone to the rescue, and, again, we will do everything we possibly can to ensure the security of our fellow Americans who were there in Benghazi.

Q Sir, were you aware in realtime or shortly after they launched that, in fact, the GRS team from Benghazi base had launched to assist those at the TME?

A I am not sure when I got it relative to -- I would not be

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surprised if I knew about it after it, though. I mean, the last thing that I think that I expected the chief of base or the chief of the QRF or anybody else to be doing is worrying about getting word back to the Director of the CIA that they are launching to save some individuals that are 1.2 miles away from them. That was their call. It's their decision. And I salute them for doing what they did.

Q Sir, from your perspective, the decision was that of that GRS team lead or the chief of base to be able to mount that kind of assistance? That was a decision that rested within their discretion?

A Absolutely, yes. Yep.

Q And there has been a great deal of discussion, consternation, and controversy over a standdown. We will see it played out even more when a movie gets released next week, I suspect. Do you think that the mounting of that response time, that response team effort was done in a reasonable timeframe?

A I do. And, again, let me just highlight that in the wake of that, I talked to the GRS members; some back when they came back through here, [redacted] I went out to Tripoli. And I was in Tripoli in the 1st of November, having been out there before. At that time, I also talked [redacted] to the [redacted] [redacted] Tripoli Quick Reaction Force that seven- or eight-man team that went with translators, operators, medics, and so forth to Benghazi on the contracted aircraft.

Really, about anybody that I had could illuminate what took place. And my understanding was there were not words to stand down. Certainly

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nothing came back to the United States or even, I suspect, to Tripoli. This was a local dynamic where the team miraculously is ready within 16 or so roughly minutes. Again, there's different accounts, you know, if you want to parse the minutes.

And then they do wait for some, again, 6 to 8 minutes, depending on whose account you have, while the chief of base tries to get them some support from the militia that have these big anti-defense guns on the back, in some cases, at the very least heavy machine guns, through whose checkpoint they were going to have to move if they went by road. And, of course, they did have to go by road, but then some others also went essentially sort of cross country through other compounds.

And I think that was reasonable. At least some of the accounts said that the Quick Reaction Force, you know, wanted to get that support as well if it could be gotten in an expeditious manner. But when he realized that it wasn't going to materialize after waiting for 6 or 7 minutes, he said: We need to get on with this.

So they were out of the gate within, again, 22, 23, whatever minutes. That's really pretty remarkable and speaks very, very highly, I think, of the sheer professional expertise of these guys, the readiness for this kind of mission, and, frankly, just the sheer determination and spirit to go to the rescue of fellow Americans.

Q Sir, you had mentioned earlier moving to the sound of the guns, a time-honored tradition. And from your perspective, their actions, their mission, their judgment, they fully met that expectation that we will move to the sound of the guns to rescue Americans in

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distress?

A Absolutely, yes.

Q Okay. Have you learned or --

A Because, again, there was nothing written. There was no memorandum of understanding. There was a, you know, basic understanding --

Q There may have been a handshake agreement?

A Yeah, that's exactly right. That's good.

Again, you know, one of the hallmarks of the CIA is enormous responsibility placed on individuals and real scope for initiative given to them, confidence that they will do the right thing. And that manifests itself in this kind of event. And I think it's a huge credit to the Agency and to its culture and to its officers, including these great GRS officers, that they did do what they did.

Q There has been a claim by some of the GRS members that the same chief of base who was acting that night had delayed their response to a

out in Libya. Are you aware of that allegation or that claim?

A No.

Q You didn't cause anything to be investigated with respect to that --

A No, I wasn't aware of it.

Q Did you learn at some point that the Tripoli GRS team was also flying from Tripoli to Benghazi to assist that night?

A Yeah, absolutely. Yep.

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Q And, again, whose decision or whose initiative --

A Whose chief of station.

Q Chief of station in Tripoli, okay.

A Yep.

Q There was no role for CIA headquarters to approve, direct, or underwrite that appointment?

A Again, this is what we expect especially chiefs of station to do.

Q Did you have the ability, did you cause or anyone from CIA Main cause the inquiry about what other assets external to Libya might be brought to bear, either from CIA assets, partner-in-nation assets, foreign liaisons? Was there any set of that inquiries made?

A You mean --

Q To support --

A Asking questions?

Q Yes, sir.

A Yeah, obviously. I mean, that's what we did for the next, I don't know how many hours. What we were constantly asking ourself is -- look, I have commanded in combat, obviously. And in some of these, you literally have a list of the different assets that you want to remember to ask for. And there's, you know, again, the CIA knows how to do that. And we racked our brains over every asset that was out there, again not just U.S. assets but coalition assets and host nation assets.

One of the challenges, of course, was that some of those nation

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assets were there at some point, gone, and then would return. And so that was always a challenge when operating with militias.

Q But with respect to NATO partners or other coalition assets that, you know, the French, the Italians, who had typically greater operational reach in certain context, was there any capability that they could have brought to bear that we asked them?

A Not that I was made aware of, no. And, again, I have been a NATO officer in a number of different assignments over the years, including, as I said, that one in Bosnia where our higher headquarters is in Naples.

Q Yes, sir.

A So I had a reasonable feel for what was available out there.

Q At some point, did you learn that the GRS team from Benghazi as well as the remaining State Department people at the TMF had all consolidated back upon the Annex?

A Absolutely, yeah.

Q And --

A Again, and then this situation calmed down. In fact, it was somewhere along that line. So I start out in the offers. I eventually go home. But keep in mind that in my house, we had an entire secure compartmented intelligence facility built [redacted] and so I actually even had a Predator down feed, downlink there, obviously had all the secure intelligence Internet and green lines and all the others.

And, in fact, it was from there that I called Tom Donilon and just

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made a number of calls. Some of these are logged and then some others where I dialed directly myself were not.

Q Okay. At the time that the team consolidated back upon the Annex, you were aware or learned thereafter that the Ambassador had not been located?

A Yes. That was very confusing, though, because there were lots and lots of rumors about his location that night. And as you may recall, the reaction force from Tripoli was actually held up at the airport for a couple of reasons. One of those was that we wanted to find out where the Ambassador's body was if he was dead or where he was if he was still alive. But that was one of their primary missions was to try to locate him and bring him to safety.

The other reason was because they arrived. And we didn't have transportation for them, obviously. I mean, there wasn't a rental car agency there open that night, ready to rent us a bunch of vehicles to get these guys downtown. So we had to arrange again with the militias, and of course, that was problematic that evening as well.

Q When you learned that the Ambassador was unlocated or that we did not have a good fix on his location at that time or his condition even, was there any effort to then participate in hostage rescue planning? You knew of the capabilities that were out there. Were you involved in coordinating with the U.S. military on what hostage rescue capabilities might be applied against the problem?

A Well, there's nothing in Tripoli or even in that particular region that was going to do a real serious hostage rescue attempt. The

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[redacted] though was alerted during that night and did move subsequently to either Sardinia or to Sicily. I forget where --

Q Yes, sir. Sigonella.

A Sigonella, yep.

Q That's correct.

I would like the record to reflect that Ranking Member Cummings has also joined us this afternoon.

Sir, are you familiar with the counterterrorism security group or CSG? Is that a body or a coordinating body that you've had any experience with in your time in senior policy positions and command positions?

A Yes, not a huge amount though, candidly. You know, I have had people, frankly, that worked for me that were part of it, played in it, but I was really from the time that I got to be aware that I was commanding at a sufficient level, that I was engaged at least at the deputy's committee, if not the principal's committee level.

Q There's some concern that the CSG could have provided a coordinating mechanism because its purpose is to, in fact, coordinate and synchronize interagency capabilities but that it wasn't convened or wasn't alerted or wasn't used. From your experience or do you have any experience in determining whether that body is an effective mechanism to coordinate a terrorism response? There are some who say --

A Look, at the end of the day, the organization that's going to do a terrorism response [redacted] If you are talking about a serious

terrorism response. And the CSG was a body that considers threats, considers resourcing, considers contingencies and so forth. It's not an operational headquarters or organization.

Q Right. It's an interagency synchronizer, if that.

A Exactly, yes.

Q So beneath the level of the CSG and above there's also an entity called the FEST, the Foreign Emergency Support Team, which was also stood up in part to enable response to a given crisis situation.

A Yeah.

Q And as the committee understands, the FEST was not alerted that evening nor deployed, and it's got a string as well in assets enabling the FEST to go to a crisis site. Would that body, the FEST, have provided a useful capability to either Tripoli or Benghazi --

A Not in my view.

Q And why is that assessment, sir?

A This just happened too fast.

Q Too fast. So insufficient time for the FEST to have provided a useful capability?

A Yes.

Q One of the --

A And, again, because, as I said, you have these three discrete events. Again, this is very different if you just had a gunfight all night long and you can stand up all kinds of assets perhaps. But in many cases, by the time the word comes back to the United States

in a fairly well-understood manner, the event is over. And, okay, let's see how this develops now.

Q One of the things the FEST is marked by is this interagency capability or composition, and so you might have an FBI rep on the FEST as it deploys to a given embassy site. And so our understanding is at least that the chief of mission typically requests the FEST deployment to provide some additional capability at that embassy in either a crisis response or a consequence management.

And so the FBI, as we know, didn't get in for roughly 24 days after the attack. Having an FBI --

A Well, although they became very active very quickly, launching the investigation and so forth. I mean, you are talking about getting actually into the Benghazi.

Q Getting into Benghazi.

A But they were already interviewing the survivors and others within 48 hours or so.

Q Yes, sir.

A And they were certainly already engaged.

Q You mentioned earlier --

A You know, these are interagency coordinating mechanisms. These are not operational organizations the way I understand an operational organization to be.

Q Sir, understanding the FEST is not an operational unit --

A I mean, it's a support element for the conduct of an operation --

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Q Correct.

A -- to do a counterterrorism or a hostage rescue operation.

Q Yes, sir, and again --

A And if it's overseas, [REDACTED]

Q Right. And you mentioned that these were three discrete attacks --

A Yes.

Q -- over a period of time, not a sustained attack.

A Uh-huh.

Q But the Ambassador was missing for a significant period of time that evening. We certainly didn't know his whereabouts. So how did we know during the duration that we weren't going to have a hostage rescue scenario that we had to mount? [REDACTED] We invoked --

A The answer is that we didn't know. But the forces that would have carried out such an operation were, in fact, alerted and even deployed over the course of the next whatever hours that that took. In the meantime, with the assets that we had available to us, we provided those assets, and those are the best assets in the country.

And the core of it was basically, I mean, these [REDACTED] [REDACTED] who are just -- and proved -- how extraordinary they really are. And as I think you know, they each received the Nation's second highest award for valor, the Distinguished Service Cross.

Q Sir, you mentioned that you had a full complement of communications capabilities at home. And you made a series of phone

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calls, Tom Donilon; you spoke with Secretary Clinton at some point that evening. What did you learn from Mr. Donilon with respect to the military response that had been ordered and that was in motion?

A We talked through -- again, we had quite a lengthy conversation about what assets -- and, again, I did an inventory with him, and he was all over it. He never left the White House that night, I don't think. As I mentioned, I did go home, but I could do that in part because I think I had the best communications other than perhaps -- in his own house, other than probably the President and the Vice President. I don't think anyone else, no other Cabinet official had what I had

So you have all of the communications there. And, again, during the course of that night with him, with my chief of staff, who was calling the ADMA, again, the three-star military officer in the Agency structure just constantly going through, what else? Is there something that we are overlooking? Could we deploy something else? And, again, the obvious ones you have gone through.

Again, I was also stationed in Italy, so I really know Aviano quite well when I was a very young officer, and we used to jump out of there as a paratrooper. And, again, there just wasn't anything. Again, other assets were moved, but none of these are the kinds of assets that are going to be capable in a very short period of time to do something meaningful.

~~TS/SCI~~

[2:05 p.m.]

BY MR. CHIPMAN:

Q At some point, again, you're aware that personnel had consolidated at the Annex, back at the Annex, and the Tripoli GRS team is at the airport, and you mentioned some confusion in a sense or some mission uncertainty because it was not clear whether they were going to seek to recover the Ambassador or perhaps reinforce the defense of the Annex, and they didn't have transportation at the airport, and so you were tracking those developments -

A Yeah.

Q -- as they occurred along the way?

A I actually -- we had a Predator by that point in time. As you know, the Predator was shifted over, I think, roughly within an hour or so, is a DOD Predator flying some other missions. And I had a downlink in my -- first in the office at the Agency, and then I also had a downlink at home and spent a good amount of time, you know, as it circled over the airfield, and you could see people milling around and convoys getting established and all the rest of this.

It would shift over to the hospital, go over to the base, it would -- you know, it was moving around town fairly constantly. The challenge with that, frankly, is that because -- first of all, there wasn't a downlink to the base, the team at the base, so you have -- the downlink is in Tripoli, and unless you actually know what's going on underneath it, you've looked through the soda straw of the Predator,

I know, you don't know what that is. What you see are guys with guns.

Now, you know, if you stare at it intently enough, you might be able to figure out there are guys with guns or there are other guys with guns or they're whatever, but you know, it just highlighted for me again how important it is to have a sense of what you're looking at, which is of course what we do with a lot of our assets, to understand what it is you're seeing. And a lot of this was just not all that crystal clear. And, again, because -- and you don't want to jump the chain of command, get all the way into this thing again. You've got to let the system work.

Q Yes, sir.

A Although I did, as I say, make -- I couldn't resist the temptation twice to call the chief of station in Tripoli.

Q Sir, I'm mindful that I've got roughly 5 minutes left in this hour, and I'd like to be respectable with members' time. I believe there may be a vote series at some point, so if I could ask if any of the members have questions they'd like to ask.

Mr. Gowdy?

Chairman Gowdy. I do have questions of the General, but I'll be back after the vote series?

Mr. Chipman. All right, sir.

Mr. Westmoreland. I do have questions.

Mr. Chipman. So would you like to pose them now or would you like would you like to --

Mr. Westmoreland. I'll be brief.

General Petraeus. Okay. Fine. Fire away.

Mr. Westmoreland. Thank you for your service.

General Petraeus. Sure. Thank you, Congressman.

Mr. Westmoreland. And I believe on the day you came, Mr. Schiff and I were probably the only two there that were there --

General Petraeus. That are here now.

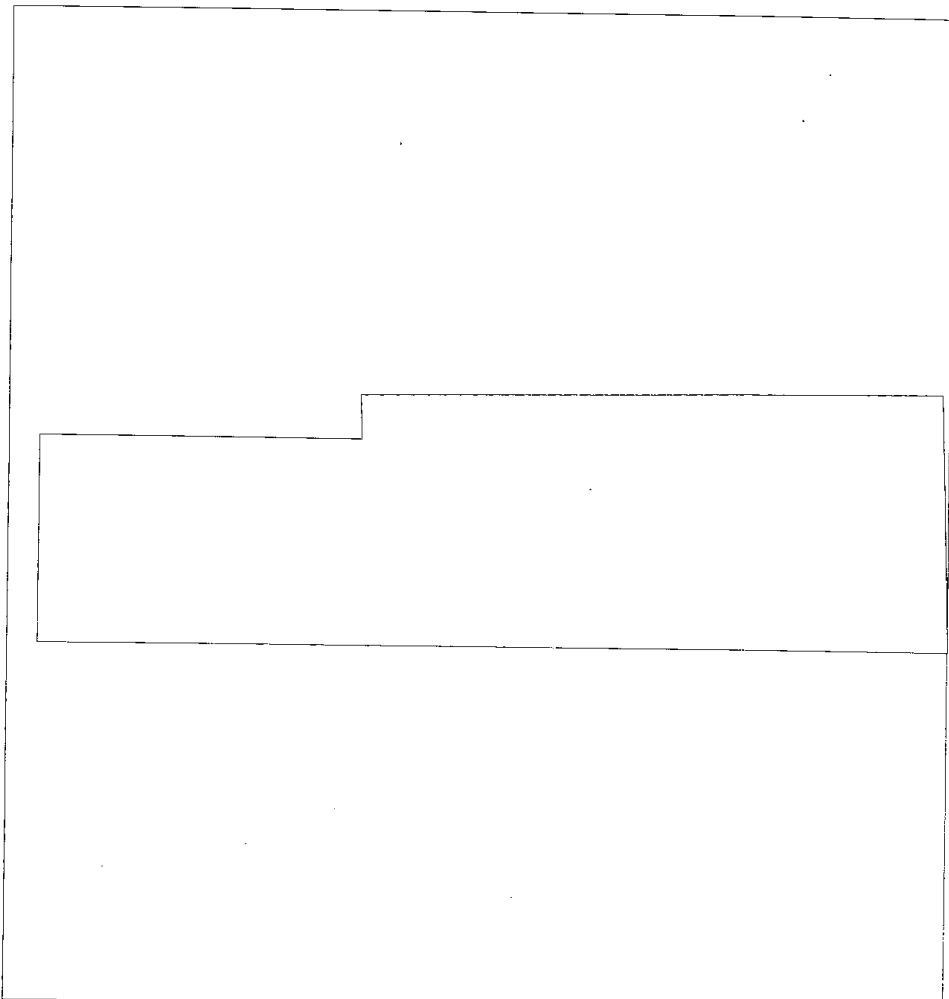
Mr. Westmoreland. -- 13th through the 14th.

General Petraeus. HPSCI was the 14th.

Mr. Westmoreland. -- 14th.

General Petraeus. SSCI was the 13th.

Mr. Westmoreland. You're right.



General Petraeus. I mean, I have said no that we were not sending weapons to Syria. We weren't giving weapons to Libyans. We weren't interrogating detainees. I mean, there's a whole bunch of these urban mythology items out there.

Mr. Westmoreland. Oh, I'm not --

General Petraeus. And so that I can say no to.

~~TS/SCI~~

Mr. Westmoreland. Well, when you were talking about force protection, and I want to go through this as quick as I can, but you were talking about the force protection improvements, and in the overview. That was only for physical force protection, not such as an evacuation or any type of planning that would have protected --

General Petraeus. Oh, we had that. I mean, that is a standard procedure for a base, a station, and that's why, frankly, the base was able to evacuate as rapidly as it did without, to my knowledge, leaving behind anything that was sensitive.

Mr. Westmoreland. But there was nothing that was going to -- you didn't have any assets that would have physically gone in and evacuated them?

General Petraeus. No. If you mean, did we have an aircraft available, no. In fact, as you know, I mean, again, extraordinary initiative.

I mean, it's miraculous that, in the middle of night, you go to the airfield, get on a plane, and fly to Tripoli as rapidly as we did.

Mr. Westmoreland. No, I was just talking about in here when you said you all had an overview of the force protection and decided you were going to do some of these different things. I just --

General Petraeus. Yes.

Mr. Westmoreland. -- wanted to make sure that didn't include some type of --

~~TS/SCI~~

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General Petraeus. Correct.

Mr. Westmoreland. -- rescue or whatever.

General Petraeus. Yeah.

Mr. Westmoreland. Now, if somebody wants improvements for force protection or such as this, who would they have contacted at the CIA to get this done? I know it's the --

General Petraeus. Again, there's a chain. There's an operational chain, but in many cases, it's going to be the director of the support that has the physical security experts, and they're really good when it comes to force protection. Obviously, we do it all around the world. We've done an intensive amount of it in the post-9/11 decade, in particular.

And it was those -- as I recall, it was those experts who were out there actually in June and did the final look at all of this and authorized and probably may have even paid for because there are force protection moneys that they have access to as well.

Mr. Westmoreland. So they actually went on the ground --

General Petraeus. Oh, yes.

Mr. Westmoreland. -- and looked at these things --

General Petraeus. Oh, yeah.

Mr. Westmoreland. -- and came up with something?

General Petraeus. Yes, yeah, yeah --

Mr. Westmoreland. Is that standard operating --

General Petraeus.

~~TS/SCI~~

[REDACTED]

Mr. Westmoreland. Good. [REDACTED]

[REDACTED]

General Petraeus. I don't know. I don't know when the TMF was established. I mean, the TMF was basically a compound. It was unoccupied. I think at most it had two Americans in it normally, if anybody. I'm not sure anybody was in there normally other than a handful of guards. It was a locally owned and rented from someone in the -- in Benghazi city.

Mr. Westmoreland. [REDACTED]

[REDACTED]

General Petraeus. It may well have been. I wouldn't doubt it.

[REDACTED]

Mr. Westmoreland. Dana mentioned the -- any notification that you may have given Benghazi base, and I believe it was either [REDACTED]

[REDACTED] that they were basically on their own, that there was --

General Petraeus. No, again, they understood what assets are available and what assets aren't, and of course, you know, there was very little --

Mr. Westmoreland. So this is something that --

General Petraeus. -- nothing on a string to them. This is not uncommon. I mean, we have guys all over Africa, guys all over lots

of places that are in very risky situations and --

Mr. Westmoreland. Well, I understand. You know, the testimony that we've gotten from some of the GRS guys is that they called for a gunship. I would have been calling for everything under the sun, you know, but they should have already been aware that there just wasn't anything.

General Petraeus. Well, there's not a daily review of what's in the Mediterranean today and what's here, what's there. Again, the GRS guys are, you know, largely local force protection. Now, they turned out to be quite heroic, and certainly you ought to think strategically, even if you're at the tactical level.

Mr. Westmoreland. Oh, no, there's definitely these types of heroes.

General Petraeus. But, again, and they have -- some of them were used to that. Whereas, if you're a Navy SEAL and you're in a combat zone, there's all kinds of assets available to you, but we weren't in that kind of zone with that kind of density of assets.

Mr. Westmoreland. We did -- I think there was a memo sent out, like I said, the evening of 11 or 12 you know, they were on their own and not to expect --

General Petraeus. I don't know about that. That's the first I've heard of that.

Mr. Westmoreland. Did you or anybody from the CIA send any type of email, cable, wire, notifying the base there that -- about the video?

General Petraeus. No. The -- and I don't know who notifies the

base. Again, what -- the level at which we would have gone would have been certainly the chief of station.

What I don't know, and maybe the colleagues do, is whether or not the warning that went to Cairo roughly the day before actually was shared more broadly, and I just don't know. The focus of that was that we had social media relative to something that was going to happen in Cairo. Measures were taken to mitigate the risk by reducing the number of people that were in the Embassy, and then they just buttoned it up when it was overrun.

But I don't know -- now, what -- what -- Benghazi base had to be aware of it just because it was on the TVs and Al Jazeera and everything else, was the demonstrations that took place in Cairo that day, and you know, they were quite substantial. These guys went over a very significant wall in large numbers.

Mr. Westmoreland. You've mentioned about the famous or infamous talking points that I think Mr. Ruppertsberger --

General Petraeus. Yeah.

Mr. Westmoreland. -- asked you to come up with something that we could share. You seem to kind of get off that email chain after removing the words "Islamic extremists" or whatever the decision was made to change those talking points or some of the language in those talking points, and you just said that you were concentrating on other things.

General Petraeus. I mean, this became an exercise in wordsmithing, and it was legitimate wordsmithing. There was a reason

that the Al Qaeda word was taken out, as I recall, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] -- and you know, I was at the point of throwing my hands up and saying, "You know, we've got some serious threats out there that we need to be focused on in the interagencies," and it became a public affairs effort as well.

I mean, that was where finally once it -- this was not -- certainly no longer a CIA document. It wasn't even an intelligence community document, although that rightly should have been, and that's why it went to the IC referral process, but then, of course, you know, it's going to be interagency and now everyone has got a hand in this.

Mr. Westmoreland. But then they were --

General Petraeus. And there were many legitimate -- there were many legitimate reasons for doing what different people did. And, you know, this wasn't about what -- I never knew these were going to be used for Susan Rice on Sunday talk shows.

Again, this was something -- it seemed like a very innocent task in the beginning, just provide the vice chairman with something he can say, and so we tried to knock it out quick that afternoon. Actually, the Deputy Director of National Intelligence, I think, knocked his own out at some point and just emailed them directly, which maybe is what we should have done, but actually, you have to look at the whole issue of whether we should get in the business of doing unclassified talking points or not.

I can understand the desire of Members to understand what they can talk about, so I think it's a legitimate issue about whether we should get into that business, especially when it starts to take on law enforcement overtones because it could indicate a predisposition. The direction the FBI was going, that was a concern.

And, again, at a certain point in time I just said, "Hey, look, fine." I mean, you could read that in that email that was leaked to the Washington Post and is now part of the public record, which is fine.

Mr. Westmoreland. But do you normally have to run something as simple as some unclassified talking points through the White House?

General Petraeus. Well, we normally didn't run unclassified talking points, to my knowledge. This is the only such exercise that I remember getting into of that nature. And, again, it was just because, you know, Dutch Ruppertsberger asks you to do something, of course you're going to try to do it for him.

Mr. Westmoreland. Yeah.

General Petraeus. And so -- and it is understandable. The White House gets involved. By the way, the changes they made were, I think, fairly trivial, and -- but you know, this now becomes interagency. Who coordinates the interagency? The White House does. In this case, it's the National Security Council staff.

So I think it's all understandable as you walk your way through it. And I've actually gone back now and looked at, you know, who changed what word and why it was done and all the rest of that. I think it's actually all quite understandable.

You know, again, my feeling at a certain point, though, is this is a public affairs effort, not an intel -- not a CIA effort. We've got some important things going on. There are demonstrations all over the Islamic world out in the Mideast, North Africa. Remember, we were also hugely worried about the Friday prayers, so this is beyond the Friday prayers, obviously, but we barely weathered those Friday prayers and the demonstrations that took place in the wake of those. That's what we were particularly concerned about.

And, again, allocating limited resources. Only so many FAST teams, only so many other elements that could be mustered to go out and help secure some of these threatened embassies.

Mr. Westmoreland. But I guess my point is that the simple talking points that we asked you for to go to the members of HPSCI all of a sudden became the talking points of really the administration and to the American people.

General Petraeus. Well, it became the talking points for the administration representative on the Sunday talk shows, right.

Mr. Westmoreland. Okay. Real quickly. The GRS agents, they were at the Annex to protect the CIA personnel at the Annex.

General Petraeus. Absolutely. That's correct.

Mr. Westmoreland. That was their main job.

General Petraeus. Uh-huh.

Mr. Westmoreland. And do you think there could have been some concern by the chief of base or somebody else there, "Hey, if we leave here and go over there, we don't know what this is about. We are

supposed to be" --

General Petraeus. I think when --

Mr. Westmoreland. We have to ask --

General Petraeus. I think, Congressman, when you have fellow Americans in harm's way -- and actually, it's not just in harm's way. You have fellow Americans under attack, under assault, you're going to take risk with your own base and go to their rescue, and that's what they did, and I think that was the right call.

Mr. Westmoreland. You mentioned that they didn't have the ability to use the charge to take down the door that was for the --

General Petraeus. The attackers of the --

Mr. Westmoreland. -- room or whatever.

General Petraeus. -- temporary mission facility. That's right.

Mr. Westmoreland. Let's say the GRS guys didn't go over there.

General Petraeus. Now, I didn't say the GRS didn't have the --

Mr. Westmoreland. No, no, no, I know that. I know that.

General Petraeus. I said the attackers.

Mr. Westmoreland. You said --

General Petraeus. Yeah, yeah.

Mr. Westmoreland. -- the people that came in.

General Petraeus. Uh-huh.

Mr. Westmoreland. Let's say the GRS agents didn't go over there.

General Petraeus. Yeah.

Mr. Westmoreland. What do you think would have happened to the

RSO and the Diplomatic Security agents that were there?

General Petraeus. Again, that -- now it's a mob. So it has gone from being whatever, again, attack this starts out to be with -- unclear what the objective -- the tactical objective of the attackers is. Again, unclear how carefully planned it was. It certainly didn't look that way on the video or seem to be with the limited capability --

Mr. Westmoreland. You don't think they went there to kill people?

General Petraeus. -- they had. I think they would have --

Mr. Westmoreland. You don't think that --

General Petraeus. No, but now you have a mob, and now, all of a sudden, you have all kinds of others, and they're streaming into this facility. And I think it's -- mobs are very dangerous, especially under the anonymity --

Mr. Westmoreland. Yeah.

General Petraeus. -- anonymity of night with weapons, a lot of them, you know, heavily armed with long guns, and that these other individuals likely could have been killed. So again, I don't think there's any question that the Quick Reaction Force from the base saved American lives.

Mr. Westmoreland. Oh, that's --

General Petraeus. I think that's without question.

Mr. Westmoreland. No doubt. The two [redacted]

[redacted] in Tripoli.

General Petraeus. Yes.

~~TS/SCI~~

Mr. Westmoreland. What was their job?

General Petraeus. I assume, [REDACTED]

[REDACTED] I think this is strictly straightforward counterterrorism.

[REDACTED]
the CIA and to the Department of Defense for counterterrorism purposes, and I think that's why they were there.

It's just been my assumption that that's why they were there. We have them in a lot of different -- I would see them in a lot of different places, and these are also individuals that I'd seen earlier out in tough spots like Afghanistan and Iraq [REDACTED]

[REDACTED]
Mr. Westmoreland. Do you think they ever had any contact with the security force, the Libyan security force in Benghazi?

General Petraeus. Don't know. No idea. I tend to think probably not, but I don't know.

Mr. Westmoreland. The Souda Bay assets, you know, there were some S-29s or U-29s, I think they're basically stock planes.

General Petraeus. Yeah.

Mr. Westmoreland. But they rotate so many months in each place, and there were four of them in Souda Bay --

General Petraeus. Uh-huh.

Mr. Westmoreland. -- at the time. Were you aware of that?

General Petraeus. I don't know that I was at the time. I do know about it now. And, again, I remember asking about certain capabilities

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in certain locations, but I don't remember if I asked about that. I know the airframe you're talking about and I know the capability. I mean, it's basically an ISR platform.

Mr. Westmoreland. Yes, sir. [REDACTED]

General Petraeus. [REDACTED]

Mr. Westmoreland. But that's what --

General Petraeus. [REDACTED]

Mr. Westmoreland. That's about a 45- or 50-minute --

General Petraeus. Normally configured like that.

Mr. Westmoreland. -- flight from Suda to Benghazi?

General Petraeus. You know better than I do.

Mr. Westmoreland. Okay. [REDACTED]

[REDACTED]

General Petraeus. A DOD Predator.

Mr. Westmoreland. But there was none of the DOD Predators armed that were flying over --

General Petraeus. Not over Libya. No, no. Now, it's safe to assume that it was tied into intelligence gathering.

Mr. Westmoreland. Where was it flying out of; do you know?

General Petraeus. I don't recall. [REDACTED]

[REDACTED]

Mr. Westmoreland. Do we have any permission to arm any of these things if we were flying --

General Petraeus. No, not at that time.

Mr. Westmoreland. -- out of Libya? So we would have gotten

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permission from --

General Petraeus. Well, if we have Americans in harm's way, I think we are probably not going to worry about airspace and some other permissions. The question is just, could you get something done in an expeditious manner, keeping in mind that at each time that this happens, it's sort of done for that moment.

Mr. Westmoreland. Sure.

General Petraeus. Again, I think it would have been very different if we just had a sense that this was going to be a running gun battle all night long.

Mr. Westmoreland. Thank you, sir.

Mr. Chipman. Off the record, please.

Ms. Sawyer. Before we go off the record, I was just going to ask for a little forbearance from the General.

General Petraeus. Sure, keep on going.

Ms. Sawyer. I believe that Mr. Schiff also has some questions.

General Petraeus. Fire away.

Ms. Sawyer. But because we are going to go into --

General Petraeus. Sure.

Ms. Sawyer. -- some votes, I would love to give him the opportunity to do so.

General Petraeus. Happy to do it.

Ms. Sawyer. I think if we can turn Mr. Schiff to --

Mr. Schiff. I'm happy to yield to the ranking member if you wanted to present --

~~TS/SCI~~

Mr. Cummings. I'm going to come back later. You go ahead.

Mr. Schiff. General, I'll be brief. I wanted to just go over -- because I think you've talked about most of the major issues that have been raised during the prior investigations into Benghazi, and you and I have had the opportunity to meet with you twice on this topic in the intel committee, once in the immediate aftermath and then in the following month or so in November, I guess --

General Petraeus. Right.

Mr. Schiff. -- when you came and testified. Let me just go back through a couple of things. The initial assessment, if I recall our very first meeting, was that this had begun as a protest, that it was -- it appeared spontaneous and then was hijacked by extremists, and that was based on a number of open-source reports, some signals intelligence, and as well as other intelligence products.

General Petraeus. There were 12 of them, in fact. I mean, what's interesting is that for once in history, the first report was actually right. The chief of station put in something -- or at least the Agency on the morning of the 12th, we do an internal "here's what we know now" kind of report, and it said that it was an attack. I forget if the word said deliberate or what it was, but it was an attack.

And then these 12 different, again, social media, open source, and signals intelligence points come in, and the chief analyst in this case who was from the Office of Terrorism Analysis, OTA, in the counterterrorism center, then the assessment was, no, it was something that grew out of probably -- perhaps in response to Cairo, maybe the

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video, maybe, again, the announcement of Abu Yahya al-Libi's death, hard to say what it was.

And to be candid, when you watch the video, again, this is not, as I said, a four-man stack that comes up and they tap each other on the shoulder, and they go in and do this orchestrated highly rehearsed attack. Rather, it's a couple of guys crawl over the wall and open it up, and they walk on in. Now, they've got rifles and RPGs and so forth.

And so you have a -- you know, it's a conflict, and it stays that way for 12 days. And if you look -- the reason I'd like you to look at the SSCI -- actually, I wish we -- we actually have notes from it, which we also, because of executive whatever, can't share, but there was an MFR kept by the congressional folks that talks about how I qualified it. I said, you know, this is what we think. It could be different.

Chairman Rogers is saying, well, you know, I think it's the other way, and we'll see, you know. It was that kind of, this is not we're 90 or 100 percent certain that this is a protest that spiraled out of control and then turns into an attack. This is our, again, best analysis at that particular time.

Now, we got just about everything else right, actually. The other aspects of this thing, we generally got correct. We said it was members of AQIM and Ansar al-Sharia, not clear how the organization of it evolved. Of course, we've since gotten the guy that was the ring leader, but again, it's still a bit unclear, I think, of what actual

~~TS/SCI~~

structure, if there could be said to be a formal structure, that did this, and then a variety of the other items that we laid out for the committee that day, and they're all in these talking points.

And, again, if you get the SSCI opening statement that I provided, you'll have the same opening statement that I provided for the HPSCI.

Mr. Schiff. And I reviewed, I think, what were essentially the talking points you had for us in that initial meeting, which is consistent with what you're telling us today.

General Petraeus. Yeah.

Mr. Schiff. The point I wanted to get to though was you said that -- you know, the best assessment, the initial best assessment was that it began as a protest, and that turned out not to be right.

General Petraeus. Now, there also, by the way -- well, that's right. Well, again, the very first one was -- and then chief of station, for some reason, thought it was.

Mr. Schiff. Right.

General Petraeus. But the chief of station also is firm that it was caused by the video, which turned out to be, again, somewhat in question. So I think this is sort of a typical situation where, you know, I was used to, in combat, the first report is generally wrong or at least it's incomplete or it's not fully developed.

Mr. Schiff. Well, and you get that first report and then you get the 11 or so others that follow, and the sum conclusion of your analyst is that it began as a protest. That was the initial take.

General Petraeus. Correct.

~~TS/SCI~~

Mr. Schiff. The first report but the initial take.

General Petraeus. Yeah.

Mr. Schiff. The point I want to underscore, though, is that initial best estimate that turned out to be wrong, that was the view of the analyst based on their professional experience. Is that right?

General Petraeus. Yeah, this is a, I think, 2-star equivalent, if you will, or certainly a senior intelligence service analyst who's very, very good, call.

Mr. Schiff. But you haven't seen any indication that the analyst came up with this conclusion because they were following a White House dictated narrative of some kind?

General Petraeus. No, no, certainly not.

Mr. Schiff. And you haven't seen any evidence that there was some politicalization of the intelligence within your Agency?

General Petraeus. No. You know, the head of OTA and the CTC doesn't talk to the White House directly or take calls or take rudder or guidance or something else.

Mr. Schiff. And, you know, I haven't seen any evidence to the contrary, but I'm asking the question because you used the term earlier about urban myth, about gun running. There's an urban myth --

General Petraeus. Yeah.

Mr. Schiff. -- about this as well.

General Petraeus. Sure. Yeah.

Mr. Schiff. The talking points that came out of some of these initial assessments, and I think it's probably the last unclassified

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talking points we're ever going to get from anyone.

General Petraeus. Look, this is a conundrum, though. And I mean, this is a serious issue. What do Members -- how do Members -- we have to figure out how to come to grips with this. What is it that Members can say?

Mr. Schiff. Oh, well, no, I think --

General Petraeus. Although some Members resolve --

Mr. Schiff. And I also made the point at the time that if we jump down the Agency's throat for giving us an initial assessment, for telling us, you know, what do we know now, what do we know today, and it turns out not to be accurate even though they qualified it and said we may learn more.

General Petraeus. Sure.

Mr. Schiff. They're going to be very reluctant to share anything with us in the future, and that -- and similarly if we ask, what can we say to our constituents --

General Petraeus. Yes.

Mr. Schiff. -- and we jump down their throat on that --

General Petraeus. Yeah.

Mr. Schiff. -- they're not going to want to share that with us either.

General Petraeus. Or you'll get such a qualification that it will be -- could be this, or it could be that.

Mr. Schiff. Right.

General Petraeus. And that's not helpful either.

~~TS/SCI~~

Mr. Schiff. But getting back to the talking points, and I think I asked you about this when you testified before the HPSCI as well. You mentioned earlier today that there were legitimate reasons for the changes that were being made --

General Petraeus. Yeah.

Mr. Schiff. -- in the talking points. And they included in the case of excise in reference to Al Qaeda --

General Petraeus. Uh-huh.

Mr. Schiff. -- [REDACTED]

General Petraeus. Yeah. But, of course, I have been very clear with both committees, AQIM and Ansar al-Sharia, so I mean, there was never any -- the Agency was very clear from the get-go, this is a terror -- these are terrorist organizations, therefore, it's obviously a terrorist attack.

Mr. Schiff. Right. But the redactions and changes that were recommended by the Agency, these were being made for substantive policy reasons [REDACTED] not because the Agency was trying to reiterate a political narrative of the White House?

General Petraeus. Well, yes, exactly, and of course, some of the changes made were internal to the Agency. In fact, I think the Al Qaeda reference actually came out in the Agency, and then others made for a whole variety of other valid reasons. You know, law enforcement says, Don't use this. It indicates a predisposition that we shouldn't be at this point in the investigation.

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So, again, I think these are legitimate issues. What it does then, though, it boils it down to a very low, low least common denominator.

Mr. Schiff. But, again, you wouldn't conclude that there was any evidence of this urban myth that the Agency was doing the White House's bidding --

General Petraeus. No.

Mr. Schiff. -- in trying to cast the talking points in a certain light?

General Petraeus. No, no.

Mr. Schiff. And --

General Petraeus. Again, look, if you look at the changes that the White House actually made, they're insignificant. The significant changes were made by either the CIA, other IC agencies, ODNI, FBI, State, and again, you get the whole interagency into this at a certain point in time.

Mr. Schiff. Let me ask you about one of the other urban myths, and that is about the standdown order. As one of my colleagues referenced, there's a film coming out very soon which I represent -- quite literally represent; Hollywood is in my district. But I don't vouch for everything they do.

General Petraeus. Bless you. Do you have U.S.C. as well?

Mr. Schiff. I don't have U.S.C.

General Petraeus. Tragedy. You need to redistrict.

Mr. Schiff. Judging from the trailer, the film will cast the

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chief of base as one of the villains, and he will explicitly order, presumably, GRS to stand down, using those words.

I think you were quite explicit in your prepared testimony before HPSCI that there was no standdown order, and I think you've said as much --

General Petraeus. I've said that again today. Yeah. And, again, I went back -- as I said, I talked to chief of base. I talked to the leader of that Quick Reaction Force. I talked to -- the chief of station was not there, but I talked to other GRS members that were part of this, and again, as I understand it, they were ready within -- again whatever we say; it's somewhere a little bit beyond 15 minutes or so. And then they do wait while the chief of base is trying to arrange for an escort or at least safe passage or what have you through very heavily armed militia members that are controlling a key checkpoint that lies between the base and the temporary mission facility.

They wait, again, for 6 minutes, whatever it may be. There's different timelines out there. That doesn't seem to me to be that excessive, but if you're trying to go to the rescue of a fellow American, those are very long minutes, and so I understand why there was certainly a degree of impatience and then understand fully why the head of the Quick Reaction Force said we got to get going, and this is not going to get done quickly enough.

Although they ultimately did arrange, actually, for some degree of coordination or cooperation with at least one of the elements that

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was in the vicinity of that checkpoint, as I understand it, for the vehicles that were going because, of course, they couldn't, obviously, go across country. The individuals took off across country.

Mr. Schiff. But in your discussions with the GRS personnel and with chief of base, no one was ever ordered to stand down?

General Petraeus. Not anybody that ever reported that to me, no, and I'm pretty sure I asked specifically about this because it was already becoming an issue certainly by the time I went out [redacted] [redacted] but I'd already seen GRS individuals who had come back through Washington.

Mr. Schiff. And the decision by the chief of base to try to get the support of the 17th February militia or at least not -- at least make sure, to the degree they can, that they're not charging into an ambush, you would agree that was a prudent decision to make?

General Petraeus. Yes. Yeah. No, I think this is a very reasonable precaution to take, but of course, if it drags on and there's no clear sense that this is going to come to completion, then understandably the Quick Reaction Force feels responsibility for the security of fellow Americans, even though they're on another facility, starts to grow and grow and grow.

Mr. Schiff. We had the chief of base in before this committee. You can imagine his consternation about being portrayed as wanting to interfere with the rescue of fellow Americans.

General Petraeus. Yeah. Sure. Absolutely.

Mr. Schiff. I think you addressed this already. [redacted]

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[REDACTED] you can unequivocally state there was no CIA involvement in gun running to Libya or gun running from Libya into Syria?

General Petraeus. Correct.

Mr. Schiff. Or gun running within Libya?

General Petraeus. That's correct.

Mr. Schiff. One of the other issues that has been raised periodically has been the military response, and you prefaced your testimony today by talking about your experience in terms of the emergency response team that's available.

Did you ever see any evidence that the Defense Department was unwilling to go to whatever length possible to rescue our people there?

General Petraeus. No.

Mr. Schiff. Did you ever see any evidence that the State Department or any other agency of government tried to interfere with Defense Department efforts to rescue our people?

General Petraeus. No.

Mr. Schiff. From the conversations you were having with Tom Donilon and Secretary Clinton and others that night, was it your understanding that everything was being done that could possibly be done to rescue our personnel in Benghazi?

General Petraeus. Now, yeah, absolutely with Tom Donilon. With Secretary Clinton, I our call was in the afternoon, and we didn't -- again, and I think appropriately -- didn't talk directly again. I did it through Tom Donilon. Again, my interface with the

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interagency was through him. It's the National Security Council staff that does that, and when it comes to a principal, then it's with the National Security Advisor himself.

Mr. Schiff. One other issue, which I think this may be another inaccuracy in the film that I would like to ask you about. Again, from the trailer, it appears they wish to portray this as a situation where personnel left the Annex to go help those under attack against the orders of the chief of base, over the opposition of the chief of base. That's not your understanding?

General Petraeus. That's not my understanding, no. No.

Mr. Schiff. That once the chief of base concluded that no help would be forthcoming, the chief of base approved their going to attempt to rescue?

General Petraeus. I'd characterize that slightly differently, if I could, Congressman, where the chief of base is continuing to try to get assistance. He hasn't got it. He can't say how long it's going to take him to get it, and the Quick Reaction Force, GRS team leader rightly, in my view, and courageously says, "Chief, we can't wait any longer. We need to get going. We're out of here."

And that's, I think, a little bit more accurate description, at least to the way I understood how it transpired that night.

I mean, you can imagine what a chaotic situation it must have been as well and multiple people and multiple phones and --

Mr. Schiff. This wasn't a situation where the chief of base was still telling GRS personnel, "Don't go" --

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General Petraeus. No.

Mr. Schiff. -- or, "Wait." They said: We're going --

General Petraeus. Not to my understanding.

Mr. Schiff. -- over your orders.

General Petraeus. Correct.

Mr. Schiff. Finally, how within CIA is the security at a facility like the Annex determined? You know, with the diplomatic facilities, you've got the Inman standards. You've got a particular bureau within the Department of State that's responsible for the security at the facilities. What office within the Agency is responsible for security at an annex?

General Petraeus. There were force protection experts again in the Directorate of Support, and that's where the real expertise is. Again, obviously, we have chiefs of station and chiefs of base who have spent, in many cases, multiple tours in the post-9/11 period in particular in very heavily protected facilities, [REDACTED] [REDACTED] out in the war zones or in bases within those war zones or in other locations that are very, very dicey.

So you have a combination of the operational chain, the ops chain, if you will, chief of station through the division chief in those days for say that particular region to the Director of the National Clandestine Service, and then supporting that, are the, essentially, the logisticians, the construction experts, the force protection experts who are out of the Directorate of Support, and also there are communications pieces here. There are, again, there's cameras, ops

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centers, and all the rest of that, and that's -- we have a lot of that expertise there.

Mr. Schiff. To what degree does the Director of CIA -- did you, for example, get involved in particular security decisions at various facilities?

General Petraeus. It really depended on what the threat was. As I mentioned, one that comes to mind very quickly was when we were just trying to determine whether to close down [redacted] or not, and we were very close to it. We were reluctant to do it, though, because the fight against Al Qaeda in the Arabian Peninsula was so important.

As you may know, my assessment was then and it's -- I don't know if I'd still do that, but the most dangerous organization in the world to the United States at that time was Al Qaeda in the Arabian Peninsula because of the master bomb maker, Ibrahim al-Asiri, who is still alive. He was the printer cartridge bomb, the underwear bomb, the shoe bomb, and a couple of others, the bomb that nearly blew up the now Crown Prince of Saudi Arabia.

And that fight against AQAP was hugely important, and we therefore were willing to take risk with a facility [redacted] that was again on its own. Now, certainly you had other assets. That was much more of a war zone was -- than say Tripoli at the time. But that was the base that we were within -- we'd made a decision to close it actually, and then we revisited it and said let's keep it open.

So in a situation like that, I could obviously get very heavily involved. In other situations, not. You know, I wasn't into the

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routine assessment of force protection of all the different bases and stations around the world.

Mr. Schiff. And as a management matter, it wouldn't make sense for the Director to be involved in micromanaging the security structure or personnel at any particular facility, barring the exception --

General Petraeus. Well, you know the old adage that if you are intensely managing everything, you are not managing -- or everything, you're not managing anything because you're going to be so riveted. And so the -- you know, the art of leadership is figuring out, where do I really need to drill down -- and I do have that capacity, as you know -- and then where can I, you know, hold the reins pretty lightly?

Mr. Schiff. I think staff would probably concur with that.

General Petraeus. They would. You know, you have to drive a campaign, you have to drive an organization, but the way that you do that, and again, which elements get the benefit of your intense interest and so forth, obviously that's what you get paid to determine. There's a limited amount of time in every day.

And, again, you know, even on that night, I mean, at a certain point, I said I've got to get to bed as well because, you know, we have all these other facilities in that region that are under massive threat, and the focus in the next days is going to be where do -- again, do we allocate limited resources. And by the way, that's limited intelligence surveillance and reconnaissance assets as well.

So where is it we're really going to focus knowing that the next few days were going to be very rugged leading up to Friday prayers,

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given what had happened in Cairo. So this is a very, very tough period, I think, just in general for anybody who was engaged in that line of work throughout the entire interagency.

Mr. Schiff. Thank you, General. That's the end of my questions.

Mr. Chipman. Off the record.

[Recess.]

Ms. Sawyer. So we'll go back on the record.

Again, General Petraeus, we truly appreciate you being here, being here voluntarily and your willingness to answer our questions. I'm going to turn the floor over to the ranking member, Mr. Cummings. He had a few questions that he just wanted to follow up on.

General Petraeus. Great. Sure. Okay.

Ms. Sawyer. And then I'll pick up when he's finished.

General Petraeus. Terrific. Thanks.

Mr. Cummings. First of all, General Petraeus, thank you for your service. I know you have spent much of your life in your career trying to make sure people that have been sent into harm's way are safe as you can help them be, and at the same time, they are going out there trying to protect our freedoms, and so I first want to say thank you.

General Petraeus. Thanks. It was a privilege.

Mr. Cummings. The -- my colleague, Mr. Schiff, covered quite nicely a number of the issues that I wanted to bring up, but let me ask you this. One of the things that the families of the fallen have asked us to do is to try to learn from what happened here.

I am of the firm belief that life presents moments whereby they

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are teaching moments, and the key is if we want to be effective and efficient in life, we learn from those moments, and they can be transformative. And so out of all of this, I just would like to know what you -- what lessons you have learned and what you would -- what kind of suggestions you might have for us as a Congress to try to minimize the possibility of things like this happening again. And so I think, sir --

General Petraeus. Well, you know, I think, Congressman, that what you have are lessons that are validated or revalidated, in some cases, and then perhaps some lessons that were identified need to be learned, and I think Congress actually, again, to its credit, in the wake of Benghazi, did go back and look at unmet -- unfunded requirements as an example.

Somewhat uniquely, I ended up actually going to Capitol Hill on a number of occasions and actually meeting with members of the Appropriations Subcommittee for -- that covered the State Department. I guess it was Foreign Affairs or Foreign Relations from the House and the Senate. And again, I was concerned on a number of occasions, as a military commander, that our diplomatic counterparts had not been provided the resources that we actually needed them, the country needed them to have to perform their missions. And, obviously, among these were unmet requirements when it came to the ability to man, equip, deploy the so-called DS, Department of State security agents to upgrade the facilities?

I mean, what we saw, not just in Benghazi, but, frankly, in the

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wake of Benghazi and these other demonstrations was an extraordinary validation of the value of an Inman embassy. And by the way, Cairo was one of the early Inman embassies. I don't think it was one of the more sophisticated ones. It was a very, very beginning, and it probably had some features that still weren't completely up to the standard, but the ability of that Embassy just to literally button up and ride out total -- being totally overrun was so markedly different from what was done in say Tunisia, in Yemen, what would have been probably the result in a number of other places where we just haven't gotten around to yet building the kinds of facilities that can withstand the security challenges that we saw.

Again, you all have limited resources, too, but it seems to me, and I think you all agreed in the wake of this, that, of course, you've got to secure your people, and we've got to ensure that there are adequate resources for that. You know, I think we revalidated, frankly, the critical importance in the CIA of the role of these force protection experts from the Directorate of Support. We revalidated the importance of these extraordinarily qualified and courageous GRS officers against -- some of which are part of the Agency, some of which are contractors.

Certainly we were very fortunate that that base had all the force protection improvements made to it that were identified as needed. I've thought back whether we could have had overhead protection. Man, you know, that is something that we provided in some places in Iraq and Afghanistan where you had nightly mortar and rocket attacks, but it was

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incredibly expensive. And of course, how can you stay clandestine if you have some kind of huge protection over the top of your compound, which is not found in any of the other complexes there. So that's where you get into the tug of war between clandestine and not.

You know, the constant -- certainly the constant inventory of where are assets, how quickly could we get them, that kind of exercise, I think, certainly validated the importance of that, and I think there was rightly a reaction within the Department of Defense where the Marines stood up even more of these FAST teams, established more footprint that could help us. Certainly African Command was given a bit more in the way of resources and priority. It's always been an economy of force theater. Somebody has to be economy of force, but not as much as was the case before.

So, you know, I think those are again the lessons that were revalidated and then the lessons that were identified, but keep in mind that a lesson identified is not a lesson learned. It's only learned once it's actually been institutionalized, when it's been incorporated in policies, practices, resources, processes, standard operating procedures, and that's what we have to continually -- for what it's worth, in the Agency, we actually implemented a system within the IG that was also -- this was already ongoing, but I thought it was very, very important that we have -- it's sort of the Agency version of what you would call command inspections in the military where -- just to give you an example.

A battalion commander is there for 2 years. The very first year

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he gets -- this is, by the way, the same as a station chief, and by the way, roughly the same level for a small station, about a battalion commander level. A bigger one would be a brigade, bigger than that would be a general. But, you know, one of the years he gets an inspection by the Director of the National Clandestine Service. And it's a whole series of topics, including, by the way, physical security, the ability to burn the base in short notice, all these different tasks.

And then the second year -- the second year you get a really formal assessment, having gotten the benefit of that the first time, that's led by the IG, just not by the National Clandestine Service. These kinds of activities, I think, are very important. There are systems. There are processes, and it's something that in the military and at the Agency I did actually devote a fair amount of time to determining what should the processes be? How do you inculcate them, and how do you get them part of the muscle memory, the culture of the organization? And I think that's worth looking at at times.

And the truth is, I think the State Department is so underresourced in some areas at some times that they found it very difficult to -- just to not only to not make ends meet but just to allocate shortages in the best possible way.

Mr. Cummings. Again, I'm going to have to go vote, but thank you very much.

General Petraeus. It's my privilege, and thank you.

Mr. Cummings. Counsel.

Ms. Sawyer. Thank you.

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EXAMINATION

BY MS. SAWYER:

Q Again, just to reintroduce himself, I'm Heather Sawyer. I'm with the Democratic members. We appreciate your time. I'm going to try to follow up on some of the topics that you discussed with my colleagues in the first few hours we've had.

I'm mindful of the fact that you have testified before, and we do have access to at least your transcript over here. I'm going to do my best not to cover too much of that ground.

A Okay.

Q I did want to give you a chance and talk to you a little, initially, about the transcript that you talked to us about at SSCI and that conversation because, you know, while we certainly support making the request to SSCI, it's not clear that the request will be made or that it will be granted. So I just want -- given that you have reviewed it --

A I mean, I'd be surprised. I mean, I know the chairman is obviously a different chairman now, but the ranking member was the chairman when I was the Director, and my sense is that they would -- you know, again, less everything else that's in there has basically been out on the street as it were, but there's some important discussion, and certainly just having the opening statement that I used for both of the hearings, the transcripts of those provided, I think, would be very, very valuable.

By the way, the copy I looked at today has some edits in it because

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there were some misspellings, but they're important because it says "in site" as two words with i-n s-i-t-e as opposed to incite, i-n-c-i-t-e, so they can use that version if the -- but --

Q So with the hopes that we will --

A Yeah.

Q -- be able to get that, I still would appreciate, if you don't mind, just explain a little. When you first referenced that you said that there had been some later controversy and disputes about what had been discussed at least, vis-à-vis, HPSCI, and there hadn't been a transcript of the Friday the 14th HPSCI coffee.

Given that you've just read it, what were the points that you felt controversy had arisen over that -- or clarified in that SSCI transcript?

A There were questions in the subsequent HPSCI session that, you know, well, the way you characterized it was a bit more this way than that way, and I said, gee, you know, that's not really the way I remembered and it's not what my talking points said. By the way, it's also not what the MFR says that we wrote afterwards, which is a very accurate report of it, but which we can't -- that one we can't -- I can't ask to be shared.

Q And do you recall on what --

A But, again, these were -- these are sort of minor issues at the end of the day, but, you know, at the time, this was a big -- a bit of an issue.

I'm trying to remember whether it was over how certain were we

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that it was a protest versus an attack, and you know, we qualified it. We said, you know, this is our best assessment at the time. If the -- as the analysis is done, if we get additional sources, if we have -- again, ultimately we've got the video and these others that were quite helpful, we'll change it, and we did. I mean, so, again, I --

Q And do you recall whether with regard to that question and the question that has been asked by Members and others in years, one of the questions has been, given the fact that individuals in Benghazi at that initial attack had with them fairly significant weapons -- they had RPGs --

A Well, and as I told the individuals that asked about that at the HPSCI, look, these are militias that have just taken down the armed forces of Libya. Why would they not have AK-47s, heavy machine guns, technical vehicles, RPGs, even light mortars, as tragically was confirmed at the final.

The very first attack is basically small arms, perhaps some heavy machine guns and RPGs. That's a fairly standard kit for the vehicles of the militias that were rolling around town.

Q So the fact that that type of weaponry was present at that initial attack was certainly not, in your view, or in the view of your analysts, inconsistent with the attack evolving from protests into attack?

A That's correct. Yeah. Yeah. And, frankly, even when you get to penultimate attack, which lasts a little over 10 minutes on the base where tragically two of our GRS officers are killed, again, you

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can say, well, now they have mortars, this is a -- this now reflects some planning, and it does, but the fact that they had all of five mortar rounds doesn't again indicate a particularly robust logistical planning effort at the very least.

I'm not in any way making anything other than how significant that was, given that it killed two individuals and wounded others, one of them quite seriously. But, again, you know, in part, it's also, again, my background. I mean, if you tell me that you are seeing a sophisticated attack, the image in my mind is of Special Operations forces or very highly trained infantry elements in a four-man stack that are all kited up. They've got body armor. They've got Kevlar helmets. They have earmuffs for communications and noise suppression. They have weapons with closed combat optics and gangster grip and, again, all of this different equipment, not to mention breaching capabilities and other capabilities that you could use if you encounter a locked door, which they did, and they could not -- couldn't blow it down.

So, again, you can generate what went into that compound, according to the video at least, pretty quickly with a couple of cell phone calls in Benghazi at that time. This was a very -- you know, this was the Wild, Wild West. It was a place that used to be -- in fact, one of the Senators, I think it was, grew up there, and they used to call it Ben Ghastly, and I think it has more than lived up, sadly, to that nickname of, again, Ben Ghastly.

Q And when we spoke with your Deputy Director at the time,

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Mr. Morell, he explained in a fair amount of detail some of the evolution of the initial assessments, including the assessment that was the first fully coordinated interagency assessment that I think was being developed on the 12th and may have come out on the 13th, that had a title that was "Extremists Capitalized on Protests."

A Yeah, yeah. And, again, that's an interagency now. Although I took it over, obviously, as the Director of the CIA, and then since as a representative, if you will, of the intelligence community, at least for that SSCI coffee as well and then for the HPSCI coffee the next day.

Q So that would be --

A Now, you should know that I broke with the intelligence community actually as a four-star commander in combat, at least three times formally. Now, this is an all-time record. This is not just a footnote. This is not a, you know, a dissent. This is a formal analysis that says: I disagree with your intelligence community, Mr. President. It was in September 2007. We felt the surge was making progress. The community did not -- now in part because they had to cut their data off 6 weeks early, which is a big mistake, or 8 weeks early, and we compressed it later.

Later, the next year, I thought it wasn't as good as the intelligence community said, and lo and behold, we had the battle of Bosra, and then, in Afghanistan, the first assessment I thought we had made more progress than was assessed, so I wasn't always more rosy.

So I'm not reluctant to break -- and when I sat down with President

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Obama when he said he would nominate me for the position, he said: I want you to -- obviously, what you have to do is provide the best analysis of the Agency, but you know, you spent some time out there with these folks. I mean, you spent more time with Maliki or Karzai or these others than any analyst -- than all the analysts put together, and if you see it differently, then after you've given me what the analysis has said, say that you see it slightly differently.

And I did do that on a couple of occasions in the situation room with the President.

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[3:18 p.m.].

BY MS. SAWYER:

Q Benghazi, with respect to the Benghazi assessment --

A This was not one of them. No, this was not one of them. Again, I didn't have -- let's face it also. I didn't have intimate previous experience in Benghazi the way I did in Bagdad or Kabul or even some of the other areas of Central Command. So, again, this is one where we were all going through this, the analysts, the chief analysts, head of OTA laid out for me why [] reached that conclusion. We knew what the station chief had said on the very first morning. We knew what we had actually analyzed as the Agency on the first morning, the 12th of September, and then we had these 12 other reports, again, [], which we gave additional credence to, and that is where we came to a different conclusion. And the analysts obviously led that effort. They walked me through it. They walked Michael through it, Michael Morell. Walked others through it. And this now is an IC conclusion, not just an CIA conclusion, appropriately.

Q So, as I understand it, part of the value, and you have given us the examples of prior instances where you had felt that your assessment differed from that of the intelligence community. You were certainly willing to speak up and register your disagreement and/or dissent, and you did not feel that way with regard to the assessment of the Benghazi attacks?

A That is correct. And I was -- I like to think -- about as nonpolitical as you can get, not just apolitical. But I had served

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a Republican President as a four-star. I served a Democratic President as a four star. I was serving -- obviously, I was nominated as a political appointee, but I think of that as nonpolitical as a political appointee could be.

Q So shifting just briefly to the night of the attacks -- because you did discuss that at great length with my colleagues -- you had indicated and made very clear that -- and talked about there being three very distinct attacks.

A The second one was fairly -- was maybe as much as 60 minutes, but it is sort of sporadic. It certainly includes some machine-gun fire and RPGs and so forth. But as I said, it is sporadic. We are shooting back, and then it breaks off. Nobody is over the wire. Nobody is doing anything like that.

Q That second incident attack that you just described was one that occurred back at the base?

A At the base, not at the TMF.

Q Once the individuals had evacuated from the TMF?

A That is right and presumably with hindsight certainly, were followed, either the State personnel or the GRS personal with the remaining State personal, one or the other or both of those movements was followed by perhaps some militia, which led them to believe that this was a U.S. facility.

Q And then when you were talking with my colleague, you had indicated that that initial, just going back to the initial attack at the TMF, was over very quickly. And I think the timeline, certainly

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the unclassified Department of Defense timeline that was provided to Congress in November of 2012 indicates -- and this seems consistent with what you had testified to previously -- that that initial attack was reported to have started around 3:42 p.m. eastern time, so 9:42 local time, and that, by 5:30 p.m. eastern time, 11:30 local time, the American personnel at the TME, without the Ambassador, had departed that facility?

A Uh-huh.

Q So that was kind of a 2-hour window. And you had, when you were talking, said that even as you were starting to gather the information, that initial attack had ended, and people had been evacuated. Does that seem --

A Yeah. Yeah. Again, there is a lot of confusion early on. I think understandably the focus of the base is not on reporting up the chain of command or typing out situation reports. It is to deal with what is going on at the TME and to ensure security of the base and to take all the actions possible to support what was going on. And you can imagine what a semi-chaotic situation that it had to be.

Q Now, my colleague asked you and emphasized that certainly at that point, the evacuation was without the Ambassador. The Ambassador was missing. We didn't know where he was and whether he was in a hostage situation. It wasn't until later that he was confirmed dead. You also made the distinction that this was not a sustained battle all night long.

General Dempsey has testified before Congress. In his Senate

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testimony, he similarly said and made the distinction you have made of distinct attacks, but he also made clear that from the get-go, as soon as the military learned, they spun up appropriate assets, and they did not in any way pause, delay, stand down, or stop, despite the fact that there was not a sustained attack. Do you have a different view? Do you think there was a pause?

A No, no. Again, I don't know when they specifically alerted [redacted] as an example, but I know it was done fairly expeditiously, and there is a process of alert, assemble, load. And when it comes to some of the assets, they have to, again, it is a little bit more complicated in loading than others, and then, obviously, you have got to fly them out to the region somewhere. And, again, I forget where they positioned. But, again, they did deploy. So, again, that is your premiere. If you get into a hostage rescue or a counterterrorism operation, that is who you want to do it, assuming that none of the other possible alternatives are standing by ready at the time.

Q So given where assets were postured before that night --

A Yep.

Q -- and what you have just said about the fact that no one pumped the brakes, no one paused, no one delayed, from the moment that they knew of the attacks, what could possibly have gone differently from a military response perspective? Is there something that was there that could have gotten there within the 8 hours that, starting from the moment it began to the mortar attacks, that occurred?

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A No. Again, the assets that were available, the Department of Defense Predator was shifted. Again, these are Department of Defense assets that two courageous [redacted] [redacted] - again, they show initiative as well and become part of the Quick Reaction Force from Tripoli. Again, I don't know what else you could have gotten your hands on at that point in time. Again, during the course of that night, we certainly discussed, what about this? What about that? Is there any of these? Are there any of that? What about Aviano? Where's CIF? This kind of stuff. And, again, none of that was readily available. Even if you had scrambled it right at the outset, I don't think you would have had something that is usable.

Q And understanding that, you know, oftentimes when -- we are in a classified space, obviously -- there are lingering questions about whether the U.S. Government did everything possible to respond, whether the U.S. Government took it seriously and really spun up its most significant assets. So without getting into the details of exactly the assets that we have already discussed -- we have discussed by plan or acronym or name -- is it your belief that the U.S. Government did deploy and spin up significant assets to respond?

A Yes. Again, there is one [redacted] The [redacted] was alerted, assembled, and deployed. But even that force can't respond so quickly all the way from the [redacted] [redacted] the United States to get out to a location in that region quickly enough. Again, it is on a very short string, can respond very, very rapidly, but it still has to get out there, and then it has to obviously

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unload and put together a plan and do a very quick, if you will, rehearsal and so forth, or you have a worse situation on your hands.

Q And in your experience, to the extent you can share it with us, how usual or unusual is it to actually deploy that particular force?

A That is fairly unusual. And, again, I have a lot of experience with [redacted] deploying. When, again, we were doing the war criminal hunt, we were the forward headquarters. And for the first few months, it was [redacted] that had to come over to do the operation, and this was a very well-rehearsed plan that we actually did implement until we decided that there were enough assets out there that we could really do it on our own.

By the way, some of those assets that enabled us to do it on our own were the Commander's In-extremis Force from the U.S.-European Command, which we had deployed with us.

Q So the fact that that particular asset was deployed here does certainly indicate the seriousness with which the U.S. Government --

A Yeah.

Q -- was taking the attack and seeking to respond to the attack?

A Yep, yep, yep.

Q One of the other issues that you did discuss with my colleagues, you know, you indicated that you thought given the assessment of risk regionally and worldwide, assets were appropriately postured. There was further discussion about kind of in an ideal

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world, if an asset could have been available or made available, what asset would you have recommended, and I think you mentioned AC-130 assets?

A Yeah. If you want to do precision fires at night -- again only at night, because it is circling overhead and it is vulnerable during the day -- and depending on the model of that aircraft -- it has either got a 105 Howitzer hanging out the end, or there are various other systems, and there is also sort of a Gatling gun version. But it is a very precision instrument.

Q And that precision --

A But, again, there is a very limited number of these -- a very, very limited number of these, and they were all that night, I suspect, either circling overhead or on a string for ongoing operations because they would be up every single night of the year over operations at that time in particular in Afghanistan because they are the ones that are going to be there if [redacted] gets in trouble in one of those 10 to 15 operations every night that we were doing in Afghanistan still probably at that time, maybe reduced by then, but certainly when I was the Commander in Iraq and the Commander in Afghanistan -- and I happened to command the surge in Iraq, so that was the main effort by far. Then it shifted to Afghanistan, and I was privileged to be the Commander there. That is where your deployed assets are going to be. And they were typically split between Iraq and Afghanistan. And I don't recall if we had any others anywhere. Again, there is a very limited number of these assets. There is a

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variety of others that you could envision, armed, unmanned aerial vehicles, perhaps unmanned aerial vehicles together with strike assets that are precision.

Q And you have emphasized a few times the notion of the need for precision?

A Well, you are in a city. And the idea of dropping a 500-pound bomb in the middle of a city, you better have a -- and without a force that -- certainly the GRS guys were trained and capable of employing these assets, although they are not joint tactical air controllers, I don't believe. They are certainly not Active Duty JTACs. There is a very significant process that goes into being authorized to actually direct the dropping of bombs because if you don't get that right, a lot of innocent people can die.

Q So --

A So, again, as you think through what would you really have liked to have had, you are fairly limited.

Q It would also have required both the expertise on the ground and the equipment to provide for that type of forward air control?

A That is correct. Yep, yep. Now, I personally think the GRS guys could have done it. They were all former special operators.

or other devices that would have enabled them to do this. But if you haven't rehearsed it, if you haven't done your communications, if you hadn't done a lot of other actions in preparation, this is sometimes how things go awry as well.

Q And certainly even if the asset is available, even if you

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have the expertise, even if you have the adequate forward air control, there are tactical decisions to be made as to whether you employ it at the time?

A Sure. You are always going to have certainly cost-risk analyses. Now, look, when there are Americans in harm's way, you are generally going to do everything you possibly can do, and I worked, for example, very hard in Afghanistan as the Commander of what was called the tactical directive that was the -- governed the implementation of the rules of engagement to be sure that if an American is in harm's way and there is no other alternative, we are going to do what it takes. But you have got to be really careful about it.

Q And certainly whoever was making the decision at that time would have had to consider in that 2-hour initial window that you talked about as the initial attack as to whether --

A I don't know what you would have done in the initial attack. I don't know even necessarily what you might have done with the sporadic gunfire and the RPGs in the subsequent attack. Again, unless you had an AC-130, maybe, again, a drone with a small precision munition on it like a Hellfire missile or something like that. The final attack, if you could pinpoint where the mortar was, that would have been obviously very useful. But, again, that was five mortar rounds fairly quickly, and then they either ran out of ammunition or they just departed. It is unclear.

Q And certainly they would have had to have taken into account the fact that we didn't at the time know exactly where the Ambassador

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was, so any types of air support?

A Oh, yes. Look, there were many complicating factors, and that is yet another one. Obviously, before you would employ a system, you want to make sure he is not below it.

Q And I know that we have gone down this road. It has been -- and I appreciate, although I don't often encourage witnesses to speculate because obviously we have been speculating. You have already testified that the, that particular asset, the AC-130, was not postured in any proximity to Benghazi on that night, so I do appreciate it because there just have been, with regard to that particular asset, a lot of assertions that in some ways to me -- and I am not a military expert -- seem to simplify the possibilities of what could have and should have been done with it even if it were available, so I do appreciate you helping to educate me and hopefully other members of the committee.

You had talked about a [REDACTED]

[REDACTED] trip to Libya, [REDACTED]

after the attacks. What was the purpose of that trip out there?

A [REDACTED]

[REDACTED]

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Q So in part --

A Again, at a certain point in time, you want to sit down with these guys and look them in the eye and say: You are a hero, and you are a great American, and we are grateful to you for what you did on that night. We are grateful for what you continue to do.

Q So certainly it was your opportunity to, as you said, look folks in the eye and thank them.

A Yeah. I had already seen the ones that had come home, the seriously injured, also the widow of the GRS officer who knew that he was actually working for the CIA. As you may recall, another complicating factor was that the other GRS officer killed had told his mother that he had gotten out of the Army and was working for the State Department. And she was very pleased he was no longer in the military.

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So it took a bit before we wanted to share with her where her son had actually been working.

Q And you said you had the opportunity to talk to at least some of the GRS folks here in Washington --

A Yes.

Q -- before you even had gone?

A Yes.

Q And you said that some of the concerns about the amount of time it had taken or the response time from the base to the temporary mission facility had started to surface. Had those started to surface internal to the CIA, or was that from external reporting from the media or other press?

A I don't recall. I suspect it was probably both. Certainly, there were news accounts, and, you know, let's remember, in other contexts, we are obviously in a Presidential election, and so there was quite a bit of buzz about that in that regard as well. So there was an enormous media spotlight on it. There was an enormous spotlight from within the organization as we went back and looked and did the post mortems and lessons learned and the after-action reviews. What could we have done better? What should we have done in advance? This kind of review. And ultimately, now, that took months, but there was a big analysis that was done of the overall thing as well from an agency perspective.

Q And from your perspective, the concerns that were raised, I think you mentioned earlier that when they were raised to you, they

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were not raised from anyone, and I presume including the GRS individuals you spoke to in Washington, [REDACTED]

[REDACTED] had indicated that there was an actual
standdown --

A No.

Q -- order. Nonetheless, when there were concerns or frustrations expressed about the amount of time, did you feel that you took those allegations seriously?

A Sure. Yeah, you bet I did.

Q And you took steps to talk to the range of individuals directly involved and hear their perspective on it?

A That is correct.

Q And at the end of the day, I think you explained that you concluded that you felt the amount of time had not been unreasonable and that the reasons that the chief of base had explained for trying to find out about an ambush or friendly fire were reasonable?

A Yes. As was the decision by the Quick Reaction Force, GRS team leader, to ultimately say, We got to go. These are all, I think, again as you sift back through it -- and by the way, again the times are just really quite, it is really quite remarkable how rapidly they went from presumably either being in bed or just hanging out, I would assume, those that weren't on some kind of security duty, to being ready to roll with all kit -- and, again, these guys were kitted out in the way that you would expect attackers to be, with body armor, with Kevlar, with the right weapons, with optics, with night vision goggles, with

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all of the other accoutrements and enablers, if you will, personal enablers that somebody would have for a mission like the one they embarked on.

Q In addition to that concern about the amount of time in responding, were there any other allegations or concerns raised to you with regard to the Benghazi attacks that warranted investigation that were investigated?

A I can't think of any. I mean, there were lots and lots of questions that we went back and looked at again, and certainly the analysis and went back and looked at it all again, and so forth. But and, then again, you would have this, something would pop up in the press or something like that, and you would say, geez, let's check this out.

Q Do you ever recall hearing that there had been an effort on behalf of someone who had been either a source or an asset of the base to contact anyone at the base prior to the attacks and warn them?

A I think I recall hearing something along those lines. I mean, there were lots of these different strands of communication with militia leaders, and they would help one minute, and the next minute, they are gone. But I don't recall ever corroborating anything along those lines. In fact, as I went back through all the material, for what it's worth, which is now very, very extensive, I didn't see anything on that either.

Q So to the extent that that had been alleged, to the best of your knowledge, there was never anything to corroborate the

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allegation that someone had reached out?

A No, no.

Ms. Sawyer. I am going to mark and have you take a look at what we are going to mark as exhibit 1.

[Petraeus Exhibit No. 1

Was marked for identification.]

BY MS. SAWYER:

Q Let me just explain what it is and then I will give you a minute or two. This is an excerpt from Leon Panetta's book, "Worthy Fights." I have given you an excerpt, which is probably longer. I just really wanted to talk to you about a meeting he describes on pages 430 and 431, but I wanted to make sure you had certainly adequate context because this excerpt, really starting on page 426, just talks a little bit about September 11, 2012, the night of the attacks, but what I just wanted to ask about was on 430 and 431. So if you want to take a couple of minutes to look at that, and I have a couple of questions for you about it.

A Okay. Fire away.

Q So starting at the bottom of 430 and 431, he appears to just be describing a meeting that occurred immediately after the attacks where there was a conversation about the intelligence community's assessment. It is akin to what we have talked about a little earlier where he indicates that the assessment was that, you know, there had been a protest. It says there at the bottom: Working off the assessments drawn up by the CIA analysts presented the theory in the

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meeting room that there had been a protest and that the attack had evolved from the protest.

He indicates there, you know, that he actually thought that was unlikely because of the existence of significant weapons, the rocket-propelled grenades. Do you recall that conversation?

A I don't recall the conversation. I have read this. And, again, I know and love Leon Panetta and was privileged to be one of his field commanders when he was initially the Secretary of Defense, but it is actually fairly common for folks driving around Benghazi not only to have AK-47s but to have RPGs. So I don't know why, in fact, not only those but to have big machine guns on the back also.

Q So certainly that fact was not --

A So I don't know why that would lead someone to believe that because somebody is toting an RPG, that they are necessarily immediately going to launch an attack. Again, it is -- got it, but --

Q He does indicate a little later, in that same paragraph, that you did explain that consistently then with what you have told us now.

A Yeah. In fact, he said, with so much weaponry floating around, it is plausible. And there was. Just an astonishing amount. Again, this was the Wild, Wild West on steroids. These are militias that took down the military of a reasonable country.

Q He then goes on to just comment a little bit later on transitioning into another topic we have discussed in part, the talking points. He goes on to say the theory was translated into talking points

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prepared for the House Intelligence Committee. Although they weren't intended for use by U.N. Ambassador Susan Rice, she used them during several interviews she gave that weekend. The theory proved to be wrong, but Rice was not to blame, and it did not originate at the White House. To the contrary, it was the working premise of the CIA analyst as of that time?

A As I have explained, it was much more than the CIA. When it came to the talking points, this was the entire intelligence community ultimately. First draft done by the CIA. Endless edits in the CIA. Then in the intelligence community. Then it enters the interagency. By the way now it is actually being shepherded by public affairs people and, by the way, Office of Congressional Liaison people, rather than by the analysts, which is an area if you do have to do talking points for somebody, let the analysts do it, not Public Affairs and Congressional Liaison, with great respect to those that are sitting behind us here.

Q Right. And he does go on to say that, quote: "Intelligence is difficult and often contradictory. That it took some time to get a handle on what happened should surprise nobody," end quote. And I think that's the dynamic you have described today and in previous testimony.

A Yeah. Except again, it was not the working premise of the CIA in honest. It was, again, these talking points were the result of a draft written by those that had the working premise but then, again, lots of edits, again for understandable reasons, having gone back and

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looked at the blow by blow in these edits.

Q Right. So that assessment certainly was one that was shared throughout the intelligence community.

A Yes. Again, it was an IC. Not just the CIA, and ultimately it was the IA, not just the IC.

Q And it certainly wasn't an assessment that the CIA disagreed with. It actually was one they shared with the rest of the --

A The CIA's assessment at the time. It was also the IC's assessment at the time.

Q And it was the best assessment based on the information that was available and being analyzed as it was collected?

A Yeah. Obviously, that element of it turned out to be wrong. Virtually everything else we said to the HPSCI and the SSCI actually did turn out to be right, and even this element of it still, you watch the video and you tell me how organized an attack this was. In fact, I would add that you should get the video, and it should be watched by all of you, and actually, I would love to have some feedback after you watch what appears to be again a fairly assembling of a crowd, which then crawls over the wall, opens it up, they have got weapons and RPGs and everything else, but welcome to Benghazi.

Q Right. And we have, the committee, staff and members with sufficient clearance, have had the opportunity to review that video footage. And I think in other testimony that you have given, I saw you describe it as certainly not answering all the questions because it did appear that there was a gathering of individuals who then had

some come over the wall?

A Uh-huh.

Q And then the rest were let in?

A Just walk in, sure. So now to be fair, there is also, I think, still one camera that was not working, so as with a lot in this particular case, there is nothing that is ever complete, concrete, and crystal clear.

Q So going back just to this exhibit for a moment, Secretary of Defense Panetta goes on and comments very briefly on what has obviously been a source of great controversy, Susan Rice's appearance on the talk shows. He simply says that he notes that the talking points weren't intended for use by Susan Rice. He then, you will see a little asterisk there in the middle of the page, and it drops to an asterisk footnote, and he comments, quote: "The fact that they were prepared for the Hill, not Ambassador Rice, undercuts the claim by some that the talking points were specifically written for Rice so she could, quote, 'mislead,' end quote, the country." That is something that has always been something I thought odd. It does seem odd that if they weren't specifically written for her, it is hard to claim that if she then did look at them and rely on them, it was done with the intent for her to do so. Would you agree with that?

A Again, talking points are written in response to a request from the ranking member of the House Select Committee on Intelligence, period. And, again, I can imagine that what happens in the White House on Saturday noon or something like that, and probably Susan Rice's staff

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calls up and says: Hey, she is coming to town to be on the talk shows or wherever it was she had to be; who has got the talking points? And they are casting around saying: Hey, got any talking points? Yeah, here's ones that we just agreed on at the deputies' committee. Again, that is speculation, but those talking points weren't for her. I never had any awareness that this was going to be used -- in part it is a little bit why, if you read that email of mine where I just sort of rhetorically threw my hands up and said, you know, this is -- actually let me find you what I said at the end of this because it was conveniently, I said, frankly, I would just as soon not use this then. NSS is called to be sure. However, this is certainly not what Vice Chairman Ruppertsberger was hoping to get for unclassified use. Regardless, thanks for the great work, which I meant because he had shepherded this darned thing through all these different hoops and wickets, so this is an email that was made publicly available to the Washington Post at some point in time.

Mr. Smith. Just for the record, cite the date of that.

General Petraeus. That was mid-Saturday afternoon at 2:27 p.m. So the real world also intrudes on the real world of the Director, because of all things, you will never guess what we spent a good bit of Saturday morning doing, although I kept sliding away to do other stuff. But Saturday was family day at the CIA, a once-a-year event where the Director does have to show up and give some remarks to all of the assembled thousands of family members and then put in some appearance between ducking away into the office, and that was done.

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I got this from Michael and said --

Q And Mr. Morell had indicated that it was family day at the CIA, so we did know that.

A Did he?

Q Even though these weren't intended specifically for Ambassador Rice, certainly they were crafted for the use of communicating with the public by Members of Congress. So was there anything inappropriate about her using those talking points and relying on those talking points, which you have indicated were the intelligence community's, the full intelligence community's, best unclassified assessment?

A I would have to go back. In theory, no, nothing wrong with that. Again, but what I am not an expert on at this moment in time and didn't prepare myself for today was specifically, what did she say, and how does it link to the talking points? So your question, is it appropriate for her to use the talking points? Yeah, I guess so. But I didn't go back and look at specifically every single thing she said to crosswalk it with what the talking points said. Michael Morell's does that, as I recall, and that is perhaps worth looking at.

Q But certainly to the extent she had --

A In theory, the theoretical idea that it is okay for her to use talking points, again, I think that are out there, again I can very easily imagine what probably happened. That is that in panic on a Saturday afternoon, the deputies' committee is over. To figure out where to send all the assets that are going to provide security -- great

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to see you again, Congresswoman. All this is done, and oh, my God, somebody's got to go on the talk shows. It's determined it's Susan Rice. What do we give her to say? So you grab that first and then take it from there, I guess. But, again, I haven't sat down, and that is appropriate, therefore.

Ms. Sawyer. If we could just go off. I would like the record to reflect that Congresswoman Duckworth had been able to join us following votes. I wanted to just go off the record for a second and get her up to speed on where we are if you don't mind, and then we can reconvene.

[Discussion off the record.]

Ms. Sawyer. I think Congresswoman Duckworth just had a couple of questions, and then I think it would be appropriate for us to break. I think we are close to the end of our time in this first round.

Ms. Duckworth. Thank you for your time.

General Petraeus. We knew you back when. We knew you in Chicago before you had even --

Ms. Duckworth. And all of the wonderful work that you and Holly have been doing on servicemembers and the lending issues, the predatory lending.

General Petraeus. It's a privilege.

Ms. Duckworth. I wanted to talk about the force posture that night. You had mentioned that it was based on the threat assessment that was happening in the entire region, not just the Middle East.

General Petraeus. The entire world.

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Ms. Duckworth. The entire world. Can you sort of expand on that a little bit and maybe talk a little bit about has that, what happened in Benghazi, changed the way we conduct analysis as to what the force posture might be in the future, or the communications between the different agencies to arrive at the data that defense would need in order to, from both our intelligence agencies, and I guess I am looking at the linkages between the various agencies and how that information is shared so we can come up with the force posture that needs to be in place for future 9/11, because 9/11 happens every year. Did anything change as a result of that, of Benghazi, and would you recommend anything --

General Petraeus. I think what changed was less just the assessment process and the determination of how do you allocate scarce resources and more both a sensitivity to locations that are remote, number one, and then, from the State Department side, as well as, obviously, the Agency and the military side for that matter, so anybody who is out in a tough area. That is number one. And then, number two, the DOD did actually generate additional resources, as you know, in terms of assets like FAST teams and other elements. I think the Marines in particular did a very impressive job of very rapidly saying we are going to stand up additional elements here, here, here, and here within existing resources. So what really happened is within the services and within the DOD writ large, there was greater emphasis put on having those kinds of assets that are useful in such a situation and on a tighter string. But, again, that comes at the expense of something

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else because wherever those assets came from, obviously, they are allocating shortages in that regard. But it is more, again, a greater sensitivity to the kinds of risks that soldiers, diplomats, intelligence officers, and other Americans around the world run, and again a reallocation within that pool of resources from which you can actually generate resources, that would be helpful in a situation like that. FAST teams, there have never been enough FAST teams. There still, I am sure, are not enough FAST teams. There can't be. But there are more as a result of this. The Department of State didn't have all the resources it had requested for the security posture. Again, no agency or department ever seems to, I don't think, but they got more as a result of congressional action. So, again, there is a variety of actions that were taken in response, I think, that were. I mean, did they start having an AC-130 circle over North Africa? No, there is not that asset. There are limits, again, even within the Department of Defense and others that you are not going to generate more of those particular assets.

Ms. Duckworth. So with those additional assets that have been developing in the Department of State and Defense, and then along with what the intelligence agencies have, in her testimony, Secretary Clinton mentioned that there was greater training, joint training, joint assessment, that happens now on a more periodic basis. Can you talk a little bit about how the integration is happening between those additional new assets that DOD or State has developed with those intelligence agencies, to the best of your knowledge, and how that may

have changed from that day.

General Petraeus. With respect, I wish I could, but obviously, I have not been doing this for some 3-plus years, so better to ask the incumbents.

Ms. Duckworth. What about in the immediate aftermath of Benghazi?

General Petraeus. Again, in the immediate aftermath, and again in the immediate months afterwards, there was a real flurry of activity to get more resources to the Department of State, to allocate more from within the Department of Defense. Again, I don't think this has been an issue of not being able to analyze the fact that there are risks out there in some of these different locations, but these are tough calls. Earlier today, I talked about the very difficult call that came all the way to my level on whether or not to close [REDACTED] or not. This is a really dicey place. You are talking about serious Al Qaeda in the Arabian Peninsula threats, [REDACTED]

[REDACTED]

Certainly there are assets that could respond if we got in a very tough spot, but, again, it wasn't going to be AC-130 kinds of assets most nights. So, again, you do have to take risks to perform your duties. You want to mitigate those risks to the extent that you can, but you are never going to eliminate the risks, as you know well. You have been out there. You understand risks personally.

Ms. Duckworth. Thank you. Right. And one of my concerns, what I want to get out of this hearing and the work that the committee is

doing is what can we do to better support our patriots who are out there making those conscious decisions in order to serve our country and make sure that they have the resources that they need?

General Petraeus. Very simple. Kill sequestration. If you want a blunt answer, seriously.

Ms. Duckworth. No. I'm glad. Give me the blunt answer.

General Petraeus. Sequestration is the most ridiculous way of cutting the budget imaginable. When I was the Director of the CIA, we looked at sequestration, and we said, this is horrible; no one would ever do this. And, of course, it came to pass. But we did actually get serious about doing drills and what we would do if we had to have sequestration. The Agency was not given the flexibility to do what it thought it should do. It was not only told to take a 9-percent cut overall; it was told to take that cut in 60-plus different program areas roughly equally, in other words, a salami slice. So if I came back to the respective committees and said we are going to hold off on the moon shot this year -- we weren't really doing a moon shot, but it is the equivalent in the agency -- we will hold off on that this year and fund all of our human resource programs that are so important as the real essence of the agency, we weren't allowed to do that. And you can multiply that by every one of the departments and agencies that was affected by sequestration.

I got it about budget cuts. I'm in the economic, financial world now. I know something about the foundation of our national power, which is our economy. I mean, if you want to get into that -- by the

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way, I teach a course that is called "The North American Decades," and it analyzes the global economy. You remember I have a Ph.D. in international relations and economics, and I have taught these subjects in the past. And I look at the entire world. Conclude that a future after the American century is not the Chinese century nor the Asian century, not yet. It is the North American decades. But the number of decades will be determined by what you all do on Capitol Hill together with the folks at the White House to remove headwinds that are preventing us from fully capitalizing on the opportunities that we have because of the energy revolution, the IT revolution, the life sciences revolution, and the manufacturing revolution. So I can give you chapter and verse on that as well. I can even give you some solutions --

Ms. Duckworth. I might have to audit the class.

General Petraeus. Very unemotional issues, such as immigration reform and education reform and entitlements and revenue generation and some others, but I get paid to do that now. That is a bit far afield from Benghazi, I am afraid, but you asked the question.

Ms. Duckworth. That is exactly my concern, right, where we are looking back at what happened in Benghazi. Time and again, when different committees, many different committees have looked at what happened that night, it is clear that based on the best estimates at the time, forces were postured the way they were, and I just want to make sure that we do the right things to make sure that we better support the men and women who are out there, outside the wire, every single

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night trying to figure out what they need to figure out, trying to do what they need to do to get the information to keep Americans safe and keep Americans safe around the world, and I want to get that out of this, and with you here and having been the undisputed expert on what happened in the Middle East on the defense side but then also coming from the intelligence side of things --

General Petraeus. Sure.

Ms. Duckworth. I am really interested in that interaction between the different agencies and how the different arms of our government evolve. All of our brave men and women, whether they are in State or DOD, how they are working together, and are they being resourced to work together. Sequestration is a great example. That really hobbled the ability of our patriots to do the job that they needed to do.

General Petraeus. Absolutely no question about that for the Agency -- it is a slightly different DOD -- because of the way it was done, shot readiness full of holes. So, again, that is a pretty simple answer. I know it is a very emotional and difficult topic, but I am an old soldier, and so I gave you a straight answer.

Ms. Duckworth. I am a broken down old soldier myself, General. I just think about what the families told us: Please don't let our loved ones die in vain, and let's gain something from it, and what have we learned from it?

General Petraeus. We have also, again, as I am sure every agency and department in the world, in our government around the world, that

there is a very careful process of risk assessment, movements of significant individuals, and people in difficult places, and obviously, there are certain issues that come out of this with respect to that.

Ms. Duckworth. Thank you.

General Petraeus. Thank you. Good to see you again.

Ms. Duckworth. Good to see you again. I am going to audit that class.

General Petraeus. I will send you the syllabus.

Ms. Duckworth. Please do.

BY MS. SAWYER:

Q So I am going to shift hopefully quickly just to a series of allegations that have been made in the years since the attacks.

A Okay.

Q And then we will be able to turn it over to our colleagues, and we really should have nothing further for you, and, again, we appreciate you being here.

A Sure.

Q It has been alleged that Secretary of State Clinton intentionally blocked military action on the night of the attacks. Do you have any evidence that Secretary of State Clinton ordered Secretary of Defense Panetta to stand down on the night of the attacks?

A No.

Q Do you have any evidence that Secretary of State Clinton issued any kind of order to Secretary of Defense Panetta on the night

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of the attacks?

A No. And the last I checked, she is not in his chain of command. And knowing Leon Panetta, he would have had some choice words for anybody that tried to do that that isn't in his chain of command.

Q It has been alleged that Secretary Clinton personally signed an April 2012 cable denying security to Libya. Do you have any evidence that Secretary Clinton personally signed an April 2012 cable denying security resources to Libya?

A I certainly don't. I have no knowledge of that.

Q Do you have any evidence that Secretary Clinton was personally involved in providing specific instruction on day-to-day security resources in Benghazi?

A I have no knowledge of that, and I would be stunned if it were the case.

Q And when you say you "would be stunned if that were the case," that is reflective of what you talked about earlier, about how it also --

A Think of how many facilities there are around the world. Think of all the different flames that are out there that she is trying to deal with at any given time. She has got a very substantial element of the Department that deals with those issues, an Under Secretary of State with whom most of those ultimately reside in most cases.

Q It has been alleged that Secretary Clinton misrepresented or fabricated intelligence on the risks posed by Qadhafi to his own people in order to garner support for military operations in Libya in

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the spring of 2011. Do you have any evidence that Secretary Clinton misrepresented or fabricated intelligence on the risks posed by Qadhafi to garner support for military operations in Libya in the spring of 2011?

A No. Of course, I was in Afghanistan in the spring of 2011.

Q It has been alleged that the U.S. Mission in Benghazi included transferring weapons to Syrian rebels or to other countries. Do you have any evidence to contradict the House Intelligence Committee's bipartisan report finding that the CIA was not shipping arms from Libya to Syria?

A No. I have said no to that about four times already today, but thank you for asking.

Q Do you have any evidence that the U.S. facilities in Benghazi were being used to facilitate weapon transfers from Libya to Syria or any other foreign country?

A No.

Q A team of CIA security personnel was temporarily delayed from departing the Annex to assist the Special Mission Compound. The House Intelligence Committee issued a bipartisan report concluding that the team was not ordered to stand down but that instead there were tactical disagreements on the ground over how quickly to depart. Do you have any evidence that would contradict the House Intelligence Committee's finding that there was no standdown order to CIA personnel?

A No.

Q Putting aside whether you personally agree with the

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decision to delay temporarily or think it was the right decision, do you have any evidence that there was a bad or improper reason behind the temporary delay of the CIA security personnel who departed the Annex to assist the Special Mission Compound?

A No.

Q A concern has been raised by one individual that in the course of producing documents to the Accountability Review Board, damaging documents may have been removed or scrubbed out of that production. Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from materials that were provided to the Accountability Review Board?

A No.

Q Do you have any evidence that anyone at the State Department directed anyone else to remove or scrub damaging documents from materials that were provided to the ARB?

A No.

Q Let me just ask these questions for documents provided to Congress. Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from materials that were provided to Congress?

A No.

Q It has been alleged that CIA Deputy Director Mike Morell altered unclassified talking points about the Benghazi attacks for political reasons and that he then misrepresented his actions when he told Congress that the CIA, quote, "faithfully performed our duties

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in accordance with the highest standards of objectivity and nonpartisanship." Do you have any evidence that CIA Deputy Director Mike Morell gave false or intentionally misleading testimony to Congress about the Benghazi talking points?

A No.

Q Do you have any evidence that CIA Deputy Director Mike Morell altered the talking points provided to Congress for political reasons?

A No. In fact, if I can just add because it ties into this. As we have discussed here on several occasions, I mentioned that in preparation for this session today, I went back through all of the changes to the talking points to the extent that you can determine who made what changes. And as I said, the changes that were made basically in all cases I think are understandable. You can disagree in some cases whether or not you should or shouldn't leave something in, but, again, these are understandable. And certainly the role that Michael Morell played I think was a forthright role.

Q Thank you.

A For what it is worth, Michael Morell, among many other great qualities that he has, he is somebody who gets stuff done and who takes charge when something needs to be done, and I think this is in part, he realized we had a task that we had -- we were on the hook originally. I was the one who said: Okay, Ranking Member Ruppertsberger, we will provide you some unclassified talking points in response to your request.

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We had a task, and he was just trying to get that task done, and it becomes much, much more complicated and complex than we thought it would be when we accepted it, and it became much bigger, obviously, than the Agency, even the intelligence community, or what have you. But, again, I think the folks that were engaged in that were faithfully trying to carry out their respective duties.

Q Thanks. It has been alleged that Ambassador Susan Rice made a, quote, "intentional misrepresentation" when she spoke on the Sunday talk shows about the Benghazi attacks. Do you have any evidence that Ambassador Rice intentionally misrepresented facts about the Benghazi attacks on the Sunday talk shows?

A No.

Q It has been alleged that the President of the United States was, quote, "virtually AWOL as Commander in Chief on the night of the attacks" and that he was, quote, "missing in action." Do you have any evidence to support the allegation that the President was virtually AWOL as Commander in Chief or missing in action on the night of the attacks?

A No. In fact, to my knowledge, when I talked to Tom Donilon, Tom said he was keeping the President informed throughout the night. As I mentioned, I don't think Tom ever got to go home that night. Certainly every time I was back in the SCIF [REDACTED]

[REDACTED] he was there; and, again, as I said, he was keeping the President up to date. I think there are actually phone logs that even show -- you can track -- not every single phone call is logged if you dial it

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yourself, and I did some of those, for example, personally that night. But I know there are phone logs at various places that show all the different calls that were made, and it might be illuminating. I don't know if there is a log in the White House of that or not, but it might be interesting to see.

Q Okay. It has been alleged that a team of four military personnel at Embassy Tripoli on the night of the attacks who were considering flying on a second plane to Benghazi were ordered by their superiors to stand down, meaning to cease all operations. Military officials have stated that those four individuals were instead ordered to remain in place in Tripoli to provide security and medical assistance in their current location. A Republican staff report issued by the House Armed Services Committee found there was no standdown order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi. Do you have any evidence to contradict the conclusion of the House Armed Services Committee that there was no standdown order issued?

A No.

[4:21 p.m.]

General Petraeus. No.

BY MS. SAWYER:

Q It has been alleged that the military failed to deploy assets in an attack that would have saved lives. Former Republican Congressman Howard "Buck" McKeon, former chair of the House Armed Services Committee, conducted a review of the attacks, after which he stated: "Given where the troops were, how quickly the thing all happened, how quickly it dissipated, we probably couldn't have done more than we did."

Do you have any evidence to contradict Congressman McKeon's conclusion?

A No. In fact, I have enormous respect for former Chairman McKeon. I was very privileged to be a field commander during the time he was the chairman of the HASC. And I've seen him since then. And I think -- I still think extraordinarily highly of him. And, obviously, my conclusion is the same as his, for what it's worth, substantively.

Q And then, finally, do you have any evidence that the Pentagon had military assets available to them on the night of the attacks that could have saved lives but that the Pentagon leadership intentionally decided not to deploy those assets?

A No, to the contrary.

Q Thank you.

A Thank you.

Ms. Sawyer. Thank you for your indulgence, and we can go off the record and switch seats.

[Discussion off the record.]

Mr. Chipman. Back on the record.

At this point, Congressman Jordan has got some questions to pose.

Mr. Jordan. General, thank you for your service. Thank you for being here today.

You said several times that the security agents were not given a standdown order. Correct?

General Petraeus. Correct.

Mr. Jordan. Who is in charge at the Annex? Who is the person, the final authority at the Annex? Chief of base?

General Petraeus. The chief of base is in charge, but the QRF commander in this case, as I understand it, had the authority to do what he did in launching when he did. And I think, I would suggest that it probably wasn't --

Mr. Jordan. I'm going to interrupt for a second, because Mr. Chairman has given me 7 minutes, if I could, General.

So was there an order to go given?

General Petraeus. No, there was a determination by the QRF chief that it was better to launch now and take our chances with not having pre-coordinated with the militia that controls the checkpoint through which the vehicles were going to have to roll.

Mr. Jordan. So the base chief doesn't have the final say?

General Petraeus. The base chief does not have the final say,

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did not execute the final say either. And again, I went back over this, and my understanding was that the QRF chief had the authority to launch when he did. And certainly the CO, the chief of base did not say "don't go." He just got it --

Mr. Jordan. Well, here's what I want to understand. Why is it your understanding that's how it happened? Why isn't it just that's how it happens? You follow what I'm saying? It's like I don't see how you can say there was no standdown order given, but there was no order to go given either, and yet the guy in charge just says, oh, but everything is fine and now the former Director of the CIA says everything is fine. How does that work?

General Petraeus. How it works, Congressman, is that there are Americans' lives who are at risk.

Mr. Jordan. I'm not disputing that, and we understand that. We know these guys wanted to go.

General Petraeus. The QRF chief has the authority to make the decision to go to rescue those lives. He tells the base chief: Chief, I think we've got to go now. The base chief is trying to coordinate what could be significant but may not. This is a real risk decision here. And the QRF chief says, I've got to go. Base chief says, Roger.

So, again, that's my understanding of how it took place.

Mr. Jordan. So was it an order, or was it, okay, go ahead and do what you want? How do you define it?

General Petraeus. I think it was, "Okay, go ahead," essentially, or, "Okay, got it."

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Mr. Jordan. Now, where does it ever work like that? In your experience, does it ever work like that? Doesn't there have to be an order given?

General Petraeus. You may say that there's a formal process in place for everything out there. In the real world, in combat, that is not the case in all cases.

Mr. Jordan. Okay. All right. I just wanted to check.

I want to go back. So the attack starts at 3:42 eastern time. From the first hour, when did you first learn that the attack had happened at the temporary mission facility? Do you know the time?

General Petraeus. I don't, and we don't have it logged. I know that my chief came in and the Director of the NCS came in.

Mr. Jordan. You said you talked to Secretary Clinton, I think, via phone that afternoon. I wasn't quite clear in the first hour. Did you learn from your people at CIA that this had happened --

General Petraeus. Yes.

Mr. Jordan. -- at the State Department facility?

General Petraeus. Yes.

Mr. Jordan. So not from Secretary Clinton?

General Petraeus. No, no, by no means. No, this was well developed by that time. I think she called -- I think we had everybody actually already at the base by the time she called.

Mr. Jordan. Okay.

General Petraeus. And I think she was in a position that she wanted to satisfy herself that everything was being done by everybody.

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And so let me call Director. I bet you she called Leon Panetta, I would suspect. She's trying to ensure that she has checked every possible block that's out there.

Mr. Jordan. Did you talk to Secretary Clinton again that evening?

General Petraeus. No.

Mr. Jordan. Did you talk with the President that day? I know you said several times you talked to Mr. Donilon. Did you talk with the President?

General Petraeus. No.

Mr. Jordan. How many times did you talk with Mr. Donilon?

General Petraeus. I don't know how many that afternoon. I know that night that I talked to him.

Mr. Jordan. In the course of the --

General Petraeus. I don't know in the course of the afternoon. In the afternoon, we were on the phone.

Mr. Jordan. Several?

General Petraeus. Yes. And I know that that night at the very least I called him twice because there were ones that were logged in. Sometimes to get him, I dial him directly. Sometimes -- I had a push button. If I couldn't get him that way, I would go through the White House, which usually through the CIA. And those are always recorded.

Mr. Jordan. I just want to understand how it kind of works. So I assume you're getting information from key people who work for you --

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General Petraeus. Yes.

Mr. Jordan. -- both in Libya and at your headquarters?

General Petraeus. Not directly from Libya. Although, I did call the chief of station twice.

Mr. Jordan. You're getting updates. You're passing that information on to Mr. Donilon?

General Petraeus. No. No. There's a process to get information to Donilon.

Mr. Jordan. I understand there's a three-star general who coordinates. You've mentioned that.

General Petraeus. No. No. He's with the DOD.

Mr. Jordan. Okay.

General Petraeus. Again, I don't normally call situation reports to Donilon, unless it is, again, something -- now, I did do that at several points during this whole episode, as I said, at least twice during the night, and I think more in the afternoon when I was just dialing directly.

But, again, we have a process where information flows, usually using the Internet, and so you'll also have that supplementing your phone calls in this case.

Mr. Jordan. Did you talk with Secretary of Defense Panetta?

General Petraeus. No. It's not appropriate. I talked to Tom Donilon. Again, the minute I start cutting across -- the only reason I took Clinton's call -- not that I would ever not take the call of a department head --

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Mr. Jordan. Right.

General Petraeus. -- but it's because she called me directly. And I just picked up the phone, and it was Secretary Clinton.

I think, if I start coordinating directly with the military -- now, we were doing it through the ADMA, as I mentioned. Again, that's the way to coordinate these things. But what I wanted to do is talk to Tom Donilon, compare notes, you know: Here's what's going on within the Agency; here's what we're doing; here's what's happening in Libya. And then what is going on with these other assets that I remember that would be out in that region from my days in Bosnia and in Iraq and Afghanistan.

Mr. Jordan. Were those communications with Mr. Donilon, were you presenting options for addressing the situation, potential rescue, hostage situation? Was it presenting options? Tell me the nature of the conversation with Mr. Donilon.

General Petraeus. What I was doing was going through essentially an inventory of the possible assets to see where they were.

Mr. Jordan. Okay.

General Petraeus. And I knew, for example, [redacted] had been ordered to deploy, the Predator had been shifted. [redacted] were -- we were going to use them. So, again, where is the CIF? You know, is there an aircraft carrier nearby? Again, what assets? And, again, I knew this theater pretty well because I was next to it, and I had been in Central Command and knew the assets that might be available there.

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Mr. Jordan. You know what, I would like to, Dana, look at this. I don't know if the General has got this, the email from Mr. Bash to Jake Sullivan.

Mr. Chipman. Yes, sir. That's marked exhibit 2 for identification purposes. It's an email from Jeremy Bash, and it's Charlie 05562028.

[Petraeus Exhibit No. 2

Was marked for identification.]

Mr. Jordan. This was actually in the press a few weeks back, General. You can take a quick minute to look at it. I just want to ask you a couple things. This is from Mr. Panetta's chief of staff to key people at the State Department. Copied is Marty -- General Dempsey as well.

"After consulting with General Dempsey, General Ham, and the Joint Staff, we have identified the forces that could move to Benghazi. They are spinning up as we speak."

The next paragraph down says, "Assuming Principals agree to deploy these elements, we will ask State to secure the approval from host nation." And then it finishes up.

Did you talk to any General Dempsey or General Ham or anyone else of the Joint Chiefs that day?

General Petraeus. No.

Mr. Jordan. Okay. "Assuming Principals agree to deploy these elements," who would the principals be who would have to agree before the elements that are being spun up are actually deployed to Libya?

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General Petraeus. Good question for Jeremy when he comes over with Leon Panetta.

Mr. Jordan. We're going to ask him. I'm asking you now.

General Petraeus. There's two different groups of principals potential, one is the Principals Committee, which would be the Secretary of State, Secretary of Defense, Chairman of Joint Chiefs, Vice President joins us sometimes, National Security Advisor, DNI, DCIA, if you expand it. That's one group.

Mr. Jordan. Are you included in that group?

General Petraeus. I attended Principals Committee meetings, and I did that not because I was the senior intelligence community official but because the CIA reports directly to the President through the National Security Advisor for covert action. So, yes, I was in the -- and there's others, if you want to keep on going.

But, again, the decisionmakers in this case, I think, would be Defense, State, chairman, CIA -- because we were obviously out there and involved very heavily -- National Security Advisor.

Mr. Jordan. So of those four plus Mr. Donilon --

General Petraeus. And then they're obviously going to take that to the President, I would think.

Mr. Jordan. Well, I would hope. But how does it work in practice? You just explained to me how it works in practice in the field in a situation. There's not really a direct order. There's not a standdown. So how does this work in practice?

General Petraeus. Two different practices. You have a somewhat

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deliberate situation where you're going to have a Principals Committee meeting. You'll have an NSC meeting. Now the President's present recommendations are made. He decides or doesn't decide. Obviously, this is not going to happen like that.

So, in this case, again, you can, again, bring them together with a phone conference, a secure video teleconference, whatever. And they said there is a SVTC at 7:30. I just don't recall. I think I was still in the office, and so we wouldn't even have a record necessarily whether I was on it or not.

Mr. Jordan. So my next obvious question is did the --

General Petraeus. I don't know who the NSS colleagues were in this case.

Mr. Jordan. Did these six individuals ever have a chance where they could agree to deploy? Did the Secretary of Defense, Secretary of State, Joint Chiefs, CIA, Mr. Donilon, and the President of the United States, did those six individuals ever get together?

General Petraeus. Not that I'm aware of, no.

Mr. Jordan. So it didn't happen?

General Petraeus. No, not that I'm aware of. Again, there may have been -- the NSS colleagues, I don't know who these were. Again, perhaps the senior directors, if you will, of the NSS, maybe Tom Donilon, maybe a handful of others that might be involved.

Mr. Jordan. Can you hazard why it didn't happen? I mean, Mr. Bash sends this email at 7:19. The SVTC is going to happen 11 minutes later. The six key players, as you just describe them, are

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supposed to get together and decide what could be deployed and if it was going to be deployed, and you're saying that meeting never happened. Why?

General Petraeus. I don't know. Certainly, there was not a principals meeting that included me, certainly. I don't recall a principals meeting. I think I would've been in it. I don't know what would have happened with the NSS.

Let me tell you what I do know though is, first of all, of course, again, this isn't a running gun battle. What happens is the situation seemed to be under control after the sporadic gunfire at the base. We already had a QRF that's already at the airfield that has operators and some other individuals. So what are you going to do with a CINC's In-extremis Force that's in Croatia that needs to be assembled, alerted, deployed, and everything else?

Mr. Jordan. You're asking the wrong guy.

General Petraeus. Well, this is the kind of --

Mr. Jordan. All I'm saying is what Mr. Bash said the Secretary of Defense said is happening, and you're telling me it didn't happen, and I want to know why.

Mr. Jordan. Well, ask Leon Panetta or Jeremy Bash and --

Mr. Jordan. We're going to.

General Petraeus. I do know -- I had discussion with Tom Donilon. He said: Well, you know, the CIF is in Croatia. What the hell are we going to do with the CIF? What are we going to do with this thing? Where are we going to land it? Do we want more guys in

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harm's way or less? We're trying to get them out of -- so by the time things are happening --

Mr. Jordan. I know.

General Petraeus. -- the decision is made to start burning classified material and then, quote, "burn the base." So we're out of there.

Mr. Jordan. The chairman wants to get in. I've got one question --

General Petraeus. Okay. And the same with this FAST Team. So FAST Teams, and it's a well-trained sort of half a company of Marines, but what are you going to do with these guys? We don't have any vehicles on the ground. We couldn't even get the forces that we had at the airfield in Benghazi to the base.

Mr. Jordan. I'm looking at what the gentleman wrote, and he said there were assets spinning up as he spoke. So something was happening at 7:19.

General Petraeus. Well, they were getting some appropriated. Now I know what did spin up was an asset that could actually deploy and do some good if it was needed, and that's which is a complete self-contained organization that has all the assets you want.

Some of these are bodies without helicopters, without vehicles, without whatever, so you've got to assemble a whole task force. This is not just putting the CIF team on the ground and expecting them to do miracles for you without AC-130s, close-air support, attack

helicopters, and everything else.

Mr. Jordan. After the tragedy happens, were you at all concerned about disclosing in a broader public way that there was actually a CIA facility in Benghazi?

General Petraeus. Yes, indeed, and that's one reason why we did not disclose it for a while. There were a couple of different reasons. One of those, by the way, again, is that one of the QRF members who was killed had told his mother he was doing something else. This is a pretty big deal.

Mr. Jordan. I understand.

General Petraeus. It's why I was not allowed to go to Andrews Air Force base to be out there. And I didn't fight this. This would've been stupid.

Mr. Jordan. Did you as CIA Director, did you instruct or direct anyone else not to convey that? Was that like an order for you not to convey that to any other people?

General Petraeus. No. We sat down and -- no, we decided that for a while, let's keep the cover.

Mr. Jordan. And how long was "for a while"?

General Petraeus. I don't think it lasted all that long.

Mr. Jordan. What does that mean? A day?

General Petraeus. I don't remember. No. It was more than a day. No, it was days. I think it lasted at least until the bodies came home. And then, at some point, we had to tell his mother that he was not working for the State Department; he was working for the

CIA. And we wanted to get through some of this first.

But there were intelligence reasons as well.

Mr. Jordan. Thank you, General. Thanks again for your service. I know the chairman wants to get in there.

General Petraeus. Thank you, Congressman. You bet.

Chairman Gowdy. General, Trey Gowdy. I want to start by thanking you for your service and tell you I'm going to bounce around and go quickly, and that is not a sign of disrespect. That is more of a reflection of the clock than anything else.

General Petraeus. Yep. Right.

Chairman Gowdy. There was an advisory issue, I believe, by the White House, that special precautions had been taken in the lead-up of the anniversary of 9/11. Are you aware of what any of those special precautions could've been?

General Petraeus. I don't remember that, actually, and I don't remember what the special -- what I remember is the alert that we put out that we've talked about actually already here, which is a fairly standard before 9/11 kind of alert. And there's always a gathering of, what are the current threats? Obviously, it's a heightened security posture that is directed and assessed.

Chairman Gowdy. The protests in Cairo took place on what day?

General Petraeus. Wednesday. Took place on the 11th. Did it

not?

Chairman Gowdy. Eleventh or 10th? Cairo.

General Petraeus. I'm sorry. No, on Tuesday.

Mr. Jordan. Tuesday is the 11th.

General Petraeus. I think it took place on Tuesday, during the day, and then I think it was that night that you had the attack in Benghazi. So that's the 11th.

Chairman Gowdy. All right. How long was the protest ongoing in Cairo?

General Petraeus. It had to be hours because, again, it had to be -- certainly hundreds of people actually got into the compound. Thousands were out in the streets because they overwhelmed the security. And there were actually demonstrations that continued in at Tahrir Square afterwards, and we were very concerned that later that week something would materialize again that came at Cairo.

Chairman Gowdy. And that's what leads to my question. You have an incident in the region, and I use that term broadly.

General Petraeus. Yes. Right.

Chairman Gowdy. Were any assets moving toward that in light of the fact that you had a protest in Cairo well before Benghazi. Were we repositioning anything in light of what had just happened in Cairo?

General Petraeus. I think we felt okay about Cairo because it was an Inman embassy, and frankly, it had weathered this attack very well. There's virtually no damage to the Embassy. It's all ballistic glass. It was in okay shape. We were actually worried more about what

might materialize at some of the less-protected embassies, and that turned out to be correct.

Chairman Gowdy. Which would have also have been in the region, using that term broadly?

General Petraeus. Broadly. North Africa, Middle East --

Chairman Gowdy. So we weren't in Paris and Buenos Aires?

General Petraeus. No. North Africa, Middle East, and Central Asia in particular. Really, Islamic countries, basically.

Chairman Gowdy. I'm with you. Given what happened in Cairo, given the administration's concern about the video, what assets were moving to the region to deal with whatever may come up?

General Petraeus. I don't know that we moved assets from the time of the Cairo demonstrations. I forget when we moved the FAST Teams. Again, we knew what we had. We did an inventory of what was in theater. And, again, this is, again, for Leon Panetta. What we did is provide the threat, and then, obviously, it's up to DOD, Department of State to determine what the response could be with what's available.

We moved ultimately a FAST Team to Yemen. We moved one to Tripoli, actually, to protect the Embassy there when we folded everybody - as you recall. And we, I think, deployed one other either to -- maybe to Tunisia, but I'm not sure.

But, again, the embassies that ultimately sustained real damage were Tunisia, Yemen, big threat in Islamabad but didn't materialize with damage, concerns very serious in Afghanistan. So, I mean, there's

a lot of stuff in theater that's going on with concerns and very, very heightened force posture. I mean, we shut down everything. Nobody went out and they buttoned-up.

[redacted] was moved out. In fact, a fair number moved out. And, again, I just don't remember where we ended up using them at the end of the day. The CIF was repositioned, and I don't know where as well.

Chairman Gowdy. All right. And, of course, the Ambassador was still missing for a period of that time. But in the interest of fairness to you, what I hear you saying is those questions may be better posited to Secretary Panetta than to you.

General Petraeus. No, I mean, the Ambassador was ultimately found within, what was it, 6, 8 hours now. So, again, I mean, it's an eternity, but it's done that night.

Chairman Gowdy. It's long enough to start doing something to a layperson. I don't have your military background.

General Petraeus. Sure.

Chairman Gowdy. To a layperson --

General Petraeus. And we did. We did. I mean, with the assets that we had --

Chairman Gowdy. That's what we're trying to establish. We want the public to know everything the military did.

General Petraeus. We moved the Predator, which was a military asset. We developed our own Quick Reaction Force from Tripoli. Well, first of all, we responded with a Quick Reaction Force from the base.

~~TS/SCI~~

Put together a Quick Reaction Force from Tripoli. That included two very heroic guys, [REDACTED] deployed them. Obviously, lots of activity to try to get the 17 February or other different militias.

Ultimately, they would support us for a while and then, of course, disappear. Then they'd come back together and support us. [REDACTED]

[REDACTED] was moved. And, again, ask Leon Panetta was other assets were moved. I know the FAST Teams, again, were deployed in the wake of that to these other embassy locations but also including to Tripoli.

But in terms of responding to Benghazi itself, that's over relatively quickly in the grand scheme of deploying forces even within a region, unless they're literally leaning forward and already have their weapons issued and everything else.

Chairman Gowdy. All right. I want to move to an area that I know you've discussed, but I've got a couple of questions. I appreciate the fact that you say and there was, in fact, a lot of information coming in with respect to the calls, the perpetrators. And while you haven't said it in so many words, there was conflicting evidence in terms of whether or not --

General Petraeus. Oh, I've said that, sure.

Chairman Gowdy. Okay. Well, you --

General Petraeus. And, again, what I was very clear with the HPSCI in particular and SSCI from the very get-go was that their work confirmed members of Al Qaeda in the Islamic Lands of the Maghreb and Ansar al-Sharia. These are both Al Qaeda affiliates, extremist

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groups, terrorists, and, you know, again, those that were there remember that very, very clearly.

Chairman Gowdy. And I wasn't there, and I'm not contradicting what you said to them.

General Petraeus. Sure. No.

Chairman Gowdy. I am more focused on what this country's representative said on five Sunday morning talk shows well outside that 48-hour time period. If I remember your testimony correctly, the FBI was interviewing survivors within 48 hours of the attacks.

General Petraeus. Uh-huh.

Chairman Gowdy. And if I remember your testimony correctly, the FBI was also involved in the different iterations of the talking points because they had prosecutorial and law enforcement equities.

General Petraeus. Yes, uh-huh.

Chairman Gowdy. So you've got FBI agents interviewing eye witnesses, not a single one of whom I don't believe mentioned the word "protest." And yet we've got our country's representative on five different Sunday morning talk shows not saying it with the reasonable minds can differ, conflicting evidence, using phrases like "in fact."

So I guess what we're still trying to get at is how she could be so definitive, even taking things in a light most favorable to your position, which there's conflicting information. She didn't reflect that conflicting information.

General Petraeus. Well, again, there was the assessment at that time still within the intelligence community, not just in these talking

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points. But the assessment until, I think, the assessment was changed on the 22nd of September and then announced on the 24th in a WIRE piece.

Chairman Gowdy. I want you to do this for me. I want, to the extent you can remember and do it, I want you to cite me every piece of evidence that supports the protest and then every piece of evidence that contradicts it that you recall.

General Petraeus. Sure. The very first report that we got from the chief of station -- of course he's in Tripoli, not in Benghazi -- but he says not a protest but was because of the YouTube video. So he's actually right on one, wrong on one. We see that.

The internal sense in the CIA on the morning of the 12th is not a protest. And then we get 12 pieces, 12 reports that come in, some of which are very important signals intelligence reports that indicate that there was a protest or a gathering, a demonstration, what have you, and this was an outgrowth of that.

Chairman Gowdy. For those of us not on HPSCI --

General Petraeus. In addition, we had the video, again, of the closed-circuit TV video, which took a while to come back.

One of the shortcomings in this is that we did not get from the FBI immediately --

Chairman Gowdy. The surveillance video.

General Petraeus. Well, not just that but also the reports of the interviews. The State Department folks got sequestered in Germany, I think, where they were interviewed, and we didn't get that information for quite some time. I don't remember when it came over

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the wall, if you will. But that's another one.

Chairman Gowdy. Which is why someone might say: We don't know yet. We don't know whether it was a protest. We don't know whether it was spontaneous or preplanned.

And my point is that's not what was said.

General Petraeus. Well, first of all, the analysts, again, the head analyst, this is a general officer equivalent, the head of the Office of Terrorism Analysis in the Counterterrorism Center, sifted through all this. We went through it too, because over time this is becoming a big -- you know, what's the basis?

And there is, as I said, 12 separate reports indicated a protest prior to the attack. And then it took 10 days or so for the assessment to be changed when as gradually all these other contradictory reports came in.

Chairman Gowdy. Did anyone in Tripoli or Libya or Benghazi, Greg Hicks, any of the survivors, any of them use the word "protest," and if so, who?

General Petraeus. I certainly don't remember any of them doing that. But, again, they weren't at the facility.

Chairman Gowdy. No, but Greg Hicks was on the phone with the Ambassador at some point.

General Petraeus. Yeah, okay. Fair enough.

Chairman Gowdy. I mean, we all have to pick this evidence is more credible than this evidence.

General Petraeus. And that's what the OTA did. I think you

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weren't here when I went through -- you know, I haven't hesitated to break with the intelligence community. I broke with my own Agency. I broke with the community three times as a four-star combat commander formally. These weren't footnotes; these were formal dissents directly to the President of the United States.

I was willing and the President expected me to give the analysis view, and if I differed -- because in some cases, I knew a little bit more about Prime Minister Maliki than all the other analysts together -- I could come in with something different. I did that a handful of times during the time I was a Director of CIA.

This is not one in which I had any additional basis to say: Head analyst, you're wrong.

So we went with what the analysis was at the time. That was what was reflected in the talking points.

Now, the HPSCI folks will acknowledge that I said: You know, this is where we are right now. We'll see what else comes in.

I did, obviously, qualify to some degree and these transcripts will show that. But, again, that was the analysis at the time.

Now, when you get into sound bites for TV and all the rest of that, I'll leave that to folks that do Sunday talk shows, but --

Chairman Gowdy. I'm with you. It's just that a lot of the American public got their information from those Sunday morning talk shows, and I can appreciate the way that you handle competing narratives. But when you come down on one side of it and that's what our fellow citizens hear, that has a tendency to be imprinted in their

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minds.

So one final question, and then I want to give it to any colleagues. Go back with me if you can to September 10 of 2012, the day before. What would you change? What would you do differently to prevent either the attack from happening or the loss of life?

General Petraeus. Look, at the end of the day, what I keep coming back to is, why was somebody going to spend the night of 9/11 in a city where 95 percent might have loved us and him, but there were 5 percent that rolled around that town with heavy weapons, RPGs, and might be friends 1 day and foes another? So, you know, if I could go back and ask folks, consider where you're going to be on the 11th of September. We certainly tried to do that with our own assets.

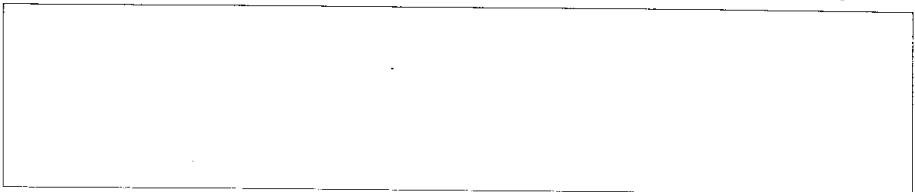
Mr. Jordan. Can I do one? Thank you.

You said there were good reasons for changing the talking points. I think specifically in the first hour you referenced you decided, the CIA decided that it was appropriate to take out the term "Al Qaeda," the word "Al Qaeda."

General Petraeus. I think we did. I went back through the stuff. I think that's the case.

Mr. Jordan. Now, was that done unilaterally, or was that done in conjunction with this --

General Petraeus. No, I believe that was done unilaterally



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Mr. Jordan. Were all the changes made to the talking points done in that fashion? So if one agency said you've got to take that out, it gets done, or is it consulting with all these people who are on the now talking points memo that we know about? Is it collaborated, or is it --

General Petraeus. No, it's a mix. There were some that were done unilaterally before they left us or even when they came back, and then there were others that were done essentially in, you know, most around the table.

At a certain point in time, you have to understand again that -- please appreciate the context here, that the talking points, we didn't think they were going to do anything more than go over to Dutch Ruppertsberger to be used for some purpose or another. This is now a check the block. Let's just get this done, and let's focus on what's important, which is securing, to the best of our ability, the lives of Americans who are out in embassies that had been overrun in previous days.

Mr. Jordan. Thank you.

Mr. Pompeo. If you'll pardon my lack of grace too, we've got just a few minutes.

General Petraeus. You're going to have to call the HASC and tell them why I'm late, please.

Mr. Pompeo. No, I'm going to go fast. You talked about [redacted] [redacted] that you were involved in that decision. Was there ever any contemplation of [redacted]

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General Petraeus. I don't recall. I don't think there was. I mean, we looked at it. It was a pretty important base. Eastern Libya was very important from an intelligence collection perspective, and then it was very important for the other missions that I've alluded to but can't get into in detail.

Mr. Pompeo. Sure. Makes good sense.

So you don't recall, but you might have been involved in security considerations in Benghazi. It was an important place and a dangerous place, and so it was one of those high --

General Petraeus. That's why we sent the force protection expert from the Agency out there in June, [REDACTED]

Mr. Pompeo. Makes perfect sense.

Deputy Director Morell testified that there -- you've talked about the fact that CIA was not involved in transferring weapons from Libya to Syria repeatedly. You've been very clear about that. [REDACTED]

[REDACTED] Is that your recollection as well?

General Petraeus. Yes.

Mr. Pompeo. [REDACTED]

General Petraeus. [REDACTED]

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[Redacted]

Mr. Pompeo.

[Redacted]

[Redacted]

General Petraeus. That's correct.

Mr. Pompeo.

[Redacted]

[Redacted]

General Petraeus. The latter part of that is correct,

[Redacted]

[Redacted]

Mr. Pompeo.

[Redacted]

[Redacted]

General Petraeus.

[Redacted]

[Redacted]

You know that I made a recommendation that was supported by Secretary Clinton and Secretary Panetta and the chairman of the Joint Chiefs to provide lethal equipment and training and money and some other assets to moderate opposition, which we were able to identify at that time, in Syria. And that recommendation was not approved by this point in time.

[Redacted]

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[REDACTED]

Mr. Pompeo. I understand.

You referred several times to the fact that there were three incidents, the first incident at the TMF, the first incident at the Annex, and then the second incident. And you said these were three discrete events.

General Petraeus. Yes.

Mr. Pompeo. Would you concede that from the perspective of the human beings on the ground, it looked like one continuous event? To them it looked like, 8, 10, 12, 13 hours worth of continuous threat?

General Petraeus. Not necessarily. Because, again, I talked to the chief of station a couple times, as I said, during this. And you'd get a sense of what's really going on and, okay, now it's resolved. So, you know, they're back in the base, had some small arms and RPGs, but seems to be okay. And, again, at that time, the focus is also on finding the Ambassador.

Mr. Pompeo. Right. And that's what I mean, the events of the evening, including the location of the Ambassador, was a continuing event.

General Petraeus. It is a continuing event. It's not a continuing gunfight. That's what I was trying to make a point of.

Mr. Pompeo. Fair enough. But I would concede, from 3:42 until the time at least you get these folks back to Tripoli, this is from your perspective a continuing event where you're concerned about your people. Secretary Clinton is concerned about hers. And you're each

concerned about each other's as well.

General Petraeus. Yes. Yeah.

Mr. Pompeo. Did all of the communications that you engaged in this evening take place across secure systems?

General Petraeus. Oh, yeah. Sure.

Mr. Pompeo. So you weren't doing this on your private server or on your private email account?

General Petraeus. No. This is why I went some lengths to explain the comms that I had. Again, I believe these are unique.

Mr. Pompeo. Fair enough.

I assume you did not send emails to her on her nongovernmental email account. Is that correct?

General Petraeus. What's that? Oh no, not that night, I didn't. I mean, I think she was -- oh, there's plenty of emails that I -- at one point, I forget when it was that -- you know, after a while, I don't

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normally send emails to Secretary of State anyway. I would meet with her.

She was, by the way, around that table, she was -- when I was the Commander of Central Command, the Commander in Afghanistan and the Director of the CIA -- among the staunchest allies that I had at that table.

Mr. Pompeo. Thank you, sir.

General Petraeus. I thank you, sir.

Mr. Westmoreland. General, I'd like to ask you a favor.

General Petraeus. Sure.

Mr. Westmoreland. I feel like I hogged a lot of my colleagues' time.

Mr. Pompeo. So do I.

Chairman Gowdy. There's a reason you feel that way.

Mr. Westmoreland. And I know that Mrs. Roby was the subcommittee chair at HASC to investigate this. I was the subcommittee chair on Intel when we interviewed the GRS guys.

General Petraeus. Yep.

Mr. Westmoreland. And I know that Mr. Gowdy, the learned attorney he is, has probably got more questions. And Mrs. Brooks, I'm sure, does also, because you're so knowledgeable. And, I mean, this has been a tremendous help for me to hear what all was going on because we've not heard that before. Is there any way we could get you to come back?

General Petraeus. I've got a day job. I mean, I carve out -- I

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came back from New York on train last night, and I go back up first thing tomorrow morning. I've got a hearing with the HASC right after this.

[REDACTED]

[REDACTED] -- actually the CIA was very, very helpful. But, I mean, that's who assembled all this stuff for me. I have three academic appointments. I'm a partner at KKR, one of the world biggest investment firms.

Mr. Pompeo. I'm not talking about tomorrow or the next day.

General Petraeus. Well --

Chairman Gowdy. Could we come to you? If we came to you --

General Petraeus. If you came to New York, sure. Because the problem is I am never here, and when I am here, it's only on the weekend with my family.

Chairman Gowdy. Well, I will be respectful of that. As Mr. Westmoreland said, you are a really, really important witness, and you're knowledgeable on lots of different facets and I know --

General Petraeus. We could do that. I mean, I have to tell you, the problem is though that also at the end of the week I go on a trip to five Gulf States, Ethiopia, Israel, Kenya, and then back, and I forget where we go from there. I travel more than I did actually when I was the Director of the CIA.

But, again, if you could do that, I'd be honored to do that. To carve out time here though is [REDACTED]

[REDACTED]

[REDACTED]

Mrs. Roby. One quick question. General Ham's testimony in front of the subcommittee -- on the HASC was that he had no knowledge that the CIA had a presence in Benghazi. I would love for you to comment on that, why the Commander of AFRICOM didn't even know that you were there.

General Petraeus. I think that's a good question, and I don't know. Obviously, the chief of mission knew very, very well. And I don't know. I mean, I just don't know why his, you know, [REDACTED]

[REDACTED]

[REDACTED] I'd have to think very hard as to whether -- [REDACTED]

And I think that's a good question, actually.

Ms. Sachsman Grooms. Mr. Chairman, do you think that it would be possible to avoid the need to have to take more of Mr. Petraeus' voluntary time, if we asked him just to stay for another 5 or 10 minutes right now?

General Petraeus. HASC is actually waiting for me right now. I

was supposed to see them at 5, and they were very good to accommodate me when I was in Washington. We've been trying to do this for a month and a half.

Chairman Gowdy. I told him at 5, we're going to let him out. It is shortly after 5. And if he's gracious enough to allow someone to come to New York with some more questions, we'll work with you.

General Petraeus. I would be delighted to do that. And all it needs to be is one person with a tape recorder, and we can do it in a conference room right there. And we have great security. Biometric. It is harder to get in there than it is --

Chairman Gowdy. Thank you.

General Petraeus. I thank you, sir. Great to see you all. Wonderful.

Mr. Chipman. Off the record. Thank you.

[Whereupon, at 5:05 p.m., the interview was concluded.]

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SELECT COMMITTEE ON BENGHAZI,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: DAVID H. PETRAEUS

Saturday, March 19, 2016

Washington, D.C.

The interview in the above matter was held in HVC-302,
Capitol Visitor Center, commencing at 9:57 a.m.

~~TS/SCI~~

~~TS/SCI~~

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1 Appearances:

2
3 For the SELECT COMMITTEE ON BENGHAZI:4
5 PHILIP G. KIKO, STAFF DIRECTOR AND GENERAL COUNSEL

6 CHRIS DONESA, DEPUTY STAFF DIRECTOR

7 CARLTON DAVIS, INVESTIGATOR

8 HEATHER SAWYER, MINORITY CHIEF COUNSEL

9 PETER KENNY, MINORITY SENIOR COUNSEL

10 SHANNON GREEN, MINORITY COUNSEL

11 LINDA COHEN, MINORITY SENIOR PROFESSIONAL STAFF

12 LAURA RAUCH, MINORITY SENIOR PROFESSIONAL STAFF

13
14 For DAVID H. PETRAEUS:

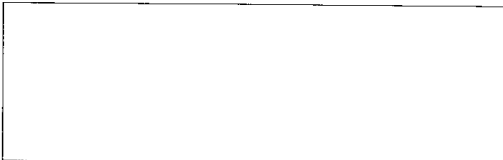
15 JEFFREY H. SMITH

16 EMMA DINAN

17 ARNOLD & PORTER LLP

18 601 MASSACHUSETTS AVENUE, N.W.

19 WASHINGTON, D.C. 20001-3743

20
21
22 For the U.S. CENTRAL INTELLIGENCE AGENCY:~~TS/SCI~~

~~TS/SCI~~

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1 Mr. Davis. All right, we will go on the record.

2 Sir, thank you very much for coming back on a Saturday.

3 We want to make sure that you are aware of your
4 continued obligation to tell the truth before the committee
5 here today.

6 General Petraeus. I am.

7 Mr. Davis. And there's no reason why you are unable to
8 tell the truth today?

9 General Petraeus. No.

10 Mr. Davis. Great. We'll just jog right in.

EXAMINATION

11
12 BY MR. DAVIS:

13 Q I want to spend a couple of minutes talking
14 about -- we talked offline about a meeting the President has
15 prior to every September 11th. The date in question is
16 September 11th, 2012. You were Director of Central
17 Intelligence?

18 A Uh-huh.

19 Q Did you participate in a meeting or phone call with
20 the President about the government's preparedness in advance
21 of September 11th?

22 A Yeah, what happened before every 9/11 happened in
23 2012 as well, is there was a meeting with the President of --
24 it's more than just the NSC, because it also had some of the
25 other intelligence community members. So it is beyond the

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1 Principals Committee plus the President. And it essentially
2 reviews threats, goes around the table, each of the different
3 individuals offers -- the FBI Director is typically there,
4 and as I recall, he was for that as well.

5 What I don't recall is what date it was. It's usually
6 not the day before 9/11. It's usually a bit earlier than
7 that so people actually have a chance to do something if
8 something emerges from the meeting.

9 There was not, that I recall, there was not an inventory
10 of military preparation. This is much more about the threats
11 that are existing. And my recollection is that there was no
12 direct threat that was identified at that time to Americans
13 at home or abroad, a direct threat at that time.

14 Now, as you know, subsequent to that, the Agency put
15 out -- and then there is always a general threat message that
16 goes out prior to 9/11, which we did, in fact, put out. But
17 there was also a specific threat that was identified to the
18 Embassy in Cairo that was a result of the video, and we knew
19 that there was going to be a demonstration outside the
20 Egyptian Embassy on 9/11.

21 In fact, there was, and in fact, as you know, the
22 Embassy was overrun, essentially, that demonstration just
23 spiraled completely out of control. But that was a so-called
24 Inman embassy, where you just button it up, everybody looks
25 through ballistic glass at each other, and eventually the

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1 crowd disperses, they reestablish security at the embassy,
2 and life goes on.

3 As you may recall, the focus of that 9/11 period was
4 where else we might see these kinds of demonstrations and
5 whether they would end up being -- materializing into some
6 kind of attack. And in fact, we did see serious attacks on
7 the embassies in Sanaa, Yemen, which that embassy was overrun
8 and there was damage done to it. It was not an Inman
9 embassy.

10 In Tunisia, in Tunis, considerable damage, and there was
11 actually an ordered drawdown, as I recall, of anything but
12 very key and essential people.

13 And then there were significant demonstrations in
14 Pakistan, in the capital. There were demonstrations in
15 several locations in Afghanistan. There was something, as I
16 recall, in Sudan, [REDACTED]

17 [REDACTED]
18 [REDACTED] That one was not
19 subsequently a problem.

20 And then of course, on the -- in the late -- or the
21 afternoon of 9/11, our time, we start to get word of a
22 situation in the diplomatic facility in Benghazi where,
23 again, there apparently was a large group of people, turns
24 into an attack. Yes, they have RPGs in addition to small
25 arms. Frankly, RPGs were very common in Libya at that time.

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1 It was a little bit like the shotgun in the rack of a pickup
2 truck in some rural parts of our country.

3 And in fact, there was a degree of lack of capability of
4 that -- I mean, if this is a takedown and they are stopped by
5 a locked door, which is essentially what kept them from
6 getting at the Ambassador and his security folks and I think
7 a communicator, so they then, of course, burned, tried to set
8 fire to the place. And it ultimately, of course, it was
9 smoke inhalation that killed the Ambassador and the other
10 individual.

11 Q So to the extent you can recall, at the time of
12 your meeting -- you testified multiple times that it was a
13 fairly standard 9/11 alert that was put out at the meeting --
14 do you remember at the meeting whether or not you or other
15 principals had knowledge at that point of the potential
16 demonstration in Cairo?

17 A I think the meeting was prior to that.

18 Q Okay.

19 A So, again, the tip that there would be a
20 demonstration in Cairo, which came off social media, which we
21 monitored through the Open Source Center and elsewhere, was,
22 as I recall, literally the day before 9/11 their time. And I
23 think the meeting had already been held. But again, I don't
24 recall what --

25 Q And when you learned about the potential

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1 demonstration in Cairo, did that prompt any action or phone
2 calls on your end to your counterparts or to the White House
3 about ensuring that it would be limited to just Cairo or
4 whether it would expand at that point?

5 A I don't recall. Again, I do recall, though, being
6 very concerned that this would spiral elsewhere. Remember,
7 we had had other incidents like this. Remember when the
8 pastor in Florida wanted to burn a Koran?

9 Q Yes.

10 A And I think, I forget where I was at that time,
11 either in Central Command or in Afghanistan, there was
12 enormous concern about that, that that would spiral out of
13 control. This was seen as one of those kinds of events, not
14 just the warning. So the concern was more about what the
15 video might spark in the Muslim world. And what it did, of
16 course, was spark very considerable demonstrations in a
17 variety of places.

18 But I don't remember how that was communicated beyond
19 the specific warning that was issued to the Embassy in Cairo,
20 which, of course, went to reduced manning that day because of
21 that CIA warning and then -- and just buttoned up, as I said,
22 and watched the demonstrators through ballistic glass.

23 Q You had spoken earlier when you spoke to the
24 committee, you had had a lot of experience regarding the
25 commander's in extremis force when you were stationed over in

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1 Europe.

2 A Yep.

3 Q I just wanted to get your thoughts on having the
4 commander's in extremist force for EUCOM, the fact that they
5 were on training on 9/11. How far in advance are these
6 forces? Are their training dates set? Was it wise to have
7 them training on a date that, you know, may be of some
8 heightened concern to the government? I was hoping you could
9 expand on that?

10 A Well, I think, certainly, you have to ask the
11 Department of Defense about that, obviously. I had very good
12 situational awareness on the CIF in terms of its
13 capabilities.

14 Q Yes.

15 A Because when I was commander -- or not a commander,
16 I was the deputy commander of a joint task force in Bosnia
17 during the time that I was also the Stabilization Force chief
18 of operations. And we had that force deployed out to us.

19 What we did, in fact, was we were able to show that the
20 force was more ready in an actual mission in Bosnia because
21 we are right on an airfield. They are already assembled.
22 They already had their weapons, ammunition. Everything was
23 configured for further deployment if need be.

24 So our position was that they are actually more
25 deployable by being on a mission in Bosnia than they are by

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1 being in state -- in Stuttgart where they have to be alerted,
2 assembled, draw weapons, draw ammunition, move to an
3 airfield, and then be in a similar posture.

4 So I don't know what their posture was in Croatia where
5 they were on training, but, again, I also know what it takes
6 to alert, assemble, arm, everything else a force like that.
7 And although it is quite quick in a strategic sense, it's not
8 that quick in a tactical emergency.

9 Q So everything you say makes sense to me about
10 further deployment when they're on a mission at the airfield.
11 Let me ask you --

12 A But I don't know what their posture was. This is a
13 training mission, not a --

14 Q No, I understand.

15 A This was on a training mission. We were on a real
16 world mission. And I don't know where --

17 Q Correct. And I understand, based on your
18 experience.

19 A So you have got to ask DOD about that.

20 We also used the CIF in Iraq. And so, again, I actually
21 have enormous respect for the capability that that force
22 provides.

23 Q So to the extent you can remember, going back to
24 your days in Bosnia, you know, the CIF on the real world
25 mission, is the airplane -- is there airlift support there

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1 with the CIF, or is airlift support at another location?

2 A We didn't have something sitting on the airfield,
3 but we had very ready access to it. And there is almost
4 always something there. So, again, it's -- but I have no --
5 that has no bearing on this situation given that they are in
6 a training situation in Croatia. I don't know where they
7 were relative to --

8 Q I understand that.

9 A They presumably had their weapons with them, but I
10 have no idea if they had live ammunition, grenades, flash
11 batons, all the other kit that you would want for a mission,
12 nor how close they were to the airfield or even what their
13 other status was.

14 Q All right. You testified before, you said
15 something along the lines of -- and I'm going to a specific
16 allegation that somebody had, that they had called in an
17 AC-130 gunship and that gunship never came. I think you said
18 something along the lines of, there are a very limited number
19 of AC-130s. I took you to mean generally speaking, you know,
20 in the military. Is that the way you intended that comment?

21 A Yep. Yes. You know, I know about how many AC-130s
22 we have, roughly, how many are in maintenance, how many are
23 on a mission, how many are whatever. The bottom line is,
24 that night there was certainly nothing nearby that could have
25 been used. I mean, the AC-130 would have been an ideal

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11

1 platform, but, again, there was nothing in the neighborhood,
2 as we say, that could have been diverted over there.

3 I mean, what was available was a Predator, which was
4 diverted. It was flying over northeastern Libya, [REDACTED]
5 [REDACTED] that night. They were vectored over. It was
6 of some help. But the problem is, if you don't have a direct
7 line to the guys on the ground who are talking to the UAV,
8 there's no direct link.

9 Of course, there's no joint tactical air controller on
10 the ground. A couple of times during the night I called out
11 to Tripoli, you know, jumping the chain of command quite a
12 bit, just saying: Hey, what is it I'm looking at right now?
13 What do you think this is? Because, again, nobody had a
14 perfect understanding of what goes on on the ground.

15 And what you are seeing is a service draw view of the
16 world in which there are people with weapons. And okay,
17 these probably are our guys. That you could figure out. But
18 are the other guys good guys, bad guys, do they shift?
19 What's the deal? And so that was the, you know, the story of
20 the Predator.

21 There were two FAST teams, as I recall, somewhere in the
22 European theater. And I think they were actually were moved.
23 And eventually, I believe one of them went -- actually, I
24 shouldn't get into it. I forget where all of the FAST teams
25 went.

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12

1 But one of the big debates on the day after the 9/11
2 attack -- again, keep in mind that what we were worried about
3 even more than Benghazi the day after the attack, because
4 everybody had been evacuated into Tripoli --

5 Q You were more worried about follow-on.

6 A -- our focus was what else was going to happen.
7 And I do know there was a FAST team reinforcement sent to
8 Sanaa in Yemen, because that embassy had been breached. And
9 then I'm pretty sure we sent something additional to Tunisia.
10 And I did have a role in the subsequent meetings that
11 determined where is it that these assets should go.

12 They were also moved that night, as I recall. But,
13 again, by the time anything could happen, we had already
14 evacuated from Benghazi.

15 Q Understood.

16 There has also been another allegation that in talking
17 about on the ground at Benghazi base there was a stand-down
18 order given by the chief of base. You testified during the
19 first session of your understanding of that stand-down order.
20 You don't have any firsthand knowledge of whether or not
21 there was a stand-down order. Everything that --

22 A Well, I talked to the chief of base and I talked to
23 the chief of the QRF and I talked to the participants, so I
24 think there is some firsthand knowledge there.

25 Q Sure. Okay.

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13

1 A And to my knowledge, there was no stand-down order.
2 There was a: Hold on, let me try to get communications with
3 the guys who have long guns on the backs of trucks, who
4 you're going to encounter anyway. And they did of course.
5 And let's try to at least ease the passage through them,
6 number one.

7 Number two, ideally, let's get them to support us.
8 Because, again, we had had a relationship with these
9 individuals before.

10 Q So you said you talked to the chief of base about
11 this issue?

12 A Afterwards.

13 Q Afterwards, of course. You talked to the head of
14 the QRF?

15 A Yes.

16 Q And presumably that's the GRS team lead who is an
17 agency employee?

18 A Yes, and others, the two that were wounded and some
19 others as individuals came back. And then I also went to
20 Tripoli. And there talked, again, also then to the folks who
21 were on the -- in particular who were on
22 the QRF from Tripoli to Benghazi and who were real heroes and
23 subsequently, properly, have been decorated with, I believe,
24 the Distinguished Service Cross, which is our Nation's second
25 highest award for valor, which they certainly earned that

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14

1 night.

2 Q I was hoping we could talk for a minute about the
3 concept of N hour in the military, exactly what N hour is and
4 under what circumstances it's --

5 A Ask the military. I'm not sure what you're getting
6 at here.

7 Q Well, I'm just asking you. I mean, are you
8 familiar with the term, N hour?

9 A When you designate an N hour, it is just so that
10 everybody is on the same sheet of music about the timing of
11 events. So everything from once the declaration of N hour is
12 N+10, 15, 20, 1 hour whatever, again.

13 Q What is your understanding of who normally issues
14 the N hour, who sets the N hour?

15 A The ops guys, I assume. Again, I'm not sure what
16 you're talking about here.

17 Q Well, I'm just asking, you're familiar with the
18 concept of N hour?

19 A What does this have to do with -- just try to get
20 me to where this makes sense for what we're talking about.

21 Q Well, there was an N hour set that evening.

22 Ms. Sawyer. Can we go off the record?

23 Mr. Davis. Yes, we can.

24 [Discussion off the record.]

25 Ms. Sawyer. We can go back on the record.

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15

1 BY MR. DAVIS:

2 Q You talked to Secretary Clinton during the attack?

3 A I talked to her after the attack. Yeah, she called
4 directly on a point-to-point line, frankly, just to make
5 sure -- I think she was trying to make sure that everybody
6 knew something -- there is an emergency, there is a situation
7 in Benghazi.

8 So just wanted to be sure that I knew that the
9 Ambassador had not been accounted for and one other
10 individual was missing, I think, at that time that she
11 called. And we had been getting information, obviously, from
12 Chief of Station Tripoli, through the DNCSS, our ops center,
13 and so forth, and then the chief of ops in the National
14 Clandestine Service.

15 And, again, we were just trying to develop a picture of
16 what's going on. I assured her, obviously, that we were
17 doing everything we could to assist, and we would continue to
18 do that, basically.

19 Q And you only spoke with her once?

20 A Yes, directly, yes.

21 Q Directly. And that was approximately what time of
22 day, if you can recall?

23 A I don't remember, actually. It was -- I wrote it
24 down one time here. I think it was probably -- it was late
25 afternoon, certainly, and it was probably somewhere in the, I

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16

1 don't know, 4:30 to 5 eastern standard time, maybe a bit
2 earlier than that.

3 Q You never spoke with Secretary Panetta that night?

4 A No, that's not appropriate. Again, I, in fact, I
5 really didn't like dealing directly with people because then
6 you just cut out all your chain of command.

7 I did do it a couple of times that night where I told
8 the ops chief: I'm calling directly to the chief of station.
9 I did call him at least twice that night. I talked a number
10 of times to our NCS chief of ops; talked to Tom Donilon at
11 least twice, maybe more.

12 Again, Tom Donilon is the guy with whom I felt it was
13 appropriate to talk, to, A, make sure that the White House
14 knew what we knew; B, to consider, you know, are there any
15 additional options out there, are there any additional assets
16 that are out there? And again, given the familiarity that I
17 had from the time in the Balkans, from when I was in Iraq,
18 and so forth, I had a reasonably good understanding of what
19 might be conceivably available.

20 Q Sure, which is precisely why I was asking you about
21 N hour based on your --

22 A N hour has nothing to do with this whatsoever, with
23 great respect. That is completely irrelevant. This is about
24 assets that are available whether it's N+1 or N+20. Again,
25 it doesn't matter. It is just, what is available right here,

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1 right now. And that's what I went into with Tom.

2 Q Do you recall ever speaking with the Chairman of
3 the Joint Chiefs, Martin Dempsey, that evening?

4 A I did not speak with the Chairman of the Joint
5 Chiefs.

6 Q So to the extent we have testimony from somebody
7 that says you may have spoken with Chairman Dempsey, that
8 would be mistaken by that individual?

9 A Not that I recall. No. And again, I, if you start
10 doing this, you can unhinge the process.

11 Q Oh, sure. I'm just trying to gather the facts. I
12 understand that.

13 A It is all well and good for the Secretary to call
14 directly. I think she wanted to assure herself,
15 understandably, that everything is being done by everybody
16 who could possibly be doing it and that all of the principals
17 are riveted on this, which we were.

18 But again, you start making point-to-point calls and all
19 of a sudden you are going to cut people out. So I wanted to
20 keep it in the system. The way to keep it in the system is
21 to generally use my own chain of command within the Agency,
22 and then to go directly to the White House.

23 Q So within the Agency, your main points of contact
24 that evening were your chief of staff?

25 A Chief of staff.

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18

1 Q Chief of Northeast Operations?

2 A No, director of the National Clandestine Service.

3 Q Director NCS. Okay.

4 A He's the chief of operation who was there the
5 entire night throughout this thing.

6 Q Okay.

7 A I actually did, as I said, jump the chain of
8 command, although I told people I was doing it, and called
9 directly to the chief of station a couple of times,
10 essentially just to say: Okay, you know, what's your
11 understanding of the situation? Is there anything else that
12 we could help with? What else?

13 The truth is, they set stuff in motion. That's exactly
14 what the Agency does. They have the authorities to take
15 action, as he did, to dispatch the Quick Reaction Force from
16 Tripoli that was assembled by the plane that they rented.
17 The fact that that took off within something like an hour of
18 the attack is really quite amazing, frankly.

19 Q And that's something that, it's your understanding,
20 was done organically on the ground in Tripoli?

21 A Well, [REDACTED]
22 [REDACTED] believe it or not, I
23 think. But we had always been thinking about contingencies.
24 And so they activated it that night, and, again, within an
25 hour they were out of there.

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19

1 Q So your conversations with your chief of staff,
2 with the Director of the NCS, with the chief of operations,
3 those were all occurring via phone?

4 A Yes.

5 Q And they were at headquarters? Do you know --

6 A Well, they are a mix of headquarters and my house.
7 In the house we had an entire secure compartmented
8 intelligence facility --

9 Q Right, right.

10 A -- which has everything in it, essentially, that I
11 had in the office, including even the ability to watch the
12 Predator feed, which I did throughout the night at various
13 points.

14 Q Do you recall when you went home that evening
15 whether or not the individuals at the State Department
16 compound had made it back to the Annex or whether the QRF
17 team was still over at the State Department?

18 A No, everybody was back at the -- at our facility,
19 our base, except, of course, for the Ambassador was missing.

20 Q So in terms of how you viewed your role at that
21 point when you have State Department individuals and you have
22 CIA individuals now that are all located at the base --

23 A Uh-huh.

24 Q -- in the immediate wake of an attack on the State
25 Departments facility, how did you view your role as Director

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20

1 of Central Intelligence, the fact that everybody was holed up
2 at the Benghazi base?

3 A I'm not sure what you're getting at here. I mean,
4 I'M the Director of the CIA.

5 Q Sure. I understand that. But there was an attack
6 on the State Department facility.

7 A Yep.

8 Q They had evacuated from the State Department
9 facility and they had gone back to the Benghazi base.

10 A We evacuated them.

11 Q And everybody was at Benghazi base now?

12 A You know, frankly, that is not one of our missions
13 around the world, is to go to the rescue of State Department
14 facilities. We did that because they were fellow Americans
15 who were very much in harm's way.

16 Q Well, I guess my question is --

17 A And we evacuated them to the base.

18 Q Sure.

19 A And then what we are then seeing is, okay, what is
20 the follow-on going to be. So I mean, my role then is to,
21 obviously, maintain situational awareness, have a sense of
22 what is going on on the ground, but, frankly, with the chief
23 of station having the authority to do what he deemed
24 necessary. And of course, they didn't feel necessary to get
25 permission from the Director of the National Clandestine

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1 Service or even the director of -- the division chief under
2 which he actually worked. They did it. And that's in
3 accordance with Agency standing operating procedures.

4 They dispatched the QRF from Benghazi base. They
5 dispatched the QRF from Tripoli to Benghazi. And, again, so
6 now we're waiting to see what is the -- you know, what is
7 going to happen from here.

8 We had the team that had deployed to Tripoli airfield,
9 of course, and they were held up there because they couldn't
10 negotiate -- first of all, they're trying to figure out where
11 is the Ambassador. They spent something like 3 hours at the
12 airfield trying to figure out, where should we go, where is
13 the Ambassador, which militia can take us there? Because, of
14 course, they arrive and there is no rental car agencies open
15 that night, needless to say, there is no transportation. And
16 so figuring out what it is they should do. Again, with the
17 priority at that time being, let's find out where the
18 Ambassador is, let's try to rescue him if he is still alive,
19 or get his body.

20 And there is lots of rumors during that time that, you
21 know, he's here, he's there, he's in the hospital, he's this
22 or that. And ultimately, of course, they end up going to the
23 base. And we suspect that they were followed, or at the very
24 least, obviously. Then the serious attack materializes
25 within a short period of time of them arriving at the base.

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1 Q Were you aware the night of the attack or have you
2 since become aware that there was an interagency SVTC that
3 was held that night?

4 A I don't know. I don't think I was aware of that.
5 I don't know.

6 Q And that's not something that you have learned
7 about since?

8 A No.

9 Q Okay.

10 A No. You know, we ran -- SVTC are run routinely,
11 and any time something happens a SVTC is run. It's often at
12 an ops level or, again, certainly a level below the
13 principals.

14 Q But that night you were not aware that a SVTC was
15 occurring?

16 A No. Again, I may have been. It may have been the
17 chief of staff, my chief of staff said: Hey, we had a SVTC.
18 But it didn't make a big impression on me, obviously.

19 Q Okay. And when everybody had gotten back to the
20 Annex, you viewed your role as maintaining situational
21 awareness by kind of staying out of the way of the guys on
22 the ground, letting them operate in a way that they best felt
23 necessary --

24 A Yeah.

25 Q -- and gathering information from the ground --

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23

1 A Yep.

2 Q -- and sharing that information with other
3 appendages of government as needed?

4 A Without, in a sense, without applying the, you
5 know, the 5,000-mile screw driver too much, because these
6 guys have a mission. And as I said, I did call directly
7 twice. I just, you know, had to. I felt I needed to just
8 get a sense of how he was -- how the chief of station was
9 doing and -- but other than that, I wanted to stay out of
10 their hair, let the NCS folks work this, and let them carry
11 on with it.

12 Q You talked about how you viewed it as sort of three
13 separate attacks throughout the evening. Is that a fair
14 characterization?

15 A Yeah, I think so, the attack on the diplomatic
16 facility, followed by our response, a fairly small attack, if
17 you will, at the base after we evacuate. And again, maybe
18 they followed one of those two vehicle movements to the base.

19 And then you have the very -- the significant, albeit,
20 again, short attack. And although there was sporadic
21 gunfire, after evacuating everybody at the base, again, this
22 was nothing extraordinary as being assessed at that time.

23 Q So the second attack, the one, the first attack on
24 the Benghazi base, you were made aware of that in real time
25 or shortly thereafter?

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24

1 A Yes.

2 Q Is that something you could see from the Predator
3 downlink or is that something that was relayed to you
4 through your staff?

5 A That was relayed to me.

6 Q Okay. Did you take any action? Did you make any
7 phone calls to the White House? Did you, you know, issue any
8 instructions other than "keep me in the loop" to your staff
9 at that point?

10 A I suspect I did, but I don't remember specifically
11 what they were. Again, this is an evening, just a flurry of
12 phone calls constantly; people walking into the office,
13 walking out of the office.

14 When I went home, I think everything was resolved,
15 frankly, at that point in time. And actually at some point
16 went to bed for a brief period of time, and then was awakened
17 and said: Hey, the thing is under attack again. Went
18 downstairs. And then very quickly the decision was made, in
19 CIA parlance, to burn the base. In other words, to shred
20 everything, destroy anything you can't take, and evacuate.
21 And that was what was done.

22 Q So when you said you were awakened, is that in
23 regard to the mortar attacks or sort of the attack in the
24 middle of the night?

25 A This is the attack that took place somewhere around

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1 -- at eastern standard time it was somewhere, 11:15, 11:30,
2 something like that, p.m., and, you know, and you give some
3 time, I forget when it was that they buzzed me and said:
4 Hey, you know, you ought to come on down.

5 Q Okay.

6 A Probably somebody wanted to talk to me on the
7 phone, I assume, but I'm not sure.

8 Q The morning after the attack, you went into the
9 office relatively early. Is that your recollection?

10 A I think I did actually, yeah, and I think we had a
11 meeting right away at the Agency. But again, I don't
12 remember the sequence of events.

13 Q And what can you tell us that you remember about
14 that meeting?

15 A That we were -- that this was a mix of concern
16 about, again, the other places. Again, keep in mind that
17 Benghazi is done at this point in time. So don't get me
18 wrong, we are still very, very concerned about a variety of
19 different issues related to Libya. But we have got everybody
20 at Tripoli, the Embassy even, in fact, as you may recall went
21 to our station facility at this point in time, because we had
22 a quite a secure station there.

23
24 And so we were also very concerned, again, about the
25 possibility of further violence in these other different

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1 areas out in, basically, in the Islamic world still in
2 response to the video that sparked the initial demonstrations
3 in those different locations that I mentioned earlier.

4 Q And I understand your focus from basically that
5 point onward throughout the week, you were more forward
6 focused in terms of follow-on activity as opposed to
7 backwards focused to what may have happened or may not have
8 happened in Benghazi. That was your primary focus.

9 A It was. I mean, obviously, they were trying to
10 figure out what was it. And we had, you know, a very clear
11 picture that, at the very least, members of Ansar al-Sharia
12 and AQIM had been involved in the attack on the diplomatic
13 facility and presumably in the attack on our facilities as
14 well.

15 Q So I'm going to hand out an exhibit. We can
16 discuss this in a minute.

17 [Petraeus Exhibit No. 1
18 was marked for identification.]

19 BY MR. DAVIS:

20 Q Here is one for you, and one for your counsels.

21 Do you recall at that early morning meeting you had with
22 your staff on the 12th, do you recall any mention of protests
23 in Benghazi at that point that may have occurred prior to the
24 attack. It's unrelated to the exhibit.

25 A You know, I have got a stack of documents here --

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1 Q Sure.

2 A -- all of which came out in a flurry of activity.
3 And I don't remember the discrete, single documents.

4 Q Oh, I'm just asking you about the meeting, the very
5 first meeting you had when you came in, you know, whether or
6 not there was any mention of a protest prior to the attacks?

7 A I don't know that we talked a great deal about that
8 backward looking. I mean, what I was concerned about is what
9 do we need to do now given that we have all these embassies
10 and stations that are potentially in harm's way, and some
11 other facilities around the world [redacted]

12 [redacted] So that's always the concern.

13 Q So I want to direct your attention to exhibit 1.
14 This is the Middle East and North Africa Situation Report, 12
15 September 2012, at 0700 eastern daylight time.

16 A I think this came out actually after we met, so I'm
17 not sure actually whether this is relevant to that first
18 meeting anyway.

19 Q Yes. Separate question. I mean, do you recall
20 receiving this in real time? Is this something that you
21 ordinarily would have seen?

22 You had a daily brief?

23 A Yes.

24 Q Is that right?

25 A Yes. It was probably in the PDB. I assume it was

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1 part of a PDB.

2 Q But you have no specific recollection?

3 A I mean, it says, you know: We are investigating
4 whether it's a response to an inflammatory video or an
5 earlier planned attack to mark 9/11.

6 Q And then the next bullet point, I guess, is the key
7 bullet point in my opinion in this piece: "The presence of
8 armed assailants from the outset suggests this was an
9 intentional assault and not the escalation of a peaceful
10 protest."

11 That is not something that you recall sticking out to
12 you at the time?

13 A No. I mean, obviously, when we've gone back and
14 look at the whole evolution of this, you know, it very
15 quickly became that there was a protest out of which grew
16 this attack.

17 Q Right.

18 A And to be perfectly candid with you, I'm still not
19 absolutely certain what absolutely took place, whether it was
20 a mix of people that are demonstrating with attackers in
21 there, whether this is an organized demonstration to launch
22 an attack, whether -- because you'll recall, there's a lot of
23 SIGINT that we uncovered that very clearly seemed to indicate
24 that there was a protest and it grew out of the protest. And
25 that's what caused the analysts and the chief, the head of

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1 OTA, it's called, the Office of Terrorism Analysis in the
2 Counterterrorism Center, who was the one who said, you know,
3 this was -- there was a protest.

4 For example, I have got a 16 September memorandum from
5 me and the deputy: We agree with the chief of staff -- Chief
6 of Station Tripoli's assessment that a well-coordinated
7 extremist force conducted the attack and judge it represents
8 previous battles, experience, et cetera. Clandestine
9 reporting and signals intelligence to date suggest the
10 attackers opportunistically seized on earlier protests in
11 Cairo and Benghazi as cover to execute an attack.

12 Q I don't mean to put you on the spot. I mean, do
13 you recall ever having read any of those signals intelligence
14 pieces?

15 A The Director of CIA doesn't read -- doesn't
16 typically read raw SIGINT.

17 Q I understand.

18 A I mean, that's why he has an analysis. And this
19 one alone is several pages' worth.

20 So, again, this went back and forth, and back and forth,
21 and, you know, it was a source of great debate.

22 Q Do you recall, have a general recollection of when
23 you first learned that, you know, a protest may have occurred
24 prior to the attack? Do you know if it was the day after the
25 attack?

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1 A I know it was the first night. In the first night
2 the group gathered outside, so I don't know what the
3 gathering is.

4 Q All right.

5 A Have you ever watched the video, by the way?

6 Q I have watched video. Yes.

7 A Okay. I know a little something about organized
8 attacks. That did not appear to me to be the most organized
9 of attacks, nor did the capability overwhelm me if they
10 couldn't get through a door that's locked. I mean, that's a
11 pretty straightforward. If you do a takedown of a facility,
12 you generally have, at the very least, a battering ram, more
13 ideally some kind of charge that you can blow a door with.

14 The fact that a simple locked door stops them from
15 getting at the Ambassador was what always struck me as
16 seeming to -- and again, this is not, you know, a five-man
17 stack or something like that outside that, you know, the way
18 we would --

19 Q Right.

20 A They just basically wandered into the compound with
21 a bunch of weapons and so forth.

22 Q Sure. But in fairness, in regards to watching the
23 video -- are you talking about the video of the Predator or
24 the video of the --

25 A No, I'm talked about the closed-circuit TV video of

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1 what took place out there. Remember, they had cameras around
2 the facility.

3 Q I see.

4 A And there is a video of what took place. And they
5 are just basically milling around out there.

6 So if this is an attack, you know, maybe they rehearsed
7 it to look like a protest, but maybe it was actually a mix.

8 And so, again, I'm still not completely set in my own
9 mind of what -- and to be candid with you, I am not sure that
10 the amount of scrutiny spent on this has been in the least
11 bit worth it. I mean, we know certainly some people wanted
12 to attack the facility. We know that they did do it. We
13 know there were others that were there. We are not sure what
14 they were doing there.

15 So, again, to endlessly go back on this is really more
16 about, you know, the fact that we are a month-and-a-half
17 prior to a Presidential election, I think, more than anything
18 else. But, you know, this whole thing has been asked and
19 answered about I don't know how many times.

20 Q Sure. I understand.

21 A Two hearings for the HPSCI, two hearings for the
22 SSCI, and now a second hearing with you all here.

23 Q I appreciate your opinion. I respectfully
24 disagree, but I do appreciate that.

25 A That's not an opinion. That's an analysis. And it

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1 was based on what I was provided at the time and all that I
2 have gone back and reviewed now.

3 So, you know, we can certainly differ on this. That's
4 fine. But I'm not going to have you say that this is a
5 quote, "opinion." This is a result of my analysis of what we
6 were provided then and actually what I have gone back and
7 gone through in the process of getting ready for this
8 hearing.

9 Q And you have not read any of the signals
10 intelligence, the raw signals intelligence reports in the
11 process of getting ready for today or for your prior
12 testimony?

13 A No, I have gone through the analysis of those. I'm
14 not an analyst, per se.

15 Q Understood.

16 A I don't typically go through raw stuff.
17 Occasionally, I would ask for a raw.

18 Q Analysts don't always get it right. Is that a fair
19 statement?

20 A I don't know of anybody who gets it all right.

21 Q So to the extent the analysts didn't get it right
22 here, that may not be something that you were aware of at the
23 time. There may be a difference of opinion between folks at
24 the table as to whether or not the analysts got it right.
25 But the possibility that the analysts didn't get it right --

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33

1 Ms. Sawyer. Can I just clarify? At what table are we
2 talking about that --

3 General Petraeus. Come on, sir, can we get through
4 this?

5 Ms. Sawyer. -- there is a difference of opinion,
6 Carlton? At the table right here?

7 Mr. Davis. Yes, our table.

8 Ms. Sawyer. So not in a table somewhere else, like in
9 the actual shop where they are doing the analysis?

10 Mr. Smith. You are also asking leading questions here.

11 Mr. Davis. Is there a problem with the leading
12 questions, Jeff? I'm trying to get through it. The
13 challenge I'm having, I'm asking a question and the response
14 meanders and ends up in a completely different spot. So it
15 is very challenging. And I understand he feels this ground
16 has been covered. I don't think this ground has been
17 covered.

18 General Petraeus. I've covered it about six times. And
19 I have given -- if you just go back and read the damn SSCI
20 transcript that I gave that a transcript exists of, then go
21 back and read the one that was done a couple of months later,
22 you will find how this evolved over time.

23 And again, what I am stating is that, you know, having
24 watched the video of this, of people milling around, having
25 considered the other information and so forth, I'm still not

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34

1 sure exactly what we saw out in front of that facility that
2 night.

3 Mr. Davis. Let me drop off another exhibit here. We
4 can talk about this. I don't think this is something that
5 you have been asked about before.

6 General Petraeus. Okay.

7 Mr. Davis. So this is an email. Going to mark this as
8 exhibit 2 for purposes of today.

9 [Petraeus Exhibit No. 2

10 was marked for identification.]

11 BY MR. DAVIS:

12 Q This is an email to you and to another individual,
13 September 14, 2012, 11:31 a.m. I'm going to direct your
14 attention to the second page of the email.

15 At approximately 2200 hours on 11 September 2012, a
16 national police force attempted to come to the rescue of U.S.
17 personnel under attack at the U.S. Consulate in Benghazi.
18 The police force was prevented access to the compound by a
19 group of fighters allegedly under the command of Sheikh
20 Mamoud Al-Awami (ph), a known extremist imam of the Abi
21 Jareer (ph) mosque in Amu Diri (ph) district of Benghazi.
22 The police were also stopped by another group that was led by
23 Salim Afaturi (ph), commander of the QRF, which is an Islamic
24 militia allegedly involved in several assassinations of
25 former regime security officials. And then the paragraph

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1 continues from there.

2 Obviously, this was a long time ago. Do you recall
3 receiving or reading this email at the time it was sent?

4 A It is not ringing a bell with me. I assume I did,
5 again, if it came to me.

6 Q Let me ask, in relation to paragraph 2, the first
7 half of which I just read, you know, reading that paragraph,
8 does that change your opinion at all as to whether it was a
9 bunch of folks milling around or whether there was any
10 organization to the events that took place?

11 A No. Look, as I have said earlier, there is no
12 question that elements of extremist groups operating in
13 Benghazi -- and really in North Africa -- were engaged in the
14 attack and clearly wanted to conduct an attack. So, no, it
15 doesn't.

16 Look, again, this is a kaleidoscope of groups that have
17 turf, that don't let people go through that turf, whose
18 allegiances do change from time to time. So that doesn't
19 surprise me at all, no.

20 Q So the fact that were --

21 A I visited Tripoli, and I remember it was very, very
22 interesting to go from the airfield to
23 Tripoli. We literally went through several different militia
24 groups en route, and it turned out we had decent
25 relationships with each of them, so they facilitated our

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36

1 movement. But again, this is fairly common in Libya writ
2 large and certainly a feature in Benghazi as well.

3 Q What is very common?

4 A Different militia groups that have checkpoints that
5 prevent movement or what have you. So --

6 Q The fact that there was a checkpoint that prevented
7 movement close to the attack, did that send off any signals
8 to you that maybe something was more organized.

9 A We knew that were checkpoints that night all over
10 the city. I mean, one of the reasons that the chief of base
11 had the QRF wait for a period of time, literally some
12 minutes, was of course to try to coordinate with a known
13 checkpoint that was between the base and the diplomatic
14 facility. So, again, there is no surprise at all about that.

15 Q You talked earlier about watching the CTTV footage.
16 Do you recall when you first saw the CTTV footage?

17 A It was weeks later, I think, as I recall, but I
18 don't remember.

19 Q Weeks after the attack?

20 A Yes.

21 Q But you don't recall specifically whether it was
22 September, October, November?

23 A I don't. No.

24 Q Okay. You made a point during the last testimony,
25 you emphasized that where you had had disagreements with

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37

1 analysts or with others, you would issue a formal dissent to
2 the President, and that is something you had done on a number
3 of occasions. I didn't get the sense whether that was when
4 you were with the military or when you were Director --

5 A I did that. I did it at least three times when I
6 was the commander -- twice as the commander in Iraq, twice --
7 once -- at least once, maybe twice the commander in
8 Afghanistan. And when I sat down with the President prior to
9 assuming the position, he said that, you know, you will of
10 course represent the views of the Agency, if you will, but I
11 want to know when you hold a different view.

12 And I think at least once when I was the Director, I
13 said, this is the take of the analysts or what have you, I
14 see it a little bit differently. I forget what the issue
15 was. I assume it was something to do with Iraq or
16 Afghanistan where I have a reasonable comparative advantage.

17 Q You had enough battlefield experience there knowing
18 the actors?

19 A Yeah. Yeah. In this case, I didn't have that. I
20 had no, if you will, comparative advantage over the analysts
21 in this case.

22 Q

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A

[Redacted]

but, again, this is a fairly fluid landscape out there.

Q

[Redacted]

A

No.

[Redacted]

Q

Okay.

A

Well --

[Redacted]

Q

[Redacted]

A

No. I don't.

Q

[Redacted]

A

Yes.

[Redacted]

Q

I understand that.

A

[Redacted]

Q

[Redacted]

A

Yeah.

[Redacted]

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[Redacted]

[Redacted]

Q [Redacted]

[Redacted]

A I think it was 2012. Again, I'm not positive.

Q [Redacted]

[Redacted]

A Yeah, a whole bunch of people. Again, I don't remember who they were.

Q Okay. Any follow-up --

A [Redacted]

Q Did you have any direct follow-up with any of those individuals?

A Not those individuals, no. [Redacted]

[Redacted]

Q The night of the attack did you reach out to anybody in the Libyan Government?

A No, no.

1 Q [redacted]

2 [redacted]

3 [redacted]

4 A [redacted]

5 Q Okay. [redacted]

6 [redacted]

7 [redacted]

8 A [redacted]

9 Q And how did those result? [redacted]

10 [redacted]

11 [redacted]

12 A [redacted]

13 [redacted]

14 [redacted]

15 Q And it's your understanding [redacted]

16 [redacted]

17 A He did. It is not just my understanding. No,
18 that's what he did. That was one of his tasks.

19 Q [redacted]

20 [redacted]

21 A [redacted]

22 [redacted]

23 [redacted]

24 [redacted]

25 Q That was my question. Okay.

~~TS/SCI~~

41

1 A Again, and there were elements that were loosely
2 termed intelligence units and this kind of stuff. But,
3 again, this -- these terms are somewhat loosely used.

4 Q [REDACTED]

5 [REDACTED]

6 A Yeah, I have seen it since then. I don't remember
7 seeing it at the time. I don't think it was ever brought to
8 me. I think it would have registered.

9 Q Okay. So to the extent there's a document that
10 said it was brought to your attention and you responded in X
11 fashion, you don't have any recollection of that at this
12 time?

13 A I don't. Do you have a document that shows that it
14 was brought to my attention?

15 Q I --

16 A I think what you have is a --

17 Q I do.

18 A [REDACTED]

19 Q I do. I will be happy to hand it out. Again, if
20 you don't remember, you don't remember.

21 [Petraeus Exhibit No. 3

22 was marked for identification.]

23 General Petraeus. This doesn't say that it -- this
24 doesn't confirm that it made it to me, frankly. I mean, what
25 it is is a document that was apparently sent to me, but,

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1 again, I just don't remember it.

2 Mr. Smith. It's addressed to you.

3 General Petraeus. Yeah, it's addressed to me.

4 BY MR. DAVIS:

5 Q It is addressed to you.

6 A You said you had a document that confirmed that I
7 received it, and I don't think that's confirming that I
8 received it.

9 Do you have a response to it? I mean, if it's an email
10 I always responded to the email. So that's why I'm a little
11 bit curious that this did not --

12 Q My understanding this is an email. I could be
13 reading it incorrectly. And, again, just because an email
14 may have been sent to an individual doesn't necessarily mean
15 that the individual read the email.

16 Well, let me ask you this --

17 A Yeah. And, in fact, it's interesting because it
18 says "safe travels," so we were probably on the road
19 somewhere, which would explain -- in fact,

20 I don't know.

21 Q So you have since, to the extent you don't remember
22 receiving this or reading this in real time, you have since
23 been made aware of it?

24 A Yes.

25 Q And I think you used the term "interesting"

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43

1 document?

2 A Well, it's -- I mean, it's a document that contains
3 And a lot of these, you
4 know, we looked into, so -- but again, I remember nothing
5 about this.

6 Q So I want to direct your attention to the very,
7 very last paragraph.

8 Ms. Sawyer. Hey, Carlton, can you confirm whether this
9 is the full document that was provided?

10 Mr. Davis. I think there were multiple documents
11 provided. This is one of those documents. So I understand
12 what you're talking about in terms of other documentation,
13 but this contains the email, as I understand it, to the
14 Director

15 Ms. Sawyer. And is this consecutive Bates numbers or
16 has this been reordered?

17 Mr. Davis. There are no Bates numbers on here. This
18 was provided to us by HPSCI. There are no Bates numbers on
19 there.

20 General Petraeus. Okay, well, let's go.

21 BY MR. DAVIS:

22 Q So my specific question is in regard to the very
23 last paragraph, if you can look at the very last paragraph.

24 A Uh-huh.

25 Q In particular, the second sentence.

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A Uh-huh.

7

Q Do you recall hearing anything [redacted]

8

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A No. No.

10

Q So you don't know, if any follow-up work was done

11

[redacted] you don't know what that might be?

12

A That's correct.

13

Q You talked earlier how eastern Libya was important

14

to the Agency from a collection perspective in terms of the

15

elements that were moving into eastern Libya in the wake of

16

Qadhafi's death.

17

A Uh-huh.

18

Q You had also mentioned how, as the Director of

19

Central Intelligence, you took a personal interest in the

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security of some facilities that the Agency had around the

21

world. Benghazi was not one of those facilities. Is that

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correct?

23

A I don't know about that, because I know that there

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were a number of requests made for -- there was actually a

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force protection survey that was done. There were numerous

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~~TS/SCI~~

1 requests for action to be taken. Every single additional
2 step was taken.

3 Q Right. My question is in particular to your
4 awareness. I understand that there was a request made. The
5 request was fulfilled.

6 A I knew there -- again. [REDACTED]

7 [REDACTED]
8 Q Right.

9 A [REDACTED]

10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 But, again, I didn't get into force protection issues
18 unless there was a real issue. And there was no issue in the
19 sense that every single action recommended by the force
20 protection survey and requested by the base had been taken.

21 Q [REDACTED]

22 [REDACTED]
23 A No. This is -- now I think you are starting to
24 talk about afterwards, perhaps, but I'm not sure.

25 Q I guess my question --

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~~TS/SCI~~

46

1 A What are you getting at?

2 Q What I'm trying to get at is, so Michael Morell
3 testified that he, and I believe he may have said you as
4 well, were involved in the security of a very small number of
5 [redacted] facilities around the world, and I think the way he
6 characterized it was, facilities that were important to the
7 Agency and facilities that were important to the White House.
8 I guess my --

9 A I don't think the White House had any knowledge of
10 bases around the world. I think you're misconstruing
11 something that -- in the wake of this Benghazi attack, I
12 directed that we look at every single facility [redacted]
13 [redacted]
14 obviously, than --

15 Q Yes.

16 A You know, these can be anything from a safehouse to
17 a base to a whatever. And so we did an inventory of those.
18 [redacted]
19 We almost closed it down. And I gave the okay to close it
20 down. [redacted]

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1 We actually never did close it down. They came back and
2 said: Naw, we looked at it again, and we want to keep it
3 open. So I said: Okay, got it.

4 Q So that decision ultimately rose to your level.
5 And how did that rise to your level? Did it come through a
6 disagreement within the ranks about whether or not to close
7 it down and you were the final arbiter? Was there a
8 recommendation to close that down?

9 A I suspect it was a combination of factors, as
10 usual, that there was an important mission being conducted
11 from that base; that there was a threat to the base. And we
12 had, obviously, just had Benghazi, so now this has been
13 elevated in terms of concern.

14 And I had directed an inventory of bases and facilities
15 and an audit of their force protection. So it was very clear
16 the Director' interested in this subject and then as the --
17 and I remember being concerned about
18 personally. I mean, we all talked about it. Again, there
19 was a concern.

20 Q And this is all post-Benghazi?

21 A Yes.

22 Q Okay, that's helpful.

23 Ms. Sawyer. And, Carlton, just to clarify, I have
24 not -- I have no recollection of Mr. Morell ever testifying
25 to us that the White House, in particular, took an interest

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~~TS/SCI~~

1 in particular security at any location.

2 Mr. Davis. Sure.

3 Ms. Sawyer. So if you have that testimony, it would be
4 great to --

5 Mr. Davis. Sure. I would be more than happy -- I
6 assure you it is there. I'll be more than happy to provide
7 that to you.

8 Ms. Sawyer. The White House.

9 Mr. Davis. I'd be more than happy to provide that to
10 you.

11 General Petraeus. Well, look, the White House took a
12 very keen interest, obviously, in the wake of Benghazi, and
13 even more, frankly, in the wake of all of these attacks that
14 took place on 9/11, or demonstrations that become attacks,
15 frankly. And, you know, there was real concern about embassy
16 facilities, agency facilities, military facilities. So every
17 executive branch and agency is looking very hard at force
18 protection. So I think that's probably the context in which,
19 if it was discussed, that Michael Morell would have discussed
20 it.

21 BY MR. DAVIS:

22 Q

23 Do you

24 recall having any conversations with Chairman Mike Rogers
25 about that issue?

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1 A I don't remember. [REDACTED]

2 [REDACTED] I don't know that I sat
3 down and talked with him. Actually, I think he probably
4 asked. [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 Q [REDACTED]

10 [REDACTED]

11 [REDACTED] I think we're going to object here.

12 General Petraeus. I don't know what -- yeah, I don't
13 know where you're going with this and so I --

14 Mr. Davis. I just asked you if you had any --

15 General Petraeus. You can go ask the Intelligence
16 Committee or him that question.

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 Mr. Davis. And that would include Chairman Rogers?

21 General Petraeus. He's a member of the committee, yes.

22 Mr. Davis. I want to hand out another exhibit. We will
23 mark this as exhibit 4.

24 [REDACTED]

25 [REDACTED]

[Petraeus Exhibit No. 4

was marked for identification.]

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1 BY MR. DAVIS:

2 Q So this is an email. You were not on this email.
3 This email was made public in May of 2013. And the subject
4 is: Due-Outs from the HPSCI Coffee, September 14th, 2012,
5 11:29 a.m.

6 Have you ever seen this email or piece of paper before?

7 A No.

8 Q No. Okay. Well, let them direct your attention
9 to the body of the email. It says: "For the Committees,"
10 and then number 1. "'White Paper' on press guidance," and it
11 says: We've already spoken to OPA who will be coording with
12 the White House as well. 2) Paper on motivations for Green
13 on Blue violence. 3) Contact State Leg Affairs for questions
14 on document destruction at consulate.

15 And then underneath it says: For DCIA: Cable(s) to --
16 redacted -- warning of protests linked to the film and
17 response. 2) Cable(s) to stations on 9/11 security.

18 So my first question I guess is just walk us through,
19 very briefly, impetus for the talking point requests from
20 HPSCI to the extent you can remember.

21 A Yeah. The ranking member asked: What can we say
22 about this publicly? And so I said: Okay, we'll come up
23 with something for you. And, frankly, the thinking was we
24 could do something very quickly, give it to him, he could
25 have it that afternoon, and he could know what he could and

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~~TS/SCI~~

1 could not say.

2 Q So your expectations were this was something that
3 would be done internally at the CIA and knocked out quickly
4 and sent over in the afternoon?

5 A Yeah, yeah. And, obviously, that would be
6 inappropriate in the end because it would need to be sent
7 through the intelligence community, so it had to be an IC.
8 And then, of course, since it's now going to be used
9 publicly, then the respective public affairs offices of
10 various organizations get involved. And then since it has
11 overall government implications, then you end up having to
12 get State and FBI. There's security concerns and a variety
13 of other issues that start to get factored in. So it became
14 quite an involved process in the end.

15 Q But what was your understanding of how the process
16 would evolve when the tasking was first issued by HPSCI?

17 A I'm not sure I had a very clear -- yeah, staff come
18 up with some talking points.

19 Q Okay.

20 A Presumably we would send them over to him through
21 congressional liaison, and that would satisfy the
22 requirement.

23 Q Okay.

24 A And, candidly, that is a good example of why we
25 should never do unclassified talking points for somebody in

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52

1 the future, because, again, it's -- you then get into a whole
2 realm of stuff that's way beyond the purview of the Agency
3 itself.

4 Q So the exhibit I just handed out, exhibit 4, there
5 are two numbers at the bottom, number 1 and number 2, for
6 DCIA. Do you recall telling anybody or suggesting to anybody
7 that those issues should be in the unclassified talking
8 points?

9 A Well, later on, when it came to me, I said, you
10 know, we should have something in the talking points about
11 the warnings that were given because, again, we had done
12 numerous warnings of threats in Libya and indeed in Benghazi
13 and reminded people of the attack on the British convoy,
14 which led them to close their consulate in Benghazi. There
15 was an attack on a U.N. facility, as I recall, and there was
16 even an attack that was of unclear source against the U.S.
17 diplomatic facility itself.

18 Q And that was important for you to include why?

19 A Well, I thought it would provide some context to
20 the whole situation. And, you know, to be fair, I think at
21 the end of the day it was not materially relevant to the
22 particular talking points.

23 Frankly, as the process went on and it got into public
24 affairs channels, I sort of said: Hey, this is -- let's just
25 get this done and get it over with. And that's essentially

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1 ultimately what happened.

2 Keep in mind that our focus at this point in time,
3 everybody is, you know, just riveted like a laser on the
4 talking points and thinks it had to be the most important
5 thing in the world to us at the time. It was by no means at
6 all important, frankly. We were worried about what's going
7 on out in the Islamic world where we have had embassies
8 overrun and another embassy seriously threatened.

9 So what are the potential future threats? What are the
10 actions that we need to take as an agency to secure our own
11 facilities

12 And then, how can we help the rest of government determine
13 how to allocate limited resources when it comes to elements
14 like FAST teams, like quick reaction forces, like even
15 special operations assets that are out there.

16 So that was our focus. And even when it came to the
17 final talking points, which were sort of given the stamp of
18 approval at a Deputies Committee meeting on Saturday at the
19 White House, this was very much an afterthought. Their whole
20 focus of that meeting was about what is yet to come, what's
21 going to happen, all of the rest of this. And in the end,
22 somebody said, I think, you know: Where are we on the
23 talking points? And I said: Okay, here it is.

24 Q Yeah, that is roughly my understanding of how that
25 evolved. I guess, I understand what you're saying that your

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1 focus, the Agency's focus was elsewhere, but this was a
2 tasking from Congress. Presumably those were important?

3 A Yeah. I mean, it was a pretty informal tasking.
4 It was not a -- you know, I said, okay, we'll give -- you
5 know, we'll try to get you something.

6 Q If it was a pretty informal tasking, I guess, why
7 did it go through such a difficult --

8 A Because at the end of the day it is going to go
9 back to Congress, and something that goes back to Congress
10 should be at least IC, and now if it is unclassified, now it
11 has to be public affairs, and all the rest of that. So, you
12 know, there is a reason why you coordinate activities, and I
13 fully understand that.

14 Q Did you have any expectations -- it sounds like you
15 had no expectations, which is fair -- but did you have any
16 expectations that when the task was given that would be
17 coordinated with other elements of the IC?

18 A Probably in the back of my mind. But again, I
19 thought it could be done somewhat quickly and we could be
20 responsive. You know, what he wanted was something. These
21 guys are literally going outside of the meeting and getting
22 bombarded by reporters. They just wanted to know what they
23 could say and what they couldn't say.

24 And again, that's a tough issue for the IC to take on,
25 frankly. I think it's probably not one that the IC should

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1 actually get involved in unclassified talking points for
2 members of the Intelligence Committee.

3 Q So to the extent you remember, it would be helpful
4 if you could walk us through your personal involvement with
5 these talking points. We have seen a lot of emails. We have
6 seen a lot of interagency involvement. We have seen a lot of
7 internal CIA involvement. In terms of your personal
8 involvement.

9 A I have laid this out repeatedly. I mean, I don't
10 know why I need to go through this again. We have got about
11 50 minutes left, by the way, because I have got a hard stop
12 at noon.

13 So, I mean, I have laid this out repeatedly, how, you
14 know -- and you can see it in the emails. This has all been
15 public, so I don't know what else you're expecting me to say.

16 Q Did you have any discussions with anybody about the
17 talking points that aren't reflected in the email?

18 A Yeah, I think -- nothing that's not reflected here.
19 I mean, it is well known what I inserted, what I eventually
20 said fine, you know. And I actually, as you read the final
21 email, it was just basically --

22 Q Get it out the door.

23 A I mean, the very final one was -- does anybody have
24 a copy of the final email that I sent?

25 Q I do. I would be happy to give it to you.

~~TS/SCI~~

~~TS/SCI~~

1 A Well, don't worry about it. But look, we've got
2 pages, again, and I think this is the -- my transcript from
3 this committee.

4 Q No, I understand. But outside of the emails that
5 we see, did you have any discussions with the head of OTA,
6 did you have any discussions with that you can recall
7 about how the process was moving along?

8 A You know, probably: Hey, where are we on this?
9 But, again, this was not a central focus in my life on that
10 day. This was very much an afterthought.

11 Q Okay. We will stop for now and go off the record.
12 I'm at an hour 10. So we'll stop and take a quick break and
13 regroup. Is that okay?

14 A Yeah.
15 [Recess.]

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~~TS/SCT~~

1 [11:23 a.m.]

2 EXAMINATION

3 BY MS. SAWYER:

4 Q General Petraeus, you know, thank you again for
5 your agreement to come in on a Saturday --

6 A Sure.

7 Q -- and spend an additional amount of time with this
8 particular select committee.

9 That was not a request made at our -- on our behalf. We
10 objected to the request: We didn't think there was a reason
11 to bring you back in yet again.

12 And, quite frankly, I do not have any questions for you.
13 So I would just simply thank you for coming in today and for
14 answering our questions today, as well as your prior full
15 cooperation in both this panel's investigation as well as the
16 prior ones.

17 A It has been a privilege and an obligation, I guess,
18 to do it, and so I appreciate the kind words and appreciate,
19 again, working with the members of the committee and the
20 respective counsels to try to ensure that I've been as open
21 and cooperative as I possibly can.

22 And I hope that this means that all questions have been
23 truly asked and answered and that there won't be yet another
24 request, especially since there are no Members that have been
25 here today. So --

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1 Q And I know that you had asked us when you were with
2 us before that we make a request --

3 Mr. Smith. Excuse me. Are we on the record now?

4 Ms. Sawyer. Yes.

5 BY MS. SAWYER:

6 Q That we make a request for the transcript --

7 A Yes.

8 Q -- of the Senate Select Committee on Intelligence.
9 We have asked if that had happened. We will continue
10 following up with that. To our knowledge, the majority has
11 not yet requested it, but we will ask them once again that
12 they do so.

13 A Okay. Yeah. I mean, that was a very important
14 transcript, and thank goodness that Chairman Dianne Feinstein
15 had a transcript done of it and kept it and then, of course,
16 also did another transcript for the hearing after I left the
17 Agency, I guess a week or two later, again, on Benghazi as
18 the whole focus started to emerge on it.

19 So, you know, again, I guess I do feel a bit compelled
20 to provide some context again for the timeframe in which
21 this -- in which the talking points in particular were
22 developed, because I think this is -- it's hugely important
23 to remember that the focus of the CIA, the intelligence
24 community, indeed the government writ large, and the White
25 House, frankly, was not on developing these talking points,

~~TS/SCI~~

~~TS/SCI~~

1 but on figuring out where the next threats to American
2 citizens and facilities would be and what we could do to
3 mitigate the risks if those threats materialized. And we
4 spent a great deal of effort on that, including, again,
5 meetings at the White House and so forth.

6 And, you know, this action to get these talking points
7 done was very, very much just taking place in the background,
8 and, frankly, a bit of an afterthought. And if you find the
9 email that I -- you might want to find that now -- that I
10 actually sent when it was all said and done -- we have that
11 some -- actually have it in the book here. That might be
12 where it is. Yeah. Yeah, it's in here.

13 You can get a sense of, you know, we did not see this as
14 being of -- my final email on this, for example, says: No
15 mention of the cable to Cairo either, question mark?
16 Frankly, I'd just as soon not use this, then. NSS has
17 called, National Security Staff, which is what the NSC staff
18 was described as at the time, however, this is certainly not
19 what Vice Chairman Ruppertsberger was hopping to get for
20 unclass use. Regardless, thanks for the great work.

21 So, again, this is a somewhat dismissive response, I
22 think, which is, frankly, how we came to eventually see this
23 whole exercise.

24 And, again, just for contextual purposes, I think that
25 is pretty important, because this ultimately took on this

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~~TS/SCI~~

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1 massive life of its own, when in part, of course, you're --
2 you know, we're 6 or 7 weeks prior to a national election.

3 Q And by that you noted -- you noted earlier today
4 that same point, that you thought we were about a month and a
5 half before an election, you've now repeated again that we
6 were 6 or 7 weeks before an election. I take that to mean
7 that it is your belief that it was politics that really
8 played into the focus from Congress certainly on the talking
9 points?

10 A I mean, I know it would come as a shock to think
11 that politics actually take place in Washington, but I think
12 there is no question that there were political angles to this
13 on both sides. I think one side has an incumbent President
14 and the other side is certainly trying to do what it can to
15 keep that incumbent from returning.

16 And, again, I don't think this would come as a major
17 revelation to Americans, much less to those who have spent
18 any time within the beltway or in the District of Columbia.

19 Q And there certainly have been accusations, however,
20 that these talking points themselves were politicized for the
21 very reasons you're identifying, that we were in the run-up
22 to an election. Is that the case?

23 A Not the drafting of the talking points. I think
24 there are quite legitimate reasons why various elements were
25 added, removed, edited, refined, and so forth. But as I went

~~TS/SCI~~

~~TS/SCI~~

1 back through that in preparation for the last hearing,
2 frankly, I was quite convinced that these are legitimate
3 substantive or security concerns that are resulting in,
4 again, what comes out, and that ultimately in an unclass set
5 of talking points, less is more and you get it down to a very
6 least common denominator and then -- and that was it.

7 Q And so certainly you are not suggesting in any way
8 that politics influenced your analysts or their analytic
9 judgment?

10 A No. No. I think I'm talking about the reaction to
11 -- you know, in the aftermath of that. And, of course, there
12 was never an intent that the talking points were going to be
13 the basis for Sunday talk show conversations or anything like
14 that, and I think that was probably an afterthought too.

15 Again, I don't know how it came that those were the
16 basis, but probably somebody in the White House said: Hey,
17 oh, we got to get somebody on the talk show tomorrow.
18 There's going to be questions about Benghazi, presumably.
19 What can that person say? And they look around: Oh, hey,
20 we've got these unclassified talking points. Give these to
21 him or her.

22 So, again, you know, and that's when I think the -- on
23 both sides, frankly, again, there's understandably going to
24 be use of those made in various ways.

25 Q Well, again, we thank you. Thank you for your

~~TS/SCI~~

~~TS/SCI~~

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1 time.

2 A I thank you.

3 Q And appreciate it.

4 A Okay. Great.

5 Q And your service.

6 A Okay. And thanks for getting me out in time to get
7 to my hard stop. Thank you very much.

8 Ms. Sawyer. Thank you.

9 [Whereupon, at 11:30 a.m., the interview was concluded.]

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~~TS/SCI~~

**INTERVIEW OF
PATRICK KENNEDY**

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, FEBRUARY 3, 2016

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

PHILIP G. KIKO, *Staff Director and General Counsel*
CHRIS DONESA, *Deputy Staff Director*
SHARON JACKSON, *Deputy Chief Counsel*
CRAIG MISSAKIAN, *Deputy Chief Counsel*
MAC TOLAR, *Senior Counsel*
CARLTON DAVIS, *Counsel*
SHERIA CLARKE, *Counsel*
KIM BETZ, *Member Outreach Liaison*
SUSANNE SACHSMAN GROOMS, *Minority Staff Director/General Counsel*
HEATHER SAWYER, *Minority Chief Counsel*
PETER KENNY, *Minority Senior Counsel*
DANIEL REBNORD, *Minority Professional Staff*
KRISTA BOYD, *Minority Senior Counsel*
ERIN O'BRIEN, *Minority Detailee*

FOR THE U.S. DEPARTMENT OF STATE

AUSTIN EVERS, *Senior Advisor*
ERIC SNYDER, *Senior Counsel*
ALISON R. WELCHER, *Attorney-Adviser*

Ms. Jackson. This is a transcribed interview of Under Secretary Patrick Kennedy, conducted by the House Select Committee on Benghazi. This interview is being conducted voluntarily as part of the committee's investigation into the attacks on the U.S. diplomatic facilities in Benghazi, Libya, and related matters, pursuant to House Resolution 567 of the 113th Congress and House Resolution 5 of the 114th Congress.

Mr. Kennedy, would you please state your full name for the record, please?

Mr. Kennedy. Patrick Francis Kennedy.

Ms. Jackson. And, Ambassador Kennedy, again, my name is Sharon Jackson, and welcome this morning. We appreciate your appearance here today for this interview.

I am one of the members with the majority staff. And so that we have a record of who is here today, we are going to go around the room and have people introduce themselves, and we will also give you an opportunity to find out who's who. So we will start in the back row -- well, actually, let me start with my left to Ms. Betz.

Ms. Betz. Kim Betz with the majority.

Chairman Gowdy. Trey Gowdy, South Carolina.

Ms. Clarke. Sheria Clarke, majority staff.

Mr. Missakian. Craig Missakian, majority.

Mr. Davis. Carlton Davis. I work for Mr. Gowdy.

Ms. Sawyer. Heather Sawyer with the minority staff.

Ms. Sachsman Grooms. I'm Susanne Sachsman Grooms with the

minority staff.

Mr. Kenny. Peter Kenny, minority staff.

Mr. Rebnord. Dan Rebnord, minority staff.

Ms. O'Brien. Erin O'Brien, minority staff.

Ms. Welcher. Alison Welcher, State Department.

Mr. Evers. Austin Evers, State Department.

Mr. Snyder. Eric Snyder, State Department.

Mr. Tolar. Mac Tolar with the majority staff.

Ms. Jackson. Ambassador Kennedy, before we begin I would like to go over the ground rules and explain how the interview will proceed. As with everything in government, there are procedural rules that we follow and this interview is no exception.

Generally, the way the questioning has proceeded is that a member of the majority will ask questions for up to an hour and then the minority will have the opportunity to ask questions for an equal period of time if they choose. Questions may only be asked by a member of the committee or designated staff member, and we will rotate back and forth, one side per hour, until we are out of questions and the interview is over.

Unlike testimony or a deposition in Federal court, the committee format is not bound by the rules of evidence. The witness or counsel that accompanies them may raise objections for privilege, which is subject to the review by the chairman of the committee. If these objections cannot be resolved in the interview, the witness can be required to return for a deposition or a hearing.

Members and staff of the committee, however, are not permitted to raise objections when the other side is asking questions. This has generally has not been an issue that we have encountered in the past, but I just wanted to make that you were clear on the process.

This session is an unclassified setting. If any question calls for a classified answer, please let us know and we will reserve it to answer until we move to a classified setting, and we have one set aside for later are this afternoon.

You are welcome to confer with the counsel that has accompanied you at any time during the interview. But if something just needs to be clarified, we would ask that you let us know. But if you need to discuss anything with the counsel that are here with you today, we'll go off the record and stop the clock and afford you this opportunity to do so.

We will also take a break whenever it is convenient for you. Typically we do this after every hour of questioning, but, again, if you would like a break before then, please let us know and we'll accommodate you. If you need anything, water, use of the facilities, confer with counsel, please let us know and we'll just go off the record and stop the clock. We'd like to make this process as easy as comfortable as possible.

As you can see, we have an official reporting who is taking down everything you say to make a written record. So we ask witnesses to give verbal responses to all questions, yes and no as opposed to nods and shakes of the head. I am going to give the reporter permission

to jump in if we fail to do that.

The other thing I am going to give the official reporter free rein to do is, it's very easy to talk over each other, to start an answer before the question is finished or for me to start the next question before the answer is complete. To get a complete record, we should try not to do that as much as possible, but, again, I give the reporter free rein to say one at a time.

We have been joined by Phil Kiko, the staff director for the majority, and Chris Donesa, the deputy staff director for the majority.

We want your answers to our questions to be the most complete and truthful that they can be, so we'll take our time and repeat or clarify questions if necessary. If you have any questions or if you do not understand any of our questions, please let us know so that we can clarify, repeat, or rephrase or break down complicated question into smaller bits.

We would like you to give us your best recollections, but if you honestly don't know the answer to a question or do not remember, it's best not to guess. But if you don't know or can't remember, please inform us who, to the best of your knowledge, might be able to provide a more complete answer to the question.

Mr. Kennedy, do you understand that you are required to answer questions from Congress truthfully?

Mr. Kennedy. Yes.

Ms. Jackson. Do you understand that this also applies to questions that are posed by congressional staff in an interview?

Mr. Kennedy. Yes.

Ms. Jackson. Do you understand that witnesses who knowingly provide false material testimony could be subject to criminal prosecution for perjury or making false statements?

Mr. Kennedy. Yes.

Ms. Jackson. Is there any reason that you are unable to provide truthful answers to today's questions?

Mr. Kennedy. No.

Ms. Jackson. Okay. And, again, that's the end of my preamble. Again, I thank you or behalf of Chairman Gowdy and the committee, for being here today and answering our questions. And I will ask the minority staff if they have anything they would like to add at this time.

Ms. Sawyer. We just welcome you. Thank you for agreeing to appear and answer our questions today. We understand you're here voluntarily and we appreciate that.

To the best of your recollection, in the time since the Benghazi attacks, how many times have you briefed or testified before Congress about Benghazi?

Mr. Kennedy. I believe it has been somewhere between 20 and 24 times that I have either testified or provided Member or staff briefings or participated in Member or staff briefings with others from the State Department or other agencies.

Ms. Sawyer. One the prior times you testified was in a setting that was not publicly available for the House Permanent Select

Committee on Intelligence. This committee has the benefit of that transcript as well. I think it was November 15th, 2015. And the committee majority has allowed other witnesses prior to appearing the opportunity to review prior testimony. Were you given that opportunity with regard to your HPSCI testimony that we have?

Mr. Kennedy. No, I was not.

Ms. Sawyer. I'm sorry, November 15th, 2012.

Okay. Then we appreciate you being here to answer our questions, and we'll just look forward to hearing your testimony.

Mr. Kennedy. Thank you.

Ms. Jackson. In follow-up to that, Mr. Kennedy, did you request an opportunity to review your HPSCI testimony?

Mr. Kennedy. I was not aware it was available.

Ms. Jackson. Okay.

Chairman Gowdy. Well, hang on a second. I want the record to be perfectly clear.

Would you like to review your testimony? Did you ask and somebody not allow you not to do so.

Mr. Kennedy. No, Mr. Chairman.

Chairman Gowdy. All right. Well, I appreciate the candor with which you answered the question, which is much more clear than the question was posed. No one prevented you from reviewing that transcript. Is that correct?

Mr. Kennedy. No, sir.

Chairman Gowdy. If you would like to review the transcript, I

will make it available to you immediately.

Mr. Kennedy. Mr. Chairman, I do not believe, since I do not know what questions that would be asked for which I might need to recall my testimony, sir. I very much appreciate your offer and thank you. At the moment, I know of no reason I would need it, but I also can't say that I might not need it depending on a question that was answered, Mr. Chairman.

Chairman Gowdy. We are going to have this arrangement, because your lawyer, Mr. Snyder, has always played face up poker with us and I am going to play face up poker with y'all. If you need to see something, nobody is trying to trick anybody today. If you want to see something, if you want to take a break, if you want to take a long break and read something, you can read whatever we have.

Mr. Kennedy. Thank you very much, Mr. Chairman. From talking to my colleagues, I fully appreciate that.

Chairman Gowdy. Yes.

EXAMINATION

BY MS. JACKSON:

Q Mr. Kennedy, the Benghazi ARB made the following finding, and I'm going to quote a couple of sentences from page 6 of that report. And it said, "Communication, cooperation and coordination among Washington, Tripoli, and Benghazi functioned collegially at the working level, but were constrained by a lack of transparency, responsiveness, and leadership at the senior level. Among various Department bureaus and personnel in the field, there appeared to be

very real confusion over who ultimately was responsible and empowered to make decisions based on both policy and security considerations."

Do you recall that finding of the Benghazi ARB?

A I do.

Q Do you agree with it?

A From the results of their investigation and what happened in Benghazi, I cannot disagree with it.

Q Okay. So you agree that there was a lack of transparency, responsiveness, and leadership at senior levels?

A That is -- that is the finding of the Accountability Review Board and I do not disagree with it.

Q Okay. And do you also agree that the lack of leadership resulted in, as they said, very real confusion over who ultimately was responsible and empowered to make decisions based on both policy and security considerations?

A That was their finding and I do not disagree with it.

Q Do you feel that there were failures at the senior level?

A Obviously, there was a tragedy in Benghazi, and this is a situation in which there was a constantly changing series of activities on the ground, the threats were changing, conditions were changing. And, obviously, in a situation such as that there can be slip-ups, yes.

Q And there were slip-ups?

A There were, the Accountability Review so found.

Q And you agreed with that?

A I'm not going to disagree with the findings of the

Accountability Review Board.

Q Now, you are the Under Secretary for Management at the State Department. Is that correct?

A Yes.

Q A position that you have held since 2007?

A Yes.

Q And you have then direct responsibility for budget and planning?

A Yes.

Q So that's how the money of the State Department's spent?

A I set for budget and planning, we set allotments, we set targets that are then passed out to the various bureaus and operating elements of the Department. But I do not control how that money is spent after it is allotted to a particular operating office.

Q Unless of course you supervise that operating office. Is that correct?

A No.

Q No, that's not correct?

A That's not correct.

Q You have no say over how they spend their money once it's been allotted to them?

A I delegate authority to my operating units -- Overseas Building Operations, Finance, Security, Consular Affairs, and others. They are given an operating allotment. They then execute the policies of the Secretary of State and the State Department in conjunction with

the regional bureaus or the functional bureaus.

Q Secretary Kennedy, I heard you say that you delegated authority to these operational bureaus. So that's your authority that you've given to someone else?

A It's the Secretary's of State authority that's given to me and then I give it to the assistant secretaries or the directors of the operating elements.

Q And so since it flows through you, you can take that authority back.

A That is correct, I can.

Q And with respect to Benghazi, did you ever take that authority back?

A Not to the best of my recollection, no.

Q You never exercised authority that is typically delegated to someone else?

A I don't believe so. I don't recall doing so.

Q You didn't approve the number of people that could go in and out of Libya in 2011 and 2012?

A That is not -- that is not a budget function, which was the track you're on. So I'm responding to your particular question.

Q Okay. So for budget purposes with respect to Benghazi and Libya, you never took the authority back. Is that correct?

A To the best of my recollection, no.

Q In other aspects with regard to Benghazi and Libya in 2011 and 2012, did you retrieve any authority that is typically delegated

to someone else?

A That is -- that's a very, very complex and broad question, and I don't recall a specific element of doing that. But that is a very, very broad question. It's very difficult for me to answer given the wide range of responsibilities I have and the wide range of activities that were -- that are engaged in by any U.S. diplomatic or consular entity abroad.

Q You also said in one of your answers that the Secretary of State sets the policy and then the various offices and bureaus execute that policy. Is that correct?

A Correct.

Q If policies change in the middle of a fiscal year, how do you as the under secretary of management make sure that that shift is felt down the road for those offices and bureaus that you control?

A The policy shift is communicated to the operating elements. The operating elements within the management fear are -- sphere -- are working in coordination with either regional bureaus or functional bureaus of the Department. They then -- we have a midyear budget review. We also have other budget reviews are necessary.

And so if a policy shift causes there to be programmatic changes that exceed the planning for the year, that would be raised up first to the budget office of the Department by the particular operating bureau or regional or functional bureau. The budget office then would do that as part of the midyear review.

Those requirements are then assembled. They are discussed

between myself and the budget director of the Department, and I would then discuss this with the deputy secretary. And depending, again, on the amount or the conditions, a congressional notification of reprogramming would be submitted to our committees of jurisdiction in order to reallocate or realign fundings in order to be able to respond to the new priority.

Q So there is a process in place to shift resources if needed midstream?

A That is correct.

Q And how is there also a process to shift resources when you have an emerging situation at your fingertips?

A It would be the same process.

Q You just speed it up and do it faster?

A You just speed it up and do it faster, depending upon the amounts of money and the authorities that are inherent in some of the separate legislative provisions.

Q So if you have a pot of money to do X, and you have said we are going to do X in this country, but then you find out you need to do X in another country, can you use that same pot of money?

A Yes, you can.

Q Without going through the process?

A Not necessarily. It depends upon the volume of money. There are rules laid down by our committees of jurisdiction on when congressional notification and reprogramming lines are tripped.

Q So one of the offices then that you head as the under

secretary of management of budget and planning. Do you also head up human resources?

A There is -- the director of human resources of the State Department reports to me, yes.

Q Is that both domestic and overseas personnel?

A Yes.

Q You seemed to hesitate on your answer. Is there more to that?

A The Bureau of Human Resources, equivalent to a system in the military, is in charge of the equivalent of recruiting, training, retaining. But it is the operating elements of the Department that receive the personnel from the central personnel system, and they then dispose in terms of operating.

Q But the HR department, it oversees sort of the movement, the placement, the filling of positions both domestically and overseas?

A Filling of permanent positions, not filling of TDY positions.

Q And how are TDY positions filled?

A They are filled by either the operating element, the management element, or by the regional or functional bureau.

Q So they have to take from within?

A If there are no new and additional resources available, yes.

Q Can they ask to borrow from other bureaus or offices?

A Yes, they can.

Q And has that happened in the past?

A Yes.

Q Does it happen often?

A I wouldn't say it happens often. It happens in specific cases in response to specific circumstances.

Q You also head the Diplomatic Security?

A The Bureau of Diplomatic Security is also one of the bureaus that reports to me.

Q And they are in charge of the protection of all overseas facilities and personnel?

A All overseas facilities under a chief of mission, yes.

Q They also do the personal protective detail?

A For those individuals under a chief of mission.

Q And is another office or bureau that is under your secretariat the Overseas Buildings Operation?

A Yes.

Q And what is their function?

A Their function is to construct and maintain permanent facilities abroad.

Q Construct and maintain?

A Construct and maintain.

Q Are they -- does OBO, as I understand it is referred to, are they charged with ensuring that buildings meet physical security standards?

A They do that in combination with the Bureau of Diplomatic Security. It is a joint effort.

Ms. Betz. Just to be clear, OBO has the funding authority?

Mr. Kennedy. OBO has the funding authority for person -- for our permanent facilities.

Ms. Betz. So who has the funding authority for temporary facilities?

Mr. Kennedy. It ranges between the regional bureau in which the facility is located or the Bureau of Diplomatic Security.

BY MS. JACKSON:

Q And that funding responsibility did not change after Benghazi?

A No, I don't believe it did.

Q So for funding purposes the Department still differentiates between permanent and temporary or interim facilities?

A Between -- it differentiates between permanent and temporary. "Interim" is a term that we use that is also -- would be in the same class as permanent.

Q Interim and permanent mean the same thing for funding purposes?

A For funding purposes, yes.

Q Do they mean something different for other purposes?

A I'm afraid I do not understand the question.

Q Okay. For example, for physical security standards, does interim and permanent mean something different? Are there different standards that apply to interim and permanent facilities?

A There are two classes of security standards. The first are

those under the Secure Embassy Construction Act.

Q Also known as SECCA?

A Also known as SECCA, S-E-C-A. Those are the standards to which permanent facilities are built, i.e., if we were to decide to build a new U.S. Government diplomatic or consular facilities in Shangri-La tomorrow they would be built to SECCA standards.

Q Does SECCA only apply to new construction or does SECCA also apply to newly acquired?

A SECCA would apply to newly constructed or also to a major rehabilitation if we bought an existing facility and were repurposing it.

Q Can you explain what you mean by that, because I'm not sure I follow?

A For example, we have a facility in a country, and I would prefer not to name that country in an open session because it would disclose its physical vulnerabilities. The facility we have is not security sufficient, it is not adequate for our needs. We have identified another facility that is significantly greater in terms of its security capabilities. We have bought that existing building and we are reconstructing it, repurposing it to create a new American Embassy. That is Overseas Buildings Operation funding under the Embassy Security, Construction, and Maintenance Act.

Q I just want to make sure that I understand, because what you have said is that you apply the SECCA standards to newly acquired buildings that you are repurposing.

A Right.

Q To me, that means you are doing some sort of renovation to them. Am I understanding that correctly or do you just mean you've acquired them and you're turning them into an embassy or a consulate or some other type of diplomatic facility?

A When we do the latter, we are usually doing the former at the same time. We don't usually find a facility. I mean, I do not believe it is possible in this world, even with the best looking to find a facility, that we say that we could move into that facility tomorrow and turn that into a diplomatic facility without making changes to it.

Q So in other words, every newly acquired existing structure that is to be a permanent diplomatic facility must meet the SECCA standards?

A Or have exceptions or waivers granted.

Q Going back to the offices and bureaus that you supervise, we have talked about Budget, Human Resources, Diplomatic Security and Overseas Building Operations. You also head up the Administration Division. Is that correct?

A The Bureau of Administration also reports to me, yes.

Q What does the Bureau of Administration do?

A They are responsible for logistics, domestic facilities, which are not under the Overseas Buildings, things such as overseas schools, commissary and recreation activities within the State Department, transportation, shipping, the full range of logistics

supply, and also records.

Q So the Bureau of Administration is in charge of reports management?

A Yes, it is.

Q And you supervise that Bureau?

A Yes, I do.

Q And do you also supervise what is known and the Information Management Resources?

A Yes. I supervise the Bureau of Information Management Resources.

Q And what does that Bureau do?

A That is the Office of the Chief Information Officer, and they are responsible for our telecommunications and computer systems.

Q So electronic communications?

A Electronic communications.

Q So in other words it appears to me that you're the guy who controls the money, the people, the security' and the security of buildings. Would that be correct?

A I direct the performance of the offices that do all of those things and others, yes.

Q So I want to go back to the Benghazi ARB that said there was very real confusion over who ultimately was responsible and empowered to make decisions based on both policy and security. From the security aspect, how could there have been confusion when you're the guy who's coordinating all of those activities?

A Because I am the under secretary, as you have so noted. There are lots and lots of discussions that take place. Some are raised to my level for arbitration and review. Some are not raised to my level. Some are to take place at a lower level. There could be decisions that should have been made, could have been made, but if they are not raised to my level, I do not run the day-to-day operations of every element of the State Department.

Q But you're to ensure that the people who are in place know when to raise issues to your level?

A I make very, very clear, I have twice-weekly meetings with every single one of my senior -- my direct reports. One is one-on-one meetings, other is meetings with -- that take place once a week. I bring all my senior management together for our meeting. In fact, one would be starting now.

Mr. Snyder. Congressman Pompeo.

Mr. Kennedy. Good morning, sir.

BY MS. JACKSON:

Q And did you have the same type of meetings in 2011 and 2012, these at least twice-weekly meetings with the operational heads of the various offices and bureaus that you direct?

A Yes.

Q And in 2011 and 2012, how often were you engaged in matters that involved Libya and Benghazi?

A It entirely depended on the event. Obviously, when we were engaged in the opening, the decision to open a post, the decision to

evacuate a post, when there was a crisis, those things were immediately brought to my attention. But for routine operations, those were carried out by -- essentially by the Near East Bureau, which is the owner, in State Department parlance, of the entity, the diplomatic entity that was in Libya, which is a bureau -- which is a responsibility of the Bureau of Near Eastern Affairs.

Q Did NEA own the security for the Benghazi post?

A NEA owns the facility, in State Department parlance of owned. That is in their region of responsibility. But these contributions are made by numerous other bureaus who are in a supporting role to the Bureau of Near Eastern Affairs because the Bureau of Near Eastern Affairs has that post within its geographic jurisdiction.

Q Did NEA have the authority to task diplomatic security to do anything, to supply agents for protection? Did NEA have the authority to task OBO to provide resources to improve the security of the Benghazi facility?

A NEA had the authority and did request those resources, and similar, from the various management elements. And if there were issues, then it was their ability. And to their knowledge they had the right to raise that first to the assistant secretary or director of that operating bureau if the situation was not being resolved to their satisfaction, or to raise the issue to me if they thought that the intra-bureau coordination was inadequate.

BY MS. BETZ:

Q Just a point of clarification, just to go back you had

mentioned that NEA would be the owner of sorts at Libya, correct?

A "Owner" is, you know, is State Department parlance. There are, as you may be aware, six geographic bureaus --

Q Right, right, yes.

A -- and then the Bureau of International Organization. And each embassy, consulate, mission within a geographic region falls under the purview of the assistant secretary for the geographic region or for the Bureau of International Organization Affairs.

Q But for purposes of Libya it was NEA. And here's what I'm trying to reconcile, sort of your statement they were the owners of sorts, and then reconciling with the findings of the ARB. And, you know, if you look at the personnel issues that the ARB found issues with, three of the four were from DS versus NEA. So how do you reconcile ownership of Libya, Benghazi, with the ARB finding?

A I don't find it incongruent there.

Q You don't?

A I don't.

Q Okay. Why not?

A Because they -- the ARB said that four individuals who ranged across both the geographic bureau and Diplomatic Security, they found fault with their performance.

BY MS. JACKSON:

Q And the NEA Bureau at the time was headed by an assistant secretary. Is that correct?

A An assistant secretary for part of the time and acting

assistant secretary after the assistant secretary, I believe in 2011, retired at some point and the acting assistant secretary then took over.

Q And the assistant secretary was Jeffrey Feltman. Is that correct?

A The assistant secretary was Jeffrey Feltman, yes.

Q And then the acting assistant secretary was Beth Jones?

A Elizabeth Jones, yes, Beth Jones.

Q And about the summer of 2012 is when that transition occurred?

A I would have to refresh my recollection exactly when the change took place, but I think it was in the summer of 2012 to the best of my knowledge.

Q Obviously, before the attacks of September 11th of 2012?

A Yes, yes.

Q And was it in your opinion clearly understood that the assistant secretary for the regional bureau had the responsibility to ensure the security of the overseas missions that they had under their bureau?

A The responsibility is a joint responsibility.

Q Was it understood in 2011 and 2012 that it was a joint responsibility, in your opinion?

A I believe it was.

Q And how is that communicated to the assistant secretaries for the regional bureaus?

A It is just State Department practice that the regional

bureau is lead on activities involving their posts and they have at their disposal a range of supporting bureaus to assist them, whether it be on the policy side, the Bureau of Political-Military Affairs, the Bureau of Oceans, Environmental, and Scientific Affairs, or on the management side.

Q And what did you do as the under secretary for management to ensure that those regional assistant secretaries knew that that was their responsibility?

A I met from time to time with the regional assistant secretaries on any number of issues and just always made it clear to them, as I made it clear to every ambassador, chief of mission who came to see me that if any issue arose that they thought they were not getting the support they needed from any office within my jurisdiction, I invited them, I told them contact me, call me, email me, classified or unclassified.

Q You said you met from time to time with the assistant secretaries for the regional bureaus. How often would that be?

A It was a periodic.

Q Two or three times a year?

A It depended upon the bureau. But I see the assistant secretary for the regional bureaus, the six-plus-one, I see them at least a couple times a week at senior staff meetings, and I always take their calls or answer their emails or other queries, and therefore there was a constant available dialogue and available access to me on any issue that was of concern to them.

Q One thing that you said just a little while ago was that the heads of the operational bureaus that you supervised, that you met with once or twice a week, would bring you emerging issues or critical issues, but they would not bring you routine issues. Did I understand your answer correctly?

A That is correct.

Q What was routine about Libya in 2011 and 2012?

A It was an operating temporary mission facility. They were doing reporting, they were consulting with the embassy in Tripoli. Those kind of routine actions are within the orbit of the embassy and its constituent posts.

Q How many temporary missions did you have, like you had in Benghazi, in 2011 and 2012?

A I believe that there were probably two.

Q Benghazi being one?

A Benghazi being one.

Q Where was the other one?

A In Goma, G-o-m-a, Sudan.

Q So a temporary mission was not typical?

A Numerically it was not typical, absolutely.

Q And in the Sudan had the embassy closed there when you had a temporary mission there?

A We had had trouble, many troubles over the years, and our operations in Sudan had been open, had been closed, the staff had been drawn down over the course of probably two decades.

Q Was there an ongoing civil war in Sudan --

A Yes.

Q -- at the time?

A And eventually Sudan split into two countries, the Republic of Sudan and the Republic of South Sudan.

Q Let's go back to February of 2011 when we suspended operations from Embassy Tripoli. Do you recall that event?

A Yes.

Q That was a decision that you made?

A It was a decision that the Secretary of State made.

Q Okay. Or does the President make it?

A The Secretary makes it in consultation with the White House.

Q So closing an embassy is not a decision that is made by the President?

A We did not close the embassy, we suspended operations.

Q And that's a distinction in State Department culture?

A Closing implies that we are ceasing diplomatic relations and breaking diplomatic relations. Suspending operations means that our ability to operate, have our people remain on scene conducting diplomatic and consular business is no longer possible, and so we are withdrawing our personnel and suspending operations at the site.

Q So that's what happened in late February 2011, is that we suspended operations in Tripoli and evacuated our personnel?

A Yes.

Q And assisted in the evacuation of American citizens?

A Absolutely. That is one of our prime responsibilities.

Q And at the same time there were discussions about sending an envoy or special representative into Libya to deal with the rebel leaders?

A That came up a little bit later, to the best of my recollection.

Q How much later?

A I don't recall.

Q Within 30 days?

A I think -- well, I believe Chris Stevens went in at least 2 months late. I don't recall honestly the specific dates of that.

Q Who made the decision to send in a special envoy, was it the Secretary, was it the President?

A Those kind of decisions are made on the basis of discussions between the Secretary of State and the White House.

Q How did you learn that Chris Stevens was going to Benghazi?

A I was informed by the Secretary.

Q And do you recall under what circumstances? Were you in a senior staff meeting? Were you told individually?

A I don't recall when I was informed.

Q And what was your role that you needed to fulfill in sending Chris Stevens into Benghazi?

A My role was a -- it was a logistics security platform role to ensure that he would be able to go into Benghazi with the personnel and the equipment he would need to carry out his mission, and obviously

the funding that underpins all of that.

Q So you were responsible for ensuring he had the money, a way to get into Libya, and security once he got there.

A I launched a working group, in effect, composed of the Near East Bureau and Diplomatic Security, assisted by communications, logistics, and transportation, to do all of that. But the program was carried out by the operating elements.

Q Okay. We have heard Chris Stevens referred to at that time as the special envoy, the special representative. Do you recall what his official title was?

A No, I don't.

Q Is there a distinction between an envoy and a representative?

A No.

Q Okay. We have been told that an envoy is appointed by the President and a representative is appointed by the Secretary of State. That does not ring true to you?

A I don't -- I don't recall ever seeing something in statute or in regulation that makes that distinction, no, I don't recall.

Q Was there official appointment papers of Chris Stevens to become the special representative?

A I don't -- in terms of a commission, that is not normally done for special envoys and representatives. There is no commission, unless they are being given the title of ambassador, which requires either Senate confirmation or it requires a Presidential action that

enables the President to temporarily afford the personal rank of ambassador to an individual for a period not to exceed 6 months. Neither of those circumstances applied in that case.

Q Do you know what role, if any, the National Security Council played in planning Chris Stevens' mission into Benghazi?

A I know -- I do not recall any role the National Security Council staff played in the operational planning. The policy planning is something outside of my jurisdiction.

Q And were you involved or at least aware of the policy planning for his mission?

A No.

Q You didn't need to know that from an operational standpoint, to know where he was going to go in country to see what kind of security he might need?

A I needed to know the destination.

Q When Chris Stevens went into Benghazi, did he have any type of diplomatic protections, such as privileges and immunities? Was he notified to the Libyan Government in any way?

A No.

Q He was not?

A He was not.

Q So he had no protections under the Vienna Convention?

A I would have to consult with my lawyers on that, not -- Mr. Snyder. Not these lawyers.

Ms. Jackson. You mean, I don't want to say real State Department

lawyers, but no.

Mr. Snyder. No offense taken.

Mr. Kennedy. I regard these three as quite real.

I am not a lawyer and there is an entire division of the State Department in the Office of the Legal Adviser called the Office of Diplomatic Law which deals with the important niceties of diplomatic. And I cannot answer your question because it is beyond my jurisdiction.

Ms. Jackson. We may reserve the right to ask you to supplement your answer after that consultation after this interview.

But you do know that Chris Stevens was not notified to the host government?

Mr. Kennedy. That is correct. To the best of my knowledge, he was not notified to the host government.

Ms. Jackson. What's the consequences of being notified to the host government? What does that give you?

Mr. Snyder. If you know.

Sorry, I don't want him speaking beyond what he knows.

BY MS. JACKSON:

Q What's your understanding of why that's important?

A Obviously, there are two conventions, the Vienna Convention of Diplomatic Relations and the Vienna Convention on Consular Relations, that come into play, and there are a series of rules and procedures within both conventions. But I'm afraid your question, again, is so broad that I am unable -- I want to be able to answer, but the question is so broad that I don't know how to answer

it.

Q Okay. Well, let me ask you this. Did you have any meetings with Chris Stevens before he left for Paris and from there went on into Benghazi?

A I believe I had two meetings with Chris before he went to Benghazi.

Q Okay. And those would have been in March of -- either late February or early March 2011?

A I believe so. Yes, obviously -- obviously.

Q For frame of reference, I believe he was in Paris with the Secretary around March 15th, 16th?

A Yes, yes.

Q Would it have been before the Paris meeting?

A I met with him once before he accepted the appointment to go to Benghazi and I believe I met with him once thereafter. I do not remember, other than that one-two sequence, I don't remember the dates.

Q And what was the purpose of the meeting before he accepted the appointment?

A To ask him would he consider accepting such an appointment.

Q Okay. So you were the one that extended the appointment offer from the Secretary?

A No. I asked him would he be willing to consider such an offer.

Q Okay. So were there other people who were being asked that same question?

A He was the leading candidate, and we always go to the first candidate on a list.

Q Okay. So when he said, yes, I would do it, then you stopped, you didn't ask anyone else?

A We did not ask anyone else, and then he subsequently met with the Secretary of State.

Q Was that the sum total of your meeting or were there other things discussed in that initial meeting?

A That was the sum total of that meeting.

Q What about the second meeting?

A As I said earlier, I believe there was a second meeting, but the only recollection I have of the follow -- the only recollection I have specifically of other meetings was there was a later meeting after he had been nominated and I believe just as he was about to be confirmed to be ambassador to Libya at a later period of time.

Q Oh, so that's the second meeting?

A No, no. I believe there was a short -- I believe I recall a short, brief meeting, but I don't remember the details of it.

Q And you said, after he said that he would accept the appointment as a special representative, that he then met with the Secretary?

A There was a followon meeting that he had with the Secretary of State.

Q And were you present for that meeting?

A No, I was not.

Q Was that one on one with the Secretary, to your knowledge?

A I have no knowledge.

Q Were there security planning meetings that occurred before Chris Stevens left to meet up with the Secretary in Paris?

A I know that the Near East Bureau and the Bureau of Diplomatic Security engaged in planning for his entry into Benghazi.

Q And were you kept briefed on those steps?

A Only in a general sense, because I do not engage in operational planning. I leave that to the professionals.

Q Do you recall that the initial plan for Chris Stevens to enter into Benghazi was to be with the assistance of the military?

A I have a general recollection that there was a wide range of options discussed, that all of that was being handled by the Near East Bureau and the Bureau of Diplomatic Security.

Q And you didn't play a role in that?

A I tasked -- I tasked it out to Diplomatic Security to make -- to put together a package. And that was my responsibility, was to make sure that we were providing the management support to the Near East Bureau to carry out this mission.

Q Was it your responsibility to brief the deputy secretaries and the Secretary regarding the planning that was going on?

A No.

Q Did you?

A No.

Q You did not?

A That would have been a level of detail that I didn't think was necessary.

Q Okay. Do you recall who made the decision that the military would not go in with Chris Stevens into Benghazi?

A I don't recall, no.

Q You don't recall that it was Admiral Mullen?

A I don't recall, no.

Q What position did Admiral Mullen have at the time?

A I believe he probably was Chairman of the Joint Chiefs of Staff.

Q Okay. And you didn't recall that he made the determination that having the military go in with Chris Stevens would violate the "no boots on ground" policy?

A I don't remember Admiral Mullen at all in that period of time on that issue, no.

Q Do you recall that the military did not go in with Chris Stevens?

A I believe that he went in with Diplomatic Security Service, yes.

Q And only Diplomatic Security Service?

A That, I believe, is to the best of my recollection.

Q The military went in when Tripoli was reopened in September of 2011.

A Correct.

Q Did you have to get a waiver of the "no boots on ground

policy" for that?

A We executed an executive secretary to executive secretary memorandum to the Department of Defense requesting a FAST, F-A-S-T, Fleet Antiterrorism Support Team, and they -- and the Department of Defense responded by providing the team.

Q Did someone have to ask the White House for an exception to the "no boots on ground" policy?

A I can only report on what the State Department did, which was follow our normal protocol for asking for Department of Defense support.

Q And are you the person who usually talks with the military about military assets?

A In emergencies or special circumstances I have had such conversations, but normally that is a planning that is done either by the Bureau of Political-Military Affairs or the Bureau of Diplomatic Security, depending on the circumstances.

Q Libya was pretty unusual in 2011 and 2012. Did you have conversations with the military regarding Libya in 2011 and 2012?

A There were -- I believe there was one exchange that I had with the military in 2012 and I cannot -- I believe there were the nights -- the night of the attack, I believe I did speak at some point to the Department -- to representatives from the Department of Defense, but I don't remember exactly who, as we were just checking on the status of the forces that they were flowing into Tripoli and the provision of the medical evacuation aircraft to take our person -- our wounded

personnel to a military facility in Germany.

Q We'll come back to the night of the attack. The other occasion in 2012 where you would have had contact with the military regarding their assets, can you tell us what that was?

A There was a discussion with the Joint Chiefs of Staff about whether or not the SST, the security support team, had or had not fulfilled the mission which we had originally requested it.

Q And you had those conversations with the military?

A I did.

Q Was it by phone, email? What was the nature or what was the type of communication?

A There was both phone and at least one -- one round of email.

Q And what was the substance of the discussion? Did you want the SST to stay? Did they want -- were they offering to stay?

A It was -- the only thing was an inquiry -- would you be asking for a third extension? -- I believe it was.

Q And what was your response?

A My response was I checked with my colleagues and I was advised that, A, the mission that we had requested the SST to perform had been achieved; secondly, that Diplomatic Security had both added additional personnel and trained up local national staff. So, in effect, the SST had worked itself out of a job.

Q Did you check with the Ambassador?

A That was done by be either NEA or Diplomatic Security. But I had no -- we never received any requests from Ambassador Stevens to

extend the SST for the third time.

Q You had not seen a cable from him in July of 2012 requesting, if not the SST, then additional resources?

Mr. Snyder. At that time, not subsequent to the attack, right?

Ms. Jackson. Right.

Mr. Kennedy. I do not remember seeing that, but I do know definitely that I never received an email, a telephone call or a telegram from Ambassador Stevens or anyone representing him requesting a third extension of the SST.

BY MS. BETZ:

Q Just taking a step back, were you a recipient of the staffing cables that were sent from Embassy Tripoli to D.C., Washington, D.C.?

A Not normally, no.

Q You were not on the distribution list?

A They may have been, but the State Department gets thousands of cables a day, and some of them are brought to my attention, depending upon the nature. An example would be brought up potentially by one of my subordinate units, it might be brought up by a regional functional bureau that has an interest in the subject matter.

Q But there is one under secretary that has oversight over security and that would be you?

A That is correct. But I am not engaged in operational security.

Q What was your understanding of the SST's mission?

A The SST's mission was fivefold. It consisted of two

individuals who did explosive ordnance disposal, two individuals who did airfield and helicopter landing zone surveys, there were two individuals who did communications, two individuals who did medical assistance, and eight individuals who were shooters.

Ms. Jackson. So by shooters you mean security?

Mr. Kennedy. Security, direct security.

Ms. Jackson. In your conversations that you had with the Joint Chiefs, had they communicated to you in any way that Ambassador Stevens was talking to General Ham and wanted the SST to continue, especially the security folks?

Mr. Kennedy. No.

Ms. Betz. You had mentioned that it was your understanding or you were told that DS had added personnel?

Mr. Kennedy. Yes.

Ms. Betz. Who told you that?

Mr. Kennedy. I don't remember the exact person. It was just part of a discussion, a general discussion that Diplomatic Security had deployed personnel and had also deployed one of our training teams, who are professional individuals whose responsibility and assignment is to train local national security personnel up to the standards that we require.

Ms. Betz. Well, here's what I'm trying to reconcile. So on July 9th, Embassy Tripoli is making a request for additional personnel, but yet you're telling me that they had been added?

Mr. Evers. Do you guys want to pull the cable out? That might

be helpful.

Ms. Betz. Yes.

Ms. Jackson. Well, that's fine, but the witness seems to be answering.

Mr. Kennedy. I'm answering general questions, I am not addressing anything specific cable. You're asking my general recollections, and I'm telling you what I recall to the best of my knowledge.

BY MS. JACKSON:

Q Okay. While we are retrieving the cable, let me ask this. Why was it that you were engaged in the conversations with the military about the SST and Libya as opposed to letting it go through the normal course?

A Because the -- one of the JCS seniors contacted me. I did not reach out to him. He reached out to me.

Q Was that unusual?

A I had gotten to know the individual over the course of multiple events. He was the ops, the ops individual for the Joint Chiefs, and so we had had several conversation. I think I met him once at an event.

But it was -- when I receive a call or receive an email from a three-star general, I tend to be responsive to that, after consulting with my subject matter experts to make sure that I am capable, so to speak, of responding appropriately with full knowledge to the request from the Joint Staff.

Q And who were you conversing with?

A Then Lieutenant General Neller, N-e-l-l-e-r, Robert Neller.

Q Was there any hesitation on the part of the military of extending the SST if they were needed?

A Our arrangement with the U.S. military is we borrow -- and we get wonderful support from DOD -- we borrow a people for a specific mission set. And the understanding is that when that mission set is complete, those personnel revert to DOD.

Q Okay. That's helpful, but that's not my question. Did Lieutenant General Neller communicate to you any hesitation on the part of the military to have -- to continue its military presence at Embassy Tripoli?

A To the best of my knowledge, his question was, are you going to be asking for another extension?

Q To which you responded simply no?

A I consulted, as I said earlier, with the subject matter experts in this field, and after consulting with them, I responded no, we would not be asking for another extension.

Ms. Betz. Ironically, the subject matter experts have deferred to you and your 30-year expertise in terms of advising and --

Mr. Kennedy. I am not -- I am not and have never been a diplomatic security professional. Briefly once, I believe for 6 months during a gap, I was the acting assistant secretary for diplomatic security by virtue of my appointment as the assistant secretary of state for

administration. But I am not a security professional. I do not make security judgments. I ask questions, I listen to the subject matter experts, but I am not -- I am not a security officer.

BY MS. JACKSON:

Q So you've had no specialized training in law enforcement?

A No.

Q You've had no specialized training in protective details?

A No.

Q You've no specialized training in the physical security requirements?

A I am not an engineer either.

[Kennedy Exhibit No. 1

Was marked for identification.]

Ms. Jackson. All right. We have marked as exhibit 1 a July 9th, 2012 cable. The cable number is 12 Tripoli 690. It bears document SCB0049439. It is a 3-page document. And we're going to -- we'll go off the record for a couple minutes to allow the witness to review this exhibit.

[Discussion off the record.]

Ms. Jackson. We have been joined by -- Krista, could you identify yourself for the record as joining the interview?

Ms. Boyd. Krista Boyd. I'm with the minority staff.

BY MS. JACKSON:

Q Ambassador Kennedy, exhibit 1, the July 9th, 2012, cable, do you recall seeing this before?

A I do not believe that I saw it on July 10th or so when it was sent to the Department. I believe I may have seen it at a later date, but I don't recall ever seeing this cable when it was transmitted to us.

Q And I would assume that that would mean, correct me if I'm wrong, that you never saw this before the attacks in Benghazi on September 11th, 2012?

A I do not recall. I do not recall having seen it, although I, you know, I obviously could have. But I do not recall, to the best of my knowledge.

Q I want to highlight some portions of this cable. On the first page, in paragraph 1, under the summary and action request, it reads, "Embassy Tripoli requests continued TDY security support for an additional 60-days, through mid-September 2012. Post assesses a minimum of 13 TDY U.S. personnel, either DS MSD, domestically assigned HT trained DS agents, DS SPS, or DOD/SST personnel or a combination of these personnel, are required to maintain current transportation security and incident response capability while we transition to a locally based security support structure." Do you see that in that first paragraph?

Was the SST set to leave in early September -- or August, I mean -- August or September?

A Just one note. We are talking here about security staff in Tripoli.

Q Yes.

A Not security staff in Benghazi. I want to make sure that I'm following the question.

Q Correct.

A We're talking about Tripoli security, not Benghazi security.

Q That is what this paragraph says, yes.

A My understanding was that there were rotating length of time for the details of the SST, and I believe there were discussions underway about whether or not there would have been an extension, and that is in line with the questions you asked me several minutes ago.

Q And they were -- the current SST was to expire in early August?

A The current SST was actually to morph in August.

Ms. Betz. Point of clarification, though. You specified that this paragraph is related to SST in Tripoli, but you are aware that SST were sent to Benghazi on four separate occasions, correct?

Mr. Kennedy. And on at least two of those four occasions they had nothing to do with their security mission, they were following their other AFRICOM mission, which is a type of train and assist.

Ms. Betz. But SST were sent to Benghazi.

Mr. Kennedy. It was part of their train and assist on two of the occasions, yes.

Ms. Jackson. So what you're telling us is that you were unaware of this cable from Ambassador Stevens requesting 13 security personnel of whatever combination the State Department could muster for them?

Mr. Kennedy. As I said, I do not recall seeing this cable in the timeframe on the cable.

Chairman Gowdy. If I understood you correctly, Ambassador, you said you had not had conversations with Ambassador Stevens, be it telephone or email?

Mr. Kennedy. That is also correct, yes, sir.

Chairman Gowdy. But would either of those have been the way that he was supposed to bring this to your attention or would it have been via this route?

Mr. Kennedy. He -- I told Ambassador Stevens, sir, as I tell every ambassador, if they make a request for one of my divisions and do not get a satisfactory, prompt, or whatever answer that concerns them to please elevate their concerns to me. So his staff would have communicated, as any ambassador staff would do, would communicate to the appropriate office within the State Department. And if the ambassador was dissatisfied with the response, they were invited to elevate their concerns to me.

Chairman Gowdy. Where would that invitation manifest itself? Where would we find your invitation if you did not like the answer you got to elevate it to you?

Mr. Kennedy. It is in the discussion, sir, that I have with every chief of mission, every ambassador, is they see me before they go out

to post. It is an oral presentation that I make to them as they come call on me. And I have -- I usually spend anywhere from a half an hour to an hour with chiefs of missions as they come through before taking up their assignment, and then many of them come back and see me again during their visits to Washington.

Chairman Gowdy. If they can approach you orally, why go through this, why not just call the first time?

Mr. Kennedy. Because I am setting myself out, Mr. Chairman, since I am not the operations person for any of my divisions. I'm saying if you have a request and you are not receiving the support that you believe you need, please escalate that request to me. In other words, I am not the operating person, I am at a level above the operating personnel, and so please contact me if you are in need of assistance that you feel that you are not getting.

Ms. Betz. Just to follow up, taking a step back, you were aware of the April 6 attack on this facility, correct? Going off the exhibit, just generally speaking, you were made aware of the April 6 attack on the facility.

Mr. Kennedy. I knew there were two attacks, as I recall, one called the fish bomb attack and one was called the IED attack, and I do not remember. The first one -- a fish bomb is the equivalent of throwing firecrackers into a lake, they use these things as part of fishing. It is a very small thing. It's more of a bang than a bomb. The second one was a small bomb.

Ms. Jackson. And both of those had occurred prior to this July

9th, 2012, cable?

Mr. Kennedy. In Benghazi.

Ms. Jackson. Yes.

Mr. Kennedy. This cable is asking for security in Tripoli, which is and entirely different --

Ms. Betz. It's actually asking for both, for both Tripoli and for Benghazi. And we'll get to the paragraph on Benghazi, but we are going through the --

Mr. Kennedy. With all due respect, I see one reference in paragraph 5, in the last sentence, to Benghazi about one agent. I don't see any reference in this message to the SST or any of the other elements talked about in this cable for Benghazi except the one sentence at the end of paragraph 5.

[10:25 a.m.]

BY MS. JACKSON:

Q And in that sentence, it reads, in paragraph 5, "Post anticipates supporting operations in Benghazi with at least one permanently assigned RSO employee from Tripoli, however, would request continued TDY support to fill a minimum of 3 security positions in Benghazi."

So they wanted four total in Benghazi.

A No. That's not what it says.

Q One permanent and three continued TDY.

A I read it as one from Benghazi to ensure -- one from Tripoli to ensure that there are three in Benghazi.

BY MS. BETZ:

Q Well, let's take a step back there. How was Benghazi staffed?

A It was staffed by personnel from Washington or the field office.

Q Were they FTEs or TDYs?

A They were TDYs --

Q Right.

A -- because it was a temporary facility.

Q Correct. So this staffing request would have been consistent with the temporary nature of Benghazi.

A Staffing request --

Q For Benghazi.

A -- in the last sentence of paragraph 5.

Q So, to your point, though, Benghazi was staffed by TDY. They are making a request for TDY.

A They're making a --

Q In addition to permanent.

A No. They are making requests for TDY for Tripoli in this cable, except one almost parenthetical note at the end of paragraph 5.

BY MS. JACKSON:

Q Well, let me take a step back and ask this question. Was it Ambassador Stevens' responsibility to ask for resources for Benghazi?

A Yes.

Q Okay. But you're saying he's not asking for resources for Benghazi in this cable?

A He's asking for resources for Tripoli in this cable.

Q To be used in Benghazi.

A To be used in Tripoli.

Mr. Snyder. I think you guys are looking at different paragraphs.

BY MS. JACKSON:

Q I'm looking at paragraph 5, where it says, "Post anticipates supporting operations in Benghazi with at least one permanently assigned RSO employee from Tripoli."

A That is -- I stipulated that. And I think in response to

your previous question about paragraph 5, the last sentence talks about one person. It does not -- the 13, the continuation, potentially the SST, those are all related to Tripoli. One position is -- in addition to the three, is related to Benghazi.

Q As Ambassador, would Chris Stevens have had the authority to take security assets in Tripoli and move them to Benghazi if needed?

A If that is what he wanted, he would have had that authority.

Q Okay.

Let's look at paragraph 2. The first sentence says, "Conditions in Libya have not met prior benchmarks established by Post, the Department, and AFRICOM, for a complete drawdown of TDY security personnel. Overall security conditions continue to be unpredictable, with large numbers of armed groups and individuals not under control of the central government, and frequent clashes in Tripoli and other major populations centers," end quote.

I read this paragraph -- and I'm asking if you read it the same way -- to be talking about the overall security situation in Libya, not just Tripoli. Do you read it that way?

A I don't. Because if you read -- if you go back up in the cable to the references, it's about Tripoli ECA, Tripoli EAC, Tripoli EAC, Tripoli EAC. There is always as a separate EAC, Emergency Action Committee, for Benghazi. And so a cold read of this by a State Department officer would say we're talking about a request for Tripoli because of its multiple references to Tripoli EACs.

Q Well, but the reference --

Chairman Gowdy. How would you interpret the last line of paragraph 5 then if --

Mr. Kennedy. That they also want to make sure that we're aware that he wants to have three people in Benghazi. Absolutely certain.

Chairman Gowdy. Well, this is what I'm struggling with, Ambassador. "Would request continued TDY support to fill a minimum of three security positions in Benghazi."

Mr. Kennedy. That's correct, sir.

Chairman Gowdy. And you read that to be one?

Mr. Kennedy. No, sir. No. I read it for three. I read it for three. But that -- there was, in effect, a separate complement of TDYers coming out of Washington dedicated to Benghazi and another complement of trainers and TDYers going to Tripoli. Two posts, one temporary, one interim, with two separate complements, meaning --

Chairman Gowdy. But this cable never --

Mr. Kennedy. -- table of organization.

Chairman Gowdy. It never made it to you.

Mr. Kennedy. No. I mean, I've been asked to read this -- I do not recall reading this contemporaneously with the July 9th date. No, sir, I do not.

Chairman Gowdy. You mentioned that in your interview, for want of a better word, with folks that you send out, you make it clear to them that you are the dissent channel, that if they want to go straight to you, they can.

Did you also feel any corresponding obligation to reach out to

them, even unprompted, if you were aware of circumstances that might make it appropriate?

Mr. Kennedy. I have done that from time to time on occasion. I also know that my colleagues in the State Department, especially at the senior ranks, did not get there be being shy. And I'm not being clever, sir. I'm just saying that I work with a group of people who feel very, very free to tell me what they think they're not getting, whether it's money, personnel, facilities. This is not a shy crowd. They come to me when they want something.

Chairman Gowdy. I know you say it's not a shy crowd, but have you seen the email from Ambassador Stevens where he joked about asking another country to provide the security for us?

Mr. Kennedy. I don't recall seeing that email, sir.

Chairman Gowdy. Well, in fairness to you, we'll get you the email at some point so we can talk about it.

Mr. Kennedy. Yes, sir.

Chairman Gowdy. It just struck me as being an unusual thing for an ambassador to say, even in joking, that maybe we can get the security we need from another country.

Mr. Kennedy. I would have to see the cable, sir.

Chairman Gowdy. I'll get it for you.

Mr. Kennedy. Thank you, sir.

BY MS. JACKSON:

Q Along those same lines, did you instruct DS and the other bureaus that you managed to let you know when they were not fulfilling

the requests of overseas missions?

A No.

Q You stated that in the references it talked about Tripoli EACs, but that's not all the references that are in there. It talks about -- the references include the "interior minister discusses bilateral relationship and security concerns." It has a reference to "Libya's fragile security deteriorates." And the last one, "Mission Libya -- updated tripwires."

So those are countrywide, not just Tripoli.

A Several of them are.

Again, this is hindsight that you're asking me to -- hindsight. I do not believe I'm speculating. I am attempting to describe State Department parlance.

If he had been asking for security for the entire country, the first sentence in paragraph 1 would have read, "Mission Libya requests." When you say "Mission" and then a country, you're describing the totality of all U.S. Government operations in a country. So "Mission France" would describe our embassy in Paris and its subordinate post.

But when it says "Embassy Paris" or "Embassy Tripoli," most often in State Department parlance it is describing just the city post that is specified in it. This is how State Department material is written.

Q And Chris Stevens, as a brand-new ambassador who'd only been on the job 6 weeks, would have known that?

A Yes, because Chris Stevens had been previously a deputy

chief of mission. And as a deputy chief of mission, he would have been both schooled and experienced in how terms are used within the State Department.

Ms. Betz. Let me ask you this. Did Benghazi have the ability to issue staffing cables or requests for staffing on their own?

Mr. Kennedy. It had the ability to communicate with Tripoli. And there are a number of messages that I have seen in preparing for this where there are -- Tripoli sends this for Benghazi. So, yes, they had the ability to communicate via the relay in Tripoli with the Department.

Ms. Jackson. But requests for security staffing and other security requests in July of 2012 for Benghazi would have come through the Embassy in Tripoli.

Mr. Kennedy. And would have been denominated as Benghazi requests.

Ms. Jackson. I think that's all the questions we have on this exhibit. I notice it's 10:30. We have gone a little longer than our first allotted hour. So we're going to go off the record, stop the clock, and take a short break.

[Recess.]

Mr. Kenny. We'll go back on the record. The time is 10:53 by my reading.

Thank you again, Ambassador Kennedy. Welcome back to the Hill. On behalf of the ranking member and all of the Select Committee minority members, we want to thank you again for being here today.

I'll take a moment just to reintroduce myself. My name is Peter Kenny, counsel with the minority staff. I'm joined here by our chief counsel, Heather Sawyer, as well as other colleagues from the minority staff. And we appreciate, again, your willingness to come and appear voluntarily before us today.

At the outset of the last hour, I think you'd indicated that you had appeared around two dozen times before Congress. So we just wanted to identify for you that, in the interest and out of respect for your time, we're going to do the best that we can to streamline our questions based on some of the publicly available testimony that you previously provided about the attacks, although from time to time we may return to some topics that you previously testified about just to make sure that the record is as clear as possible.

EXAMINATION

BY MR. KENNY:

Q And I did want to note or at least provide you the opportunity, sir, if we could walk through a little bit of your background, and provide you the opportunity to discuss your service at the State Department.

A Certainly.

I joined the State Department 43 years ago, in January of 1973. I served in Africa for a tour as a regional administrative officer. It's sort of like the utility infielder, the spare tire, of what were then many, many small embassies in Africa.

Went back to Washington, became the personnel officer for the

Bureau of African Affairs, responsible for working with our central personnel office to assign personnel to Africa.

In 1977, I became the special assistant to the then-Under Secretary of State for Management and served in that position for 4 years. Then went to Paris, France, as the general services officer. That is State Department lingo for logistics, supply, transportation, facilities, leasing.

Came back to Washington and became the executive director of the Secretariat at the State Department, which is, in effect, the administrative officer, the management officer, to the Office of Secretary, and served George Shultz and James Baker as their management officer for 5 years.

Was sent by the State Department for a year of senior training. Then went to Cairo as the administrative officer, meaning the chief management officer, chief operating officer, at our embassy in Cairo.

And then in 1993 came back to Washington to become, with the concurrence of the United States Senate, the Assistant Secretary of State for Administration. Served in that position for 8 years.

Then became -- under President Bush, for 4 years I was one of the assistant representatives of the United States at the United Nations. And I handled host country affairs, internal management, and was also the U.S. representative to the Fifth Committee of the United Nations, which is the United Nations Budget Committee.

During that period of time, I was twice detailed, once for 6 1/2 months, once for 3 1/2 months, to the Department of Defense, the first

time as chief of staff for the Coalition of Provisional Authority in Iraq and the second time as the chief of staff of the transition unit as DOD was closing down the CPA, the Iraqis were regaining sovereignty, and the American embassy was being reopened.

At the end of that 4 years, I came back to Washington, and I was the Deputy Director of National Intelligence for Management with also the responsibility of setting up the newly statutorily created Directorate of National Intelligence. Served there for 2 years.

Came back to the State Department in 2007. Was briefly the Director of Management Policy at the State Department. And then became Under Secretary of State for Management for Secretary Rice and President Bush, obviously, in late 2007. And then have been in that position now ever since.

Q Okay. Thank you. Then, by my math, I have you in at over 40 years. Is that right?

A Forty-three years --

Q Okay.

A -- this month.

Q And just to walk through a few of those positions, you indicated that you were the Assistant Secretary, at some point, for Administration. Is --

A Yes.

Q -- that correct?

And then, following that, you were appointed to the U.S. --

A Mission to the United Nations.

Q The USUN office?

A Yes, USUN New York.

Q Okay. And were you appointed to that position?

A I was appointed by President Bush with the advice and consent of the Senate.

Q Okay.

A It's a Presidential --

Q That's an appointment position?

A Presidential appointment, Senate confirmation.

Q Okay.

And then, during that time, you were twice detailed, following which you served in a variety of positions, including setting up the DNI. Is that correct?

A Yes, sir.

Q And then in 2007 you were appointed as Under Secretary for Management. Is that correct?

A That is also a Presidential appointment with Senate confirmation.

Q Okay. And when were you confirmed?

A November of 2007.

BY MS. SAWYER:

Q So, just to be clear, the first Presidential appointment was the first President Bush, as in H.W.?

A No. The first Presidential appointment was President Clinton back in 1993 as Assistant Secretary for Administration. Under

the first President Bush, I was -- it was not a Presidential appointment. I was James Baker's executive director of the Secretariat.

Q And then the Under Secretary for Management was the second President Bush?

A Yes, second President Bush, in 2007.

Q So it's just fair to say that over your 43 years you have served under both Republican administrations and Democratic administrations.

A Yes.

Q And including in presidentially appointed positions.

A Yes. I've had the honor to be nominated by both Republican and Democratic Presidents.

BY MR. KENNY:

Q And for the majority of that time, you were in the management cone within the State Department?

A Except for the assignment in Iraq, which was for the Coalition Provisional Authority -- it was almost a management position -- I have been involved in management activities for my entire career.

Q Okay. Thank you.

And just to preview and set up a bit into the next section, but during the time that you served as Under Secretary of Management under both President Bush and later under President Obama, can you explain for us, just generally speaking, whether management for security

matters, security resources, shifted or changed in a dramatic fashion throughout the Department?

A We have been the beneficiaries of excellent support from our Appropriations Committee subcommittees of jurisdiction. However, all congressional committees, appropriation committees, have caps they must operate against.

And the State Department has devoted significant resources to security all the time; however, between the time that we received an influx of funds in 1999-2000 following the bombings of our facilities in Nairobi, Kenya, and Dar es Salaam, Tanzania, the amount of money we received essentially remained static between 1999-2000 for security construction abroad until 2012.

And during that time, the inflation, foreign exchange changes, et cetera, simply had whittled away the amount of money we had available for new security construction. So we were doing six, seven embassies, new embassy construction, a year in 2001 or so, and by 2012 we were down to about three per year because of simply the results of inflation and foreign exchange changes or swings against the U.S. dollar.

Q Thank you. That's helpful.

Was that some sort of multiyear authorization, then, that carried through the --

A No, it was -- there -- no. The State Department has not had an authorization bill in 10 years, I believe. So most of this period of time, we were operating on waivers of authorization. And it was in our appropriations bills, our overseas construction account,

and our worldwide security protective account, which is the funding for Diplomatic Security, are both X accounts, both no-year accounts, available without fiscal limitation, which is obviously very, very necessary when you're doing construction, because what you start in one year -- you buy the land, you do the design, then you do the construction. So the no-year account is very helpful.

Q Okay.

And the money that you referred to that came out of the 1998 East Africa bombings, you referred specifically to new embassy construction.

A New embassy construction, yes, sir.

Q So that would come from an account that's known as the Embassy Security, Construction, and Management Account?

A Yes.

Q ESCM?

A Maintenance. ESCM -- Embassy Security, Construction, and Maintenance.

Q Okay.

And there was money that was provided on an annual basis, but that money was not indexed to inflation up until what time?

A It was not -- it is still not indexed. But we received a doubling of the account in 2012-slash-2013, which then enabled us to get back, relatively speaking, to the buying power of the funding that we had received in 2000.

Q Okay. Thank you. That's helpful.

And when you say 2012, you're referring to post-attack, post-Benghazi attack?

A Post-Benghazi, yes.

Q Okay.

So we may return to that section in -- or discussion of funding in a little bit, but the original question that I had asked you pertained more to your role and how you viewed your role as Under Secretary for Management and whether that changed from administration to administration.

A No, the -- no. The responsibilities of the Under Secretary for Management relate to the supervising of a series of departments, offices -- bureaus, excuse me -- bureaus and offices within the Department who provide essentially a platform -- people, medical training, security, finance, budget, human resources, consular affairs -- that enable the Department to carry out its missions because there are physical and human resources available to do the job.

Q And, in the last round, you were explaining your responsibilities. Sounds like you have quite a waterfront of responsibilities within the Department. And you'd indicated with specific respect to Diplomatic Security and physical security, so responsibilities I think you described resided within the DS bureau or the OBO bureau. Is that correct?

A Yes.

Q And I thought you explained that you viewed your role as one level above what you consider to be an operational role. And I

was wondering if you could explain for us what you viewed the operational level to be with specific regard to physical security and personnel security.

A Sure. I think it is my job -- and I would describe it in three things.

One is to understand from the Secretary and my other senior colleagues the direction the Department is going to, so I can ensure that the platform moves, changes, in order to underpin whatever our national security policy is, as administered by the State Department.

Secondly, my job is to fight for the funding that we need and allocate the funding to those bureaus as it is given to us by the Congress unless it is specifically denominated.

And third is to empower them to carry out their operating requirements, to engage with the other regional bureaus, but always be available as the decider if there is a disagreement between two of my offices, they bring that to me to be resolved, or if there is a disagreement -- and I'm using that word almost in quotes -- between one of my units and one of the other bureaus within the Department, either, for example, the Political-Military Bureau or a regional bureau, such as the Bureau of European Affairs.

Q And how would you expect, if there were such disagreements -- and we'll focus first on within the M Bureau. If there were such disagreements there, how would you expect those to be elevated to your attention?

A I believe, as I may have said earlier, I have a one-on-one

weekly meeting with all my senior bureau chiefs, and they outline concerns or issues that they may have.

And then I make sure that, if necessary, I assemble people from the multiple offices in order to resolve that discussion between, say, Consular Affairs, which has a ever-expanding workload, and the Bureau of Overseas Buildings Operations and how they may or may not need to morph to increase the size of our consular facilities abroad.

But, secondly, also, if they would bring me, if there was a discussion, let's say, between the East Asian and Pacific Bureau and our budget director about necessary funding, then I would also assemble people from the East Asian Pacific Bureau and my budget director to go over why the East Asian Bureau feels that it was being shortchanged in a particular account.

And then I take step back and take a holistic approach about how does their need compare to the demands coming from every other bureau and office within the Department and then make sure that, to the best of my ability, I am pegging the result to the Secretary of State's overall policies for the Department.

Mr. Snyder. If I may, Secretary Kennedy, this is Congresswoman Roby who just --

Mrs. Roby. Nice to meet you.

Mr. Kennedy. Pleasure to meet you.

Mrs. Roby. Sorry I'm late.

BY MR. KENNY:

Q So is it fair to say, then, with respect to the sorts of

disputes or disagreements we were just discussing, that you relied on and expected your staff would elevate those directly to your attention?

A I expected either my staff to elevate them directly to my attention or, in effect, the other party to the discussion, a representative from an embassy or a regional bureau or a functional bureau, to elevate them to me.

It was not only internal, internal to my jurisdiction, but internal and external, i.e., another office within the Department, or potentially even another U.S. Government agency, because we do support other U.S. Government agencies at our facilities overseas. So I'm often discussing issues about the management platform overseas with a counterpart at the Department of Commerce or the Department of Homeland Security.

Q Okay. So did you consider yourself to have an open-door policy with respect to these sorts of disputes or disagreements?

A I tell senior people who come to see me that I have great people working for me but there are many, many issues, and so if there's any issue that you think you are not getting the kind of support that you need, please email me or call me, classified or unclassified.

Q Okay.

And I think you had explained in the last round that you had made clear or would make clear to ambassadors and also at the assistant-secretary level within the regional bureau that they could raise matters to your attention if they needed to be escalated. Is that right?

A Absolutely. And I repeat that to ambassadors, and I talk to the regional and functional assistant secretaries all the time. I see many of them. There are three major meetings a week that are convened by the Secretary or one of the deputy secretaries, and we assemble together. And there are many, many corridor conversations that take place on the margins of those activities, as well as more formal.

Q And did you also make that clear to your own staff, to include assistant secretaries under the M family?

A Absolutely. They are to bring issues to me if they feel that they cannot resolve them satisfactorily to the convenience of all concerned.

Q Okay. And that would include, for instance, the Assistant Secretary for Diplomatic Security?

A That is correct, yes.

Q Okay. Just as a general matter, had an Assistant Secretary for Diplomatic Security raised a matter to your attention when it was in dispute within the Department?

A I cannot remember right off the top of my head, thinking quickly, an example. But, yes, that was communicated to the Assistant Secretary for Diplomatic Security, who, if I might note, during this period of time, this was the second time he had been serving as Assistant Secretary for Diplomatic Security. He had also served as Assistant Secretary for Diplomatic Security in the 1990s. And he had also been the director of security for the intelligence community for 2 years.

So it was a very experienced professional.

Q And the name of that individual?

A Eric Boswell.

Q So, again, in trying to unpack your role as a supervisor, one level, as you described it, removed from the operational level, did you view the Assistant Secretary for Diplomatic Security to be at that operational level, as you described it?

A I think, in fact, the Assistant Secretary for Diplomatic Security would be slightly above the operational level. It was his job to coordinate all the elements within Diplomatic Security -- physical, technical, personnel -- just as the director of the Office of Overseas Buildings, an assistant-secretary equivalent in the protocol sense, was responsible to make sure that all the elements -- design, engineering, electrical, whatever -- were coordinated.

So they were coordinators of the issues within their area of responsibility, and then they would bring things together. They would resolve them if it was within their bureau, and they would bring things to me if they went outside their area of responsibility and they could not resolve them satisfactorily with the other party.

Q Okay.

And, again, you had mentioned earlier that you viewed yourself as one level removed, but it sounds like it might be more accurate to say that you were perhaps two levels removed from matters pertaining to Diplomatic Security. Is that accurate?

A I think so, yes.

Ms. Sawyer. And, presumably, your Assistant Secretary Boswell, in the same way you've described to us, in terms of now that you've kind of clarified that they also were removed from, kind of, operational details, would also be relying on their staff to elevate to them issues that on levels below them had not been resolved satisfactorily.

Mr. Kennedy. Yes. Yes, ma'am.

BY MR. KENNY:

Q So, returning to our general discussion of matters being elevated to your attention, what did you view your role to be in those instances when matters would come to your attention?

A If and when a matter was raised with me, I would essentially talk to all the involved parties, make sure that I understood the issue at hand, the limitations that they might be facing, make sure that I understood the other party's needs or concern, and then try within the limits of law, regulation, and finance to figure out a solution that achieved the correct outcome in light of the Secretary of State's overall policy direction for the State Department.

Q Okay.

I'd like to move the discussion to matters now specific to the Benghazi facility, the temporary mission facility in Benghazi.

There was a cable that was entered as an exhibit earlier, and there was some extended discussion about that. But just before we walk through some of the specifics of that cable, you had indicated that that cable, in your view, didn't relate to a request for Benghazi

security resources. Is that correct?

A That is correct. My reading of it, it was, with exception of one reference, and I believe it was paragraph 5, was a request for security resources for the U.S. Embassy in Tripoli.

Q So, taking a step back from that cable, and this is just a more general question, but did you receive or were matters raised to your attention relating to security disputes about the -- or disputes about security affecting the temporary mission?

A No. As I believe I stated before, I do not ever remember reading and seeing this particular cable that was cited, 12 Tripoli 690. I don't remember reading it contemporaneously. And no one from either the Diplomatic Security or the Bureau of Near Eastern Affairs raised security issues with me directly, no.

Q So the way I understand your response, you're referring specific to your awareness of this cable.

A Right.

Q I think that's helpful. But my question was a little bit more general. Were any disputes or disagreements about security staffing at the temporary mission facility raised or elevated to your attention?

A No. Nothing -- no general concerns were raised with me about security staffing.

Q At any time in 2012?

A At any time in 2012, to the best of my recollection.

Q And further to that point, did you discourage anyone from

raising any complaints or disputes about security at the temporary mission facility to you?

A No. Absolutely not. Absolutely not. I have always encouraged an open door. Anyone from any office that was under my jurisdiction or any other office was welcome and invited to raise concerns to me, because that's what I saw myself as, as a coordinator and administrator.

Q So the chairman, in the last round, had made reference to -- I think he described you as a form of a dissent channel. But, as I understand it, within the Department, that term actually has a rather specific meaning. Are you familiar with the dissent channel cables?

A Yes. The dissent channel is a formalized process used 99.9 percent of the time to challenge policy determinations.

But I took the chairman's comment as a symbol of, if there was disagreement between two parties at a lower level than myself, that if they were brought to me, would I arbitrate it if it involved my responsibilities. And the answer is yes.

Q No, and that is helpful. We were just hoping to understand the various channels by which --

A Sorry.

Q And if I understood the chairman correctly, I think he was asking whether an ambassador would feel free to call you, email you, or whether a cable might be the more appropriate way in which to convey a response to the Department.

A Any of those are possible. I invited the ambassadors to call me. I invited the ambassadors to email me. And there is a method in a telegram, which is the State Department's record electronic system; it is called -- it's usually called to/from. And in a specific place when you're preparing the cable at a post, you'd say to or for the Under Secretary for Political Affairs, the Under Secretary for Management, from. Or it sometimes goes the other way, from the Ambassador for the Under Secretary. There's a specific place you can put that on the telegram. And the electronic intelligence that we have that distributes the cables, if it sees the "to" or "from," it then makes sure that the cable is routed directly to my office.

Q And just so I understand a little bit better, and taking a step back to what we were just discussing, the dissent channel specifically, I think you had referenced that those would be specific challenges to policy determinations. So that sounds like it may be a little bit different than security policy, for instance, at posts. Is that fair?

A As I say, 99 percent of them relate to substantive policy. But there are other means, as we just talked about, in a telegram to get to use the to/from.

Q Okay. And so the to/from in a telegram would be a way of directing or ensuring that, for instance, information that was designated for your attention would be received by you.

A Yes, sir.

Q And if it was directed to you, it would go to your staff

and they would know to raise it to your attention? Is that how the process would work?

A It goes both to my staff and electronically to my own computer screen.

Q Okay. And do you recall during the period of 2012 receiving any "to" cable directed to you that related to security resources in Benghazi?

A To the best of my knowledge, I never remember receiving any such cable.

Q So, returning to the organization of the M family, the M Bureau, there's a Bureau of Diplomatic Security, a Bureau of Overseas Building Operations, OBO.

Can you explain the supervisory structure within the Bureau of Diplomatic Security?

A Certainly. There is an Assistant Secretary for Diplomatic Security, and, at the time this was taking place, I believe that there were four deputy assistant secretaries, which is the next level down. There was the Principal Deputy Assistant Secretary. There was the Deputy Assistant Secretary for International Programs. There was a Deputy Assistant Secretary for Countermeasures, which handled all the technical and engineering side of Diplomatic Security. And there was a Deputy Assistant Secretary who handled the Office of Foreign Missions, which was a co-responsibility.

The Assistant Secretary for Diplomatic Security actually carried at that point in time two Presidential titles, Assistant Secretary for

Diplomatic Security and Director of the Office of Foreign Missions, which is a statutory position. And so there was a Deputy Assistant Secretary who assisted the Diplomatic Security with that additional portfolio.

Q Okay. And was it the Assistant Secretary, the PDAS, who would also be dual-hatted as the Director of the Diplomatic Security Service?

A The Principal Deputy Assistant Secretary, P-D-A-S, PDAS, in State Department parlance, was the Director of the Diplomatic Security Service. That is a position that is called for in statute, but it is not either a Presidential appointment or a Presidential appointment with Senate confirmation. It is an appointment by the Secretary of State.

Q And what are the responsibilities of the DSS Director?

A The DSS Director is essentially responsible for the personnel and the investigative and the law enforcement activities of the Bureau of Diplomatic Security, the Diplomatic Security Service, as opposed to the overseas operational part or the technical, physical, engineering security, which would be, respectively, the Deputy Assistant Secretary for International Programs and the Deputy Assistant Secretary for Countermeasures.

Q Okay. Just so I understand clearly, the DAS for International Programs is the official who had responsibility for overseas protection? Is --

A Yes, sir.

Q -- that correct?

A Yes, sir.

Q Okay. So that would include the position of RSO, regional security officers, who would be deployed to post?

A Yes.

Q Okay. And, of course, understanding that that process has changed a little bit since the attacks, as we understand it, at the time, or during 2012, that official had responsibility for how many posts around the world?

A Would have been responsible for all 285 posts around the world.

Q Okay. And then that position, the DAS for International Programs, what would be that official's supervisory structure?

A That person would work for the Principal Deputy Assistant Secretary and, through the Principal Deputy Assistant Secretary, for the Assistant Secretary.

Q Okay.

So, in discussing or continuing our discussion about what you viewed to be supervisory versus operational roles, where would the operational role for Diplomatic Security personnel deployed overseas reside in that structure we just described?

A Well, the individuals at post were actually the tip of the spear. They were on the front end of the operational activities. And then there would be a regional division within the Bureau of Diplomatic Security. There would be a division within International Programs

that would focus on Europe and a division that would focus on East Asia, et cetera, et cetera. And then that unit would then work for the Deputy Assistant Secretary for International Programs.

Q And when you say individuals at post would be the tip of the spear, which individuals are --

A The regional security officers.

Q Okay. And, so I understand, they would work with the regional director under the DAS for International Programs?

A Yes, sir.

Q Who would then report to the DAS for International Programs?

A The regional director would report to the DAS for International Programs, yes.

Q Okay.

BY MS. SAWYER:

Q And just to be clear, at the time of 2012, who was the DAS for International Programs?

A Charlene Lamb, L-a-m-b.

Q And then in the structure you've described as supervisory to Charlene Lamb, who was filling the role of PDAS of TSS?

A Scott Bultrowicz.

Q And then that person, in turn, continuing up the chain, would have gone to the Assistant Secretary for DS, who you've identified as Eric Boswell?

A Yes, ma'am.

Q And then that person --

A Reports to me.

Q -- in a supervisory chain would report to you?

A Yes, ma'am.

BY MR. KENNY:

Q The DAS for International Programs had responsibility for worldwide posts. How many U.S. Government employees, if you can approximate, fell under their protective umbrella?

A Somewhere around 90,000. That would be American and local employees, all U.S. Government civilian agencies abroad under the chief of mission, obviously excluding military personnel under a combatant commander.

Q Would it have been typical -- you had indicated that you would make clear to chiefs of mission before they deployed to posts, ambassadors specifically, that they could raise for your attention any issues that they felt they weren't getting sufficient support.

Would that also apply for the individuals who you just described as the tip of the spear, so to speak, the RSOs? Would that have been a direct connection that would have been made within the M Bureau?

A No. I mean, personnel assigned at a post are all under the chief of mission and report to the Ambassador. But, given their functions, they also have, in effect, dotted lines. You know, if we have a building under construction, the chief Office of Overseas Buildings operations engineer at a post, he's under the Ambassador's authority because they're at the Ambassador's post, but they have a dotted line to the Office of Overseas Buildings.

The regional security officer would report to the Ambassador and, obviously, with the deputy chief of mission in there, but also would have a dotted line to headquarters and get certain kinds of guidance and assistance from the Bureau of Diplomatic Security or the Office of Overseas Building, depending what the issue and the individual was.

Q So, sorry to belabor the point, Ambassador, but, again, to just walk through as we understand what you've explained to us today, which is very helpful, the supervisory reporting structure within DS, there would be underneath you an Assistant Secretary for Diplomatic Security, correct?

A Yes, sir.

Q And underneath the Assistant Secretary for Diplomatic Security, there would be a Principal Deputy Assistant Secretary for Diplomatic Security. Is that correct?

A Yes, sir.

Q And underneath that individual, there would be a Deputy Assistant Secretary for International Programs, who had responsibility for all worldwide posts. Is that correct?

A Yes, sir.

Q And underneath that individual, there would be desk officers who would be assigned to a regional director.

A Yes, sir.

Q Is that correct?

A Yes, sir.

Q And underneath those people would be the regional security

officers, who were, in fact, the Diplomatic Security agents deployed to post.

A Yes, sir.

But just one clarification at that bottom level. The actual supervisor of the regional security officer is the deputy chief of mission and the Ambassador, because all State Department employees assigned abroad report through an internal chain that is at the Ambassador. But they receive guidance, assistance, and support from headquarters elements, such as Diplomatic Security, Overseas Buildings, the budget office, the finance office, the medical office. But personnel work up their chain in some ways, but they are also, in effect, the employees --

Q Right.

A -- of the chief of mission.

Q No, I think that's a helpful distinction. But for the purposes of their DS reporting structure, that would flow through --

A Yes, sir.

Q -- the Bureau of Diplomatic Security.

A Yes, sir.

Q Okay. And if a regional security officer had a concern or a question about security resources that they had available or access to at post, would that traditionally flow up the DS chain of command? It could flow up the DS chain of command.

A It could flow up the DS chain of command. But it could also flow up in parallel if the regional security officer would inform

Diplomatic Security in Washington but also would inform the deputy chief of mission and Ambassador, who would then push that to the regional bureau and potentially up the regional bureau chain.

So you would have an issue of major import potentially coming back through two separate chains -- the regional bureau where the post is located and through the, in your example, sir, the Diplomatic Security channel.

[11:34 a.m.]

BY MR. KENNY:

Q And it's also the case it's not even that clean, correct, on the side of the Ambassador? They can go up to the Regional Bureau, but you also indicated earlier they could reach out to you?

A Yes, the Ambassador was always free, and many of them did.

Q So is it fair to say there were multiple ways of communicating then issues, concerns, questions, about security resources that might be available at the post?

A Absolutely.

BY MS. SAWYER:

Q Just as a general matter, that structure, so just taking, just a hypothetical request, whether it be a small request or a major request, presumably starts at post. It can go through the deputy chief of mission, up through that bureau. It could come also through DS. As I understand it, the structure is to try to have individuals who are authorized to resolve it at whatever level to go ahead and exercise that authority and resolve it. Is that a fair statement?

A Absolutely. It is the policy of the State Department to try to have any issue resolved at the lowest level because as you go up, the pyramid gets narrower, there are fewer people, and you want major issues to have the bandwidth at the top, that the smaller issues, if they can be resolved, do not escalate them. Resolve them. Resolve them.

Q As you go up, you not only have fewer people. You have a

broader swath of responsibility?

A Yes, ma'am.

Q What about expertise as you go up the chain in terms of hands-on expertise to deal with an issue?

A I think the hands-on expertise rises as you go up, as you go up the channel, until you reach a certain point. For example, within, since diplomatic security in overseas buildings have been two of the examples we have been talking about, as you come up through those channels, the people who are the desk personnel or the regional directors in Diplomatic Security would be former regional security officers with, in many cases, more experience than the RSOs in the field, obviously with certain exceptions, such as a place like Paris, which is so huge, that would be a more senior person there. But the level of expertise, and also the ability to confer laterally among peers exists at the Washington level.

Q So if the request was resolved at the post level, you wouldn't expect it, then, to be raised necessarily to the Regional Bureau level?

A No.

Q And if it were resolved at the Regional Bureau level, you wouldn't anticipate that it would then be elevated to the DAS or international program level?

A That is correct.

Q And if the reality or the perceived reality was that it had been resolved at the DAS or international program level, you wouldn't

expect it then to have been elevated to the PDAS or DSS level?

A That is correct.

Q And if it's resolved there, onward up?

A Yes.

Q But at every stage, it sounds like there are both fairly formalized ways to elevate things, as well as, from your perspective, informal ways that it could be elevated?

A Yes.

Q And it certainly doesn't require an official cable? That isn't the only way that a concern, if it hasn't been resolved at the appropriate level, can be raised?

A Absolutely correct. The invention or the deployment of both classified and unclassified email systems, and also the fact that as we have purchased huge bandwidth to support our operations, we are now able to, we have, in effect, a private telephone network as well. By private, I mean, you're going over lines we already own, and so the ability to communicate between posts and between posts and Washington reversed is much more capable, robust, and utilized than it was years ago.

Q And so when you were talking with my colleagues about the July 9, 2012 cable, which is exhibit 1, you had indicated that you did not see that cable request contemporaneous with when it was sent around July 9 or July 10 to Washington?

A Yes. To the best of my ability, I do not remember seeing this cable contemporaneously.

Q So this would just be one example of a communication about a request that was not brought to your particular attention?

A Correct.

Q So then just using the system that we talked about, would the assumption be that it was being dealt with at one of the levels below where it would have been elevated to you?

A Yes. Yes, ma'am.

Q And do you know, just with regard to this particular cable that we have been talking about, I assume you didn't necessarily know at the time, but have you come to learn where this particular cable, where the discussion on this particular cable ended?

A My recollection from information I've learned subsequent in preparing for hearings and conferences prior to this was that it was resolved within the lower levels of Diplomatic Security, at no higher than the Deputy Assistant Secretary for International Programs, but that is a recollection.

Q And when you say resolved, whether or not any particular individual were to say it was resolved satisfactorily, is it at least fair to say that it was not elevated further than the, you said the PDAS or DSS level?

A All I know for certain is that it was not elevated to me, and that's all I can absolutely, positively ascertain.

BY MR. KENNY:

Q So I think we have spent a fair amount of time discussing ways the information can come to your attention. Personnel can flag

or elevate or escalate, to use your language, decisions or information that may need your attention. I was wondering if, more generally, it was a customary practice for you to reach down through the chain of command, to reach out to lower-level employees throughout the M family in order to gather information, communicate about policies or decisions that might be ongoing?

A I try to follow the chain of command because I think that is only fair to my subordinates. However, I will say that if I have an informational question, not about a case or controversy, but if I need a piece of information, I have been well-known to reach out and call someone at the action level just to say I've gotten a question.

I mean, it happens very often, for example, in the Bureau of Consular Affairs, I have a question from another agency or one of my colleagues about this element of consular law, so who can I address this to, rather than calling the Assistant Secretary and wasting his or her time to push it down.

So in terms of just random fact gathering that I need, I call down. But, as I believe we discussed earlier in this session today when there was a question about conversations, a query that had come to me from the Joint Chiefs of Staff, when that question came to me because it impacted important issues and a wide range of equities, I sent that email from the General down to the Diplomatic Security service and asked for their opinions and their knowledge and their analysis of the question that was posed.

Q And I think you'd explained this in the previous round, but

that was a request for information that originated outside of the Department. Is that correct?

A Well, yes.

Q And it came directly to you?

A It came directly to me.

Q And in order to gather information responsive to that request, in this case, a decision as to whether to extend SST for the third time, you reached out to the Bureau of Diplomatic Security?

A Yes, and sent the message that I'd received from the Joint Chiefs of Staff too, to the Diplomatic Security people to ask them, in effect, what is your professional opinion of the right answer to this query?

Q And in that instance, what was their response?

A Their response, essentially, was that the SST had worked itself out of a job, that eight of the functions that were being performed had been completed. And also they noted, to the best of my recollection, that of the other eight people, only two of those people were leaving country. Of the eight security people, as opposed to communications, airlift, medical and explosive ordnance, of the eight security people, six were remaining behind at the post in any case as part of a now Title 10 train and assist, but would be on the ground there and would be the same caliber as before.

Q So would you refer to the information you received as, was it information that was being provided to you? Was it a recommendation not to extend the SST? How would you characterize?

A I would characterize it as recommendation that the SST had worked itself out of a job, and there was no longer a need to ask DOD for the continued detail of those personnel.

Q And that was a recommendation made by the security personnel, professionals within the Bureau of Diplomatic Security?

A Yes, sir.

Q And you had no reason to question that judgment?

A I had no reason to question that judgment.

Q You were asked, in the last round, whether in light of this cable, which you'd already indicated you weren't aware of contemporaneously, but whether in the discussion about the SST you had a conversation with Ambassador Stevens. And I would just like to ask, would it have been your expectation in reaching out to the Bureau of Diplomatic Security to ask for information or a recommendation on the SST, that they would be in touch with the regional security officer at post?

A That would have been my anticipation of standard State Department practice. It would also have been my anticipation that if there was discussion, disagreement, at the post, that I would have received something in parallel, either from the Ambassador or from the Regional Bureau.

Q And on that point, so to understand a little bit better how these disputes would be elevated, if the dispute was between the regional security officer and personnel at DS headquarters, how would you become aware of a dispute in that instance?

A I could have become aware of it, should one have existed, either through Diplomatic Security informing me, or I could have received a note from the Ambassador, or I could have received a note, and I'm using note, telephone call, email, telegram, from the regional Assistant Secretary. It could have come to me in any one of three different ways.

Q Of course, and just focusing on the one channel through the DS chain of command, would you have expected DS supervisors, if there was a dispute between post and DS headquarters, to have also relayed or communicated that dispute to you? Was that at their discretion?

A It was at their discretion. They might have decided to inform me because, in effect, a heads up that I might be receiving something through one of the other two channels, and so they might have informed me.

Q And with specific respect to the decision not to extend the SST for the third time, did that occur?

A I received no such communication.

BY MS. SAWYER:

Q So is it fair to say that when you got the answer that you received when you made the inquiry, you believed that represented agreement among all of the stakeholders, that it was not necessary to put the request in to extend the SST?

A Yes, ma'am.

[Kennedy Exhibit No. 2

Was marked for identification.]

BY MR. KENNY:

Q At this point, we have a few minutes remaining. This shouldn't take long. We're going to enter into the record, this will be exhibit No. 2. I'll give you moment to review that. For the record, I'm going to read some identifying information about it. Exhibit No. 2 is a portion of a transcript from a hearing of the Committee on Oversight and Government Reform dated May 8, 2013.

A Yes, sir.

Q So I'm going to read into the record a portion of the exchange from this transcript. The exchange is between RSO [REDACTED], the regional security officer that was in Tripoli, and Congressman Woodall. It reads, quote:

"Mr. Woodall: Mr. [REDACTED], my questions are following up on my colleague from Wyoming. Thinking back to early July 2012, do you recall your back and forth with Charlene Lamb?

"Mr. [REDACTED] Vividly.

"Mr. Woodall: What do you think of that decision-making process? Were those decisions that Ms. Lamb was making, or were those decisions being kicked up to a higher level?

"Mr. [REDACTED] It was unclear. I think largely DAS Lamb. The one thing that struck me throughout the entire time that I was in Libya was the strange decision-making process. Specifically again, the Under Secretary for Management in many ways was dealing directly with DAS Lamb. As her supervisor two level's ahead, obviously he has that ability to do that. He's well within his right, but it was strange

that there was that direct relationship, and I never really saw interaction from Assistant Secretary of DS, Eric Boswell, or our Director, Scott Boltravix. It was even more clear in October when we were all sitting up here. There was two levels, if you will, that were not reflected, and it was quite a jump between DAS Lamb and Under Secretary Kennedy. So certainly, I felt that anything DAS Lamb was deciding certainly had been run by Under Secretary Kennedy." Close quote.

In this paragraph, the response that I just read, Mr. [REDACTED] seems to be saying that decisions within Diplomatic Security were largely made by DAS Lamb, but then he ends his comment by indicating that anything she decided was also run by you, and I'd like to ask if you have a response to that statement?

A I had known and worked with Charlene Lamb for a number of years. We had worked together on the transition from the U.S. military departure from Iraq, and so I was well acquainted with her and well acquainted with her capabilities, and she is obviously one of the people that I would ask for information. And obviously she did, the decision that we are talking about, about the, at least about the SST, was run by me because I'm the one who initiated by sending it down to Eric Boswell, Scott Boltravix, and Charlene Lamb, if I remember the address pattern correctly. But as to the general comment by Mr. [REDACTED] that I was making technical, daily, operational decisions on issues in Tripoli, I do not believe that I was doing so.

Q Do you have any reason to think why RSO [REDACTED] was under

that impression?

A That would be entirely speculation, and I don't even know what I would speculate, sir.

Q In the instance you just described where you did reach down to DAS Lamb and contacted her perhaps directly to discuss whether to extend the SST or not, was there anything inappropriate about your decision to do so?

A If I might clarify, to the best of my recollection, I forwarded the email from the Joint Chiefs of Staff, I forwarded it to the three top people in DS: To the Assistant Secretary, to the PDAS, and to the Deputy Assistant Secretary for Information Programs. Because this was not an informational issue. This was a decisional issue, and so I sent it to all three, and I believe, to the best of my recollection, the email I received back from them may have been from Charlene Lamb. However, she copied on the email her two supervisors, which would be also in accord with sometimes you send something down and somebody sends something back up. But by copying the two people, they are essentially saying that there is no objection from the people on the cc line to the communication that you are receiving.

BY MS. SAWYER:

Q And that was the communication that --

A About the SST.

Q Right. And that as we had discussed earlier, you having the belief that that represented agreement --

A Yes.

Q -- all the way down the chain to include individuals at post and the chief of mission, which would have been Ambassador Stevens?

A Yes.

Q And that you didn't, otherwise, outside of that communication, either through informal, formal, any means available, hear from anyone, including the Ambassador, including the Deputy Chief of Mission, including the RSO at post, any communication to the contrary that would have let you understand, or believe that that there was not full agreement with the answer you had been given?

A I have no recollection of any communication of that nature at all, ma'am.

BY MR. KENNY:

Q Sorry, Ambassador. Just one more quick question to close out exhibit No. 2. There's a reference in here to a direct relationship, a direct interaction that you had with the DAS for international programs. I'd just like to ask whether you viewed that you had a direct relationship with the DAS for international programs on day-to-day security responsibilities at the temporary mission facility in Benghazi?

A No, I did not.

BY MS. SAWYER:

Q And this committee did have the opportunity to speak with DAS Lamb, and this is just my impression. I'm not quoting any portion. I just wanted to ask you a question of it. My impression from our day-long discussion with her was that she did believe that her

engagement and back and forth that you've described in this chain primarily occurred with her Regional Bureau representative and post. And from her perspective, I think she represented to us that she felt that there was a back and forth that was not unusual, and that issues had been resolved satisfactorily at that level. Were you ever informed otherwise?

A No, I was not.

Q So whether or not they were handled to everyone's satisfaction at DAS Lamb's level, to the best of your recollection, no one ever came to you and said things are not being resolved adequately at the principal Deputy Assistant Secretary level?

A I have no recollection of anyone ever raising that issue with me, no.

Q And that issue could have been raised either formally or informally, and it wasn't, to the best of your recollection?

A It could have been raised informally or formally by someone, by the Assistant Secretary of Diplomatic Security, the PDAS, or it could have been raised by a representative of the Regional Bureau, or by a representative from the post; and, in no case, did I recall anything of that nature.

Q I know that from our members' perspective, and I just want to foreshadow that I think what we really want to hear from you, a lot of the focus seems to have been in a backwards-looking way at trying to figure out what went wrong, and, at times, focused very heavily on who was responsible for what went wrong.

So I thank you and your efforts to help us understand kind of who might have been responsible or where there was a breakdown. But I think our members have made very clear they also want to make sure we're being forward looking and that our pledge to the families was to make sure we're doing what we can.

I think a lot of the questions go to this effort to understand, to the extent people were frustrated at the post level or frustrated at the Regional Bureau level, why didn't it end up being raised. So we do want to talk to you at our next opportunity from your perspective -- you have a vast amount of experience -- about what has been recommended to be changed, what has been changed, and whether there is more that Congress needs to be doing or that can be done to make sure, to the extent that a system that was set up to allow any disputes that might have existed, and those disputes didn't get elevated, have we taken care of that problem?

A I look forward to that discussion.

Mr. Kenny. Thank you. With that. We're out of time. We'll go off the record.

[Discussion off the record.]

BY MR. MISSAKIAN:

Q Ambassador Kennedy, again, I'm Craig Missakian. I'm one of the attorneys on the majority staff. I'm going to ask you a few questions. Let's go to the night of the attack, September 11, 2012. At any point that evening, did you understand that the U.S. military was contemplating sending in U.S. military to Libya?

A We had actually reached out to the U.S. military. We, the Department, reached out to the U.S. military to ask for assistance.

Q Who did that reaching out?

A I think it was done by the Secretary of State, and it was followed up on by, I believe, myself on at least one occasion to the best of my recollection, as well as Diplomatic Security.

Q Let's try to break those conversations down. So your best recollection is the Secretary, herself, spoke to somebody at the Department of Defense?

A To the best of my recollection, I believe the Secretary may well have spoken to the Secretary of Defense.

Q What is that recollection based on?

A Just in the hurried activities and the constant discussions starting that afternoon and going all the way through the night.

Q You weren't present for the call, I gather?

A No, I was not.

Q Do you have an understanding of what the Secretary of Defense and Secretary of State Clinton may have discussed in that call?

A No, I do not.

Q And as best you can recall, what was your understanding of the U.S. military response that was being contemplated?

A I, long ago, learned that it is best to, with our exceptional military colleagues, simply to say to them, I've got a problem, here's my problem, and leave it to them to analyze the problem and determine their own response to it.

Q Okay. Was that the sum total of your communications with the U.S. military that night? We have a problem, you guys take care of it?

A With the exception of specifically asking for an evacuation aircraft to come in to Tripoli later in the evening when it became clear that we had wounded and remains to evacuate. It was a specific request that I made for an aircraft to come in for that purpose.

Q Other than that, do you recall having any other conversations with anybody from the U.S. military that night?

A I have a vague recollection of a conversation with the joint staff about, you know, we're requesting assistance.

Q As you sit here today, your best recollection is you did not have any specific understanding of what the military response would have looked like the night of September 11?

A No. Because as I mentioned a moment ago, and if I might recall, I once had the mistake of saying to the chairman of the Joint Chiefs of Staff who I worked with in Iraq suggesting how he did something. And General Dempsey was very clear to give him the problem. Do not tell him what the solution is.

Q I think you testified earlier today that you spoke to somebody at the Department of Defense, and I wrote it down. This may not be an exact quote, but it will give you the gist of your testimony. You called, solely for the purpose of checking on the status of forces that were flowing into Tripoli. Does that refresh your memory at all in terms of your understanding of what the military effort was going

to look like that night?

A No. If I could?

Q Sir, please.

A This thing, as you remember, evolved from first Benghazi, then to the concerns about whether or not the situation might, you know, cross and move into Tripoli, and there might be an attack in Tripoli. At that point I think we did ask specifically for a FAST, Fleet Antiterrorism Support Team, from the U.S. Marine Corps, which are the kind of units we deal with regularly, and we knew that there was one in Moron, Spain.

Q That is solely intended for Tripoli. Correct?

A For Tripoli, yes.

Q Let's talk about Benghazi. Did you understand, at any point that night, that the U.S. military was going to send assets to Benghazi as opposed to Tripoli?

A This thing was playing out in real time. The request had been made for assistance, and it was DOD that was looking at the full range of their options, and so, I cannot address the DOD internal operating plans.

Q I'm not asking you to. I'm simply asking for your understanding that night. Did you have an understanding that the U.S. military was going to Benghazi in any shape or form?

A I think that was conceivably a possibility, but I'm hypothesizing now, and I do not like to do that. Remember, this was playing out over time, and we had lost one compound, and the second

compound then came under attack. And so how this was all playing out, it was playing all out in real time, and I don't remember sufficiently this minute versus that minute versus the next one. The request to DOD was we need your assistance because we are under attack.

Q Did you have an understanding of what the nature of the assistance would look like? For example, it could have been an armed or unarmed drone. It could have been a troop transport plane dropping actual bodies into Benghazi or Tripoli. Do you have an understanding of what the response was going to look like?

A No, because as I mentioned earlier, we asked DOD for assistance, and we leave it to DOD and their professionals to determine how that they are going to respond.

Q But these were your people in danger. You didn't have an interest in learning the details about what DOD was contemplating?

A These were our people. They were in danger. We certainly cared for them. However, I am not, and there may be retired U.S. military professionals at the State Department, but if I'm going to ask for military assets, I want DOD to determine what is the best way to get there and -- best and the fastest.

Q Sure.

A I think there's a Stonewall Jackson quote, "firstest with the mostest," so that's what we wanted. How they did it was entirely up to them because this is their mission and their professionalism.

Q That's fair, but you and other people at the State Department were speaking real time to the folks in Benghazi and Tripoli

about what was going on. Correct?

A Yes.

Q If the military was coming, don't you think it would have been important for you or somebody at the State Department to tell them what was coming and when?

A That's correct.

Q Did that happen?

A No, because they never got to Benghazi.

Q I realize that, but they didn't know that at the time, and presumably, you didn't know that at the time either, because you said this was happening in real time. The plans may have evolved during the evening?

A But if we didn't know it at the time, how could we tell them?

Q That's what I'm trying to understand. You didn't know at the time because you didn't ask or because DOD didn't tell you, or the plans hasn't gelled yet. What was it?

A My understanding to the best of my recollection was DOD was scrambling assets, and that is their mission.

Q But as you sit here today, you have no understanding of what those assets being scrambled consisted of?

A My understanding was that they were looking at their options, what was available, and what was close.

Q At any point that evening, did you express the concern that if troops went in, that they go in in civilian clothes?

A That was much, much later. That replies only to the request

for the FAST, F-A-S-T, team going into Tripoli later.

Q So you did express that concern?

A There was a concern expressed to the Libyan government for the reinforcement of the Tripoli Embassy, said that they would welcome the assistance, but they asked that the troops arrive in civilian clothes.

Q You expressed that concern that they arrive in civilian clothes on the night of September 11, correct?

A I'm not sure whether it was on the night of September 11 or into the morning hours of September 12. I can't recall with that degree of specificity.

Chairman Gowdy. Were you part of a SVTC at 7:30 on the evening of the 11th?

Mr. Kennedy. Yes, sir, I believe that there was a SVTC. I believe it was around 7:30, sir, yes.

Chairman Gowdy. If I understand the chronology, and this is just kind of in round numbers, but the attack is brought to the attention of our President, and he says do everything you can to help our people. He says that to the Secretary of Defense.

Mr. Kennedy. Yes, sir.

Chairman Gowdy. And the Secretary of Defense testimony to us is he said deployed whatever assets are necessary, active tenets. You need no further instruction. You need not come back to me. It doesn't need to be amplified or modified. Go. Deploy active tense. This would have been before 7 p.m. on the 11th. So what was the conversation

on the SVTC? What was left to determine, and what role did the State Department play in any of those determinations?

Mr. Kennedy. So I make sure I understand your question, Mr. Chairman, is the question what role did the State Department play in determining which U.S. military assets to deploy, the answer is none. We did not put constraints. We did not tell. We asked the military for assistance, and the military, the appropriate military planners and executors were working through getting people into the scene.

Chairman Gowdy. If there were, and there is, an email from Jeremy Bash, do you know who Jeremy Bash is?

Mr. Kennedy. I believe he was the executive assistant or chief of staff, may be the title, to the Secretary of Defense.

Chairman Gowdy. Have you seen his email where he uses the phrase "spinning up"? It's an email to State Department folks?

Mr. Kennedy. I cannot recall that specific email, Mr. Chairman.

Chairman Gowdy. I'll get you a copy of that. I'm not going to ask you about anything in it specifically other than there was a conversation about obtaining host nation approval. And I was trying to determine who is the host nation, and what are we seeking approval for?

Mr. Kennedy. Without seeing the cable, Mr. Chairman, it would be only speculation, but usually when you are injecting aircraft and/or troops into a host nation, you ask them for landing clearance for the aircraft. And as I responded to a question a few minutes ago, the Libyan government had given us permission to come ahead into Tripoli.

Chairman Gowdy. Do you know when that permission was given?

Mr. Kennedy. No, sir, it was given early. I would have to go back and research that.

Chairman Gowdy. Do you know who had the conversation with the Libyan government?

Mr. Kennedy. No. I do not know whether it was from the State Department or State Department via our Embassy in Tripoli.

Chairman Gowdy. It strikes some of us that that would have been also a good opportunity to say, by the way, our facilities are under attack. Can you help us until our assets can get there? Would that also not have been the proper time to raise that issue? If you got the Libyan Government on the phone, why not go ahead and discuss both of them?

Mr. Kennedy. To the best of my recollection, Chairman, that request had already been made earlier. It had been made earlier by our Embassy in Tripoli for assistance in Benghazi. So that was an earlier request. This later request that I believe we're discussing with your counsel is related to the deployment, deploying of troops into Tripoli. There was an earlier request for Libyan Government assistance, to the best of my recollection, for Benghazi.

Chairman Gowdy. What is your recollection of what was discussed on the SVTC?

Mr. Kennedy. The SVTC was mainly, to the best of my recollection, simply a conforming of information, a sharing of information. Make sure everybody had the same understanding and everyone was doing

whatever they could in their lane of responsibility to proceed.

BY MR. MISSAKIAN:

Q To ask a quick follow-up question on that SVTC, you're familiar with the infamous video that was responsible in whole or in part for the protests in Cairo?

A Yes, sir, I am.

Q Was that video discussed during the SVTC?

A I honestly do not recall whether it was discussed or not.

Q At any point during that night, did you receive information that the video played any role as a catalyst in what happened in Benghazi?

A From my perspective, what I was doing, I wasn't focusing on cause, I was focusing on effect. Our facility was under attack. We had people in danger, missing, under attack again. That was my entire focus. What do we do to work to get them assistance and then to get them evacuated to safety?

Q That's fair, but simply because that was your focus doesn't mean you couldn't have received information. So I gather that the answer to my question is no?

A My recollection is that I don't remember if it was discussed, and, therefore, I don't really remember any particulars of it being discussed.

Q At the SVTC?

A At the SVTC.

Q My question is a little broader than that. At any point

that night, did you receive information that connected the video to what had occurred in Benghazi?

A I don't remember that, but I will go one step farther. And that is, for those of us who had been at the State Department for some period of time, we have a vivid recollection of, I believe it was 1979, and the attack on our Embassy in Islamabad where our Embassy was attacked because of press reporting, erroneous press reporting, of an attack by the United States Government on Mecca.

So I think, at least, going through many of our minds, maybe even only subliminally -- and I'm violating my own rule of speculation for context -- is that we remember where a press report caused an attack. And so to have someone suggest that a press report may have caused an attack, it would be not out of the ordinary for people to think that that could be a cause.

Q Do you recall believing that that night, that you saw a press report and drew the conclusion that the video may have been a catalyst for the attacks?

A I cannot tell you with absolute certainty, but I think it probably did run through my mind, at least.

Q You don't recall that happening?

A I don't recall that happening. But as I said, the concept of a press report causing an attack is not something that would have been totally dismissed.

Q Well, that's certainly not what we're talking about here. We're not talking about a press report that caused an attack. At the

worst, we're talking about press reports that had reported the video caused the attack. Isn't that correct?

A I'm sorry. I don't understand.

Q You said it may have crossed your mind. Your mind may have gone back to 1979 when a press report, an erroneous press report led to an attack?

A Right.

Q That's not what occurred here.

A Playing a video and discussing a video, in my mind, is the same thing.

Q And I believe you testified that at some point the government of Libya gave the United States permission to fly into Tripoli?

A Yes.

Q To your knowledge, to your knowledge, did anyone from the State Department or the military or the U.S. Government, ask for permission to send military assets into Benghazi?

A By the time we requested assets into, for Tripoli, we had already withdrawn our personnel from Benghazi.

Q So there would have been no reason to?

A There would have been no reason to send people when we had already pulled our people out.

Q For example, when the Secretary spoke to the President of Libya that night at about, I think it was about 6:00, 6:30 local time, are you aware of that call?

A I know the Secretary was making telephone calls, yes.

Q Did you know that night that she had spoken to the President of Libya?

A I believe I may have known that then, but I know she was making many telephone calls.

Q Was there any discussion that when she actually got on the phone with the President of Libya, that she would make that request, to allow the United States to send military assets into Benghazi?

A I do not know the exact nature of her call. She was calling the Libyans to request their assistance with the attack.

Q I also believe you testified that the permission that was requested and the permission that was granted by the country of Libya was to allow a FAST team to go into Tripoli. Is that correct?

A That was a request.

Q A request. What were the other requests?

A General requests for assistance because we were under attack.

Q Okay. I just want to ask you about a request for permission to send in military assets. We've seen some evidence that the U.S. military was contemplating sending in --

[Discussion off the record.]

BY MR. MISSAKIAN:

Q Let me be more general. Aside from the FAST team, are you aware of any other specific assets that the United States asked to send into either Benghazi or into Tripoli?

A No. Because as I mentioned earlier, we asked the Department of Defense to mobilize resources, and which resources DOD decided to mobilize were not something the State Department was focusing on.

Q That's not what I'm asking. I'm asking about the permission to send whatever assets they may be into Libya, be it Benghazi or Tripoli. Is that something you expected the Department of Defense to do? And by that, I mean to get permission from the government of Libya?

A No. The Department of State would have handled that.

Q So are you aware of whether or not the Department of State asked for permission to send in any other assets other than the FAST team into Tripoli?

A I'm not aware of any other requests for assets of Tripoli, to the best of my knowledge.

Q And I believe you also said that you expressed, well, you relayed the Government of Libya's concern about troops showing up in uniforms?

A I said it was relayed. I don't remember personally relaying it.

Q It was relayed. How was it relayed from the Government of Libya to the State Department?

A I believe it came in, to the best of my recollection, through our Embassy in Tripoli.

Q How did you hear about it?

A In some discussion during the night.

Q When you say during the night, can you just put it in the context of during the attack at the State facility, during the attack at the CIA Annex?

A I do not recollect. I was there all night, and everything kind of glides together in terms of timing. The focus, as I said earlier, was on certain specifics, and this wasn't one of them.

Q Did the government of Libya, to your knowledge, express any other concerns about how U.S. troops should go into Libya, how they should appear, what they should do, anything like that?

A I don't recall anything of that nature.

Q Do you recall the government of Libya expressing concern about vehicles that could be used to transport military personnel?

A I don't recall.

Q How did you first learn about the attacks in Benghazi?

A I received a telephone call.

Q From who?

A I believe it was from someone in Diplomatic Security.

Q And how would you describe your involvement in the ongoing events that night?

A I stayed in my office, except for the SVTC the chairman referred to, monitoring my telephone, monitoring my emails, and making telephone calls or coordinating activities as were required.

Q Did you have a chance to observe Secretary Clinton that night and how engaged she was during these events?

A I went up several times to brief the Secretary on the latest information that I was receiving from Diplomatic Security, which was receiving it from the ground.

Chairman Gowdy. Can we get this exhibit marked if we're going to go into the SVTC. I want to go chronologically. I want to give the Ambassador a chance and give Mr. Snyder a chance and whatever other counsel wants to look at exhibit 3. Let me know when you've had a chance to look at it.

[Kennedy Exhibit No. 3

Was marked for identification.]

BY MR. MISSAKIAN:

Q For the record, we have just marked as exhibit 3 a one-page document. The document control number is C05562028. It consists of an email chain with two emails. The one at the top is from Jacob Sullivan to Jeremy Bash, and others dated September 11, 2012 at 7:21 p.m.

A I have read this one, and I also note that I am not on this email.

Chairman Gowdy. That was the first thing I was going to say, is in fairness to you, you're not on the email, but I still want to ask you about it, particularly the bottom part. State colleagues, colon -- and of course this is at 7:19 p.m., so it would have been before the SVTC.

Mr. Kennedy. Right.

Chairman Gowdy. And, again, just to provide the information to

you, there's been testimony, which can be believed or not believed, I suppose, that the President of the United States told the Secretary of Defense do everything you can to help our people. And the Secretary of Defense testified that he said deploy active tense. Don't plan to deploy. Don't prepare to deploy. Deploy. All of which took place before 7:19, just to give you a little bit of predicate. I just tried you on the phone, but you were all in with S. You've had a long distinguished career with the State Department. Do you have any idea what S may stand for.

Mr. Kennedy. The Secretary of State.

Chairman Gowdy. After consulting with General Dempsey, General Ham and the Joint Staff, we have identified the forces that could move to Benghazi. Some of your previous testimony had been Tripoli-specific, but you would agree with me this is a specific reference to Benghazi?

Mr. Kennedy. I agree, sir. If I might, I thought I was responding in time sequence to the question.

Chairman Gowdy. And you may very well have. I'm not suggesting that there was any contradiction. You said Tripoli, and I want us to talk about specifically deploying to Benghazi.

Mr. Kennedy. Yes, sir.

Chairman Gowdy. They are spinning up as we speak. In your long and vast career with the U.S. Government, do you know what "spinning up" means?

Mr. Kennedy. That means getting the order, telling the troops

to grab their kit, find an airplane, and start going, nonmilitary lingo.

Chairman Gowdy. Would that be kind of an active tense, or would that be more tantamount to prepare to do something?

Mr. Kennedy. It is an active tense. It's an active tense. In this context, spinning up is not the equivalent of the colloquial spinning around in circles. It is winding up the propellers, grabbing kit, drawing weapons and ammunition. It is active tense.

Chairman Gowdy. They include an SOF element that was in Croatia, which can fly out of Souda Bay, Marine FAST team out of Rota, Spain. Last paragraph, assuming principals agree to deploy these elements, in your vast and distinguished experience with the United States Government, what do you think principals, particularly since it's capitalized, might mean in that clause?

Mr. Kennedy. That would refer to cabinet level officials and the Chairman of the Joint Chiefs of Staff.

Chairman Gowdy. As you understand the chain of command, how many principals are there?

Mr. Kennedy. Principals, Mr. Chairman, is a term that refers to cabinet level officials, and how many principals there are in any given review would depend upon the issue at hand. So, for example, the Attorney General can be a principal in some cases, and the Attorney General could not be a principal in some cases, because it is specific to the issue at hand. So I can't say, Mr. Chairman, that there is a standard definition of who a principal is, meaning a cabinet level official, the Chairman of the Joint Chiefs of Staff, National Security

Advisor, but going farther than that, to a given issue, it then changes the complex.

Chairman Gowdy. All right. Assume arguendo, that our information is correct. The President has already said, Do everything you can to help our people to the Secretary of Defense, and the Secretary of Defense has said deploy active tense, what would these principals you referenced, what would they need to agree to at that point?

Mr. Kennedy. I can't -- I don't think I can speculate on this one.

Chairman Gowdy. Can you see how it might be vexing for some of us reading this if the Commander in Chief and the Secretary of Defense have already said to do X --

Mr. Kennedy. Right.

Chairman Gowdy -- who's left to weigh in on the analysis?

Mr. Kennedy. Mr. Chairman, the only thing I can comment on, because I can't speak to particulars of the thinking of Mr. Bash.

Chairman Gowdy. I know you can't.

Mr. Kennedy. Just from my experience, when the military has forces around the world, and they're in various stand-by statuses, so some are N-plus-2, N-plus-4, N-plus-8, N-plus-72, the fact that they're already spinning up, meaning these two elements are getting ready to go, but it is not that they are sitting on the runway being held; and beyond that, I can only describe structures that I have dealt with in the past which may or may not be an exact parallel to this, but it's an active spinning.

Chairman Gowdy. Fair enough. Last clause of that sentence is: We will ask State and security approval from host nation. I think some of us were under the impression that that conversation had already taken place, given the fact this is 7:19, and the attack started almost 4 hours previously?

Mr. Kennedy. Mr. Chairman, I would have to go back and refresh myself, but I think Mr. Bash is doing everything in the context of we were about to meet at 7:30. This is informational. We are doing what the President and the Secretary of Defense had told us to do. We are identifying forces, and they are going through their preparations to launch.

Chairman Gowdy. So is it fair to say or not that the Secretary's conversation with the Libyan government had already taken place or had not yet taken place.

Mr. Kennedy. I do not know the answer to that question, Mr. Chairman. I know that there were multiple conversations between multiple people throughout the night. I do not have sufficient information in front of me to assemble and put this against a timeline.

Chairman Gowdy. Do you believe host nation referred to Libya, or would it have referred to one of the countries where we had to deploy as a launching point to Libya?

Mr. Kennedy. I can only speculate, Mr. Chairman, and my speculation, just on the basis of linguistics, is it's referring to destination, but that is entirely speculation, which I should not be doing.

Chairman Gowdy. Last question in the last sentence, I'm going to reference: "Please advise how you wish to convey that approval to us." That strikes me as being written by someone who does not believe that we currently have approval from the host nation to enter. Does it strike you that way?

Mr. Kennedy. Again, I cannot put myself in Jeremy Bash's mind. I do not know what he means by that.

Chairman Gowdy. I will settle for Ambassador Kennedy's mind and his 43 years of service.

Mr. Kennedy. Unfortunately, Mr. Chairman, never having seen this document before, I've read it, but there were lots of things going on. It all relates to various telephone conversations, various timelines, and I'm willing to speculate probably more than I should, but I also know when I can speculate on the basis of context and previous and where something is so specific, so situational, to determine that it would be improper for me to speculate, because I would be going beyond my knowledge and the knowledge of the context. I'd have to refresh myself as to various timelines.

Chairman Gowdy. Let's do it this way: I'm going to turn back over to Craig. If at some point today, if upon further reflection, you have something you want to say to amplify, or if something else strikes you as being relevant to this, just interject and insert that. And, otherwise, it's noted that the email was not to you. It was not from you. I've asked you to speculate, and in some instances you have, and it was me that asked you to do that. You weren't doing it -- you

were not doing it sua sponte.

BY MS. JACKSON:

Q Can I ask one follow-up question? When the State Department secures host nation support to enter into that country with military assets, is that decision documented in some way?

A It depends. For example, if we were holding an exercise in a given country, diplomatic notes would be exchanged, and it would be documented. In a crisis like this, you call a senior level in a host nation who has the authority to say yes; he or she says yes, and you act. You don't wait. You don't wait for us to type up a diplomatic note and have it faxed or couriered over to the foreign ministry or the presidency and wait for them to respond. People are in danger, and you act now.

Q Beyond formal diplomatic notes, is there some other mechanism to record decisions that are made in the State Department, such as if this is reported out at the SVTC, there's a write-up at the SVTC. If the Secretary had a conversation with the President of Libya, is there a write-up of her conversation with the President of Libya? Are actions that are verbal in response to a crisis memorialized in some way?

A Sometimes yes, sometimes no. Again, if this had been our team at Embassy Tripoli going to the foreign ministry and getting it, it just might have been they call over. They get a call back. They call Washington and say green light. And, you know, when fast-moving situations like this, people aren't stopping to write MEMCONS, excuse

me, memorandums of conversation. They are acting with speed and dispatch because of the nature of the activity.

BY MR. MISSAKIAN:

Q Is there a person at the State Department whose job it would ordinarily be to reach out to the Government of Libya and ask for this kind of permission?

A It would be the senior-ranking official at our Embassy, or it would be the Assistant Secretary for the Near East, the Under Secretary for Political Affairs, the Deputy Secretary, the Secretary. There is a line of people who normally deal with countries and which are divided regionally in the State Department's table of organization.

Q I believe you said you were at the State Department all night?

A Until 6 a.m.

Q Until 6 a.m. and then you left?

A And came back at 7 a.m.

Q I had assumed that. When you left at 6 a.m. in the morning, just describe for us generally what you understood had occurred in Benghazi that previous night?

A There had been an attack on our facility. We had lost two people. We evacuated to the Annex. The Annex came under attack. We got an aircraft in. We had wounded. We evacuated from the Annex to the airport, loaded out the wounded, and then the people there held at the airport until the second evacuation aircraft arrived. At that point, we were then totally out of Benghazi, and we were consolidated

in Tripoli.

Q Generally speaking, how were you getting information about what was going on in Benghazi that night and then into the morning?

A Usually from the Diplomatic Security Services command center.

Q Do you recall any specifics about where you were getting information that night?

A From the Diplomatic Security command center.

Q How was that?

A They were talking to people on the ground in Benghazi, and then in Tripoli.

Q How would they convey that information to you?

A Orally.

Q In a regular briefing? Every few minutes that night? Or as new information came in, ad hoc?

A As new information came in, I was being updated.

Q How would they do that? Would someone come to your office?

A Telephone.

Q Somebody would call you?

A Yes.

Q Do you recall who that person or persons was, or were?

A It was a variety of people. It was Eric Boswell. It was Charlene Lamb. It was one of the watch officers, meaning the officers in the Diplomatic Security command center. It's also possible, but I can't fully recollect, there also may have been information that came

to me from the State Department operations centers. We have two that back each other up.

Q I understand that some people that night were able to actually speak over the telephone with folks in Tripoli and in Benghazi. Did you have any calls like that yourself?

A No, I did not.

Q Was there a reason for that?

A Yeah. You don't have too many people bothering the people who are trying to execute.

Q Was there a decision made that one or two people would be points of contact for the folks in Libya?

A It was the operations center, the Diplomatic Security command center, were the points. They try to get a line, and they try to keep it open. That's standard protocol.

Q And did they make any record of what's being communicated, in this case, from the people in Libya?

A Someone may or may not have been taking notes. I don't recall.

Q That's not, to your knowledge, part of standard protocol?

A Sometimes it is; sometimes it isn't. I don't know if they put a logger on or not. Crises come up fast. Sometimes there's a logger. Sometimes there's not.

Q What is a logger?

A A person who just makes notes that at certain such and such a time something happened.

Q Is that person listening in real time to the conversation?

A Sometimes yes, sometimes no.

Q And what did you learn, if anything, about the nature of the attack on the CIA Annex that night? This is, again, as you're leaving the building at 6 a.m.

A I've got a problem with that question. Another setting.

Mr. Missakian. Off the record.

[Discussion off the record.]

BY MR. MISSAKIAN:

Q So my question to you, Ambassador, is what was your understanding of the nature of the attack at the Annex when you left the State Department that morning?

A The attack at the Annex had been small arms fire, mortar, and RPG.

Q How did you learn that?

A On the telephone.

Q You were on the telephone?

A No. I was informed via the telephone.

Q And who do you recall informing you?

Mr. Missakian. Off the record.

[Discussion off the record.]

BY MR. MISSAKIAN:

Q Now, with respect to the information you were receiving about the attacks that night and then during the subsequent days, did you receive any information about what had occurred in a classified

form? I'm not asking you to disclose the content. I'm simply asking if you received classified information or not?

A Yes.

Q And was that in writing or through a briefer or both?

A Telephonically.

Q Telephonically. And do you recall who you received it from?

A Yes.

Q I'm not going to ask you to disclose who that was. Was that on one occasion or multiple occasions?

A Several occasions.

Q Do you recall any specific occasion as you sit here today?

A I would prefer to continue this conversation in another setting.

Q Okay. That's fair. Other than the information, the classified information you received telephonically, do you recall receiving any information in written form?

Mr. Snyder. That night?

BY MR. MISSAKIAN:

Q That night or in the subsequent days?

A Well, I received lots of information over the course of time, including information that I did not receive contemporaneously, but I read because I was making, as I think I reported, stated earlier, that I may have appeared 20, 24 times in various formats on the Hill; and, therefore, I was constantly updating information in order that

my presentations to the Congress could be as complete as possible.

Q That's fair. Let me make it easier for you. In the period from September 11 through, say, the end of September, do you recall -- let me make it even more narrow for you. From the period of September 11 through the end of that week, September 15, do you recall receiving any classified information in written form?

A I honestly don't recall. There were lots, there were lots of things going on at that time, and I can't honestly remember. I can't honestly remember.

Q Did you receive a regular intelligence briefing?

A I receive a notebook every morning.

Q And that is a compilation of what?

A Compilation of intelligence material from throughout the intelligence community, as well as from the State Department's own Bureau of Intelligence and Research.

Q As you sit here today, do you recall receiving anything that week that related to the attacks in Benghazi?

A I don't recall anything specific, but I also am sure that there was something in one of the reports from one of the agencies about Libya.

Q If I understand you correctly, you did a couple of briefings in the days following the September 11 attacks. My understanding is you did a Hill briefing, and then you did a background press briefing. Is that correct?

A That is correct.

Q Have you had a chance to review what I believe to be the transcript from the background press briefing?

A I don't believe that is one of the things I looked at in preparation for today.

Q Have you reviewed any notes or any record of the Hill briefing that you provided?

A No, because I do not believe that first Hill briefing was transcribed. I believe it was a briefing, the first one I believe was a briefing for senior staff of committees of jurisdiction.

Q And when you gave each one of those briefings, did you provide the best information that you had at the time?

A Yes.

Q Were you involved at all in the drafting of what's commonly referred to as the HPSCI talking points?

A I was not part of the drafting team, no.

Q You're aware of them?

A I'm aware of the talking points, yes.

Q Did you have any involvement in clearing those talking points?

A I don't believe they ever came to me for clearance.

Q Did you have any involvement in clearing the Secretary's statement that went out at about 10 o'clock on September 11?

Mr. Snyder. 10 p.m. or a.m.? I'm sorry.

BY MR. MISSAKIAN:

Q 10 p.m. on September 11.

A I don't recall whether I cleared that statement or not.

Q Do you recall clearing any of the Secretary's statements that week?

A I think I did clear one subsequently later that week.

Q Do you recall any specifics of that process? Okay. We will save that question for another setting.

Did you have any involvement in preparing Susan Rice for her appearances on the Sunday talk shows?

A No, sir.

Q Do you know if anybody from the State Department took part in a preparation call that we believe occurred on Saturday, September 15?

A I have no recollection of that at all.

Q Were you aware that it had been requested that Secretary Clinton appear on the Sunday talk shows?

A I subsequently read of that, but I do not recall being aware of it beforehand.

Q In one of your statements to Congress, and I'll just read it to you, I believe this was testimony you gave before the House Oversight and Government Reform Committee in October of 2013. You said, quote: "If any administration official, including any career official, were on television on Sunday, September 16, they would have said what Ambassador Rice said." Close quote.

Do you recall making that statement?

A Yes, sir, I did.

Q And I believe I saw a similar statement in an email that you sent, although I don't remember who you sent it to. Do you recall sending that email as well?

A I don't recall the email, but if I said it once, I would have said it again in the same context.

Q So I assume that this is meant to be an example of hyperbole because obviously you didn't speak to all administration officials before making the statement, correct?

A I don't regard it as hyperbole. I regard it as description. I'm not wishing to quibble.

Q You are aware that there were certain State Department officials the day after Ambassador Rice appeared on the talk shows referred to her comments as being off the reservation, so they would not have said the exact same thing that she said, as you stated in this quote?

Ms. Sawyer. Just for the record, you testified that there are State Department officials who have said that.

Ms. Sachsman Grooms. They're employees.

Mr. Missakian. Thank you. Let me clarify that.

Ms. Sachsman Grooms. I think the quote is about administration officials. It's about high level officials or --

Mr. Missakian. This isn't your quote, so please don't testify. I'll ask the witness what he meant.

Mr. Kennedy. May I look at the document again?

Mr. Missakian. Yes. The quote is right here. I'll show you.

Ms. Sachsman Grooms. We thought it would be appropriate to show him the off-the-reservation quote, Craig.

Mr. Kennedy. I'm talking here about the administration official. That says a senior official, including a senior official, who was also a career, rather than a political appointee. So I'm talking about senior officials, and I stand by the statement?

BY MR. MISSAKIAN:

Q The person or persons that was referring to are, I guess, employees within the NEA Bureau, so you were not intending to include people at that level?

A I'm talking about senior officials in that statement.

Q Now, let's see. You also, I believe, later on you said, this is a quote: The information she, meaning Susan Rice, had at that point from the intelligence community is the same that I had at that point.

Mr. Snyder. Can I just have a moment?

Mr. Missakian. Sure. Let's go off the record.

[Discussion off the record.]

BY MR. MISSAKIAN:

Q Did you want to add something?

A No.

Q You may not have heard what I just read, but you had also said that the information, quote, "the information she," meaning Susan Rice, "had at that point from the intelligence community is the same that I had at that point." Closed quote.

A Yes.

Q How do you know what information she had?

A It goes, in the context of that question, in the context of the public controversy that had taken place between Dr. Rice's statement and subsequent events, I believe that, I took that in context, and I had received briefings that comported with what she said.

Q Okay. But you didn't know what she had at the time?

A I had read the transcript of her statement because I missed the statement, and in the course of her context, and so I know what she said, and I know what information I had, and, therefore, I made the statement.

Q But you didn't know what she had on September 15 when she was preparing? You didn't know what materials she had in her preparation binder. Is that correct?

A No.

Q It's not correct?

A No, I do not know what materials she had in her preparation binder.

Q And you don't know what intelligence she reviewed prior to her appearances on the show as well, correct?

A I responded that way because I know what intelligence I had been given.

Q Yeah, but you did not know what intelligence she had been given?

A No.

Mr. Missakian. I'm going to turn it over to my colleague. He has a few questions at the end of our hour.

BY MR. DAVIS:

Q Sir, just two quick, clarifying questions. Number one, I wanted to make sure that the 7:30 SVTC you said you attended, the forces that were spun off or were being diverted to the area, the discussion there was strictly about Benghazi at that point. Is that correct?

A I'm trying to recall when the attack took place on the Annex, and I believe that attack was after midnight. So if my time calculation and recollection is correct, it's yes. But I would need to refresh myself against a timeline.

Q And you say after midnight. Why is after midnight significant?

A Because there's a 6-hour time difference between Libya and Washington, so I'm going from 7:30 p.m. --

Q Right. I guess my point is whether the attack on the Annex took place after midnight or before midnight, why did you bring up midnight?

A Simply because I'm adding 6 hours to 1730, and I'm getting after midnight. I'm getting to 1:30 in the morning.

Q I'm sorry. The SVTC was at 1930, 7:30 p.m. East Coast time.

A That's right. So 1930 plus 6 is 2530, which is 1:30 in the morning in Libya. And I'm trying to recall when the attack on the facility, the Annex, occurred. So it is relevant to what we're discussing when -- you have to line up the Washington time zones and

adjust to the Libyan time zones.

Q I understand. You testified earlier when Craig was asking you about the FAST team responded, you said that was specifically to Tripoli. Is that right?

A That is correct.

Q You also testified earlier, I believe you said you left at 6 o'clock and arrived back at 7 o'clock?

A I left at 6 a.m.

Q You left where at 6 a.m.?

A I left the State Department at 6 a.m., went home, took a shower, and was back at 7 a.m.

Q Okay. [REDACTED]

[REDACTED] ?

A Because they're incorrect.

Mr. Kenny. Hey, Carlton, are those documents marked in any way?

Mr. Davis. We can get into that in a different setting.

Mr. Kenny. Well, no, I think it's appropriate to deal with it now. We're in an unclassified setting, so if you're deriving from a document that's marked, I think that would be inappropriate in this setting.

BY MR. DAVIS:

Q Were the whereabouts of your location on the night of the attack, is that classified information? The fact that you're at the Department on the night of the attack, is that classified information?

A No it's not classified. It's not a classified duty station.

Q So if there were documents that said you left at midnight, that document would be incorrect?

A That portion of the document would be incorrect.

Q Which recalls the questions that were asked of other parts of the document as well.

Mr. Evers. I suppose it would be relevant only that you can't show him the document in this setting. You're making representations --

Mr. Davis. I want to get it all on the record in this hour, and we'll show him the document in a later hour.

Mr. Kennedy. I would prefer to look at the document before I make comments on it.

BY MR. DAVIS:

Q I'm just asking if there were documents that said you left at midnight?

A That's a hypothetical question, and I would prefer not to answer a hypothetical question.

Chairman Gowdy. Let's look at it this way. If there are documents that can only be reviewed in another room, and you feel like you need to review them to be able to answer the question, in fairness to you, let's just all do it in the other room and show you whatever you need to see, as opposed to answering it this hour and then 3 hours later seeing the document and having to change the answer. Let's just

do it once.

Mr. Kennedy. Mr. Chairman, thank you, sir.

Mr. Missakian. I believe our hour is up. Off the record.

[Discussion off the record.]

[2:21 p.m.]

EXAMINATION

BY MR. KENNY:

Q Ambassador, I'd like to pick up where we left off at the end of the last round where you were asked a series of questions about your recollection of certain reports you may have been receiving on the night of the attacks. You indicated the one source of information that you'd been receiving was through diplomatic security channels. Is that correct?

A Yes.

Q And I would just like to ask, I know you touched on this a little bit, but do you recall the content of those specific reports at that time during the night of the attacks?

A They were very, very short. They were very, very operational. We are under attack, the ambassador and the IMO, information management officer are secured in the safe room, the attack is continuing, there is a fire. It was just -- they were ops, what we would call sitreps, situational reports on what was happening on the ground.

Q In the last round, I believe you characterized your focus at the time as being on effects of what was occurring in Benghazi, not

the causes of what was occurring. Is that fair?

A Yes, sir.

Q These reports that you were receiving, you describe them as operational in nature. Is it your understanding that they were also more focused on the effects rather than the causes?

A Yes. They were reporting, they were reporting on what they were doing. And they requested assistance from the Annex, et cetera, et cetera.

Q And based on some of these reports that you were receiving, was it clear to you at the time, was it completely clear what was happening or unfolding in Benghazi?

A In the sense that I knew there was an attack. How many, what -- how many, who, and why were all unknowns and actually, to an extent, not what we were focusing on.

Q Do you recall any conflicting reports coming in, or information that you may have received that somehow seem to be in conflict with other information you received that night?

A No, generally the more -- we had more -- we were focused more the next day on trying to piece together what happened and then the strains of conflict were more evident the next day on the 12th than they were on the night of the 11th.

Q So in our interviews with other individuals we've heard a term "fog of war," it may be a bit imprecise, but we understand it to be that some things were knowable, other things less so on the night of the attacks. Did you have a general sense of that?

A I would fully agree with that description.

Q You believe there was a fog of war there that night?

A There was a fog of war and we were -- we were focused on aiding our people.

Q In the public domain, there has been extensive criticism of some initial intelligence products that may have indicated that there were protests occurring in Benghazi on the night of the attacks. With specific reference to your DS channels through which you were receiving information, do you recall if the personnel on the ground were focused on conditions or events before the attacks occurred?

A No, they were not. There -- the -- there were no prior reports before the alarm was sounded.

Q By "prior reports," you mean prior reports of a demonstration?

A Of a demonstration, there were none.

Q Okay. But at the time the reports of the attacks came in, were those reports focused at all on conditions in and the temporary mission facility before the attack occurred?

A No, they were focused on -- it started with their -- there was a loud noise and then the diplomatic security special agent in the command center on scene looks at his cameras and sees people beginning to try to storm through the gates.

Q In the subsequent reports that you received through DS channels that night were on events subsequent to that, beyond the onset of the attack?

A Yes, that is correct.

Q So they didn't include information again about conditions or events that might have been occurring in or around the temporary mission facility before the attacks?

A No, they did not.

Q You were asked in the last round a little bit about your recollection with Secretary Clinton on the night of the attacks, I believe you mentioned that you had briefed her. Is that right?

A Yes, sir.

Q Do you recall what specific steps she took during this timeframe?

A I know she was in contact with the White House, and I know that she was making telephone calls to various people that I -- I do not recall, at this moment, specifically, who the calls were or the sequence of them.

Q Okay, that's fair. And that's because you weren't collocated with her?

A No, I was down the corridor. We were all -- had offices on the seventh floor. I was at one end of the building, she was at the middle of the building.

Q But you did have occasion at different intervals in the night to check in with her?

A As I got information that came in, I would walk up the corridor to inform her.

Q Did you ever get the sense or impression that the Secretary

was not fully engaged in the crisis response that night?

A Absolutely not.

Q Did she strike you at all as uncertain as to how to respond to the events?

A No. I would say she was, as she always was, as forceful, you know, focused.

Q Did she remain forceful, focused throughout the entirety of the crisis response continuing through the next --

A In my opinion, yes.

Q During the night of the attacks did she ever do or say anything to you to indicate that the U.S. military should not engage fully and do whatever it could to assist personnel on the ground?

A I never heard that at all.

Q Returning to your role on the night of the attack, I think you'd indicated that you had remained at the State Department for an extended period of time that evening and returned early the next morning. It sounds like you yourself were also focused on the crisis response. Is that fair?

A That is correct.

Q And we have also seen some of the watch logs that have been produced to this committee. It seemed to also indicate that you had been reaching out to other officials, either in the Department or the interagency, perhaps related to the crisis response. Do you recall?

A Everything I was doing that night was related to that -- to the crisis in Benghazi, and then the evacuation of Benghazi. I was

not doing anything else but that.

Q So as the Under Secretary for Management, maybe we should take a little step back. How did you view your role in the crisis response?

A As I have said earlier, the Under Secretary for Management, in my belief, is not an operational, it is a policymaking and coordination role with potentially one exception. The Under Secretary for Management is the coordinating figure specifically on evacuations and crisis. And therefore, when you are talking about a crisis proposed under attack, the potential for evacuation, it is my office that coordinates evacuation, whether it's American citizens coming out of Haiti, the result of the Fukushima earthquake should there have had to have been an evacuation there. So natural or manmade disasters, the Under Secretary becomes, in effect, a kind of team leader for evacuation crisis response.

Q So because it was your role, had you had experience in the past with effecting evacuations of Americans?

A I evacuated my -- on my first assignment in the Foreign Service in 1973, I evacuated the American embassy in Kampala, Uganda during the Arab-Israeli War in 1973. So my experience -- and subsequently, in the African Bureau, which is always having crisis that require evacuations; plus the Bureau of Administration, which I headed for a number of years, also has the responsibility, as part of the crisis management effort, to locate aircraft boats or whatever to effect an evacuation. So I have been working on evacuations for many years.

Q And including in your role as the Under Secretary?

A Including in my role as the Under Secretary.

Q So we can better understand the mechanics of how an evacuation might work, when that process begins or is underway, is it your sense that it is a matter of minutes, hours or days? How long does it usually take to effect an evacuation?

A Anywhere from almost a day to many days. It depends upon the nature of the circumstances. Is it man-made or is it natural, earthquake, whatever. Is it -- are there many, many Americans to evacuate, or just a few? It took us, I think, about a week to evacuate 16,000 American citizens from Haiti after the earthquake, the airport had been destroyed. We partnered with the U.S. military, diplomatic security actually secured part of the airport. And we then moved those people out as we could get planes in to bring them out. So an evacuation is both complex, multifaceted, but it comes in many different flavors and guises.

Q And you seem to describe what sounded to me like a continuum, it can be from days to many days to effect an evacuation?

A Yes.

Q Would one of the factors that would affect how long it could take be the availability of U.S. military resources?

A It depends on both the availability of commercial or military resources. We attempt to use commercial resources in what we describe as permissive environments. And so if commercial aircraft are willing to go in, we will use those, because commercial aircraft

actually have more seats on them than your average military plane.

However, in a non permissive environment, certainly our actions in Benghazi with the ongoing, first the attack on the temporary mission facility and then the attack on the Annex, that would put it in the category of non permissive, we would go to our colleagues in the U.S. military to assist as first choice.

Q And to be clear, you just described Benghazi's non permissive environment, you are referring to the night of the attacks?

A The night of the attack.

Q Not time prior?

A No, no, not prior to that.

Q Okay. And you'd explained a little bit about your previous position of the Bureau of African Affairs. Did you have an understanding of where military assets were located in relation to the continent of Africa?

A We had a general knowledge that there were no U.S. military air bases in the northern -- I mean, in the southern Mediterranean. I know that there were U.S. -- there was only one real U.S. air base in Africa, and I knew that the assets were most likely to come from our U.S. bases in Europe. But as I said in response to a different question, slightly parallel context, that I long ago learned that if you have an issue, you ask the Defense Department for assistance. You tell them the where and the what, and then they will tell you the how.

Q And again, referring to the time it can take, we talked about some of the factors, that could perhaps draw the process, make the

process last a little bit longer. When you said it can take anywhere from a day to many days, is a day usually considered the best possible outcome?

A If you are in -- it depends on the nature of the emergency, but if you have an emergency in a crisis you want to get the maximum number of people out as fast as you can. But there is the question of if you are in this non permissive, or if you are going to use the U.S. military, I have learned over the years that U.S. military units have what amounts to muster times. Units are on -- are not sitting in the ready rooms ready to jump in the planes, certain ones are, but not everywhere. And so, you have to ask the military for assistance, and then they find the U.S. military unit that is nearest and that can scramble, muster, spin up the fastest to get to the location you want them to go to with the resources and context that are needed at that location.

Q With specific respect to the retrograde from Benghazi to Tripoli, and I'm going to use eastern European time, so Libyan local time.

A Yes.

Q But it is our understanding that the attacks began somewhere around 9:40 p.m. The first plane departs Benghazi somewhere in the 7:00, 7:30 a.m. timeframe; and the second plane leaves sometime around 10 a.m. on September 12, which, to us, our calculation it is about 12 or 13 hours from when the attack began to when all American citizens or all Americans, official Americans are retrograded from Benghazi to

Tripoli. Did that seem like a fast response without U.S. military assistance?

A Yes, yes, it did.

Ms. Sawyer. And just to clarify on that last question, with regard to U.S. military assistance, assuming it was U.S. military assistance coming from outside of Libya.

Mr. Kennedy. Yes, there -- there were no U.S. military aviation assets in Libya. So the assets that we drew upon were first assets that we assembled from Tripoli, first a commercial charter, and then later, a Libyan Air Force aircraft.

[Discussion off the record.]

Mr. Kennedy. When you are talking also about military, I should add that at about 2 hours into the attack, there was a drone, an unarmed, unmanned drone with no passenger capability, [REDACTED]

[REDACTED]
and immediately diverted that drone overhead, but with apologies, I had not been thinking of the drone as an aircraft. I was thinking of it as a drone.

BY MR. KENNY:

Q So returning briefly to our discussion of some of the phone calls made in the night of the attacks, it sounds like you had communications with, perhaps, many others within the State Department that night?

A Yes.

Q I would like to just ask for your understanding of what was

your sense of how seriously your colleagues at the State Department were treating the crisis?

A Absolutely seriously. An attack on one of our facilities is outside of an attack on the United States as the highest attention of the State Department, both on the policy side and on the management security and logistic support sides.

Q It seemed everyone was doing everything they could to assist personnel in Benghazi and Tripoli?

A I had -- I had never -- I never had the feeling that anyone wasn't doing everything that they could possibly think of to assist.

Q Did the Secretary ever tell you to stand down or slow any request?

A Absolutely not.

Q Referring to the SVTCs that occurred on the night of the attacks, this was referred to as a 7:30 p.m. SVTCs, you explained what occurred during that SVTCs. You used some language you indicated that they were sharing information. But you also used the word conforming information. I would just like to understand what you mean by that?

A Conforming, conforming means, in effect, reconciling. That I have heard this, you have heard that, what have you heard? Trying to make sure that we all, meaning across the entire U.S. Government, had the clearest coherent understanding of what was going on in the fog of war.

Q So if I understand you correctly, you seem to be suggesting to develop a more complete and accurate picture of what was important?

A Yes.

Q So not to set a narrative about how to prevent the attacks?

A No, no, just simply to make sure that each one of us were taking actions and you want to take actions against a common understanding, the maximum you can get in the fog of war.

Q Sure.

A And not potentially make a mistake, because you have an assumption that could have been disabused by somebody else.

Q To the best you can remember, what was the focus of the SVTCs, there may have been many topics covered, but was there one more dominant than the other?

A No, I think it was to -- what is going on and what do we do about it?

Q So is it fair to say the safety and security of U.S. personnel was --

A Yes.

Q -- of foremost concern?

A Yes.

Q -- in that SVTCs?

A Yes. Safety and security would be a good heading for our efforts.

BY MS. SACHSMAN GROOMS:

Q And you said what do we do about it, but did that also include what are we currently doing about it?

A Yes, yes. We would relate what step, what information we

had, what steps had been taken and, therefore, what steps -- what further information was needed and what steps should be taken, singularly or collectively, but in a coordinated fashion.

BY MR. KENNY:

Q Did the discussion in that particular SVTCs, did that touch on the potential for violence to spread to other locations, for instance, Embassy Tripoli?

A That was a concern. And that was also discussed during the evening, and eventually it was collectively decided that we also had two facilities, a primary and an Annex in Tripoli. And so the decision was made to pull all American personnel into one facility because that would increase the security capability because you had massed, you had massed your people, but you had also massed all the various security forces that were available on scene.

Q And whose decision or recommendation was it to consolidate personnel in Tripoli?

A I think it was part of a discussion that I know that I certainly advocated for it --

Q Okay.

A -- and I can't remember how we finally -- it was not a long time, but we finally coordinated and decided that that was the right thing to do.

Q And was that based, in your understanding, that there had been some open source threats made against Embassy Tripoli?

A There had been -- we had heard some reports, we had also,

obviously, taken note of the mob of a few who climbed over the wall at the American Embassy in Cairo as well.

Q To the extent that these discussions encompassed a potential for violence in other locations, did the focus on Benghazi diminish in any way?

A No, no. They were two parallel streams, but, obviously, taking care of Benghazi was one prime and what was -- could potentially happen in Benghazi was one. We knew equally important, but obviously, those people who are actually under attack come slightly ahead of those people. But since there were two separate locations and we could deal with them, an effect simultaneously.

Q And there was a discussion just before our break about one particular team whose mission would be to reinforce security in Tripoli, the FAST team, the Fleet Antiterrorism Security team?

A Yes.

Q To the extent there was a discussion about deploying a FAST to Embassy Tripoli, that didn't preclude the possibility of you discussing sending military assets to Benghazi, right?

A No, it did not.

Q So did Benghazi, at any point, become a secondary consideration on how to respond on the night of the attacks?

A Only in the early morning hours, local time, when after the attack on the Annex the determination was made to withdraw personnel from the Annex. And once the determination had been made to withdraw all those personnel and the assets who were in place to safely withdraw

them and then they were withdrawn. The focus then shifted to Tripoli.

Q But up until that point, Benghazi was still --

A Was still -- until the last person was wheels down in Tripoli that the focus was Benghazi first.

Q I would like to return to our discussion about, we referred to it as host country, host nation clearance seeking the Government of Libya's permission in order to deploy outside U.S. military forces into the country. One thing I think would be helpful for us to maybe establish at the outset here is whether you ever told that the U.S. Government did not ask for host Nation permission in order to enter Libya?

A I recall no such discussion whatsoever.

Q Do you recall being told that such a request or placing a request to the Government of Libya had been denied?

A I recall no such statement.

Q Were you ever told that the process for requesting the Government of Libya's permission to enter the country was a reason that U.S. military forces could not get to Benghazi in time?

A No.

Q You had mentioned action officers, or action levels for where seeking the government of Libya's permission would get worked. I think you indicated several levels, including at the embassy level. Is that right?

A Yes, sir.

Q Were you aware that the embassy that evening was working

on seeking the Government of Libya's permission?

A I generally recall only that it was being approached both from the Washington angle and from the local angle.

Q Okay. On the local angle, do you have an understanding of who the embassy would reach out to in order to facilitate that request?

A I can't -- I cannot be specific just knowing generally -- our highest, our senior ranking person on the ground would reach out to the most senior ranking person that they could reach, including, and I'm now speculating, reaching out to multiple people, and it depends on the country. Is it the presidency? Is it the foreign ministry? Whoever it might be, but you reach out to your most senior-level contacts to request such a permission.

Q The reason I ask that question in that way is I believe you had mentioned the ministry of foreign affairs, for instance, in the last round?

A That was an example, ministry of the foreign affairs and/or the presidency. That is all country-specific. I will -- I am not enough of an expert on the formation, meaning the structure, the organizational structure of the Government of Libya to know who would be the right person to call, which is why that wasn't in my jurisdiction, that was being run by the Near East Bureau and the Under Secretary for Political Affairs, because they are the ones who engage with host nations.

Q So you didn't have direct insight into the status of that process?

A No. I knew it was underway, but I was not following it.

Q In your experience, is it unusual to coordinate U.S. Government activities with the host Nation, even in a crisis response?

A If you are going to go into the host Nation, it is --

Q It is unusual?

A No, it is usual. If you are going to go into a country, it is usual to do so.

Q And with specific respect to deploying U.S. government military resources into a country, is one of the reasons, aside from respect for sovereignty, the obvious concern is -- another concern -- were you concerned about friendly-fire incidents in responding to a specific crisis response?

A Obviously, that is something that is always of consideration is that you want to go in to do what is needed to do, and you would like to seek the approval of the host nation.

Q We had a brief discussion a little earlier today about the evacuation of Embassy Tripoli in February 2011?

A Yes.

Q I believe you indicated you had a role or were involved in that evacuation. Is that correct?

A I was coordinating the operation as the Under Secretary for Management's office does for evacuations, yes.

Q And at the time that the embassy was evacuated, had the security situation in Libya, Tripoli specifically, it had deteriorated. Is that correct?

A It deteriorated -- it was affecting different deteriorations. Fighting had broken out in the city between the forces of Qadhafi and those who were seeking to remove him as the dictator.

Q And do you recall in the process of that evacuation that the U.S. had chartered an aircraft to help evacuate some of the remaining, or the last U.S. personnel?

A We achieved -- we had chartered -- attempted to charter several aircraft. It was the last lift of Americans that was on a chartered aircraft, we also had a chartered ferry boat because of the proximity to Malta.

Q Was the aircraft itself, was that coordinated in any way at any level of the Libyan Government at the time?

A Yes. We needed over flight and landing clearances, and we sought and we obtained them.

Q So you described the threat at that time as slightly different than Benghazi being that, as I understand it, the government itself had engaged in some sort of hostilities. Is that --

A Well, no, there was -- I would describe it as an incipient civil war, or revolution had broken out in the capital. And as fighting was taking place, there is always the danger when you see activity reach a certain level, it reaches a level where we feel we cannot mitigate the risk to our personnel. There is a national security value of remaining in a country as long as possible, and then you take whatever steps you can to mitigate the risk to our personnel. But at some point, the risk-reward equation, the reward being the national security value

remaining, the risk, even mitigated, so greatly exceeds the reward for staying there that it is time, it is time to suspend operations and leave. But it is a process that also goes usually, but not always, takes several steps.

Q But even in this instance you described as an incipience of a war had broken out, there was still a decision to coordinate the evacuation of American personnel through the Libyan Government. Is that correct?

A We had to seek the -- we had to seek the -- we sought and received both the permission for the ferry to come in to their territorial waters and docks, and we sought permission for the aircraft to get what is called overflight and landing permission, which is the norm.

Q Is that, or can that just be a simple bureaucratic process of exchanging or submitting some sort of application to say the civil aviation authorities? Is that your understanding?

A It can be, but it also can be a situation in which if the country is in chaos, or beginning to be in chaos, or the civil institutions are beginning to be disruptive, it could be that you have to bolster simply the electronic filing of an overflight and landing request. You have to follow that up, because the planes we were using are chartered, are not regularly scheduled service, and you sometimes need political intervention to obtain the overflight and landing permits.

Q Throughout the evening the following day of the attacks,

did anyone ever express to you that seeking the Government of Libya permission to enter the country would significantly delay the military response?

A No.

Q Did you ever hear that the Government of Libya would not approve a request in a timely manner?

A No.

Q There seems to be some speculation that the delay to the military response on the night of the attacks was caused by the State Department waiting for Libyan's permission or not lodging a request in time with the Libyans. I'd like to mark as exhibit 4 --

[Kennedy Exhibit No. 4

Was marked for identification.]

BY MR. KENNY:

Q This is a declassified a -- so for the record, this is a declassified transcript, it was conducted by -- a transcribed interview conducted by the Committee on Oversight and Government Reform jointly with the Committee on Armed Services, dated January 31, 2014. It is of the defense attache at Embassy Tripoli. Although not identified as such on the page, they redacted the name off. This is a document publicly available on the Web including gop.gov. I will give you a second to review.

A Thank you.

Q And I will also in conjunction with this marked Exhibit 5.

[Kennedy Exhibit No. 5

Was marked for identification.]

BY MR. KENNY:

Q This is a portion of a hearing transcript February 7, 2013, Senate Armed Services Committee hearing. The exchange I'm going to refer you to here is at the very bottom.

A Yes, sir.

Q So in exhibit No. 4, I would just like to read one portion of the question and answer into the record, the questioner asked: "Can you recall when the actual the relevant information that was needed like tail numbers and things when that was transmitted to the Government of Libya?"

"Answer: I don't, but I would also come back to the fact that we had a green light from the Government of Libya to bring it in. It was just a question of when we were going to know the specific information, it goes into a standard flight clearance request.

Just to finish that out: "So it had to have been, I would say, sometime mid morning to noon on the 12th, it could have been a little bit after that."

I'd just like to also read that in conjunction with exhibit 5, the bottom exchange where General Dempsey, the former chairman of Joint Chiefs of Staff, testified in response to a question, he testified, quote, "I want to assure you had we been able to there's been a whole bunch of speculation about we were risk adverse, we needed the country's permission to come in. If we had we been able to get there with anything, we would have gone in there under the command of the commander

of U.S. AFRICOM." Closed quote.

And with specific regard to the chairman's testimony, it sounds like there were military assets that could be brought to bear that night that would have required country clearance at least with response to the Benghazi attacks. Is that your understanding?

A No, that's not the way I read it.

Q Okay. How do you read it?

A I -- the way I read it is General Dempsey saying that if we had had resources that could have arrived on scene, while the attack was going on, we would have gone in, country clearances or not, because it would have been an active fighting underway, and the U.S. military would have intervened country clearances or not to protect U.S. Government employees. That's the way I read it.

Q So does this suggest to you then -- well, so the Defense Department was doing everything it could and didn't wait for the State Department to obtain country clearance. Is that correct?

A That is what this is saying here. He's saying if we had been able to, if we had been able to get there, "there" being and I'm assuming -- because I don't have page 70, I'm certain we're talking about Benghazi. If we had been able to get there, and I'm assuming for the purposes of this discussion, Benghazi with anything, we would have gone in there under the command of commander of the U.S. AFRICOM, meaning we would have gone under Title 10 military authorities, not under Title 22 State Department authorities.

Q So that suggests to you the military wasn't waiting for the

State Department to seek clearance?

A It suggests that he was ready to go in no matter what clearances we had or had not. Yes.

Q But it also sounds from exhibit 4 like the Government of Libya, at least according to this, an embassy official had provided some sort of generalized clearance.

A I read this, again, from my experience, is this is what is known as a blanket clearance where you approach the government and say, we need to do something that is not yet fully defined, maybe one aircraft, we may need 10 aircrafts and a blanket clearance usually gives you a number, and you use that number over and over again as your -- when you file your flight plans. You still have to file a flight plan in order to deconflict airplanes from running into each other, but a blanket clearance means come on in.

Q These statements by the defense attache, does it suggested to you that a blanket clearance was requested or obtained on the night of the attacks?

A It suggests that a blanket clearance was obtained. We have the green light -- I would like to come back, we had the green light for the Government of Libya to bring it in. Now, he's referring to, it's not clear from this page, what it is, but it clearly he's talking about the movement of aircraft into Libyan territorial areas.

Q I wonder if I could just direct to you actually above the middle of the page where there is a reference to a FAST platoon.

A Yes, and a medevac, yes.

Q So just before we move on to clarify a little bit between this idea of a blanket clearance, a blanket authorization, and some of the specific details that would need to be provided, it's possible you can obtain a blanket clearance first and then provide specific details at a later point in time. Is that right?

A That is correct. It is my understanding -- I'm not an aviation expert, but my understanding you obtain a blanket clearance, and then you say that you are using -- you are sending a C-141, you are sending a C-17, you are sending a C-130, you are sending a C-9 at the altitude and you are going to cross in, and you're landing at such-and-such an airfield at such-and-such a time. Those are the details that follow, but once you receive the blanket clearance, the planes just move.

Q And you would have to know details such as tail numbers on the planes? Is that correct?

A That's only -- that's when you file a flight clearance.

Ms. Sawyer. And just referring briefly back to exhibit 4.

Mr. Kennedy. Yes.

Mr. Snyder. Congresswoman Duckworth, this is Under Secretary Kennedy.

Mr. Kennedy. Hello.

BY MS. SAWYER:

Q Exhibit 4, at the top of what is page 142 of that where the conversation continues, there is a question, he is answering kind of when from the page before, when he says "We have the green light from

the Government of Libya to bring it in, just a matter of getting them that information into a standard flight clearance request." And that standard flight clearance information would indicate to me he's indicating happens sometime mid-morning to noon on the 12th?

A Yes.

Q So that information would have been kind of the details needed to make sure that from an aviation perspective the flight wasn't going to cross other flights and technical --

A It's technical information for an aviation security -- I worked with the U.S. military a little bit on air lift for VIPs and others. And you file -- you file -- you have the clearance, if you have a blanket clearance you file a document that says this is your airplane, this is the call sign, this is the tail number, and you are going to cross certain highways in the sky at such and such a point at such and such an altitude, and you are going to land in such and such a land field at such and such a time. It is the technical. It is really air traffic control safety, if I might describe it as that. It's not -- you already have the clearance, you already have the clearance, you just have to intersperse yourself with the other flights that are going so that you don't run into someone else.

Q So it is just in lay and practical terms, it would indicate that permission has been granted, you give us the details as soon as we have them, and we will make sure that we clear everything from an air traffic perspective?

A Exactly, ma'am, yes.

[Kennedy Exhibit No. 6
Was marked for identification.]

BY MR. KENNY:

Q This will be exhibit 6. For the record, this is exhibit 6. It is a portion of the House Armed Services Committee's February 2014 report examining the attacks, included a few pages here the portion I will direct you to is at the top of page 22, the two paragraphs there, but I can give you a moment to --

A Yes.

Q So we will read this portion into the record, it reads, quote, "As far as the Marines are concerned according to General Dempsey, once one FAST platoon was on the way, it also stopped at a forward-basing location so the Marines could don civilian clothes. This was apparently done at the request of the Libyan Government conveyed by the Department of State, presumably warfighters changed out of uniform because of concerns at the arrival the combat-ready-troops might unduly alarm or inflame Libyan observers.

Although General Dempsey acknowledged to the Senate that this action delayed the platoons arrival in Libya, he said it was not enough to prevent it from getting to Benghazi before the attacks survivors departed. In sum, once we started moving forces, General Dempsey told the Senate nothing stopped us, nothing slowed us. However, at least in the case of the FAST platoon, there seems to have been some challenges in proceeding expeditiously." Closed quote.

The Armed Services Committee had investigated this particular

topic, it seems here that they acknowledge that there were some challenges proceeded expeditiously, but any delay that may have resulted did not prevent the FAST team from reaching Benghazi before the survivors departed. Do you have any evidence that would contradict the Armed Services report or General Dempsey's testimony in that regard?

A I know of nothing that would contradict General Dempsey.

Q We see here that there is a reference to a concern that the arrival of combat-ready troops could inflame the situation. Was there a worry or concern that inserting a small contingent of forces might actually make the situation worse?

A Obviously, it had the attacks in Benghazi. We had had the incidents in Cairo, and we certainly wished to take all the steps that were necessary to protect our personnel, but you wanted to make sure that the steps we were taking would enhance the security of our personnel, not potentially diminish the security of our personnel. Our personnel had been consolidated in Tripoli in one location, and all of them were there with the multiplied security forces of both the prime building and the Annex building. And I recall this discussion, generally speaking, and it was determined that the delay was not going to be significant and it was better to have the forces arrive in civilian clothes and then move expeditiously to the Tripoli Annex than to be spread out between the Tripoli Annex and the Tripoli main building.

Q And when you say it was determined that it would not significantly delay, who was making that decision?

A It was a collective decision made in Washington after consultations with the post, as I recall.

Q Okay. So that, what you expressed, reflected also the Department of Defense's view to the best of your understanding?

A Yes. I think you have General Dempsey saying nothing stopped us. Once we started moving nothing stopped us, nothing slowed us.

Q Okay. So nobody in the Defense Department expressed to you that deploying troops in uniforms -- try that again.

Nobody in the Defense Department expressed to you a concern that deploying troops in civilian attire would significantly delay them in a way that would compromise the safety and security of the Americans?

A Not -- no one said there would any kind of significant delay.

Q Ambassador, I'm now going to mark what will be Exhibit 7?

[Kennedy Exhibit No. 7

Was marked for identification.]

BY MR. KENNY:

Q In the interest of time, I believe we have enough time to move through this. It is a lengthy document. So I will give you an opportunity to review it. I will just identify it for purposes of the record. The top is an email from [REDACTED] to [REDACTED] and others dated September 13, 2012. The subject is just re: And the document ID is C05580110.

So I will just note at the beginning here, this is an email chain, a couple emails here. Your name doesn't appear in this email chain.

A [Nonverbal response.]

Q So I wanted to note that for the record. However, this does appear to be a subject line at the bottom of the first email that indicates "Writeup of U/S Kennedy Call with Hill Re: Libya." That email was sent September 12th, 2012, 7:55 p.m. It says "The call ended starting around 6:30 p.m. Here are the raw notes."

Do you recall this briefing?

A Yes, this was a telephone call I had with staff of committees of jurisdiction of the State Department, which is something that we do, either offer an in-person briefing or if we can do something initial, totally unclassified, we offer it to our committees of jurisdiction whenever something happens.

Q And that's certainly appreciated, sir. This occurred within 24 hours of the attack.

A Yes, yes.

Q You indicated in the last hour you weren't aware of any transcripts or Hill briefings that you initially gave were transcribed. I take it you have not reviewed this document?

A No, I'm talking about a different -- I was talking about a different briefing, an in-person briefing I gave to what were senior House of Representatives, and to other staff that had been organized by the Speaker's Office, that was an in-person briefing. I do recall this; I do recall seeing this shortly afterwards. When I got it, I realized that I had made two technical mistakes in here.

Q Okay.

A One was to say we'd gone to DEFCON 5, I had reversed the order, never use a DOD image if you can't pull it off. DEFCON 1 is crisis. The scale goes from 1 to 5, and I had simply had gotten it backwards, and there was another small error here about cameras. We were able to recover.

Q So I can understand, you had reviewed this shortly after?

A I had reviewed it in a couple of days after, the legislative person that works for me and does -- my legislative liaison with our congressional affairs office showed me this.

Q Okay. Just would like to note on the second page, again, this is within 24 hours of the attack, you noted what appears you noted halfway down the page, quote, "This is a fog of war less than 18 hours. This is initial report have not having been able to interview everyone yet." Closed quote. I think we talked a little bit about that, your information picture --

A Yes.

Q -- as of this time. I wanted to ask you about a few specific portions of this. You had indicated in the last round that this briefing, or maybe we are talking about two separate briefings, but in the last round, you'd indicated that the briefing you gave to the senior staffers provided the best information at the time. Were you referring to this briefing or were you referring to the senior staff briefing?

A The senior staff briefing.

Q Not this briefing?

A No, not this briefing. But every briefing I gave to anyone was always the briefing with the most current information because I would inform myself, my discussions with the State Department colleagues so when I came up to the Hill, I always had the information that was current as I got in a car to come up to the Hill.

Q If I could direct you to the top of page 3 where the SFRC?

A Yes.

Q The question appears "Would there be any reason to think this wasn't premeditated? How effect operations regionally? There is a hashmark, it reads "I'm not prepared to render formal opinion, except to say an attack of this nature. This is a semi-complex attack. This is personal opinion." Do you recall making that statement?

A Yes, sir, I do.

Q What were you basing your opinion on at that time?

A The fact that we had attacks on two separate U.S. Government compounds located some distance away, and that one was a massed human attack, and the other was a stand-off attack using semi-heavy weapons, RPGs and mortars on the second one, and a small bomb and then human wave attack at the first.

Q At the time you gave this, provided this briefing, did you have any information that confirmed that the attacks were premeditated?

A No. But because it was -- I did not have anything -- I rendered the opinion I had because it was -- because of the nature of attacking two separate buildings in two separate ways.

Q Did you mean to suggest when you used the phrase of the term

"semi complex," did you mean to suggest there had been a premeditated component to this attack?

A I wasn't -- I was not able to answer that question. Therefore, I gave the best answer I had, based upon the information that was available to me at that moment. And acknowledging that semi complex usually implies some degree of planning. You don't do something that is semi complex without planning.

Q Just to direct your attention to page 4, the third individual down, the question reads, "Was this an attack under the cover of protest?" And it reads, "No, this was a direct breaching of that."

A Right.

Q What was that statement based on?

A The statement -- it was based upon the fact that we had never gotten a call from the post saying that there was a protest ongoing before they came through the wall. It does not preclude there having been a protest, though, because the range of the cameras of the -- from our tactical operation center only went so far. So if the protest had been at a square a block away, we would not have caught this. I was just saying we didn't see a protest on our cameras, but our cameras are short-ranged; they don't cover the city. So that doesn't foreclose a protest, but it doesn't confirm one, because we didn't see it.

Q So which cameras were you referring to?

A I'm talking about the cameras that the security personnel had. We had installed, part of our security upgrades to the compound was that the officer in our TOC, T-O-C, tactical operations center had

radios, had communications gear, and had monitors for cameras that were pointed around the compound and on the fence line. So he had not reported there's a demonstration, and then there was the breach.

Q So you weren't viewing the footage personally?

A No. I was going back solely on what the call-ins had been, which is why I was being -- I prefaced the whole report, this is the fog of war, this is the initial information we have.

Q And the call-ins were from the DS agents in Benghazi?

A The DS agents in Benghazi.

Q While they were in Benghazi?

A While they were in Benghazi.

Q Some of the intelligence products around this period of time sort of portions of it has been classified, they have been studied in Permanent Select Committee on Intelligence's report that they issued on November 2014. A few of those reports suggested or indicated that there was a protest that occurred. Does that refresh your recollection about whether you had access to indicating there was a protest outside the Benghazi facility before the attack?

A There at this moment, at this moment, I did not know whether there was a protest or whether there wasn't. I'm just saying that it had not been reported that there was a protest.

Q So you are taking the absence of a report to suggest that there wasn't --

A I'm saying I can't say yes or no because all I have is one fact, that is, what the officer in the tactical operations center had

not reported seeing such, that's all I'm confirming or not confirming.

Q So it is the absence of the fact, not the fact itself. The absence of a report --

A Yes.

Q -- from which you inferred there was no protest?

A I said we saw no -- I said no protest was reported on the basis that we did not have a report.

BY MS. SAWYER:

Q Just a couple more questions on this, and we are almost done with our time. So that -- these notes I don't think we -- maybe we did, may or may not have. Would these notes have been taken by somebody who was there with you and just kind of recording kind of the back and forth, because it looks to me that it says "Rob Carter dash," I assume that that means a staffer asked that question, Was this an attack under the cover of a protest?

A This was a telephone call and when we do these briefings, our standard procedure is I sit in my conference room in front of the speaker phone, a member of our Bureau of Legislative Affairs, in effect, chairs the call, announces it and then asks everyone to identify themselves who is on the call; and then as they ask the question, we ask them to identify themselves again since I can't see them. And then these are shorthand -- these are just quickly scribbled notes, we did not have a court stenographer, we have never done it for these kind of things. We did not make a tape recording to be transcribed. These were just the handwritten notes of an officer from our Bureau of

Legislative Affairs who is sitting in the room with me listening to my statement, and listening to the statement -- listening to the questions and answers as they come from the other end of the line.

Q So in those notes, it doesn't indicate -- you explained to us, I think, what you believe was the basis of your answer there --

A Was.

Q -- was that there weren't reports of a protest from the DS agents on the ground --

A That is correct.

Q -- who they, themselves, would have had access to the cameras?

A Yes.

Q Or presumably might have heard or otherwise seen a protest and reported it, even if they didn't see it on camera?

A Correct. If the protest had literally been right at the front gate, because the cameras, the cameras and the angle of the cameras would not report a protest that had taken place a block away followed by a march on the compound, but they did not report in that there was once again -- I'm not saying that there was or there wasn't, I'm saying that there was no report by the individuals who had a short horizon effect.

[3:33 p.m.]

BY MS. SAWYER:

Q And so given that this, within 18 hours and with your caveat that it was fog of war, this was your initial impression when asked was this under cover of protest.

A Yes.

Q But your initial impression was that there was no protest that there had been the cover of. Is that accurate?

A My initial impression was there was no protest because I -- because no one told me there was.

Q And then when -- at some point in time it was reported --

A Yes.

Q -- and it was widely reported by the administration that there had been a protest.

A There were other reports that we received that said that there were protests. And so one person sitting at a camera versus both the reports that there were a protest.

Q And so was that surprising to you, that the official position of the U.S. Government for some period of time was that there was a protest that preceded the attacks?

A No, not on the basis that I was informed that there were multiple sources for the story that there was a protest.

Q And in terms of kind of -- because some might ask, given that your initial impression was there was no protest, the U.S. Government and the intelligence community, the interagency concluded

differently for a period of time, did you take any steps to question that assessment?

A No. This was coming to us from the intelligence community, who I respect their -- the quality, and I usually don't challenge the accuracy of their reporting, because I assume that they are vetting their reports.

I had a single thread with a limited horizon. They were reporting that there were -- they had multiple reports. And so I then accepted the intelligence community's statement that there were protests.

Q And earlier, in an earlier round, you had indicated with regard to Ambassador Rice, because on the Sunday talk shows --

A Yes.

Q -- she did say, and we've now spoken -- strike that portion. You indicated with regard to Ambassador Rice that any -- the administration official, you were given a quote, looking at the intelligence that you were looking at when you clarified it to us --

A Yes.

Q -- would have said in essence what the Ambassador said, which certainly was that with regard to Benghazi and the attacks in Benghazi --

A Yes.

Q -- that it had spontaneously evolved from demonstrations?

A Yes.

Q So is that an indication that with regard to the intelligence you were being briefed on between September 13th, 2012,

when you provided this briefing, and certainly September 16th, when Ambassador Rice appeared on the shows, that what she said was consistent with the contemporaneous intelligence you had been reading?

A She was -- yes. The information was provided to me after my briefing on the 12th.

Q And so this --

A And before -- and before her testimony on the 16th -- testimony -- excuse me -- before her appearance on the television shows.

Q Okay. So my apologies. I had said that briefing was on the 13th. You're right, that initial email's on the 12th. So your briefing was on the 12th.

A Right.

Q And that in fact had it been you on the Sunday talk shows, would you have on those Sunday talk shows on September 16th, if asked was there a protest preceding the attacks --

A I would have --

Q -- what would have been your answer?

A I would have been -- said yes, because I had been provided assurances by the intelligence community that there had been protests.

Q And this notion that information -- I think you clarified when my colleague was asking, you said any time you brief it is your goal to provide to the best of your ability the information that the U.S. Government has at the time kind of accurately and completely. Is the fact that that evolved and changed an indication in any way that

there was an effort to make it change to fit a particular political narrative?

A No, not that I'm aware of. I saw -- I heard nothing, I saw nothing of anyone suggested this was -- this was a twerking of the facts.

Q And the fact that -- the reality that information evolved over time, that additional facts come in and that assessments sometimes change, that reality, was that unique to the attacks in Benghazi?

A No. Unfortunately, I have given briefings to the -- on the next day to Hill -- to Hill representatives, and, you know, we end up giving more comprehensive briefings a day, a week, or a month later as more facts come to bear. But these were -- this was the facts that I had on that day, and later in the week I had a different set of -- and expanded facts, multithread, as it was represented to me, rather than single thread. And so I accepted the multithread from the intelligence community.

Q And even if components of what you knew on Friday or Sunday then also later evolved, the fact that it was, as you understood it on that Friday and that Sunday, that was not false information at the time, it was just as the U.S. Government understood the information at the time. Is that accurate?

A That is correct. This was -- this was later information that had been assembled because the intelligence community reaches out, and then they get information, they assemble it, and then they publish it. And so they were still collecting information on that date.

Ms. Sawyer. Okay. Well, thank you. I think we are a little bit over time. So I'm going to go off the record.

[Discussion off the record.]

Mr. Pompeo. So I'm going to jump around just a little bit. I hope you'll bear with me for that.

So sort of a top-level question. In the Senate report, Dianne Feinstein said this incident was preventable. Do you agree or disagree with that statement?

Mr. Kennedy. It was -- it was preventable, but we did not have the information as -- because as the Director of National Intelligence said, there was no actionable intelligence. We acted on the basis of the intelligence and other information that was available as we fitted out that compound.

Mr. Pompeo. Right. That's not what she said. I'm trying to get -- I'm trying to get -- she said -- she said it was preventable. There were no caveats. And my question to you, so granted you say you didn't have certain sets of information, wasn't available, and your judgement, all of that, was it preventable?

Mr. Kennedy. Sir --

Mr. Pompeo. Or do you think her report was wrong? I mean, those are -- there's only two options.

Mr. Kennedy. Any -- anything is preventable.

Mr. Pompeo. That's not -- okay. I'm just looking for a yes or no. It's not true that anything is preventable. Some things are preventable and others aren't, and she concluded this one was. And

so I just wanted the person who was responsible for diplomatic security at the facility to tell me whether he thought it was preventable.

Mr. Kennedy. With additional information, we would have known -- we would have known more, we would have executed a different security program, because the risks would have been pegged at a higher level.

Mr. Pompeo. Fair enough. I will take that as a no. Given the information you had, you do not believe it was preventable.

Why were the U.S. personnel under the chief of mission authority in Benghazi working in separate facilities, right? They had multiple facilities there in 2011 and 2012.

No, no, no. This is -- this is separate buildings inside.

Ms. Jackson. Within the compound?

Mr. Pompeo. Yeah, within the compound.

Mr. Kennedy. Within the one compound?

Mr. Pompeo. Yeah, there were multiple buildings there.

Mr. Kennedy. Because -- because that was the best facility we could find. Because the major threat that we had been seeing in the Middle East in recent years were car bombs, large VBIEDs. And so we went looking for a facility, because there had been a car bomb in the parking lot of the hotel. And so what we did was we looked for a facility which had what we call setback, Congressman, which is the distance between the street, the wall, and our buildings, because the blast will dissipate with distance.

Mr. Pompeo. Got it. And who made the decision to select that

site?

Mr. Kennedy. It was a survey done by Diplomatic Security. And I believe there may have been, but I cannot specifically recall, someone from the Office of Overseas Buildings. But a survey was conducted in the city of Benghazi looking for the safest possible so that our upgrades would start at a higher base.

Mr. Pompeo. Fair enough. And I understand also in Tripoli there were multiple buildings as well. Is that correct?

Mr. Kennedy. There were multiple buildings on our compound, and there were two compounds in Tripoli as well. It was two compounds in Benghazi.

Mr. Pompeo. Who approved the waivers for Benghazi and Tripoli of the Secure Embassy Construction Counterterrorism Acts which require the chief of mission personnel to work from a single facility?

Mr. Kennedy. The SECCA act, Congressman, only applies to newly constructed buildings that we build. It does not -- it does not apply to the agglomeration that we put together here. We used the separate Overseas Security Policy Board standards which are de facto parallels for others.

Ms. Betz. But just to clarify, has OSPB incorporated aspects of SECCA into its standards?

Mr. Kennedy. There are -- my recollection is there are 18 separate OSPB standards, including setback, walls, distances, hardening, safe rooms. So there are -- there are parallels. It is simply not possible, Congressman, when you go into a city --

Mr. Pompeo. Oh, I understand that.

Mr. Kennedy. -- to find a building that is to all the standards we would wish. The standards we obtain when we build a building with finding land, assembling the funding, doing the designs, et cetera, it takes 4 or 5 years. And when you have to go into a building immediately, you don't have 4 or 5 years, sir.

Mr. Pompeo. That's why you have waivers. Exactly. I understand exactly. That's why you have a waiver process that says: Here we are, we don't have 5 years to wait. That's why there a waiver process under SECCA.

But you're telling me that SECCA applies only to new construction. So it is the case that the State Department could, if it so chose, go to existing facilities all around the world and never have to comply with SECCA?

Mr. Kennedy. That is correct.

Mr. Pompeo. All right.

Mr. Kennedy. That is -- it is certainly not our goal nor our policy. When you are faced with a national security requirement to be in a country immediately, I can't wait 5 years while I assemble the funds, the land, and build a new building. It's simply not possible.

Mr. Pompeo. And are there waiver requirements for the other set of rules? Or is it just ollie ollie oxen free and you can --

Mr. Kennedy. No.

Mr. Pompeo. -- you can -- any person can make any decision --

Mr. Kennedy. No.

Mr. Pompeo. So SECCA has a very rigid set of rules. It says the Secretary of State shall sign. You're telling me there's another set of rules for preexisting facilities when there's a national security requirement to do that. Tell me who is able to approve that.

Mr. Kennedy. The assistant secretary for diplomatic security approves them for what we call interim facilities, facilities that we are occupying or will occupy for a committed long period of time until such time as funding is obtained to construct under the SECCA regime.

Mr. Pompeo. Was your Benghazi compound classified as a residential facility?

Mr. Kennedy. No, sir. It was classified as a temporary facility.

Mr. Pompeo. And what regs apply? Where are the regs that create that creature?

Mr. Kennedy. It is just our practice, sir --

Mr. Pompeo. Some made-up name?

Mr. Kennedy. We have temporary, we have interim, and we have a permanent. And there are three -- we divide the world into three categories because that is the world we live in.

Mr. Pompeo. So the State Department is free to declare a facility temporary and in the national security interest, and essentially have someone in a very low level approve the security situation. No need for the Secretary or yourself to get involved in the security decisionmaking.

Mr. Kennedy. The assistant secretary for diplomatic security

can sign waivers.

But can I add one thing?

Mr. Pompeo. Of course.

Mr. Kennedy. When we go into one of these temporary facilities, we take the Overseas Security Policy Board standards -- OSPB is how we refer to them -- we take the OSPB standards as our goals. We look at the distance. We then add height to the walls. We add barbed wire. We add lights. We add alarms. We add safe rooms. We do all these things. We treat the temporary facilities as if we were heading towards interim by using the OSPB standards as our goal.

But given time constraints, as I mentioned to you earlier, sir, we can't -- we can't move in tomorrow if we have to. We then add this, we meet this. And I believe that about half of the OSPB standards had already been met. And we were in fact installing a generator there to give us power for the cameras and the alarms should city power have ever failed us.

Mr. Pompeo. Okay.

Ms. Betz. So just to be clear, though, when you talk about the security specialist going in in 2011, it's fair to say that they only looked at Villa A?

Mr. Kennedy. No, they looked at the compound.

Ms. Betz. Well, the compound wasn't the compound at the time that he was there.

Mr. Kennedy. Well, they looked -- my recollection, subject to correction, is that they looked at all the buildings on the compound,

and that later, when the number of people to be assigned to Benghazi was reduced, we jettisoned one of the buildings, and I can't remember whether it was A or D. But we reduced the number of villas we were using by one.

Ms. Betz. Well, from what the documents that have been produced to us, the security specialist was there in June and July, which is at the time that Villa A was becoming the compound, and that the leases weren't signed until August. That the waiver -- the documents show that the waiver or any discussion about the compound was Villa A only. So B and C, which you ultimately resided in or extended, were the two villas that were not assessed by the assessment, by the physical security individual.

Mr. Evers. Is there a question?

Ms. Betz. Well, I guess I want to clarify what the documents that have been produced to us show versus what the witness --

Mr. Evers. I only interject because that's a lot of documents, a lot of prior testimony. I'm not sure --

Ms. Betz. Okay, we can move on. Okay.

Mr. Pompeo. I want to -- I think -- did they call votes? Do you know?

This is a long series. I'll get started.

So I want to talk to you about the documents produced by State Department to this committee. How did State Department search for the 15,000 pages of new emails provided to the committee in August of 2015? Can you give a summary?

Mr. Kennedy. I'm --

Mr. Pompeo. I'm sorry. I'll try it again.

How did the State Department search for the 15,000 pages of new emails that it's not previously provided to Congress, not previously provided to the committee either, in August of 2015?

Mr. Kennedy. The records office of the Department does work for me, but I would have to go back and research that because I am not the operational element of that office. And so I presume they conducted whatever searches they deemed appropriate.

Mr. Pompeo. So you don't know what search methods were used.

Mr. Kennedy. There are multiple search methods.

Mr. Pompeo. But you don't know what any of those multiple methods are.

Mr. Kennedy. I can describe the multiple methods, but I cannot say -- because I'm not sure were these 15,000 documents transcripts, were they emails, were they -- because we have different means of archiving emails versus what we call hard copy paper documents.

Mr. Pompeo. Right.

Mr. Kennedy. Those are the two principal kinds of documents we have. And, therefore, we would have searched through our paper archives and we would search through our electronic archives. And, in fact, the paper archives are actually then scanned into a system which is searchable.

Mr. Pompeo. In August of 2014, the committee received a production which contained just a handful, just a few emails, from a

personal email address belonging to Secretary Clinton. Do you know when and how the Department first saw this personal email address and what steps it took as a result of learning of this personal email address?

Mr. Kennedy. When we discovered that there was a personal email address, we then reached out to obtain additional information.

Mr. Pompeo. So do you know when that was?

Mr. Kennedy. I would have to -- I don't have that date in my --

Mr. Pompeo. When did you first learn of it?

Mr. Kennedy. I think I first learned of it in the newspaper, I think.

Mr. Pompeo. And do you have any idea what year that was?

Mr. Kennedy. Probably '14.

Mr. Pompeo. Okay. And then what steps, when you learned of it -- I guess I'll ask for you, and then I'll ask if you know what the Department did -- what steps did you take when you learned about that personal email address?

Mr. Kennedy. I know at one point, and I'm trying to recall the sequence, I know we were in contact with the Secretary to ask for any State Department emails that she may have in her possession. And we subsequently received -- received emails. And I'd have to refresh my --

Mr. Pompeo. Yes, you did.

Mr. Kennedy. I would have to refresh my mind on the timing sequence. But I know we've been working through those since we --

Mr. Pompeo. So you can't tell me with a timeline at all other than to say at one point I learned about it and then later we got some stuff.

Mr. Kennedy. I would be hesitant to pick a specific date for something --

Mr. Pompeo. Because it's important.

Mr. Kennedy. It happened almost a year and a half ago.

Mr. Pompeo. Yes, I know. And the reason we're here this late is because these documents have just come to us. So I appreciate the distance in time, but if we're going to attribute responsibility for that timing, I think it's very important that the record reflect that we've been waiting on these very documents for an awfully long time, and you're today and not at a time your recollection might have been more contemporaneous with these issues.

Do you know if there was any consultation with or approval by the State Department with respect to the decision by Secretary Clinton to exclusively use a personal email account on her private server?

Mr. Kennedy. I am not aware of any approval given by any official of the State Department.

Mr. Pompeo. Have you asked others if they provided approval -- I'll break this up. You didn't provide the approval.

Mr. Kennedy. Correct.

Mr. Pompeo. Have you asked other if they provided the approval?

Mr. Kennedy. The inspector general is conducting such a review at this moment, sir.

Mr. Pompeo. I understand. I'm asking you, are you aware of whether anyone else provided approval for this?

Mr. Kennedy. Personally, I am not aware of anyone else. But the inspector general is carrying on --

Mr. Pompeo. Yes, sir.

Mr. Kennedy. -- investigation right now.

Mr. Pompeo. Did any -- did you or any other State Department official, to the best of your knowledge, provide advice to Secretary Clinton either with respect to the propriety or advisability of establishing a private email account?

Mr. Kennedy. I am not aware of anyone who did. And that is also a subject the inspector general is reviewing now.

Mr. Pompeo. What actions have you taken in response to your knowledge that the Secretary of State did not have an official government account?

Mr. Kennedy. We now have -- we now have received the emails that she turned over to us. They're in the process of being reviewed. And we hope to process the last tranche under a Freedom of Information request by the end of this month.

Mr. Pompeo. What other actions?

Mr. Kennedy. We have --

Mr. Pompeo. Are there policy changes that have been -- I'm looking sort of prospectively now.

Mr. Kennedy. Oh, prospectively.

Mr. Pompeo. But I guess it's not prospective with respect to your

actions. They would have taken place in the past.

Mr. Kennedy. Right.

Mr. Pompeo. But as you're looking forward --

Mr. Kennedy. We have gone out and reminded all State Department employees of this requirement. We have adopted a process that has subsequently been recommended by the National Archives and Records Service. And it's called journaling.

And so we have identified all the senior officials of the State Department -- i.e., the Presidential-appointed individuals plus their equivalents who are secretarial appointees -- and all those emails are now being automatically journalled and recorded by our central servers.

Chairman Gowdy. Mr. Ambassador, how would FOIA requests have been processed before the emails were returned to the State Department, FOIA requests that her emails would have been specifically responsive to?

Mr. Kennedy. Mr. Chairman, when an email request comes in, there is a central office that receives the email request. They look at the email request. They look at the subject matter. They then --

Ms. Jackson. Are you talking FOIA requests?

Mr. Kennedy. FOIA requests. Yes.

Ms. Jackson. Okay. You said email requests.

Mr. Kennedy. FOIA requests. Excuse me.

Chairman Gowdy. I know what you meant.

Mr. Kennedy. Thank you. They then -- the office then determines which offices within the State Department might be in

possession of information relative to the requests. A tasking goes out to those offices requesting they search their files. Those -- that information then comes back from those offices. And then teams within the Freedom of Information Act office process those documents for release or retention, in whole or in part, based upon the statute -- the statute and the regulations set forth to -- that govern the FOIA process.

Chairman Gowdy. Are you aware of any requests, related to our committee or otherwise -- related to Libya or otherwise, not our committee -- that would have included requests for her emails prior to them being returned to the State Department by her?

Mr. Kennedy. I don't follow the details of every FOIA request, Mr. Chairman. I do know that we process them, we process them as they come in, and we task out to the offices that might be holding that information, receive the information back, and then, either in response to a congressional request or in response to a FOIA request, these are handled by the same office but under two separate rubrics, so to speak, in order to be responsive.

Chairman Gowdy. I guess what has folks vexed is how you would do that search and not a single solitary email would pop up, or certainly not many. At what point would you be alerted that we're missing something?

Mr. Kennedy. I will admit, sir, no one ever alerted me that they were not seeing lots of emails. That may not have surprised people, though, because -- and we have confirmed this -- neither Secretary

Rice, who is Secretary Clinton's immediate predecessor, or Secretary Albright never used -- never used -- never used emails at all. And, therefore, emails of the Secretary of State were not a commonly produced item by most previous Secretaries of State.

Chairman Gowdy. But if I understand your testimony correctly, they didn't use email at all.

Mr. Kennedy. That's right.

Chairman Gowdy. There were people at the State Department who knew full well that she was using email, she just wasn't using state.gov email.

Mr. Kennedy. I do not think, Mr. Chairman, that that was a commonly known fact.

Chairman Gowdy. You mentioned congressional inquiries. There was a letter written by a past Oversight chairman that specifically asked whether or not principals, and may have even named the Secretary of State by name, was using personal email. Who would a congressional inquiry go to? Who would be responsible for answering that direct question?

Mr. Kennedy. Congressional inquiries, Mr. Chairman, go to the Bureau of Legislative Affairs, who then consults with the other elements of the Department. And since I'm not aware of this letter, I can't do anything more than describe the first step in, so to speak, sir.

Chairman Gowdy. All right.

Mr. Pompeo. Is it the State Department's position that

provisions of the Foreign Affairs Manual are applicable to the Secretary of State in the same manner as other Department employees?

Mr. Kennedy. Yes.

Mr. Pompeo. I guess I asked it in the present tense. Has it been all along, to the best of your knowledge? That hasn't changed?

Mr. Kennedy. Well, that -- if you're asking a legal question --

Mr. Pompeo. No, I'm asking for your understanding. You're a senior person. I'm asking for your understanding. There's a Foreign Affairs Manual, it applies to all employees. Would that include the Secretary?

Mr. Kennedy. The Secretary of State is an employee of the State Department.

Mr. Pompeo. Did you email Secretary Clinton?

Mr. Kennedy. As part of this process, I did -- I received over the course of 4 years, I think -- I think that we discovered there were 44 emails I got. Almost all of them were after hours or on the weekend. Most of them, by my recollection, were she was at some kind of social event or other thing and someone asked her a question about the State Department. And most of them she'd say: I've been asked this consular question. Who can I refer this person to?

And so they were not record emails in the sense that they were not making major decisions of the State Department. They were, in effect, informational requests. And I get informational requests like that from friends and colleagues. So I just assumed that she was emailing me from her personal BlackBerry, iPad, or whatever, and I was

answering a request that said: Yes, so and so should contact so and so.

There were a few -- there were a few of them that did come at other times. And I know one of them came when, I remember specifically, she was riding in a car. And so she sent me an email asking me about a timing of a certain event that was to take place.

Mr. Pompeo. But you wouldn't have gotten those from Secretary Rice or Albright because they didn't email.

Mr. Kennedy. They didn't email at all.

Mr. Pompeo. So this was different. And you knew it was different. You knew that Secretary Clinton was a user of email.

Mr. Kennedy. I knew that she was a user. She had a personal email account.

Mr. Pompeo. On which she was conducting State Department informational inquiries.

Mr. Kennedy. It was information about --

Mr. Pompeo. She was calling another State Department official. I mean let's not be too clever by half. I mean, she was -- it was State Department business. She was the Secretary of State. You worked for her. She was looking for information to answer a question in her capacity as Secretary of State. She wasn't asking you what was for dinner. She was asking you about State Department business, sir. Is that not right?

Mr. Kennedy. I am not -- I'm not trying to be too clever by half. I'm just saying that when I saw these type of queries I did -- nothing

in my mind rang a bell that this is a record email of the kind that should be recorded in the State Department archives because I then -- I had them in my archives. So they were recorded in the State Department archives. And I put her in touch with -- or the person who was making the inquiry -- with another State Department officer who was acting on consular matters, is a good example.

So they had been -- they were now in the State Department archives because I had them, and I regarded them as in the nature of query, personal, temporary, not permanent.

Mr. Pompeo. Well, I'm a little confused. First you said you didn't consider them State Department business. Now you said: But I knew they were in State Department archives so it was okay.

Mr. Kennedy. No, I just said I knew I had them. If anyone ever needed them, I had them.

Mr. Pompeo. Did they call votes? Is that what that --

Chairman Gowdy. Well, the light's not blinking, but the buzzer went off.

[Discussion off the record.]

Mr. Pompeo. I apologize for that.

Mr. Kennedy. No problem, sir. I'm prepared to stay here as long as you wish.

Mr. Pompeo. Well, thank you very much.

You all are welcome to continue.

Chairman Gowdy. Why don't we vote and then you all do what you can in our absence to not hold him to what he just said, stay here as

long as -- and then we'll come back. I've adjusted some things this evening, because if you're going to be here --

Ms. Jackson. I'm sorry. We can be off the record.

[Recess.]

Ms. Jackson. Let's go back on the record.

BY MS. JACKSON:

Q Mr. Kennedy, are you known as what is a senior agency official for the State Department for purposes of the National Archives?

A Yes.

Q Okay. And what are your duties and responsibilities as a senior agency official?

A To ensure that there is coordination among various elements of the State Department adhering with records standards.

Q And so are you the person that's over the records management for the State Department?

A I am over the officer who is over the records management. The person who is the director of agency records, so to speak, is a deputy assistant secretary of state within the Bureau of Administration. And that individual reports to the assistant secretary of state for administration, who reports to me.

Q Okay. Do you recall putting out a notice in October of 2014 regarding the responsibilities of Department employees with respect to records maintenance?

A I have a general recollection of that, yes.

Q Okay. Do you recall stating in that message that went out that, and I quote from that, is, "As a condition of our employment with the USG, employees at every level have both a legal responsibility and a business obligation to ensure that the documentation of their official duties is captured, preserved, managed, protected and accessible in official government systems. This includes email."

A I assume you're reading that correctly to me from the document. I don't have it in front of me. But I will accept -- I will accept that you're reading it correctly.

Q Let's just go ahead and mark it as exhibit 8 and have you identify it.

[Kennedy Exhibit No. 8

Was marked for identification.]

BY MS. JACKSON:

Q I hand you what's now been marked as exhibit 8, which is entitled a "United States Department of State Department Notice. Office of Origin: M. Date of Announcement: October 17, 2014," and entitled, "A Message from Under Secretary for Management Patrick F. Kennedy regarding State Department Records Responsibilities and Policy." And I'll give you a minute or two to take a look at that.

A Thank you.

Q Okay. So is this a Department notice that you issued in October of 2014?

A Yes, it is.

Q Okay. And is the part that I read into the record just a

few minutes ago the part that is in bold and underlined in the middle of the first page?

A Yes, it is.

Q Okay. And I would like to then turn to the back page of this document, at the end of the first full paragraph, where it says, about halfway through, "Departing employees are also reminded that they may take with them only personal papers and non-record materials, subject to review by records officers to ensure compliance with federal records laws and regulations. All federal records generated by employees, including senior officials, belong to the Department of State." And, again, is that part of the guidance?

A That is part of the Department notice, yes.

Q Okay. And is that true? Are both of those parts true?

A They are true.

Q Okay. Were they true in -- for all of 2014?

A I would have to check, but I believe so.

Q What about 2013?

A You're asking me to go back on and construct when guidance from the National Archives may or may not have changed. I have -- and that is something that I would have to consult with the records management staff to see if the National Archives requirements had changed at any point. But I -- this does appear to be something that does go back at least several years, but I cannot confirm that.

Q In the time that you've been with the State Department, have departing officials ever been allowed to take with them the official

records of the State Department?

A The official records -- the official records of the State Department? No.

Q Okay. Because the official records of the State Department belong to the State Department?

A The official records of the State Department belong to the State Department.

Q And in your 43 years of being with the State Department, has that always been true?

A The definition of what is an official record is a very, very complex matter that does not --

Q That's not my question to you, Mr. Kennedy.

My question is State Department -- no departing official has ever been allowed to remove official records from the State Department in your 43 years.

A That is a different question than you just asked. But the answer is that is, no, you cannot take official records with you.

Q Okay. Then why did Secretary Clinton take official records with her?

A You will have to ask Secretary Clinton that question.

Q Were you aware of it at the time she did?

A No.

Q Okay. Are there procedures -- when she left office, were there procedures in place that governed the review of her records before she left?

A Yes.

Q Okay. And was she under a legal obligation to leave the official records with the State Department?

A I am not a lawyer and therefore I'm not going to answer legal questions.

Q According to State Department policy, was she required to leave official records with the State Department when she left?

A She is required to leave official records with the State Department.

Q And she's not allowed to take them with her.

A She's not allowed to take official records with her.

Q And she's not allowed to retain those official records when she leaves office.

A She is not allowed to take official records with her.

Q And that includes emails if they're an official record.

A If the emails are an official record, yes.

Q Okay. Back to the front page, you write in this notice that "employees at every level have both a legal responsibility and a business obligation to ensure that the documentation of their official duties is captured, preserved, managed, protected and accessible in official government systems." Was that true in 2011 and 2012?

A I believe so.

Q Okay. And what was the legal responsibility that you reference here?

A I'm sorry. I'm not following.

Q You say that "employees at every level have both a legal responsibility and a business obligation." I'm asking you what you mean by legal obligation in this notice that you authored.

A I did not say I authored it. I said I issued it.

Q You issued it. You issued it.

A This was authored by professionals who work in one of my divisions and therefore I'm going to stand by what they say.

Q Okay. You believe this to be true?

A Yes.

Q Okay. Are you aware of the Foreign Affairs Manual provision governing email communications?

A I'm generally aware of it, but I could not ask a -- answer a specific question without being provided a copy of it.

Q Okay. Do you recall that in approximately 1995 the principles governing email communications was promulgated within the Foreign Affairs Manual and required Department employees to ensure that their emails were properly stored and preserved?

A I can't say that I am aware of the specifics of something that was issued 21 years ago.

Q Are you familiar with the general provision in the Foreign Affairs Manual that email communications, if they include official business, must be stored and preserved?

A Official records must be stored and preserved, yes.

Q And that has been the requirement the entire time that you've been with the State Department?

A Official records must be retained, yes.

Q Okay. And what are some of the reasons why they have to be retained? Why do the official records have to stay with the State Department?

Mr. Snyder. If you know.

Mr. Kennedy. I assume because it is -- it records the activities of the State Department.

BY MS. JACKSON:

Q So for just the record of the proceedings, is that correct, records of the proceedings of the State Department?

A Records -- that is a term of art that I'm not sure that I find familiar. But obviously I am acknowledging that the retaining the official records of the State Department are important in order to follow the conduct of foreign relations of the United States, which is why we publish, for example, the Foreign Relations Series of the United States.

Q Are you familiar with the Foreign Affairs Handbook at 5 FAH-4 H200 that requires that departing officials must ensure that all record material they possess is incorporated in the Department's official files?

A I know that we have guidance for our records officers and the Foreign Affairs Handbook is that which provides guidance to our records officers. But I can't say that I have memorized the entire content of 5 FAH.

Q Okay. What about the general concept that departing

officials must ensure that all record material they possess is incorporated in the Department's official files?

A I accept that as the same -- for the same line that we've been going over, yes.

Q Okay. And one of the reasons given for that is because that those records are required to respond to FOIA, congressional, or litigation-related document requests.

A If that is the reason given, that is the reason given.

Q Okay. Is that also a reason why the State Department needs to keep its official records, so that they are available for FOIA, congressional, or litigation-related requests?

A That is why we have official records.

Q Did Secretary Clinton do this when she departed?

A You will have to ask Secretary Clinton that question.

Q You don't know that she retained official records when she departed that were not in the possession of the State Department?

A That material is being -- is currently the subject of an inspector general review. She did pass back to us 53,000 pages of emails, and those are being reviewed now, yes.

BY MR. KIKO:

Q Can you tell me what the process is for a departing employee with some detail? What's the exit -- what's the policy for an employee of the State Department on when they -- when you know that they're exiting? What process do they have to --

A On retirement?

Q Or leaving. Not necessarily retirement, but just -- just leaving. Somebody changes jobs. What do they have -- what's your process, especially let's say it's -- or if they leave the government, change jobs, leave the government, should be the same.

A We're going here -- I can give you that in generalities --

Q That's fine. I appreciate that.

A Then the records are -- each bureau or office has records officers who follow the guidance and then advise those individuals on what steps may be taken to preserve official records.

Q Is there a records officer in the Office of the Secretary?

A Yes.

Ms. Jackson. Who was that person when Secretary Clinton was there?

Mr. Kennedy. I'm afraid I do not know.

Ms. Jackson. Who did that person report to?

Mr. Kennedy. It probably would report to the executive secretary of the State Department.

Ms. Jackson. And who was the executive secretary of the State Department when Secretary Clinton left?

Mr. Kennedy. That would have been January of --

Mr. Snyder. 2013.

Mr. Kennedy. 2013.

Mr. Kiko. You can get back with us on that.

Mr. Kennedy. It's either one of two individuals because they changed -- they changed very close to each other.

Ms. Jackson. And those two names are Stephen Mull and who?

Mr. Kennedy. Stephen Mull or John Bass.

Ms. Jackson. B-a --

Mr. Kennedy. -- s-s.

Ms. Jackson. -- s-s. Okay.

Mr. Kiko. We can move on. We're fine.

BY MS. JACKSON:

Q You said that you couldn't -- or that it was the subject of an inspector general report that -- whether Secretary Clinton followed the procedures for parting officials. Let me just go back and ask you to restate your answer to that.

A I said there is an -- Secretary Kerry, in addition to appointing a transparency coordinator, also asked the inspector general to review the entire matter of both records management and ancillary issues, and that investigation is ongoing.

Q And is it your position that that investigation prevents you from providing answers to this congressional committee?

A No, I did not say that.

Q Okay. Is that your position?

A I did not say that.

Q Okay. Is it your position that an ongoing inspector general investigation would prevent you answering questions of this congressional committee?

A If I knew the answers, I will answer them. But if the answers are going to be derived from the inspector general's review,

I do not have those answers now and therefore cannot answer them.

Q When Secretary Clinton left office, did she retain in her possession official records of the State Department that the State Department did not possess?

A It appears that there were materials in the 53,000 that we did not have copies of.

Q Okay. And was she required when she left to leave those documents in the possession of the State Department?

A If they were official records for which we did not have copies.

Q And are you treating them as official records of the State Department?

A I'm not trying to be clever, but you're asking me some very, very technical questions which the inspector general is reviewing -- is reviewing the material. And so official records must be maintained. On the other hand, at times, if there is a copy in the State Department's archives, something can be a duplicate copy and therefore it is not an official record as long as there is a copy. A duplicate copy of the same material is a duplicate copy.

Q And that's generally understood to mean a duplicate copy within that particular person's file, not in someone else's file. Is that your understanding?

A You're going beyond my operating technical competence.

Q But you're the senior agency official. You are the designated person who is supposed to understand and implement the

records management system for the State Department.

A I have a large number of highly professional and trained staff, including a records officer at the Department who is steeped in this and who is the professional.

Q And who is the records person that you're referring to?

A It is either -- it's either [REDACTED] -- there's both [REDACTED] and [REDACTED].

Q Okay.

Mr. Evers. You mean [REDACTED]?

Mr. Kennedy. [REDACTED]

Ms. Betz. Who testified.

Mr. Evers. Who did speak before the committee.

Ms. Betz. Yes.

BY MS. JACKSON:

Q The State Department is involved in reviewing the 55,000 pages of emails that Secretary Clinton returned to the State Department and is reviewing them and posting them on your FOIA Web site. Is that correct?

A That is correct.

Q Okay. So the State Department's treating those as if they are official records, the ones that are being posted?

A We are reviewing -- we have reviewed them, and to identify those which are official records. And those which are identified as official records are processed and treated under FOIA.

Q Okay. And that is the large percentage of the records that

were returned by Secretary Clinton to the State Department?

A That is correct.

Q Do you have a percentage of the records that have been found and determined to be official records of the ones she returned?

A Round number, 95 percent.

Q Ninety-five percent of -- I believe it's about 30,000 emails of 55,000 pages. Is that a correct number that was returned?

A I think it's closer to 53,000 pages, but --

Q But it was approximately 30,000-some emails?

A I believe that's, to the best of my recollection, that's the number.

Q Okay. And of that, you're telling us that 95 percent of those records, those email records that have been returned, have been determined to be official records of the State Department?

A They have been -- yes, they have been processed under FOIA as such.

Q Okay.

A May I ask a question? May I ask what this has to do with the purpose to which I was invited here today, which is to discuss Benghazi?

Q The completeness of the record of the materials that have been provided to this committee and the delay in which this committee has received records is highly relevant to our investigation.

Mr. Snyder. I would just point out, you know, while --

Ms. Jackson. Do we need to go off the record?

Mr. Snyder. No, I think the point of his question is that he was prepared to answer every and all questions about Benghazi. And this seems to be getting very far afield of what happened on the tragic night of September 11th, 2012. But that's -- I think the understanding or the question is coming out of that. So I don't know how much more --

Ms. Jackson. Certainly it's within the charter of this committee to deal with how the State Department has complied with congressional oversight.

Mr. Kennedy. Let's march on.

Ms. Jackson. Okay. When did you first learn that Secretary Clinton was using a personal email account to conduct official business?

Mr. Kennedy. Since I was not prepared for this line of questioning, I will have to say to the best of my recollection, I believe that I learned about it in the newspaper.

Ms. Jackson. But when, was my question.

Mr. Kennedy. I don't recall.

Mr. Snyder. Can I have just 1 second?

Ms. Jackson. Sure.

[Discussion off the record.]

Ms. Betz. I just want to go back and clarify, you gave a percentage of 95 percent of the approximately 30,000 emails. In totality, of those 30,000, 95 percent are official records?

Mr. Kennedy. I'm doing a rough mental calculation.

Ms. Betz. Right. I'm just trying to distinguish between

whether or not those were already captured in your network or are those --

Mr. Kennedy. I was not making such a distinction.

Ms. Betz. Okay.

Ms. Jackson. So the 95 percent deals with 95 percent of the 30,000 and some emails that were returned have been deemed official records.

Mr. Kennedy. Yes.

[4:41 p.m.]

Ms. Jackson. Regardless of whether they were captured anywhere else?

Mr. Kennedy. You're posing -- you're conflating two separate lines of questioning and inquiry.

[Kennedy Exhibit No. 9

Was marked for identification.]

Ms. Jackson. Okay.

Mr. Kennedy, I'm handing you what I've marked as exhibit No. 9. And for identification purposes, this is a January 24th, 2009, email from a Lewis Lukens. Your name is at the top of this. It bears a FOIA case number of F-2015-05052, and it's from a Lewis Lukens to you on that date. And I will give you a moment to review this document.

Mr. Evers. Are we off the record?

Ms. Jackson. Yeah, we can go off the record for a moment.

[Discussion off the record.]

BY MS. JACKSON:

Q Mr. Kennedy, do you recall this email exchange?

A I recall it now, I think, having have read it.

Q And this was 3 days after Secretary Clinton took office?

A I believe it's 2 days. I think she came in on the 22nd, not the 21st. But that's a minor matter. Yes, it was contemporaneous with her arrival.

Q Okay. Prior to her coming in, had you or others set up a state.gov unclassified email account for her?

A I do not manage to that level.

Q Do you know now whether one was set up for her prior to her coming into office?

A I do not know because that is handled by a different office. It's handled by the Executive Secretariat. They manage the terminals for email for the Office of the Secretary.

Q Okay. This email exchange talks about having an encrypted BlackBerry for her. If I can refer you to the second page, in the middle of the page, where Cheryl Mills is writing to Lewis Lukens. You and Huma Abedin are copied. And the middle sentence says, "is there any solution to her being able to use an encrypted bb like the nsa approved one he has in the vault and if so, how can we get her one."

A Yes.

Q So there was discussion of having the Secretary have an encrypted BlackBerry?

A Yes.

Q Would that have been a classified BlackBerry?

A I do not -- there are two kinds of encryption. There is encryption for sensitive but unclassified, and there is national security encryption at three or four different levels. So I do not remember specifically what kind of BlackBerry there was. However, I can tell you that in the end we discovered there was no such thing as an encrypted BlackBerry.

Q At this time?

A At this time and later.

Q Okay. And so following this email exchange, did the Secretary of State, Secretary Clinton, receive any type of State Department device to conduct email, any type of BlackBerry or other device to conduct electronic communications?

A I do not know whether she did or not.

Q This email exchange also talks about setting up a stand-alone separate computer for her to check email. Is that correct?

A Yes.

Q And what was the purpose of that?

A Secretary Clinton's office is [REDACTED] [REDACTED] which does not permit personal -- personal BlackBerrys. Therefore, this request related to how could she communicate with her family while she was [REDACTED] And this was a technical discussion of the possibility of installing what is usually called a DIN, a D-I-N, a direct Internet connection, that would permit her to communicate with her family [REDACTED] [REDACTED] without violating what are called the DCIDs, D-C-I-D, that are the directives on the protection of sensitive classified material in an electronic environment. So this was setting up -- this was a question about setting up a BlackBerry for her to communicate with -- I'm sorry, a PC for her to communicate with her family without compromising the DCIDs.

Q Okay. Did that get done?

A No.

Q And do you know why not?

A Because Secretary Clinton, as is said in here, does not use -- as it says in the email from Mr. Lukens at the very first paragraph, is that the Secretary of State does not know how to use a computer to do email. So it was never set up.

Q But he goes on to say: But it would not take much training to get her up to speed. Did that ever happen?

A It was never set up.

Q She didn't want to do that?

A It was never set up.

Q Do you know why it was never set up?

A No, but it was never set up.

Q All right. Let me show you another exhibit from August 30th, 2011. I'm marking it as exhibit 10.

[Kennedy Exhibit No. 10

Was marked for identification.]

BY MS. JACKSON:

Q I'll give you few moments to look at it. For identification purposes, it bears FOIA case number F-2015-12685. It is dated August 30th, 2011. At the top it is from Huma Abedin to Stephen Mull. You are copied in some middle transmissions on this. And I will give you a few moments to take a look at this.

A I'm aware of this.

Q Okay. This is in August of 2011, and this pertains to a discussion as to whether the Secretary is going to get a Department-issued BlackBerry to replace her personal unit which is

malfunctioning. Is that correct?

A No. That is the secondary subject at the end of the email. The primary subject is communications. And this is a discussion here about -- it is blacked out -- about secure telephonic connections.

Q And where were these secure telephonic communication devices going to be?

A Installed between her residence and the State Department, as we do for every Secretary of State.

Q And did she have secure communications at her home at this time?

A We were -- we were -- they were some secure devices. And the telephone -- secure telephone system that was then installed was not functioning properly, and so the discussion was how do we ensure that the U.S. Government-approved system could be made to function appropriately.

Q I'm going to come back to that in a moment, but the secondary issue discussed in here then is discussing a request to have a Department-issued BlackBerry to replace her personal unit which is malfunctioning. I'm summarizing from the second page, the first full paragraph. Did that happen? Did she get a Department-issued BlackBerry?

A I don't know.

Q You don't know?

A No.

Q Okay. She had a Department-issued BlackBerry. Would she

have had a state.gov account?

A If she had a Department-issued BlackBerry that was on the State Department system, she would have had a State Department address.

Q Are you saying that there were State Department BlackBerrys that were not on the State system?

A No.

Q So a State Department BlackBerry would have on the State system?

A Yes.

Q Okay. And you're saying to us that that did not happen?

A To the best of my knowledge it -- I don't know, because I do not -- units that were in one of my direct chains handled secure voice. BlackBerrys are handled for the Secretary of State and other senior officials by the Executive Secretariat. So whether she was given one or not, I simply am unaware.

Q Can you, back in 2011, could you conduct personal email on a State BlackBerry?

Mr. Snyder. If you know.

Mr. Kennedy. At one point you could. But I do not recall -- I know also that at one point you could not, and I know that because I had a State Department-issued BlackBerry and I could communicate on the State Department system, but there are times when I could not reach my Hotmail account.

BY MS. JACKSON:

Q Was that episodic or was that like a ban?

A I do not know the technical reason for it.

Q Did it last for a very long time?

A It was a period that it could, and then now there were periods that it couldn't.

Q And which came first?

A I don't recall.

Q Going back to the passage that I just referred to on the second page, where it says, and I quote, "Separately, we are working to provide the Secretary per her request a Department issued Blackberry to replace her personal unit which is malfunctioning (possibly because her personal email server is down)."

Was this the first time you knew that she had a personal server?

A Actually, when I got this message, which as you know I was only an info copy on, I was only focused on the first couple of paragraphs, which related to classified secure voice, which is my responsibility. I don't believe I even noticed the reference to a personal server because it was not in my jurisdiction. I was focused on, as I mentioned earlier, I was focused on the issue within my jurisdiction. And additionally, I was not an action addressee on these emails.

Q When did you learn that the Secretary had a personal server that was handling her personal email account?

A Several years later.

Q Approximately when?

A Approximately sometime in 2014, early 2015. I do not

remember the date. I think it was -- I think that that story broke in a New York Times article, and that's the first I learned she had a personal BlackBerry -- personal server.

Q Was the New York Times article?

A That's what I believe.

Q When it broke in 2015?

A When it broke in The New York Times. I can't remember exactly what month it was.

Ms. Betz. So just to be clear, that was the first time that you learned that she had a personal server?

Mr. Kennedy. Correct.

Ms. Jackson. And you knew before then, though, that she had a personal email account?

Mr. Kennedy. Yes. One can have a personal email account and not a personal server.

Ms. Jackson. Correct.

Mr. Kennedy. And so I knew one but not the other.

Ms. Betz. So just to be clear, so are you saying that in March 2015, that was the first time that you were aware that her records were not on site?

Mr. Kennedy. Records were not on site?

Ms. Betz. Her emails were not retrievable, were not housed?

Mr. Evers. We got them back in December 2014.

Ms. Betz. I understand, but I'm trying to reconcile his knowledge of a personal server and obtaining the email -- the return

of records, his knowledge of the return of records. So you're saying that -- we'll eliminate the question.

BY MS. JACKSON:

Q Okay. Let me just move on.

So, again, just to circle back, the first time that you -- when was the first time that you were aware that Secretary Clinton had used her personal email account to conduct official business?

A As I think I said before, over the course of 4 years of her period as Secretary, I think I got about on the average of 1 email a month, and I think there were 45, 46, 48, something like that. I knew early on that every once in a while I would get an email from her personal BlackBerry, but they were not of high order. They were not -- some of them, I believe, may not even have tripped the wire of being official government records. As I mentioned in response to an earlier question, there were things that came in, she would be asked at a cocktail party about how she dealt with a consular question, or she would send me a question about the timing of something.

Therefore, I knew that she had a personal email account, but I got no emails in large volume from her, and therefore I did not know the volume of her usage, the extent of her usage, and I did not know that she had a personal server.

Q Do you recall whether you got an email from her from her personal email account asking about the evacuation of Embassy Tripoli?

A The only email I got from her that I recall on that was asking me simply if the ferry had sailed.

Q That was the official business of the State Department, wasn't it?

A I do not -- that I would have to defer to my professional colleagues, but I'm not sure that asking that simple question would qualify as a record email as opposed to a temporary email.

Q When did you first learn that there was a large volume of emails of Secretary Clinton that needed to be returned to the State Department?

A Sometime in late 2014, I believe.

Q Late 2014 or early 2014?

A As I said, I do not remember what the date was.

Q And how did you learn that?

A Again, I don't remember when I learned for it, and that is not, as I said, this is not a subject I prepared for, for this interview.

Mr. Snyder. There was a letter that he sent which might time stamp it, but we didn't review that with him because we didn't understand that to be part of the substance of this interview.

Ms. Jackson. Well, I do understand that I'm out of time, so at this point let's go off the recorded.

Mr. Kiko. No, I just have one point. You asked a question about why this came up. And I guess we had sent an email that had 27 questions. A lot of these were the 27 questions that have just been asked, not all of them, in April. And this issue has come up with your Legislative Affairs people, when are we going to get responses. We haven't received responses.

I specifically asked the inspector general if they were looking at these responses because somebody told me unofficially that these

were being reviewed by the inspector general. I then asked the inspector general if they were aware of these questions, and they said they were not.

So from what I gather, this issue came up at a meeting last week that I was not in attendance, but these questions have been -- they were member-driven at the time. They have not been answered. And I'm sorry that you were not prepared, but we have been asking for answers to these questions for quite some time.

Mr. Kennedy. My comment was I would have been better prepared as to exact dates. I always try to make sure that I can provide any congressional group that I meet with full and complete information, and dates are very important, but very complex across a period of time that goes back, you know, to Benghazi.

Mr. Kiko. I just wanted to give some context about why we were asking these questions. I mean, I'm a straight shooter on this one. That was the reason why.

Mr. Kennedy. Thank you, sir.

Ms. Jackson. With that, we'll go off the record.

[Off the record.]

Mr. Kenny. Go back on the record. Time is 5:20 p.m.

Ambassador, it's been a long day already. We appreciate your patience.

We did want to begin this round picking up where we left off in the last round. There was an extensive discussion of email policy, email practices at the State Department involving the Secretary.

You'd indicated that you had not personally prepared for that in this briefing, so I want to be a little more limited in the questions that we ask of you, especially given some jurisdictional issues that may also arise if we get into that inquiry.

We'll use a document here to kind of guide our discussion for the next few minutes. You were obviously asked a lot of questions about Secretary Clinton's personal email practices. You had also in response to some questions brought up Secretary Condoleezza Rice, as well Secretary Madeleine Albright, and their email practices, which we understand that they didn't use email for official purposes.

We wanted just for the completeness of the record to discuss another Secretary during this timeframe, during the early 2000 timeframe, understanding, of course, you're shifting positions in the Department as well as outside the Department around this time period.

So we'll mark this as exhibit 11.

[Kennedy Exhibit No. 11

Was marked for identification.]

BY MR. KENNY:

Q For the record, this is a portion of a book authored by former Secretary Colin Powell, the title, "It Worked for Me," excerpted pages 108 through 112.

Ambassador, just in the interest of time, I'm just going to focus on one paragraph, it's is on page 109, but of course we included the full discussion here if you'd like to take a moment to review it. So it'll be in the second paragraph from the bottom on 109.

A I have read page 109, sir.

Q Okay. And I'd just like to read into the record, this is a paragraph that appears on page 109. It begins, quote, "To complement the official State Department computer in my office, I installed a laptop computer on a private line. My personal email account on the laptop allowed me direct access to anyone online. I started shooting emails to my principal assistants, to individual ambassadors, and increasingly to my foreign-minister colleagues who like me were trying to bring their ministries into the 186,000-miles-per-second world," close quote.

And, sir, just at the outset of our discussion here, the former Secretary makes a reference to the 186,000-miles-per-second world, the speed of light, the changes that were at the Department. Given your length of service at the Department, sir, could you just describe for us the change within the Department with regard to the use and prevalence of email to conduct official business at the Department?

A Yes. Obviously, the State Department has, I guess, the entire U.S. Government agency has moved forward. And whereas once record material was conceivably only paper material, or in the case of State Department it's telegrams, which are in effect record emails, formatted record emails, now email is a major tool. We are able to move lots of material via email. This has built up over time, obviously.

Still, the State Department, while it uses emails a lot, still is a big consumer of both record. So if I make a formal decision, I

receive a formal memo. It comes to me electronically. I can respond. But it is a formatted document so that it easily records and is traceable of a policy or managerial policy decision. And we still use our telegram system, which, as I said earlier, is truly a form of email because it has serial numbers and it is traceable.

But email has certainly taken over the State Department. We do hundreds of thousands of emails a year. Because it's simply when you have time zone displacement, as the State Department has, when you're operating around the clock, people have weekends that are different from yours, plus the fact that playing telephone tag with someone is certainly one of the most egregious wastes of time possible, it's a lot easier now to send someone an email than to telephone them and potentially have them not be there.

Q So thank you for that background.

With respect to Secretary Powell's comments in his autobiography, here he indicates that he installed a computer with a private line and also maintained a private email account. Did you recall that Secretary Powell at the time used a personal email account to conduct official business?

A I left the State Department for New York and Iraq and did not come back to Washington, to the State Department, until after Secretary Powell had left. So I only learned of this when someone mentioned to me that they had seen it -- seen it in his biography. I never received an email from him. But apparently it's more and more widely known that he -- that he did -- that he did use a personal email

for State Department business, as he says.

Q And presumably any emails he conducted on a system such as the one described here, if they were conducting official business, those would possibly be official records. Is that correct?

A That is correct.

Q And, of course, some of those emails, he refers here to emails he may have had with his principal assistants. Would that include his under secretaries, for instance. Is that correct?

A I am guessing when he talks about his principal assistants and then goes on to say to individual ambassadors, it would be a logical assumption that he was talking about assistant secretaries, under secretaries, the deputy secretary, yes.

Q To include officials like an under secretary for management possibly?

A Yes. Yes.

Ms. Sawyer. Can I just ask a quick question. In the portion you guys have been discussing it also says, quote, "and increasingly to my foreign-minister colleagues." So to the extent he was emailing foreign minister colleagues from a laptop on a private line, would that have been caught in the state.gov official system?

Mr. Kennedy. No, because the fact that it was on a private line, it would not have been caught. A private line, it would be a DIN, a direct, D-I-N, a direct Internet connection. It would go from that terminal directly to the Internet and back and bypass the State Department's system.

Ms. Sawyer. So with regard to those type of emails, whether or not they're official records or not, those emails, given that there are emails that he acknowledged here that went to foreign minister colleagues that he says were about the business of him being the Secretary of State, has there been an effort to reach out to Secretary Powell and ask him whether he has them in his possession, if he can return them to the State, or provide a copy of those to the State Department?

Mr. Kennedy. I wrote all the previous five Secretaries of State, I believe in October -- I know it was in the fall, it was in October of 2014 -- and asked them to please provide the State Department with any record material, emails that they had in their possession that were not already in the possession of the State Department. I wrote to the representatives, and I wrote to Secretary Powell's, in effect, chief of staff, executive assistant, as well as Secretary Albright, Secretary Rice, Secretary Clinton, and I got back an answer from Secretary -- got back a response from Secretary Powell's office that he did not have access anymore to that material, and therefore he was unable to provide us copies because he had no access to them.

BY MS. SACHSMAN GROOMS:

Q What does that mean, he had no access to them?

A I think he was saying that he could no longer retrieve them from whatever address he was using. His point was he could not positively respond to my request for the material because he did not have it.

Q So you didn't get anything back from Secretary Powell?

A There was not -- the letter was responded to, but there was no material provided.

Q And did you take any additional steps to try to obtain those emails?

A We have no way of obtaining them. They would have to be obtained by the author.

Q The author, Secretary Powell?

A Yes.

Q Did you take any steps to ask Secretary Powell to obtain them?

A We did in our letter ask him to produce them, and he said he could not.

Q Did you take any additional steps, like asking him to reach out to his former Internet service provider to get them?

A No, we did not.

Mr. Snyder. One second.

[Discussion off the record.]

Mr. Kennedy. If I might, thinking about this harder and then running all five Secretaries of State through my mind, I do recall now that there was a second transmission to Secretary Powell asking him if he could contact the Internet company, and we never received a response to that letter.

Mr. Kenny. What was the date of that letter?

Mr. Kennedy. I would say it was probably in winter 2014-15.

Mr. Evers. That letter, I believe, is attached to a public FOIA filing.

BY MR. KENNY:

Q Thank you. We'll certainly go take a look at it. But to the best of your recollection, did that ask him or specifically request that he contact an Internet service provider to retrieve documents?

A My recollection is a little fuzzy, but I believe, since it was the second letter, the response to the first had been: I don't have them. And so we then asked him to go back to the ISP, to the Internet service provider, to see if they were recoverable, and we have never received an answer to that letter.

Q And his representative's response to your initial letter, you had characterized it as him saying he didn't have access to the documents any longer.

A Yes.

Q Did you take that to mean that the documents didn't exist?

A I did not know how to take that, which is, now that I recall, which is why there was a second letter sent asking him, if he did not have them, if he could -- if he could -- could he take additional steps to attempt to obtain them.

Q And just to be clear, the Department hasn't received any documents returned by Secretary Powell?

A No, to the best of my knowledge, no, we have received neither documents nor a response to our letter.

Q So any potential Federal records that might be responsive

to a FOIA request, you're unable to --

A We would be unable to incorporate that material into our response.

Q And the same would apply to congressional requests for information?

A Yes.

Ms. Sawyer. And on that subject, I just want to explore, and hopefully just briefly, I think we would like to move off this topic and just get back to some of the prospective things that the committee might be able to learn about the Benghazi attacks. So just briefly, I mean, one of the things he comments on is one of his ways of testing whether or not a system was adequate was he would -- and this is on 109 -- he said, "I tried to get into my private email account" wherever he was, overseas or here, whenever he visited an embassy. "If I could, they passed."

So I'm just kind of wondering, I mean, it is the case, is it not, that State Department employees do sometimes use personal email accounts? I mean, they were not, Secretary Powell and Secretary Clinton were not the only two in the history of time that have used personal email accounts at the State Department, were they?

Mr. Kennedy. I am honestly unaware of the volume of people, because if you go onto the State Department system, you can jump to the Internet. Then you can sign on to your personal email. But you are then, in effect, you've jumped out of the State Department system onto the Internet, and you're going back and forth, and then you close

out that window, since we use a Microsoft product, and you move back into the State Department email system, state.gov. And the other, you could be on Hotmail, Google mail, whatever.

Ms. Sachsman Grooms. But even in the course of our investigation on Benghazi, we have seen the RSOs in Benghazi deciding to use a personal email account, like a Google or kind of Gmail, email account, because they were having, I think, one would presume, because of connectivity issues with the State Department's system. And people have told us that ambassadors and others used personal email accounts.

Mr. Kennedy. We have a very robust bandwidth capacity at all of our permanent installations. However, if you go to a very small installation where you're having -- which is not in a country with a robust Internet service provider system, and you're setting up what is a small satellite dish, we call it a VSAT, and then trying to draw a circuit off of that dish from a satellite, it can be convoluted. But at any of our other installations we always have at least two paths out, one for regular and one for backup. It's command and control.

BY MS. SAWYER:

Q And just in terms of the question I had asked you about emailing with foreign minister colleagues, that one you said would bypass the State if he was using a private email?

A If he was using a private email, any of the principal assistants, the individual ambassadors, and foreign minister colleagues would all be bypassing the State Department system depending on how he was addressing them. If he was addressing them on their

government accounts, it would be in the system. If he was addressing them on their personal account, it wasn't in the system. If he was addressing any foreign government official, it would be bypassing -- there would be no record of it in the State Department system because neither the sender nor the receiver were in the State Department system, so there would be no record.

Q So if, for example, emailing from a personal account to you at your state.gov, that would be captured in the system?

A That would be captured in my system, yes.

Q If one were to email you on a personal email, that would not?

A That would not.

Q And certainly in that latter, to the extent that email constituted an official record, there would be, one would hope, some effort to make sure that got captured in the official system.

A I retain all my emails that I have sent, and right now, as I mentioned in response to a new National Archives and Records Service initiative, we are now -- and I believe the Archives uses the term journaling -- we are now journaling the emails of all senior officers in the Department, assistant secretaries and equivalents and above. It's a new NARA initiative which we have subscribed to.

Q So that part, I mean, part of it is that part certainly takes out of the equation the discretion of determining whether it's an official record. Is that accurate?

A Well, actually it could be accomplishing, accommodating,

journaling more than official records. An example, let's say we are State Department employees, and I sent you an email saying: Can we move lunch from 12 to 12:30? I think my records officer would sit here and tell you that that is not an official -- that is not a record email. And then there is a kind of -- there's nonrecord, and then there's temporary records, and then there are permanent records. And so a question of has our meeting changed from 1 to 2, that may not be a permanent record.

Q And who makes the determination of whether in the first instance, with regard to an obligation to preserve it, who makes that?

A It is the employee that we have under this new NARA initiative, which was recently announced. We are now recording all the emails of all the Department seniors to ensure that we have those.

Q So in terms of a prospective looking, I mean, you heard part of the explanation as to why this issue is being explored by this committee, is to make sure that there's a capacity for responsiveness to congressional requests, a responsiveness to FOIA. Is that, from your perspective, is that a solution that will help with any delay problem or not being able to find emails?

A No. Absolutely it will mean that those emails, as long as one or the other of the individuals were in this senior level, that means those emails would be available, and we do have search engines to do that.

We are, as part of our continuing and ongoing efforts, looking at ways to possibly record and sort every single email sent to and from

the State Department. That is a huge effort. But I have a team that has been working on this. We have an Electronic Records Management Working Group that has been going on for over a year looking at the big picture, simply because emails are now more and more utilized every year. And we need to figure out how to capture them for our own records, for FOIA, congressional, or other official purposes.

Q And then just to be clear on this, so the underlying use of personal email at the time that Secretary Powell was there, at the time that Secretary Clinton was there, that was not prohibited by law or by rule?

A Steps would have had to have been taken to ensure that a copy of the email was either put electronically or paperwise into the system if it was a record email.

Q So if a determination was made this is a record email, some steps should have been taken to --

A Either copying it to another system within the State Department or, until very recently, and I regret that I cannot give you the exact date, the NARA rules actually called for us to print out all emails and file them, rather than keep an electronic copy.

Ms. Sachsman Grooms. But back in the days of Secretary Clinton and Secretary Powell, there was no timeframe, there was no rule or law that set into place a timeframe by which you had to print and file a copy of your personal email. Is that accurate?

Mr. Kennedy. That is correct.

Ms. Sachsman Grooms. And that law changed in November 2014. Is

that right? Now there's a 20-day requirement?

Mr. Snyder. If you know.

Mr. Kennedy. I read materials sent to me, and I remember reading something. I'm not sure that it's November, and I'm not sure it's 20, not that I am challenging you. But, yes, I know that there have been changes implemented by both by NARA and by statute in 2014.

BY MS. SAWYER:

Q And just the Presidential and Federal Records Act amendments was actually, Mr. Cummings, the ranking member of this particular committee's bill, and that is the legislation that does now place a time limit of 20 days within which to put the copy within the record.

So I think really just one last question hopefully. So if a personal email account is used, steps are then taken, the guidance that we have looked at indicated forwarding it would be one way to make sure it was captured in the official system, forwarding it into the official system.

I'll just use me. If I'm an employee of the State Department and I happen to use my personal email account and I then do then forward it, do I have an obligation to actively delete that from my email account? And is my failure to do so considered kind of taking an official record against some rule or law?

A I would want to consult with my lawyers, but I believe that you have met the requirements. Every once in a while State Department people on the road or other places cannot get into a State Department

system and they can get into a private ISP. And then we do counsel them to send the email to whomever and send the email to yourself at the State Department address, therefore ensuring that the email has been, in effect, sent and it is then in the State Department system.

Q But you're not aware of any guidance that says then please delete from your personal email any email that may have touched on official business?

A Not to the best of my knowledge, no.

Q And if one were to immediately delete it and then to find out later that somehow, when they thought they had forwarded it, if they had deleted it, there would be, as may have been the case with Secretary Powell, no ability to then go back and capture it?

A That would be technically correct, yes.

Ms. Sachsman Grooms. I think in the last round you said something that my colleague thought might be misinterpreted, so I just wanted to hit on it. I think you were trying to draw a distinction between personal email and personal server as in when you can use personal email and not use a personal server and when you can use a personal server, that they're not synonymous, when you were talking?

Mr. Kennedy. All I was trying to do, I believe I recall the question, was I believe the question related to something in one of the exhibits. I believe it was exhibit 10. The last paragraph on -- the penultimate paragraph on the reverse side. The distinction I was trying to make was the question was, well, you saw in there the parenthetical "because of her personal email server is down." And I

was attempting to say I was reading this cable, actually this email, for the purpose of dealing with the secure voice in the first part. But I had no recollection of that. I knew that the Secretary had a personal email because from time to time I did get one, but it did not register with me at all the use of the word "server" as meaning anything other than she had a, you know, a dot-com account.

Ms. Sachsman Grooms. So just to be clear, you weren't saying that there was some rule or problem with the fact that she used a personal server?

Mr. Kennedy. I was just saying, no, that I was unaware that she had a personal server.

BY MS. SAWYER:

Q So then in terms of that question, I asked you the prospective question, focusing prospectively on what this committee might recommend.

A Yes.

Q You know, my -- and this is just a broad understanding, is that with the Presidential Federal Records Act Amendments, to the extent that a nongovernmental account is used, there's now a requirement to make sure it is captured in the system within 20 days, no matter who you are --

A Yes.

Q -- whether you're a high-ranking official or anyone. Is that also your understanding?

A That is my understanding of the law, yes.

Q And then you indicated, you call it journaling, I think it was explained to us maybe under the name of Capstone. I don't know if that's quite the same?

A Capstone is the name of NARA's program, and my technical experts call it journaling. So it is -- Capstone is journaling. Journaling is Capstone.

Q So that would mean, with regard to all senior officials, their emails, certainly on the official system, and then anything they would forward within 20 days are going to be automatically kept without any discretion or need to determine is this an official record or not.

A Yes, they would be there. And then subsequently, if there was a FOIA request or other thing, one would have to go through and determine if there were personal/nonrecord traffic in there. For example, if you received -- you have received an email from your sister on your government account, just because she knows you're a workaholic at your desk all the time, and asking you to do something, that would be considered, as my records experts have explained to me, a personal email still.

Q So those would potentially be taken out, but there wouldn't be a need necessarily to add things in, is the goal.

A That is correct. That is correct, yes, to make sure we have a comprehensive collection.

Q So those changes certainly appear to have been put in place, at least some of them, obviously, subsequent to Secretary Clinton's tenure. Are there other things in addition to those two that you feel

like we should be recommending, or do you think those will enhance the ability of the Department to respond to inquiries, whether they be congressional or FOIA?

A I believe that this will certainly solve the technical issue of ensuring we have a comprehensive records system. This may be going farther than your question, but we still, while we will -- we intend to respond always to congressional inquiries, the volume of FOIA requests is rising at an astronomical rate, reaching a point that I am not sure that any U.S. Government agency which is popular in the FOIA sense will be spending ever-increasing amounts of the taxpayers' money responding to requests that I am not sure really have a cost-benefit analysis that is favorable to the taxpayer.

Q So the capacity certainly will be there, in terms of the records will be there. You may not have the resources to review them all in as timely a fashion as some might request, demand, or like?

A I do not think it is possible, given the volume of emails that exist now in the U.S. Government, as opposed to paper records that existed before, I do not see how it is humanly possible for any agency to fully respond to these FOIA requests within 20 days, which is the statutory requirement. And if we do not meet 20 days, we are subject to lawsuit, which then consumes even more time of government employees to do that.

So I am not saying we do not wish to be good stewards, we do not wish the public to know, but some of these requests are for tens of thousands of pages, and when you look at them on the face you do wonder

what public benefit is served by this. And I believe that it is my responsibility to uphold the laws as passed by the Congress, but also to ensure that we do this in as efficient and effective and positive way possible.

And the original FOIA 20 days was passed many, many years ago when Internet emails were not a common occurrence, and there are now so many of them replacing telephone calls that there's volume.

Q So that addresses FOIA, and understandably maybe looking at the statutory deadline would be something that Congress could do.

Just very briefly, obviously, congressional requests are a different matter, and there may be a volume of those, but --

A Congressional requests are something that we take very seriously, and we strive to the maximum extent possible to be as responsive as possible as quickly as possible within the limits of our overall resources, obviously.

Q And in that dynamic, how helpful and what guidance would you give congressional committees in terms of being able to give you the greatest clarity on their requests and prioritizing their requests in terms of what information they need first? And is that a legitimate aid to your ability to get a committee exactly what it wants as quickly as you can?

A The more precise a definition there is of a requirement, the faster that we can respond. If we get a request on everything you ever did in Xanadu, that is a massive project. If you say we are very interested on your activities on this project in Xanadu, that narrows

it significantly, and then we can, obviously, respond to congressional inquiries with greater speed.

Q And is it helpful in terms of an investigation committee, et cetera, prioritizing order of responsiveness? Is that also a way to make sure a committee is getting what it needs first as fast as it can?

A Absolutely, because if we do not know the priorities across a range of requests, we are dealing with it in bulk, as opposed to you have one request which says this is our first request, this is our second request. And they're not just numerical listings, they're actually a prioritization. We need this information in order to deal with our first witness are the subject of most concern, and a prioritization of that will mean that we can respond to, in effect, a portion of your request, but it is the portion that you, the Congress, wants, and then the second and the third.

Mr. Kenny. So thank you, Under Secretary. I think at this point we have a few minutes remaining, and we would like to shift gears a little bit. And to preface this section, as you know there was an Accountability Review Board, issued a report that contained 29 recommendations delivered to the Secretary.

This committee, at the request of Congressman Schiff shortly after it was stood up, held a series of public hearings on the State Department's implementation of those recommendations, as well as some recommendations that have been made by other reports and other panels established to examine the attacks as well. I'd like to ask for your

insights into a few of those general topics. I won't ask you for status updates on specific -- where the Department stands with respect to specific recommendations. I'd like to kind of engage with you at a higher level.

This is something that our members in particular have been very focused on, is what more the Department can do, what more Congress can do as a partner with the Department to improve the security of our personnel, diplomatic personal, around the world.

One of the first recommendations or early recommendations in the ARB report relates to this notion of risk management within the Department. And the Department -- I'm sorry, the ARB rather -- issued a particular recommendation that the Department should strengthen security for personnel in platforms beyond the traditional reliance on host government security support, and specifically the high-risk and high-threat posts. They've provided some additional guidance as well as far as how to manage that risk, high-threat, that they deemed or considered high-risk and high-threat posts.

So I'd just like to begin our discussions by asking, since the attacks, what have been some of the most important changes that the Department has made to better help manage that risk and protect our diplomats abroad?

Mr. Kennedy. Let me do this in three buckets: finances, personnel, and facilities.

In terms of finances, the Congress did double the budget of the overseas secure embassy construction, and that has enabled us to

essentially double the number of embassies that we are -- new embassies we are constructing which are built to the Secure Embassy Construction, SECCA standards, that we have talked about elsewhere in this hearing.

We have also provided additional funding for Diplomatic Security, and that has been very, very helpful, including providing funding for a new training center that we are in the process of standing up that will allow us to push more people through training.

Secondly --

Mr. Kenny. That's the Fort Pickett facility?

Mr. Kennedy. The Fort Pickett facility, yes. It's actually adjacent. It shares some land with Fort Pickett and is adjacent to it.

Secondly, additional funding and resources have been provided to both the State Department and the Defense Department. We were able to hire an additional 151, I believe, is additional Diplomatic Security personnel. We have increased the number of posts with marine security guards from about 150 to about 175.

We have also been able to expand the language training for Diplomatic Security personnel so that they have some of the language capabilities, more language capabilities they need. So that has been a huge step.

Also, with the cooperation of the Defense Department, we have set up a group of marines who are based at Quantico, Virginia. They're called Marine Security Augmentation Units, MSAU. These are units that deploy when we see a potential problem potentially arising in a country,

and we can deploy those marines to supplement the marine security guards. Those have been great.

[5:59 p.m.]

A And then, on processes, we have looked very, very carefully -- sorry, construction is the third one. That's derivative of the first one, really.

And then the other third one, the fourth one, I guess, in my litany, is that we have always had a rather rigorous process for looking at risk versus reward. But it was a process that was essentially oral. You would convoke some people around the table, they would discuss the reasons for being there, discuss the risk, discuss the mitigation strategies, and at the end of the meeting conclude that the national security requires you to stay.

We have institutionalized that process into something we now call VPVP, or VP2, the Vital Presence Validation Process. The regional bureau sits down and constructs the reasons for being in a location. Diplomatic Security measures the threat and then measures the mitigation strategies that we can undertake. This results in a conclusion that it is necessary for national security for us to remain, given the circumstances as measured then.

That memo is sent from this working group to the Under Secretary for Political Affairs and to the Under Secretary for Management. We review those processes, we review their analysis, and if we conclude yes, we send them on to both deputy secretaries.

If both deputy secretaries concur, it guess on to the Secretary, not for his decision but just as the building has taken a very, very hard, documented, metric-driven look at the situation.

So those are, I think, the three -- four major activities that we've engaged in.

BY MR. KENNY:

Q And thank you. We certainly appreciate that. We've been following the VP2 process, as well, and we've received briefings from the Department. It was a focus of a hearing, as well.

A Yes.

Q I just would like your understanding of how the VP2 process has worked in practice.

A I think it has worked in practice. We have not yet reached a point where we have said that we should close any post, but I think it does provide a rigor to our efforts.

It has got both Diplomatic Security and the regional bureau focusing continuously on this, because we do not regard this as a static process that you do once and then you forget about it for a decade. For a high-threat post, it will probably be reviewed every year and have shorter intervals if anybody, either Diplomatic Security, the regional bureau, the Bureau of Intelligence and Research, sees that the factors that they use, the metrics that they use have shifted.

So I think it has contributed to a more continuous, rigorous evaluation.

Q Has the Department identified any challenges in implementing the VP2?

A No challenges in implementing the VP2, but it does call the attention to the fact that the State Department needs continual funding

to maintain the level of Diplomatic Security, to maintain the level of Marine security guards, to maintain the level of the elements of the platform, whether they be medical, training, or whatever, so that we are capable of continuing to operate as we should.

Q So would it be fair to say that this is -- is it still a work in process, or is it a process that's been stood up, it's running?

A It's a process that's stood up and running and, so far, has resulted in probably at least a dozen posts being put under a very tight microscope.

Q Okay. And could you maybe just walk us through that process then?

A Well, what happens is, as I said, the regional bureau will look at a post, look at the national security goals we wish to achieve, identify the number of personnel that are needed overall to do that, whether they be State or other agencies, direct or platform.

Then the Diplomatic Security looks at the host government capability, the host government willingness, the threats in the region, looks at the physical plant. We can be a lot safer in a building that was constructed as part of the new secure embassy construction program than we can be in a building that was retrofitted out of an old mansion.

Then they come up, and then the Bureau of Intelligence and Research, the management planning staff, numerous other players in the Department sit down, review this equation, the reasons for staying and the risks of staying, and make a determination that the mitigated risks are such that the reasons for staying, the rewards, are still

significantly above that.

That is then written up and sent to the under secretaries and then to the Deputy Secretary.

Q One of the things that's been of interest to our members in the past is whether this process is only focused on high-threat posts to the exclusion of other posts that may be rated at medium-threat levels. Because if you remember the 1998 bombings, I believe one of the facilities there was only rated at a medium threat level.

Can you help us understand how the VP2 process will help encompass those posts as well?

A We believe that we will undoubtedly have to expand this now that we are getting some traction and better understanding and also, in effect, figuring out how to do -- any process as a work-in period where you figure out the best modalities of moving ahead promptly.

And I've talked to Diplomatic Security, and they believe that we need to potentially look at posts that are just below -- you know, we have -- I was asked the question once, name the 20 most dangerous posts in the world. And I said, I can probably do that, but I'm not sure that the 21st is anything but a hair's breadth more dangerous.

So Diplomatic Security is looking farther down that list to see if some of those posts also need to be run through the VP2 process. No final decision has been made yet, but we are seriously considering that.

Q You had mentioned or referred to the risk management processes as an equation where, on the one hand, you have the policy,

perhaps the justification, the need to be in country, and, on the other hand, security and additional steps you can take to mitigate. Is that correct?

A Correct.

Q Do you believe that some of the recommendations, some of the steps the Department had taken in the wake of the attack and the ARB's recommendations have helped bolster the mitigation side of the equation?

A Absolutely. The constructing of more embassies, the expansion of up to 35 new Marine guard detachments -- so I think we're already way past the midpoint of that -- more Diplomatic Security professionals there, it has made a big difference. We have increased our ability to mitigate. That means we can take more risk. Because the possibility of the risk coming into being has been reduced by the steps we've taken.

BY MS. SAWYER:

Q I'm going to just try to also tie some of the things you've talked about to something you had indicated about funding. You had indicated certainly with regard to the budget for actual construction, there was a doubling of that by Congress and that there was an increase in funding that allowed for some of the personnel stuff.

You have now indicated to us that potentially one thing that you will be looking to do is expanding VP2, and presumably that takes additional resources. What kind of -- and I am by no means an appropriator or budget expert, but can you just help us understand,

like, continuous funding streams versus --

A I think the additional amount of money to do a modest expansion of VP2 is not a very expensive activity -- maybe one or two people who are in Diplomatic Security, in their planning shop, one or two more people elsewhere. If you're examining Xanadu for the first time, the Xanadu desk officer can work on this along with the person in I&R who works on Xanadu, because you're not levying that again on the Shangri-La desk officer who just went through it.

So I think the more important thing is funding for Embassy Security, Construction, and Maintenance; funding for Diplomatic Security; funding for the medical division; funding for the training division that allows us to deploy more and more mitigations, if that's a word, in order to help get more weight on one side of the equation.

The threats are going to continue to go up. There are more terrorist organizations than there ever were before. And, therefore, we need to increase our capability of mitigating those risks. And that is where the big money comes in -- Diplomatic Security and embassy construction. Plus, obviously, you want the right training, you want the right medical backup, et cetera.

Ms. Sachsman Grooms. And for that, do you need, as the threat streams go up, increased funding? Is it an issue of more funding? Is it an issue of more consistent funding over years? Is it both?

Mr. Kennedy. It's both. It's both. The State Department needs 3 percent more in funding each year simply to keep static. Inflation, foreign exchanges that are negative, other things mean that a budget

of \$1 this year is actually a budget of 97 cents the next year. And so we need 3 percent more each year, plus -- that's just to keep static. If you wish to increase our ability to mitigate, you then need additional funding streams.

Our committees of jurisdiction on the appropriations side have been stellar supporters of us. However, when you have the State Department not in the national security cap and us competing against many other government agencies, it is a serious -- it is a serious cap, and serious tradeoffs have to be made. And I would not like to be an authorizer or an appropriator.

Ms. Sachsman Grooms. Uh-huh.

And then how does a continuing resolution end up impacting those issues?

Mr. Kennedy. Continuing resolutions slow down our ability to make larger decisions on staffing, potentially on construction, and on the procurement of specialized equipment.

If I do not get the State Department's operating budget for 90 or 180 days in the fiscal year, I cannot allocate money the way I would like to, because if I don't know what the final budget of the State Department is going to be and I say to you as chief of diplomatic security, "Your budget for the year is going to be a dollar," and therefore you spend it, halfway through it I come back to you and say, "Your budget is 97 cents," you're having to make up not a 3-percent cut but you're having to make up a 6-percent cut against the second half of the year because you've spent half of your money and now you

don't have another half left. You have the cut and its twin from the first 6 months. And we have had many occasions where we have been on continuing resolutions for over 3 months and not 6 months.

So a constant funding stream, very important. But a growth in the funding stream, both to cover inflation, foreign exchange losses, and to continue to enhance with new tools, either human or material, that we discover in our continual research.

BY MR. KENNY:

Q And my colleague had mentioned a continuing resolution, but there is also the threat of what is referred to or called the sequester. Has that injected any uncertainty into your budget and planning in recent years?

A It was in the past, but the sequester period is -- we're now beyond the sequester period. That did constrain -- that constrained the top line, the total funding we received.

Q And can you just explain for us what those effects were at that time, to the best of your recollection?

A To the best of my recollection, I don't really have any details at the top of my mind, but they were essentially less -- slower procurement and potentially less procurement. Because we have a certain going rate, we have certain mandatory obligations for salaries, rents, utilities, and other things that we must pay every year. And if the funding drops, we have to take it out of investments, because I have to pay base.

Q And typically when we've discussed funding, you have done

so in the context of the ESCM and embassy build-outs.

A Yes.

Q Is that right? But it sounds like, based on our discussion, that there is a funding component to many other aspects, including Diplomatic Security staffing. Is that fair?

A Yes, sir.

Q Okay.

And when a continuing resolution is in place, does that limit or constrain your ability to transfer or reprogram money in any way?

A Yes. When a continuing resolution is in place, you're essentially bound to follow the rules of last year. Now, if you move money around the previous year, you can then seek congressional notification approval to move the funds again. But under a continuing resolution, you are to undertake no new initiatives, no increases over the prior year.

Q Okay.

And at the very beginning of the day, you were asked about how you respond to or manage and plan for emerging incidents that can affect the bureau. And I would just be interested for your perspective on that in light of what we talked about, continued resolutions and having to then go through a notification process.

A You simply have to reprioritize. For example, if we were told tomorrow to go back into Syria, that's not in our base, but we would then make adjustments across all the lines of the State Department to assemble the funds necessary. Because, obviously, if the

President, the Secretary of State, and the National Security Council has made a decision that it's time to go back to Syria, that it's clearly a now number-one priority, we would shift.

And that means that projects that we had planned to do in some locations would be deferred to the next fiscal year. They would still be high on the priority list, but they would have been jumped, so to speak, on that list by a new higher priority, and they would be deferred for, you know, however long it took.

Q Thank you. That has been helpful.

We will go off the record.

[Recess.]

Mr. Jordan. Mr. Secretary, let's start with -- and I know you went over some of this when I may not have been here, and I apologize.

When Secretary Clinton went through the process of determining which emails were private, which emails were public, what involvement did you have in that process?

Mr. Kennedy. Nothing, sir.

Mr. Jordan. Nothing at all --

Mr. Kennedy. No.

Mr. Jordan. -- in that determination?

Mr. Kennedy. In that determination.

Mr. Jordan. So she decided -- my understanding is roughly 60-some-thousand emails; approximately half were deemed private, and half came then to the State Department. You were not involved in any part of that designation of which went where.

Mr. Kennedy. No, sir.

Mr. Jordan. Once they came to the State Department, what role did you play in that? How did that work?

Mr. Kennedy. I --

Mr. Jordan. Well, let me back up a second.

Mr. Kennedy. Okay.

Mr. Jordan. So you weren't involved, but do you know how that process was done? And as the guy who's the -- my understanding is you're the official in charge of records management at the State Department, correct?

Mr. Kennedy. Yes, sir.

Mr. Jordan. Okay. So do you know how that process was done, specifically things like date parameters, search terms, and individuals who may have been involved in that determination?

Mr. Kennedy. No, sir, I'm not aware of how it was conducted.

Mr. Jordan. Okay.

When they get to the State Department, are you aware of how, then, the search was done to determine which emails then came to this committee?

Mr. Kennedy. Those were carried out by a team from the Bureau of Legislative Affairs and the Bureau of the Legal Advisor.

Mr. Jordan. Okay.

Mr. Kennedy. That was a special team that was set up to respond to congressional document requests because we were beginning to get so many. And we will always put a priority -- so we diverted, I did,

additional resources from elsewhere in the Department to establish a congressional document group.

Mr. Jordan. So you were obviously involved in deciding more resources needed to be devoted to this endeavor.

Mr. Kennedy. Yes, sir, I decided -- but I am not operational in saying, this document goes to the committee, this document does not. I leave that to the professionals.

Mr. Jordan. Okay. And how was that done by those professionals?

Mr. Kennedy. They determined which documents were responsive to the committee's request. I can't say anything more in detail because their instructions were from the Secretary, from the Assistant Secretary for Legislative Affairs, to respond with responsive documents.

Mr. Jordan. Okay. Let's move to it in a different way then. Let's go to the front end. Were you involved in this whole setting up this email arrangement that the Secretary established?

Mr. Kennedy. No, sir.

Mr. Jordan. So, again, as the chief records management individual at the State Department, you didn't know that she did this, had set up an email arrangement, private arrangement, and did not have email at the State Department?

Mr. Kennedy. I knew that she from time to time sent emails, because over the course of 4 years I got --

Mr. Jordan. No, I heard that part earlier. Did you know that she didn't have any type of email set up at the State Department?

Mr. Kennedy. I knew that she did not have any State -- email set up at the State Department, but that --

Mr. Jordan. And you knew that from the time her tenure at the State Department began?

Mr. Kennedy. Yes, sir. But that did not ring any bells because her predecessor did not have an email account at the State Department either.

Mr. Jordan. Okay.

Mr. Kennedy. And neither did one Secretary before that.

Mr. Jordan. Okay. I think I heard that earlier.

But then when you got some, I think you said, from time to time from her private email set-up, that didn't bother you or concern you at all either?

Mr. Kennedy. No, Congressman, because the emails I did get were so minor, bore no relationship to the kind of high policy that I regard as tripping the line for a record that I -- and I tended to get them on weekends --

Mr. Jordan. Okay.

Mr. Kennedy. -- and in the evening, with just a few exceptions, that, for example, if I might, she is clearly out at some kind of a dinner party and sends me an email because someone has asked her a question about who should contact whom about a consular matter.

Mr. Jordan. Yeah.

Mr. Kennedy. And so I then took her email, sent it to the --

Mr. Jordan. Okay.

Mr. Kennedy. -- appropriate person in Consular Affairs, "Please reach out to the Secretary's question."

Mr. Jordan. Okay. Yeah, I think you said something like that to Mr. Pompeo earlier.

Chairman Gowdy. So, to be clear, just to summarize your exchange with Jimmy, you knew early on in her tenure that she did not have an official email account.

Mr. Kennedy. Yes, sir.

Chairman Gowdy. It was just a question of how pervasively she used her private email account with which to conduct business.

Mr. Kennedy. That is correct, Mr. Chairman. As I said, since the previous Secretary of State did not have an email account at all either, that --

Mr. Jordan. Well, that's my question.

Mr. Kennedy. -- did not ring any bells with me, the fact that Secretary Clinton didn't have an email account, that neither did Secretary Rice.

Mr. Jordan. So did you -- I think when we had our -- before we were on the record, we were talking, and I was asking how long your tenure has been at the State Department. I think you said 43 years --

Mr. Kennedy. Yes, sir.

Mr. Jordan. -- you have served at the State Department and served this country, and we appreciate that. And in that 43-year tenure, you've had a number of Secretary of States.

Mr. Kennedy. Yes, sir.

Mr. Jordan. How many of them emailed you from their private email account, whether it was from a cocktail party, as you described with Secretary Clinton, or some other matter?

Mr. Kennedy. No one.

Mr. Jordan. No one ever?

Mr. Kennedy. No one ever, because I'd say directly I've have worked for Secretary Shultz and Secretary Baker, who were in the pre- era. Secretary Christopher and then -- why has my mind gone blank?

Mr. Jordan. Rice? Powell? Albright?

Mr. Kennedy. Oh, Albright. Secretary Christopher, Secretary Albright did not use emails at all as the State Department was moving into that.

I was de facto out of Washington, either in New York or in Iraq, during Secretary Powell's tenure. So the odds of his ever emailing me, because I was not in a senior position in Washington, were nigh unto zero.

I returned to Washington and began working for Secretary Rice, who did not have an email account.

Along comes Secretary Clinton, who doesn't have an email account --

Mr. Jordan. Well, but --

Mr. Kennedy. -- a State Department email account. And so the fact that someone doesn't have a State Department email account --

Mr. Jordan. That's not what I asked you. I asked you, did any of the predecessors -- and based on what you just described, did

Secretary Rice ever email you from her personal account?

Mr. Kennedy. No, sir, she did not.

Mr. Jordan. Okay. So the only Secretary to ever email you was Secretary Clinton, and that came from her personal account.

Mr. Kennedy. Yes, sir.

Mr. Jordan. Okay. Just wanted to be clear.

All right. Let me ask you about Mr. Pagliano. What was his title at the State Department?

Mr. Kennedy. He was --

Mr. Jordan. Bryan Pagliano.

Mr. Kennedy. I don't know his exact title. He was in the Bureau of Information Resource Management as some kind of a technical officer.

Mr. Jordan. And did he answer to -- chain-of-command-wise, did he answer eventually to you? Was he part of -- as your being the senior administrative official for records management, was he under your chain of command, in one of the bureaus you were overseeing?

Mr. Kennedy. Not in the records management chain, sir. He was in an entirely different chain. He worked for the Chief Information Officer, and the Chief Information Officer handles --

Mr. Jordan. Is that one of --

Mr. Kennedy. -- mainframe computers and telecommunications and tie lines, telephones, et cetera. The records management is in a different chain, both of which reported to me.

Mr. Jordan. Okay.

Mr. Kennedy. But Mr. Pagliano had nothing to do with records

management.

Mr. Jordan. But he did report to you.

Mr. Kennedy. Through several layers.

Mr. Jordan. I understand. And when was Mr. Pagliano -- do you know when he was hired, when he was brought on?

Mr. Kennedy. I don't recall. I think it was early in Secretary Clinton's tenure, but I don't remember an exact date.

Mr. Jordan. Uh-huh. And, again, his responsibilities at the State Department were what exactly?

Mr. Kennedy. He was an officer within the Chief Information Officer's ambit, and I honestly do not know what his specific duties were.

Mr. Jordan. Did you know that he was the one who also set up Secretary Clinton's personal system?

Mr. Kennedy. I did not know that. And I know, because I have asked one of his previous supervisors, and neither did that person know it either. We did not know that he was doing that for Secretary Clinton.

Mr. Jordan. Okay. Okay.

You sent a letter to, I think, four previous Secretaries of State --

Mr. Kennedy. Is that the one, sir, back in the fall of 2014?

Mr. Jordan. It would be. I believe it was October 28th of 2014.

Mr. Kennedy. Yes, sir.

Mr. Jordan. -- letting them know that there was now a different

policy going to be used at the State Department regarding records retention. Is that right?

Ms. Jackson. Mr. Jordan, we have a copy of the letter. We're going to mark it as exhibit 12.

[Kennedy Exhibit No. 12

Was marked for identification.]

Mr. Kennedy. Yes, sir. This was in response to a National Archives and Records Administration new policy that they had put out.

Mr. Jordan. Uh-huh. And the letter came from you?

Mr. Kennedy. The letter came from me, yes, sir.

Mr. Jordan. And --

Mr. Kennedy. It went to the representatives of I believe it was four previous Secretaries of State.

Mr. Jordan. Why did it go to the representatives?

Mr. Kennedy. That was just a decision that we would write the representatives because it would more likely get the kind of attention, immediate attention, if we sent it to the representatives. And I personally knew all the representatives of Secretary Powell on forward. And so I would write them because I would make sure that they would take -- it would not get lost, potentially, in the junk mail category.

Mr. Jordan. Okay. And just give me in your words, so I don't have to reread and go through this letter -- in your words, what were you trying to accomplish exactly with this letter? What were you concerned about?

Mr. Kennedy. We wanted to make sure that we had in our possession

any Federal record that had been created during their tenure that we might not have in our possession.

Mr. Jordan. Uh-huh.

Chairman Gowdy. And what prompted you to write the letter when you wrote it?

Mr. Kennedy. It was basically the NARA, the NARA --

Chairman Gowdy. Rule?

Mr. Kennedy. The NARA rule.

Chairman Gowdy. And when was the NARA rule promulgated, do you recall?

Mr. Kennedy. I believe that it was in late 2013.

Chairman Gowdy. If it was late 2013, why did you wait until late 2014 to write the letter?

Mr. Kennedy. Because this is when I received it, sir.

Chairman Gowdy. When you received what?

Mr. Kennedy. When my staff called this to my attention.

Chairman Gowdy. Can you see how the timeline might appear to have been influenced by other factors? Are you at least open to the optics of a congressional committee continuing to ask for her emails, and none are forthcoming, and the State Department says not one word about not having her record?

And I will say again for the record, for the court reporter, because this may be a new court reporter: The person that's currently assigned to aid Congress in collection of records, Mr. Snyder, could not be more professional and easy to work with and fair. And if it's

no, it's no, and if it's yes, it's yes, but at least we have an answer. Previous to Mr. Snyder, it was not that way.

So we ask, and we hear crickets. And then we see these letters from you to all the way back to John Jay and Alexander Hamilton saying, can you please produce records. And the rule was promulgated a year before you sent the letter, Ambassador.

Mr. Kennedy. Mr. Chairman, I absolutely understand your concerns and absolutely agree that your request for records rang some bells in the State Department. Absolutely.

Chairman Gowdy. That's what I'm getting at.

Mr. Kennedy. But, you know, if we wanted to hide something, I would have never sent this letter.

Chairman Gowdy. Well, there are two ways to look at that. You sent the letter to more than just Secretary Clinton, which was a very good way to deflect attention onto other Secretaries of State, even though the ones that you -- some of the ones you dealt with in the past never sent you an email. Now, the letter does say records and not just emails, I will grant you that.

Mr. Kennedy. That is correct, sir.

Chairman Gowdy. But it is curious why you would wait years and years and years to make sure the public record is complete. Meanwhile, you're getting FOIA requests and congressional inquiries and a host of other things. And yet you wait until our committee is in the throes of asking for her emails for this letter to be sent.

Can you see how that would look suspicious?

Mr. Kennedy. I can see how it looks suspicious, but, Mr. Chairman, I acted after discussion with my colleagues. You know, you called something to our attention, and we thought, "We could have a problem here." We are now in the email era at the State Department. And the email era of the State Department, access to the Internet, et cetera, et cetera, essentially goes back only to -- let's see -- goes back to about late 19- --

Chairman Gowdy. Whenever Al Gore invented it.

All right. I'm going to turn it back over to Jim.

Mr. Kennedy. So that we went back to the period of time before Secretaries of State who were, in the opinion of myself and others in the State Department, in the Internet email era. And so we went to those four Secretaries of State --

Chairman Gowdy. I'm with you.

Mr. Kennedy. -- to make sure that -- we had your concerns. We also had the NARA concerns. And it seemed to be a rational decision to reach out across the board, because it was only going back --

Chairman Gowdy. But you would concede you had been getting FOIA requests and you had gotten other congressional inquiries, none of which prompted you to write this letter.

Mr. Kennedy. This is the first time it had been brought to my attention.

Chairman Gowdy. And you've said "brought to your attention." Who specifically brought this to your attention?

Mr. Kennedy. I don't remember. I think it was some combination

of our records officers and the Bureau of Legislative Affairs.

Chairman Gowdy. All right. You wrote Ms. Mills, among others.

Mr. Kennedy. Yes.

Chairman Gowdy. Did you have any conversations, correspondence, emails, face-to-face meetings with Ms. Mills prior to sending this letter?

Mr. Kennedy. Not on this subject.

Chairman Gowdy. So, out of the cold blue air, you sent Ms. Mills a letter saying, essentially, "Send Secretary Clinton's emails back to the State Department," no warning?

Mr. Kennedy. I also sent [REDACTED], who was going -- I wrote who I regarded to be the senior staff officers for four --

Chairman Gowdy. And you're saying Ms. Mills had no notice that this letter was coming.

Mr. Kennedy. I did not call her and tell her it was coming, sir. And I am unaware of anyone else who may have called her.

Chairman Gowdy. Did you meet with her and tell her it was coming?

Mr. Kennedy. No, sir, I did not.

Mr. Jordan. The other three designees for the three previous Secretaries of State, did you communicate with them in any fashion prior to them receiving the letter on behalf of the Secretary of State?

Mr. Kennedy. No, sir, I did not.

Mr. Jordan. And just to be clear, with your question from Chairman Gowdy, you said you did have conversations with Cheryl Mills prior to this letter being sent?

Mr. Kennedy. Not about this topic, sir. Every once in a while, I would see Cheryl Mills at a social function. I think I even had lunch with her once, discussing old business not related to Secretary -- I had worked with Cheryl Mills for 4 years.

She was, under the statutes, a designated researcher, which is an Executive order provision where a former Secretary of State -- and all of them do it -- can continue to access and help a former Secretary of State write their books or something. So I believe I had a conversation with Cheryl once about her status as a researcher. Cheryl Mills --

Mr. Jordan. Did you have any --

Mr. Kennedy. If I could?

Mr. Jordan. Yes, sure, sure, sure.

Mr. Kennedy. Cheryl Mills also was until shortly before this, including a period after Secretary Clinton departed, remained on the State Department rolls as an uncompensated what we call expert to advise on Haiti, which had been within her portfolio. So I had numbers of conversations with Ms. Mills -- not large numbers -- about Haiti because that is something -- I had been the officer in charge of the Haiti evacuation and had actually accompanied Ms. Mills to Haiti on one of the trips. And so --

Mr. Jordan. All I'm asking, Mr. Secretary, is, between the time when you learned that you needed to do something different, as far as record retention goes, and when you actually sent the letter, you had numerous conversation with Cheryl Mills, but you're saying none of them

dealt with this issue?

Mr. Kennedy. I never tipped her off, if I can anticipate or try to define your question.

Mr. Jordan. I'm not -- again, I want to make sure I got it right. But you had numerous conversations with her either in person, in phone, and at least one time you had lunch with her.

Mr. Kennedy. Numerous meetings, more than one or two, but none of them related to this subject matter.

Mr. Jordan. Did you have any contact with any of the other designees of the other Secretaries of State where you were also trying to glean and get the same information?

Mr. Kennedy. Not prior to the letters. I mean, one of the -- some people -- not Cheryl Mills -- others called me after this.

Mr. Jordan. No, I would expect that.

Mr. Kennedy. But Cheryl Mills and I -- and I have scratched my brain in thinking that I might get asked a question like this. I cannot recall any conversation with Cheryl Mills on this subject prior.

Mr. Jordan. What about anyone else on part of --

Mr. Kennedy. On part of Secretary Clinton?

Mr. Jordan. -- Clinton's team, like Mr. Sullivan, Jake Sullivan?

Mr. Kennedy. No, sir.

Mr. Jordan. David Kendall?

Mr. Kennedy. I don't believe I have ever spoken to David Kendall.

Mr. Jordan. Heather Samuelson?

Mr. Kennedy. I did not talk to Heather Samuelson about this either.

Mr. Jordan. Okay.

Chairman Gowdy. The chronology -- just to make it more full --

Mr. Kennedy. Yes, sir.

Chairman Gowdy. -- we received eight emails in response to our request. And, again, we're just talking about Libya- and Benghazi-related emails.

Mr. Kennedy. Yes, sir.

Chairman Gowdy. The rest were public records, none of our -- it's out of our jurisdiction. So we received that in early August.

On August the 28th, you issued a memo to a whole host of people, subject: "Senior Officials' Records Management Responsibilities."

I want to make sure he gets a copy of that so he's looking at the same thing I'm looking at. And we can mark it as committee exhibit 13 here.

[Kennedy Exhibit No. 13

Was marked for identification.]

Chairman Gowdy. Does that look familiar? I'm not going to go through the whole thing with you. I just want to --

Mr. Kennedy. Yes, sir, this is familiar. This is something that we did in response to a NARA program that we call journaling but NARA's official name is Capstone.

Chairman Gowdy. And what prompted you to promulgate this memo?

Mr. Kennedy. NARA's program.

Chairman Gowdy. I thought you and I had established that NARA rule had taken place the fall of 2013.

Mr. Kennedy. The journaling effort, Mr. Chairman, I cannot remember the exact date and how my people had worked this through. But the request to journal these records is something that -- I'm just reading this now to see if anything else reminds me.

Mr. Chairman, if I am slow, I am slow. But I have --

Chairman Gowdy. Having spent the day with you, you will never convince me that you are slow. You will never convince me of that.

If you would look at page 3 for me, kind of in the middle, it's a bullet that starts, "As a general matter."

Mr. Kennedy. Yes.

Chairman Gowdy. "As a general matter" -- I'll let you read the rest of that. You can read it for the record whenever you feel comfortable.

Mr. Kennedy. Yes, sir, I am ready.

Chairman Gowdy. Will you read that for us, for the court reporter?

Mr. Kennedy. "As a general matter, to ensure a complete record of their activities, senior officials should not use their private e-mail accounts for (e.g., Gmail) for official businesses. If a senior official uses his or her private e-mail account for the conduct of official business, she or he must ensure that records pertaining to official business that are sent from or received on such e-mail account are captured and maintained. The best way to ensure this is to forward

incoming e-mails received on a private account to the senior official's State account and copy ongoing messages to their State account."

Chairman Gowdy. All right. I'm going to turn it back over to Jimmy. I just want you to see it from our perspective.

The committee is formed. We've made a request. We get, if memory serves, eight emails responsive to our request. A couple weeks later, this memo is promulgated. Not that long after that, letters start going out to past Secretaries of State, some of whom did not use email, saying, "Please return the public record to the public domain."

And then, again, I'm making it incredibly clear, Mr. Snyder had nothing to do with this, but there were other people at the Department of State who didn't bother to tell us about any of this until the Friday before the whole world knew.

Mr. Kennedy. Mr. Chairman, I was unaware of that.

If I could add just one other thing, we were aware -- we had become aware -- I had for the first time before aware of one other Secretary of State who publicly wrote that he used private email. And I think, thinking back, that part of it -- we were bracketing that period. Secretary Powell wrote that he used private email, so I think part of -- I'm just now trying to reconstruct it. I should not be hypothesizing.

Chairman Gowdy. No, no, no, no.

Mr. Kennedy. We bracketed backwards --

Chairman Gowdy. I'm going to dust off my old lawyer hat for a second. When did General Powell write that?

Mr. Kennedy. I don't know. He did not write that -- he did not write that -- I was not aware of it until this period of time. Because I never --

Chairman Gowdy. Whenever he wrote that, it would have been a great time to write him and ask him to send his stuff back, right?

Mr. Kennedy. Mr. Chairman, I am not going to disagree with you, but I am talking about -- I was not in Washington serving in any position of responsibility when Secretary Powell was that. And I also state that I have never read Secretary Powell's book, so I was unaware of this. I was unaware of it.

Ms. Jackson. How did it come to your attention then?

Mr. Kennedy. Someone mentioned it to me as we were discussing the need to write the letters to the Secretary of State, and I asked, why are we picking this group? That's my recollection.

Ms. Jackson. And who was that person?

Mr. Kennedy. I don't remember. This was a long -- this was a discussion. This was, to me, a very serious issue.

Chairman Gowdy. I want to ask you this. Did you ever use personnel email with which to conduct official business?

Mr. Kennedy. I don't ever remember doing that, sir. I use my government account.

Chairman Gowdy. And why did you use your government account?

Mr. Kennedy. To be blunt, sir, I have -- my wife has a Mac. I hate the Mac. And so it's just easier for me to use my government BlackBerry and my government account, and I wouldn't think of trying

to figure out how to get her Mac to work for me. And I also know the rule. But I have a BlackBerry, I have my account, I work 6 days a week, and I can just churn out my material on my machine a lot faster with these 10 fingers than I can with my thumbs.

Chairman Gowdy. Fair enough.

Mrs. Brooks. Quick question with respect to, prior to the memo on August 28th as well as the letter, November 14, November 12th, 2014, did you have a discussion with Secretary Kerry or his chief of staff about this issue, David Wade?

Mr. Kennedy. I honestly don't remember. Ma'am, I don't remember. It would have been practice for me if I was writing other Secretaries of State or putting out a memo to the entire senior cadre of the Department as a courtesy to inform the chief of staff that I was exercising a function that belonged to me but I was touching the entire department. But I honestly don't remember if I told Mr. Wade.

Mrs. Brooks. Would this have been discussed? I know that certainly Ms. Mills did, and I don't know if Mr. Wade did. Did he conduct regular senior-level meetings with the senior officials --

Mr. Kennedy. He did.

Mrs. Brooks. -- to discuss issues of concern?

Mr. Kennedy. Yes, ma'am.

But if I could point out one thing, if you look at this document, in the upper left-hand corner, it has a distribution code on it. And this distribution code means that a copy of this memo was given to the Office of the Secretary, the Office of the Deputy Secretary. That's

what code 1, code 3 and 4. So I knew it was going to be distributed to the Office of the Secretary.

I know your question was about did I do it before. I honestly do not remember if I told them before. But I had an excellent relationship with David Wade, who let me manage my accounts the way I saw it was best for the Department.

Mrs. Brooks. Well, I understand that, but you have no recollection of any discussions with Secretary Kerry's chief of staff about the issue you were dealing with once it came to light about Secretary Clinton's server?

Mr. Kennedy. Oh, I'm sorry. I thought we were talking about this email.

Mrs. Brooks. Well, talking about --

Mr. Kennedy. Or this message. Excuse me.

Mrs. Brooks. Or, I'm sorry, talking about her emails being generated from her private account.

Mr. Kennedy. I don't remember. I don't remember talking to the Secretary or Mr. Wade about this. I could have, but I do not remember. I talked to Mr. Wade a couple, two, three times a day on a range of issues.

Mrs. Brooks. Then it's likely that you probably talked to him. Would that be a fair assessment?

Mr. Kennedy. Maybe. Maybe.

[6:59 p.m.]

Mr. Kennedy. But I cannot -- I have no direct recollection.

Chairman Gowdy. Mr. Ambassador, I want to switch gears a little bit. Some of the members -- and, first of all, on behalf of all of us, I know it's been a long day. Quite honestly, you're one of the few witnesses who actually touches several different areas.

Mr. Kennedy. Understood.

Chairman Gowdy. So I appreciate your patience. And the fact that there are a handful of members still here 2 hours after we usually quit work, we appreciate it.

Mr. Kennedy. Thank you, sir.

Chairman Gowdy. I want to jump around a little bit, and then Mr. Pompeo and Mrs. Brooks, and then our time will be up.

The ARB, what role, if any, did you play in selecting the members of the ARB?

Mr. Kennedy. In one case I was asked to provide a list of people who I knew who might be qualified in the area of State Department facilities. And I provided one name, Richard Shinnick. That was the only name that I was solicited and asked to provide a suggestion for, in effect, a type of expertise.

Chairman Gowdy. Do you recall the members of the ARB, who they were?

Mr. Kennedy. Yes, sir.

Chairman Gowdy. Give them to me in the order you recall.

Mr. Kennedy. Thomas Pickering.

Chairman Gowdy. Did you have any relationship with Mr. Pickering, personal or professional?

Mr. Kennedy. Thomas Pickering had served in the State Department. He was under secretary for political affairs when I was assistant secretary for administration. I had worked with him, but I had never worked for him. I had never served at any geographic post with him.

So I had met him and provided support services to his embassy or support services to him as under secretary for political affairs from my position. But I won't say I had a personal friendship with him.

Chairman Gowdy. And you would not have had a role in picking him as one of the co-chairs?

A I had nothing to do with picking him, sir.

Q All right. Admiral Mullen.

A Admiral Mullen. I had met Admiral Mullen only at Deputies Committee meetings, the National Security Council, when he was the JCS representative and I was either the State Department representative or a backbencher to the deputy secretary or the Secretary.

Chairman Gowdy. All right. Who else?

Mr. Kennedy. The CIA representative. And I don't know if that is a public name or not. I had nothing to do with him. That is a designee of the, per statute, the Director of Central Intelligence, by statutory, the Director of National. I had never met the man. Never served with him. Never crossed paths with him.

Chairman Gowdy. All right. Next one.

Mr. Kennedy. Catherine Bertini. I had met Catherine Bertini when I was one of the alternate representatives to the United Nations and she was at the United Nations as the -- she was I think at that point the senior American serving in the United Nations Headquarters Secretariat. So I worked with her on a professional basis because I was representing the United States and she was a senior official within the United Nations. I did not recommend her for the position.

Chairman Gowdy. All right. Next one.

Mr. Kennedy. And Richard Shinnick, the man I addressed earlier, sir.

Chairman Gowdy. All right. There was -- and I want to ask this question as respectfully as I can of Admiral Mullen -- but he did testify before Oversight Committee that he had placed a phone call to Chief of Staff Cheryl Mills indicating that Charlene Lamb would not make a good witness before a committee of Congress. Did he have that same conversation with you?

Mr. Kennedy. No, sir.

Chairman Gowdy. Did you and Ms. Mills have any conversations about whether or not Charlene Lamb would make a good witness?

Mr. Kennedy. I think I was informed at some point that Admiral Mullen had expressed -- had expressed his concern that she had never -- she had never testified before Congress and he thought that was an important factor. This was such an important event that a -- and this is now my term, not his -- that a first timer, a novice, should not be a State Department witness before an important committee.

Because it is -- I remember the first time I testified before the Congress. That was a scary moment.

Chairman Gowdy. Looking at it from the committee's perspective, would you have considered her to be a fact witness, an important fact witness, in light of how often her name came up this morning?

Mr. Kennedy. From the committee's perspective, I could see why you would have selected her. But there were other people in the diplomatic security hierarchy who could have testified as well, sir.

Chairman Gowdy. She was the author of an email in June of 2012, the game changer email, that if you'd been a Member of Congress you would have most assuredly wanted to -- and I don't know if you've seen that email or not, but I would invite your attention to it at some point.

Mr. Kennedy. Yes, sir. I'm writing down the title, and I will make sure I find it.

Chairman Gowdy. Do you know whether or not Secretary of State Clinton was going back to Libya in the fall of 2012?

Mr. Kennedy. I am not aware of any plan for her to do that. No, sir.

Chairman Gowdy. Would you have been part of those conversations if that trip were being planned?

Mr. Kennedy. I would only probably have been peripherally notified by the head of Diplomatic Security because injecting a Secretary of State into a -- into a location which had some risk would have been something that Diplomatic Security would have informed me about. But I -- my unit, or none of the units that work for me, none

of them planned Secretary of State travel. That's handled -- Secretary of State travel is handled by a unit within the Executive Secretariat, which supports Secretary's travel.

Chairman Gowdy. All right. We'll bring Mr. Pompeo in. But did Ambassador Stevens or Greg Hicks, either one, at any point up until September 11th alert you of any concern they had about the Internet video?

Mr. Kennedy. No, sir.

Chairman Gowdy. Okay.

Mr. Pompeo. Thank you, Mr. Chairman.

I just have a few questions. I didn't quite get gone with the email issue. So I wanted to close it out. And so I apologize for being disjointed.

So you testified that you first learned of Secretary Clinton's use of private email when?

Mr. Kennedy. Sometime in the -- well, to an extent, sometime in 2009 I saw -- I saw a reference that she wished to set up an operation in which she could reach her family using her private email account. And there was a discussion about how to do that in such a way that it would not compromise the special compartmented information facility, the SCIF, which there are rigorous rules about SCIFs and firewalls and things like that. So there was a discussion about how she could set up a way to communicate privately with her family.

In the end, it was determined that, though we could make a system available, that Secretary Clinton did not like to use keyboards and

PCs. And so that proposal was dropped. So I knew that she wished to communicate with her family.

Sometime later, sometime between 2009, I did get my first email, out of several dozen from her, that was from a nongovernmental source. But as I mentioned previously, it was on a matter that was not a command, it was not something that I regarded as a record, something that should be officially recorded. Although -- and I responded to her -- it was recorded because I religiously keep, I have every single email I have sent since I came into this job, [REDACTED]

[REDACTED]

[REDACTED]

Then there was, you know, a process rolled out, as we have outlined previously, sir.

Mr. Pompeo. In fact, you thought, according to your email, you thought it was a great idea to set up this private server. Your email says, quote, "The stand-alone separate network PC is a great idea."

Mr. Kennedy. The reason for that, Mr. Chairman, is having spent 2 years at the intelligence community, I was well aware of what her called DCIDs, D-C-I-D, small "s." These are Director of Central Intelligence directives on how you -- how you work with highly classified information. And they set up SCIFs, special compartmented information facilities.

The office that Secretary Clinton uses, [REDACTED]. And therefore to -- she could not bring in, you know, handheld devices [REDACTED]

[REDACTED] So setting up what is called a DIN, a direct Internet

connection, with the right kind of controls by us, using fiber optics so it transits the SCIF and all kinds of rules -- I probably shouldn't go any farther -- this was a great idea. We were solving her request to communicate with her family on private emails, but we were making sure that we were absolutely going to rigorously adhere to the DCIDs so we could continue to use -- she could continue in her office to have the most highly classified conversations in the U.S. Government and totally completely adhere to that standard. So that why it's a great idea to me.

Mr. Pompeo. So the workaround was just so she could talk to her family.

Mr. Kennedy. That is -- that is what her staff had told me.

Mr. Pompeo. You had no idea that she was ultimately going to use that to transit information or receive information that the State Department now can't release?

Mr. Kennedy. I had no -- I had no knowledge of her expanded use of that system, no, sir.

Mr. Pompeo. Okay. That's all the questions I have.

Chairman Gowdy. Mrs. Brooks.

Mrs. Brooks. I'm curious because when you talked a bit this morning going through your history, were you -- what was your role in 1998? Were you actually acting director of Diplomatic Security then?

Mr. Kennedy. I was both the director -- both the assistant secretary for diplomatic security and the principal deputy -- the director of the Diplomatic Security Service. Both were offered

spectacular jobs on the outside, retired at the same week, month, leaving a gap. I was the assistant secretary of state for administration at that time, and thus, under the laws, the President could designate me as a -- since I was a confirmed officer -- to act for another confirmed officer.

There was a nomination pending on Capitol Hill for a new director, assistant secretary for diplomatic security. And for reasons that I don't recall, that nomination was held up and held up and held up, and the decision was made by the Then-Secretary of State that the more junior deputy assistant secretaries of state for diplomatic security, none of them should be elevated to be the acting assistant secretary. So they took another assistant secretary, me, and said: Be acting for a -- and I was acting for a brief period of time until the Senate confirmed the new assistant secretary.

Mrs. Brooks. And because -- I'm sorry. Because I don't know the exact timing, so were you acting director when East Africa --

Mr. Kennedy. Yes.

Mrs. Brooks. -- happened?

Mr. Kennedy. I had been in the job a few weeks on an acting basis.

Mrs. Brooks. And did you read that 1999 East Africa ARB?

Mr. Kennedy. I read it -- I read it both -- I read it -- that came out much later, after I had gone back to being assistant secretary for administration, and I read it word for word, page for page. Because my bureau then, the Bureau of Administration, had responsibilities derived from the recommendations of the ARB.

Mrs. Brooks. And at that time do you recall -- well, the -- do you -- and I assume you've read the Benghazi ARB.

Mr. Kennedy. Yes, I have, ma'am.

Mrs. Brooks. And at that time the Benghazi ARB contains a passage, and I quote, "We must remember the lessons of the past. Board members reviewed the 1999 Nairobi, Dar Es Salaam Accountability Review Boards' combined report and were struck by the relevance of several of its recommendations, which have not been fully implemented," end of quote.

Do you recall that there were multiple areas that were in both reports?

Mr. Kennedy. The area that I most recall is the statement that we needed a consistent funding source in order to construct new embassies. We had achieved such a secure -- a security construction funding source in 1999 or 2000. Unfortunately, for reasons that I don't totally recall why, although I remember pushing back very hard, that appropriation level was not indexed to inflation.

And so between 2000 and the Benghazi tragedy in 2012, the amount of money available essentially was halved by inflation and the dollar's depreciation. And so what the Pickering-Mullen ARB was saying: You got to do something to get the construction. Which we were doing six to eight embassies of new construction had fallen to three.

Mrs. Brooks. And I appreciate that being in charge of it and being overseeing management, a lot of construction issues and the funding are key. But yet areas that were in both reports include issues

such as collocation, marine security guards, adequate emergency equipment, failure of host nation support, physical security standards, which you've talked about, and what I'd like to talk to you a little about, the Secretary's role in ensuring secure. That was in both reports.

Mr. Kennedy. But I think the first three that you read out, as well as one of the latest, all relate -- all relate to funding. We did not -- we did not have the funding, neither did the Department of Defense, to push the number of marine security guard detachments over -- I think we reached 152 out of 285. We had been seeking to increase the marine security guards for many years, but there was simply no funding for it. And several of the others relate to a more consistent stream of funding.

Our committees of jurisdiction, our appropriators, have done great. They have stood by us. They are provided us incredible support. But there are caps.

Mrs. Brooks. And in fact, though, there has never, even though it was recommended then and it's been recommended yet again, the under secretary for diplomatic security.

Mr. Kennedy. Yes.

Mrs. Brooks. And is that a funding issue to --

Mr. Kennedy. No.

Mrs. Brooks. -- restructure an org chart or an organization as massively large as the State Department and not create a position of under secretary for diplomatic security, giving it a much higher level

of prioritization than it currently has?

Mr. Kennedy. Two things, if I might.

Mrs. Brooks. Please.

Mr. Kennedy. First of all, that was not a recommendation of the Pickering-Mullen. They did not make that recommendation.

Secondly, and this may seem to be me, under secretary for management talking, but I and the Secretary of State, several Secretary of States, after looking at that, have concluded that security of our overseas facilities should be spelled well a small "s."

Mrs. Brooks. Why?

Mr. Kennedy. Security is not the sole responsibility and province of the Diplomatic Security Service. If you want to achieve security for our personnel and the personnel for other U.S. Government agencies, you have to combine training. You have to combine recruitment. You have you to combine medical. You have to combine construction. You have to combine finance. You have to combine budget. You have to combine Diplomatic Security. A whole range of activities constitute what security is for our posts.

To have one under secretary who is the under secretary for diplomatic security and one under secretary who is responsible for everything else, actually, in the collective wisdom, actually results in less security.

I can coordinate and I do coordinate. If there is an issue of debate between the Finance Office and Diplomatic Security or the Overseas Buildings Office and Diplomatic Security, I fix those, I fix

those immediately, because all of the elements that constitute security come together and I make sure all the pieces are stitched together so that we can have things done fast. And that is why multiple Secretaries of State have decided that a separate under secretary for diplomatic security actually would result in less rather than more.

Mrs. Brooks. Was that ever discussed with Secretary Clinton, to create a position, even though it had been recommended in the '98-'99 ARB?

Mr. Kennedy. It had been recommended in the -- Secretary Albright who did not act on it, neither did Secretary Powell, neither did Secretary Rice, neither did Secretary Clinton, and neither did Secretary -- all of them.

Mrs. Brooks. My question, sir, was, was it ever discussed with Secretary Clinton to create such a position?

Mr. Kennedy. I don't remember it ever being discussed with her. I think it was -- I think that it had been a recommendation of the 1990s that throughout the aughts, that it people had adopted the philosophy that I have just laid out.

Mrs. Brooks. And that philosophy was to not remove and make Diplomatic Security a separate under secretary position, keep it small "s" --

Mr. Kennedy. No. No. Keep Diplomatic Security big "S," but treat security of an embassy as not solely the responsibility of the Diplomatic Security Service. The Diplomatic Security Service is not responsible for the full panoply of issues that create security at a

post. There are all these other pieces that come together. And it has been the under secretary for management, whether it has been me or Grant Green for Colin Powell or whoever, who have stitched all the pieces together.

Mrs. Brooks. But did you recall that Secretary Albright actually accepted that recommendation?

Mr. Kennedy. She never acted on it. I cannot address that because I was -- that was at the very end of her tenure and then I left. I know that Secretary Powell and Secretary Rice also did not accept that recommendation because I believe that they saw that the coordinating ability of the under secretary for management, not Pat Kennedy, but the coordinating abilities of that position of stitching all those pieces together to create true comprehensive security is a reason to do it that way, not the recommendation of the --

Mrs. Brooks. That '99 ARB.

Mr. Kennedy. -- of Admiral Crowe's ARB.

Mrs. Brooks. Okay.

Mr. Kennedy. Because it was one ARB for both posts.

Mrs. Brooks. And speaking of the ARB, with respect to the recommendation, if a committee -- if the Secretary's supposed to convene the ARB, and I know that the chairman went through the lists of the names --

Mr. Kennedy. Yes.

Mrs. Brooks. -- of ARB members, I'd just like to delve into that a little bit more. How are those names supposed to come about? So

I know the chairman asked you about the different names of the ARB members, but what does the foreign service, what does the FAM recommend with respect to how the ARB is supposed to be constructed?

Mr. Kennedy. Well, the law requires four nominees by the Secretary of State and one nominee by now the Director of National Intelligence. And it leaves to the Secretary of State to select four and the Director of National Intelligence to select the fifth.

And so it is up to the Secretary of State. The Secretary of State can ask for recommendations. The Secretary of State can conduct his or her own research and select eminent people. And I think the results kind of speak for themselves here. You picked somebody who had been a U.S. representative of the United Nations, under secretary for political affairs, I think ambassador four other times. You picked a four-star admiral who had been Chairman of the Joint Chiefs of Staff.

Mrs. Brooks. Who picked them? Where did they come from?

Mr. Kennedy. The Secretary -- I think -- I believe --

Mrs. Brooks. Were you a part of that?

Mr. Kennedy. As I said earlier, I was asked only to make one recommendation -- name somebody who was not in the State Department but knew a lot about Secretary of -- excuse me -- Department of State construction activities. So I made one recommendation and I made no recommendations for any of the other four.

I was advised, because I also head the unit that publishes the names in the Federal Register, I was advised that the selections were Pickering, Mullen, Turner, I think it was, Bertini and Shinnick.

Mrs. Brooks. And so did Cheryl Mills ask you for that, or did Jake Sullivan? Or who asked you for --

Mr. Kennedy. Cheryl Mills asked me for the name of someone who knew about State Department facilities management and construction.

Mrs. Brooks. And did she share with you who the other members who she was thinking about --

Mr. Kennedy. No.

Mrs. Brooks. -- appointing?

Mr. Kennedy. No. I was informed who the selections were.

Chairman Gowdy. I knew this would happen, Ambassador, if I sat here long enough and listened to a good lawyer like Susan. It would prompt me to -- I want to go back just for a second to the letter of Ms. Mills towards the very end. I'll give you a chance to get it in front of you, sir.

Mr. Kennedy. This is the November 12 letter, Mr. Chairman?

Chairman Gowdy. Yes, sir. I'm sure it's got an exhibit number on there somewhere.

Mr. Kennedy. Twelve. Yes, sir.

Chairman Gowdy. Last full paragraph, sentence beginning, "Accordingly, we ask that your principal or his or her authorized representative be aware or become aware in the future of a" -- "we ask that should they become aware in the future of a federal record, such as an email sent or received on a personal email account while serving as Secretary of State, that a copy of this record be made available to the Department."

Did Ms. Mills contact you and say, "We have some information that would be responsive to the letter we received from you"?

Mr. Kennedy. No, sir. There was a letter -- there was a response letter to that letter.

Chairman Gowdy. A response from Ms. Mills?

Mr. Kennedy. Yes.

Chairman Gowdy. Okay. To you?

Mr. Kennedy. I believe it was to me because -- because I wrote the letter, and so she responded to me.

Chairman Gowdy. Do you recall in general terms, and I won't hold you to it -- here it is, right here, I think.

Can we give the Ambassador a copy of this so --

Ms. Jackson. Fourteen.

Chairman Gowdy. Took a little while to get back to you. When'd you send your letter?

Mr. Kennedy. November 12, sir.

Chairman Gowdy. That's when you sent it?

Mr. Kennedy. Yeah, that is the date stamp on the letter.

Chairman Gowdy. That's my date stamp too, but I thought -- for some reason, I thought somebody said it was October.

Mr. Kennedy. There were -- there was a glitch in one of the letters that repeated -- that repeated -- this was the same letter. It repeated the wrong Secretary of State's name to the wrong person.

Chairman Gowdy. Okay.

Mr. Kennedy. But the official letter went out November 12.

Chairman Gowdy. All right. Well, then it didn't take that long. So, all right, you get this back.

Mr. Kennedy. Yes, sir.

Chairman Gowdy. "The Secretary's electronic mail has been reviewed. Please find enclosed those electronic mails we believe respond to your request." And they sent you, what, all 33,000?

Mr. Kennedy. Yes, sir.

Chairman Gowdy. That actually is a pretty quick turnaround, to produce 33,000 in, what, about less than 4 weeks?

Mr. Kennedy. Yes, sir.

Chairman Gowdy. Doing it the way Secretary Clinton did it, it strikes me that makes her kind of the sole determiner of what is a public record.

Mr. Kennedy. Under the rules that existed, and I still believe exist to the best of my understanding, it is the responsibility of each employee who is generating a document or a record -- I'm sorry, document or an email or anything that has archival possibility, it is up to the individual to make the determination whether it is a Federal record or not.

That has subsequently been changed, and that is why we -- the Capstone program and then other programs have been and are being put into place. But at that moment, it was the responsibility of every employee to say record, nonrecord.

Chairman Gowdy. You may be correct. But if she had done it the Pat Kennedy way, she wouldn't be the sole arbiter, because all of your

emails are on the state.gov system. So your FOIA coordinator would also be involved in that. You couldn't identify something on the state.gov account that clearly was work related and then just determine sua sponte this is not a public record, could you?

Mr. Kennedy. Yes, sir, I could.

Chairman Gowdy. You can?

Mr. Kennedy. Because right now when we receive a FOIA or a congressional document request, different processes, but accord, we go out to everyone who could potentially be involved and say: Send us what is relevant to this request. And so --

Chairman Gowdy. But if you had a searchable database, a third party could do that. Could they not?

Mr. Kennedy. That's right. We have been struggling for over a year with a team that I have set up composed of experts from throughout the Department, and I believe it's called the Electronic Records Management Working Group, that is trying to see if we can stitch everything we've got into one huge, you know, server farm, records farm, at a facility. And I'd be glad to tell you where it is, but not -- therefore, then we can truly effectively automate everything.

So the email would go in and at a central location somebody with -- because all the material is now on servers. And someone goes in and puts in the search terms and a search engine (witness makes whirring noise) and out comes everything.

Mr. Snyder. Do you need the spelling of (whirring noise)?

Mr. Kennedy. My apologies.

But right now we do not have -- no government agency, to my knowledge, Mr. Chairman, I could be wrong, but no government agency has that crosscutting single-source capability. So right now individuals are responsible for designated records and individuals are responsible for attempting to locate records that are responsive to congressional requests or to individual.

Chairman Gowdy. This is what I find a little vexing, then. If it can be done your way, then why send out the memo not to use private email?

Mr. Kennedy. Because --

Chairman Gowdy. If the individual is the sole arbiter about whether or not it's on state.gov or not, then why not just let anybody use Gmail and just, we trust you, it will be on the honor system?

Mr. Kennedy. The honor system is good, Mr. Secretary -- Mr. Chairman.

Chairman Gowdy. Don't promote me.

Mr. Kennedy. But we are -- because of changes in NARA and other things, we are moving in this direction of a comprehensive, you know, single repository, if I might use that word.

Chairman Gowdy. But even without NARA, I think the President sent out guidance not to use personal email. I could be mistaken. I thought the Secretary herself may have sent out guidance not to use personal email. Have I mis-recollected?

Mr. Kennedy. I don't remember -- I don't remember a memo from Secretary Clinton about that. There may well be one. I just at this

moment -- one of your staff may be --

Chairman Gowdy. All right. We'll get that for you.

Two more things and then I have referenced an email from Ambassador Stevens before his death where he had commented on another country providing security.

Mr. Kennedy. Yes, sir.

Chairman Gowdy. And I intended for you to have a copy of that. I don't know whether you got it or not.

Mr. Kennedy. Yes, sir. Your colleagues were good enough to provide me with a copy.

Chairman Gowdy. I'm just wondering, as a 43-year-long diplomat that's served our country, what was your reaction to seeing that?

Mr. Kennedy. Chris Stevens had a sense of humor. And also if you go -- if you go down to the last paragraph of the incoming memo to him from our then-representative in Benghazi, it says: The Qatari consul wants to rent the property adjacent to ours, as he told the landlord that the safest place is always next to the Americans.

Chairman Gowdy. Next to the Americans.

Mr. Kennedy. And so I think Chris was making a joke: Oh, if the Qataris move in next to us, maybe we can, you know, get them to upgrade our entire perimeter because we're their next-door neighbor, and anything that happens to us would happen to them. So I regard it as a touch -- it's a touch of humor in light of the evidence in the incoming email from our principal officer in Benghazi.

Chairman Gowdy. All right. My last question.

Ms. Jackson. Mr. Chairman?

Chairman Gowdy. Yes.

Ms. Jackson. May I mark that as exhibit 15 so that we have it identified for the record.

Chairman Gowdy. Sure.

[Kennedy Exhibit No. 15
Was marked for identification.]

Ms. Welcher. And can we go on the record that I don't believe Ambassador Kennedy is on that email.

Chairman Gowdy. No, no, no, no. He's not on that.

Mr. Kennedy. And I should say, yeah, I'm reading it at the chairman's request because I honor any request from the chairman.

Chairman Gowdy. Last question. I'm not going to pull it up, the old ARB that you and Mrs. Brooks were discussing from, I guess, Tanzania and Nairobi maybe.

Mr. Kennedy. Yes, sir.

Chairman Gowdy. There's a recommendation that the Secretary of State should himself or herself personally review the security. And then I'm going to mess up the rest of the word. Are you familiar with that recommendation?

Mr. Kennedy. Yes, sir.

Chairman Gowdy. What do you think it means, and why do you think they included that?

Mr. Kennedy. I think it is a -- I'd have to speculate, Mr. Chairman, and I don't know if I should speculate.

Chairman Gowdy. I would have no trouble qualifying you as an expert in the field of diplomacy and service to our country and the Department of State and probably ARBs. If they could solicit your input on a number of the ARBs, I can certainly solicit what you may think "personally review" means.

Mr. Kennedy. Then I think it is a result of the chairman of then-ARB, Admiral William Crowe. And the Navy has more of a tradition that the captain of the ship is solely responsible for everything that goes on in the ship. That is a wonderful tradition, but I can see that morphing from Admiral -- we're all the product of our upbringing.

And so he says the Secretary is the captain of the ship. That is good. But the State Department is 285 ships in 285 different locations around the world, and it's with a span of control, I think, larger than even the captain of the largest U.S. nuclear aircraft carrier. That the Secretary of State is absolutely concerned.

But having the Secretary of State review security to a level of granularity which would be meaningful would mean the Secretary of State would do nothing but review the security at 285 -- she, he delegates that to under secretaries, deputy secretaries, assistant secretaries to -- whose responsibility is, if a post is seen as to being in trouble or seeing where the risk/reward balance is out of whack -- I could give you one example.

We had our embassy open in Damascus, Syria, while there was building trouble in the streets, you know, beginning a potentially incipient civil war. Also rockets being fired. Robert Ford, our

ambassador there, came in and said: It's time to go. He told the assistant secretary for diplomatic security that. He came up and saw me about 3 minutes later. I saw Secretary Clinton about 5 minutes later. And I had in 3 seconds: Get him out.

That is how I think it should work. The Secretary of State, if he or she was solely responsible for security, I don't -- I honestly don't believe they have the time. The process has to work from the post, from the regional bureau, from Diplomatic Security, from inspectors general, from everyone are feeding into the equation. And then a recommendation is made to the Secretary of State about whether or not we should suspend operations.

Chairman Gowdy. All right. I'm over, but I don't want to wait another hour to say 15 more seconds' worth.

Mr. Kennedy. Please, sir.

Chairman Gowdy. To do it this way, though, you get the benefit of a high-minded recommendation that the public can fall in love with and think: What a wonderful ARB. But what I hear you telling me is there's no realistic expectation that that recommendation has any weight.

I mean, do you see the frustration? We had this recommendation that from now on the Secretary of State is personally going to review it. And there's another entry, by the way, in that same ARB where they explain why they think it's important. But there's no expectation that anyone means what they just wrote.

Mr. Kennedy. Mr. Chairman, I think there is something that we've

also done post the Benghazi attack, and it's called -- and I believe some of your colleagues may have been briefed on that -- it's called VP2, Vital Presence Validation Process, VP, VP, VP2, in which we have the regional bureau write a descriptor of the resources and the reasons to be in a country.

That is then reviewed by the Diplomatic Security Service, the Bureau of Intelligence and Research, any other relevant arm of the State Department. And they then collectively write a paper that says: Stay, reduce, suspend. There may be variations in between. It's more of a continuum than that.

That memorandum done by this collectivity of the management policy people, of all the people I mentioned, comes to the under secretary for political affairs and to me simultaneously. So the under secretary for political affairs and the under secretary for management review it and decide is the risk-reward balance there. If we agree, we send it on to both deputy secretaries for another review, and then it goes on to the Secretary of State to advise the Secretary of State that the deputies, the unders, the assistant secretaries, have all concluded this.

I think, humbly, with all due respect to Admiral Crowe, that is a better way to do it to get you a better result.

Chairman Gowdy. All right. Thank you.

Mr. Pompeo. Can I ask one question real quick? When you got 30,000 emails from Cheryl Mills, what was your reaction, that were Secretary Clinton's emails that Cheryl Mills delivered on December 5th,

what was your reaction when you got 30,000 emails?

Mr. Kennedy. I usually don't use profanity --

Mr. Pompeo. No, let's go.

Mr. Kennedy. -- in a --

Mr. Pompeo. It's late.

Mr. Kennedy. -- in an official setting, sir.

Chairman Gowdy. What's it start with?

Mr. Kennedy. Oh.

Mr. Pompeo. You were surprised.

Mr. Kennedy. I was surprised. Because, as I said earlier, I had gotten, I believe it was 46 emails from Secretary Clinton over the course of 4 years.

Mr. Pompeo. How many did you get from the other Secretaries of State that you asked for?

Mr. Kennedy. Two of them have certified that they never used email. One of them, Secretary Powell, said that he could not get access to those. We wrote him back again saying: Could you please try with the Internet service provider. And we have never gotten a response to the second letter, sir.

Mr. Pompeo. Thank you, sir.

Mr. Kennedy. I don't know if it's my prerogative, but I will be glad to stay longer if the representative from Indiana has other questions. I am prepared to stay here as long as you need me.

Mrs. Brooks. Well, I wanted the chairman to know, I mean, there are certainly lines of questioning that I know I certainly haven't even

gotten into yet.

Chairman Gowdy. The fact that I'm leaving doesn't mean anything.

Mrs. Brooks. No, I understand. I understand. But I actually believe that whether I can give you ideas of the different categories, and I guess I'm just curious as to how late you want to go, to be quite honest, and including possible questions in a classified setting with respect --

Chairman Gowdy. I don't want to put words in the Ambassador's mouth. I think that he would like this to be his one and only visit with us. He indicated earlier, he's free to change his mind, he's indicated earlier he's prepared to stay as late -- I'm not leaving because I've lot interest. I'm leaving because I had a commitment almost 40 minutes ago. I think if we take a break, he's ready to keep going, although it's the Democrats' turn to go.

Mrs. Brooks. I certainly understand that. But I also would like everyone to understand that -- and in part because members jumped in and started asking questions, you know, staff has a lot more questions because of your role, to be quite honest.

Chairman Gowdy. I think he's ready to stay until it begins to impact the Eighth Amendment, and then we'll --

Mrs. Brooks. So I just don't want when -- and I'd like the minority staff to realize that just if I were to leave it doesn't mean it's done.

Chairman Gowdy. I think the Ambassador knows he's a unique witness that crosses almost every field of inquiry.

Mrs. Brooks. And so I just wanted that to be clear to everyone, because while I might have a couple and it's based on lines that I have focused on in past hearings and other things, but there are certainly, for instance, and unless I missed it, have you been asked any questions yet, sir, about issues surrounding the FEST?

Mr. Kennedy. I would be -- I have addressed that in public testimony before, but I would be glad to address it again. I can address it in 1 minute.

Mrs. Brooks. And, I'm sorry, only because I have been in and out, of course, I don't know what all has been asked. Have you been asked questions about quadrennial review?

Mr. Kennedy. No.

Mrs. Brooks. I mean, so there are certain lines of questionings that I just would like the minority staff to understand --

Chairman Gowdy. Nobody's talking about leaving.

Mrs. Brooks. Okay.

Chairman Gowdy. He may want a break, and he may want supper, but he --

Mr. Kennedy. If everybody concurs, I will --

Ms. Sawyer. And just for the record, I just want to make clear that you began this round an hour and a half ago. We have not once objected. We want to make sure you get to ask your questions. We do ask and suggest that to the extent it's a topic he's briefed Congress and we have transcripts, we have public transcripts, if it's a topic he's been asked 2 years ago, we would ask that we not cover it again.

If there are new grounds to explore, we do not want to foreclose that.

But we've been here since 9. We have taken, I think, two full rounds. We've deferred otherwise to make sure that both you and your staff, and we will ask questions that we need to ask, we have not once indicated that we are not willing within the capacity of the witness.

I also think as a matter of just human capacity, whether or not the witness or any of us in this room think we're fine, it is tiresome. It is hard to answer clearly. And I think with have to acknowledge that we may not get as clear and easy a response from a witness who's been answering questions nearly for 13 hours.

Mrs. Brooks. And I completely agree with that. And that's why I, quite frankly, Mr. Chairman, would recommend that we break and that we resume at another time to complete the questions. And I believe it is counsel's --

Ms. Sachsman Grooms. I just don't -- respectfully, I just don't think you can ask someone to come at 9 a.m. and then ask them to stay until 8 p.m., have them still be willing to answer questions because they have expressly specifically said that they won't get it all done in 1 day, and then ask them to come back again for another day, especially considering he has testified twice publicly before Congress and briefed Congress more than 20 times.

Chairman Gowdy. Well, those are the two options. With all due respect, those are the two options. He's either going to stay until Mrs. Brooks and the others run out of questions or he's going to come back again. And I think what the Ambassador said is he would prefer

to get as much, if not all of it done tonight.

Have I misread you, Ambassador.

Mr. Kennedy. No, sir.

Chairman Gowdy. So we're going to do that. I don't want him to come back either. He's been here a long time. But we're not going to short circuit the questions we have.

Mrs. Brooks. And that's what you're asking me to do.

Ms. Sachsman Grooms. I have not asked you to do that, ma'am. Not once.

Mrs. Brooks. And so that's why --

Ms. Sachsman Grooms. I have not asked you to do that. I said, he wants to stay.

Do you want to go off the record? Do you guys want to take a break?

Mr. Kennedy. Well, I would prefer to keep --

Ms. Sawyer. While we're on the record, I would just like to get a sense just in terms of scheduling.

Ms. Jackson. Let's go off the record.

[Discussion off the record.]

[8:07 p.m.]

Ms. Jackson. We will go back on the record.

BY MS. JACKSON:

Q Ambassador Kennedy, I just had a question or two in followup to sort of the email question.

You mentioned in one of the emails that we saw, talked about communications that were in Secretary Clinton's home. Is that correct?

A Yes.

Q Okay. Did she have secure communications in her home?

A Yes.

Q Okay. Did she have the capability to store classified information in her home?

A Yes, because her home, because she is a former First Lady, was protected by the Diplomatic Security Service. The State Department and the U.S. Secret Service split the responsibilities. The State Department would move her; the U.S. Secret Service would secure her at whatever residence.

So her residence was under 24-hour guard by cleared personal of the United States Secret Service. So there was no risk of -- it's not as if it was an unsecured residence.

Q Sure. Did she have a SCIF in her home?

A I do not know the answer to that question.

Q Okay. But she had the ability to communicate by telephone, by secure telephone?

A Secure telephone, secure fax.

Q Did she have a secure computer?

A No. Secure telephone, secure fax.

Q Okay. Safe?

A Yes, I believe so.

Q Okay. But higher than Secret you're not sure of, that she could have handled higher than Secret level?

A You don't have to be in a SCIF, necessarily, to go to TS.

Q Okay.

A There are rules, but rules are related to how the facility is secured and protected.

Q Okay.

All right. I'm going to jump around a little bit to try and hit some topics that may have been touched on before but I want to explore a little bit more.

We had talked many hours ago, when we began, about Diplomatic Security, OBO, and other agencies or bureaus reporting to you as the Under Secretary for Management. And we also talked at length about, if there were issues or disputes or something, you waited until they were brought to your attention. Is that a fair summary of our discussion earlier today?

A I think it's a fair summary. Obviously, if I heard about something earlier, I might query my subordinates at whatever session I was having with them, one of my weekly meetings individually or one of my weekly collective meetings. But I'd let my people do their job

and would stand by, with providing appropriate program direction, for one of them to report an issue or somebody, as I mentioned, in another bureau, a regional bureau, a functional bureau, another under secretary, to ask for my assistance.

Q But you didn't operate in a vacuum, did you? You weren't a one-man show, as it were, as being the Under Secretary of Management. You had a staff that assisted you, --

A Yes.

Q -- your M staff. Is that correct?

A I actually have two staffs. I have what is called a personal staff. They are not personal; they are the professionals in my immediate office. And I also have a management policy staff who assist me, and when I see special projects or crosscutting issues, I put one of them on it to work with the bureau. So I have professional staff backing me up, in addition to all the bureaus under my responsibility.

Q And would that professional staff go out and attend meetings on whatever they were assigned and coordinate with other offices and bureaus to help keep you informed as to what was going on?

A It depends on the issue.

Q Let's take Libya in 2011 and 2012. That was a hot topic for the Management Bureau, was it not?

A Yes.

Q Okay. Did you have a staff member by the name of your [REDACTED]

[REDACTED]?

A Yes.

Q Okay. And for the court reporter I'll spell it.

██████████, last name ██████████.

Did she work on Libya issues for you?

A She was the one who -- she followed the Near East Bureau, and therefore Libya, being in the Near East Bureau, was part of her portfolio.

Q Okay. So she would attend meetings to represent you and your positions?

A She would do that. She would also attend meetings to collect information. But I would be surprised if she attended every single meeting on every single topic.

Q Sure. And that's a given. But she was to be your eyes and ears in other areas of the State Department for Libya issues. Is that a fair assessment?

A I'm not trying to be picky, but "eyes and ears" sounds a little bit not what the State Department would describe it as. She was someone who ensured that people in bureaus had the opportunity to have someone to talk to, to send up paper to. And she also checked paper on the way in to make sure that if I received a proposal it had all the appropriate coordination -- we call them clearance lines -- completed. So it's a variety of duties.

Q Okay. And what's the significance of those clearance lines?

A To ensure that when I get a piece of paper that makes a

recommendation that it has been coordinated appropriately at the building, that all the diverse elements in the building who have equities in this have either signed on to it or -- every once in a while, you can get something, but I do not ever remember one being, it's called a split memo. I would get a paper with two recommendations that were opposed to each other, and the memo would explain that these people recommend this, these people recommend that. And then I would read that, look at who was recommending what, look at the arguments, and make a decision.

Q And by the clearance, did that also mean that the relative bureaus agreed with what was in there, that if it was something for you to approve and it said, "We're going to lease this facility," or something, that the relevant bureau said, "Yes, we have the money to lease it, we're committed to lease it, and we're going to follow through"?

A If a clearance there -- if it says okay, means that that officer, representing whatever organization he or she belongs to, is concurring in the recommendation.

[Kennedy Exhibit No. 16

Was marked for identification.]

Q Okay. For example, I'm going to show you what we've marked as exhibit 16. It is a December 27, 2011, action memo for Under Secretary Kennedy. The subject line is "Future of Operations in Benghazi, Libya."

And you've seen this document before?

A Yes.

Q And did you approve this document?

A My signature is on it.

Q So that means you approved it?

A Yes.

Q Okay. And can you describe for us what this document is?

A This document is essentially in a prime part and a secondary part. The prime part is that I am authorizing us committing to extend the lease on this facility through the end of calendar year 2012.

And I am doing that because they have made representations to me that the facility is needed. My conversations with others of my peers indicated that no decision had yet been made about whether to make this operation permanent, continue at interim, or close it. And since our leases that we use have what is called a diplomatic escape clause and rents are usually rising, if I can tie up a property for a period of time, then I can exercise a diplomatic escape clause to get out of the lease. It is in the interest of the taxpayer to ensure that I have, in effect, a fixed-price option.

And then, secondly, it also sets a ceiling on the number of personnel that will be assigned.

Q So this was an action memo for premises and personnel to be in Benghazi through 2012.

A Not to exceed 2012.

Q Not to exceed 2012. So if the --

A The end of 2012.

Q So if the presence needed to be extended before that, you would have received another action memo?

A Correct.

Q Okay. And the ceiling was set at 35.

A The ceiling is set at --

Q In Recommendation 1?

A Yes.

Q Yes, it's set at 35?

A Yes.

Q Okay. And that included, of that 35, 8 were going to be State Department personnel. Is that correct?

A Eight were going to be State Department or USAID personnel.

Q Okay.

If I could direct your attention to page 2, the second full paragraph that starts that, "Although our presence," they are asking that the eight people be comprised of -- and I believe it's the second full sentence:

"Headed by an FS-02 or GS-14 officer, this office would work in close coordination with Tripoli on political and economic reporting, public diplomacy and commercial work in the eastern part of Libya and serve as 'host' for the activities of USAID, PM, and any other U.S. government TDY personnel in Benghazi."

The eight were to be a head officer, a second reporting officer, a TDY IMR person, and five Diplomatic Security. Is that right?

A It's five plus five, yes.

Q Five plus five?

A Five substance or management personnel and five Diplomatic Security personnel.

Q Okay. And did the Diplomatic Security sign off or clear on this memo?

A They did.

Q So Diplomatic Security has, by this memo, by clearing on this memo, agreed to provide five Diplomatic Security agents to Benghazi.

A To protect five -- to protect five other employees.

Q Well, some of them were to be TDY. Is that correct?

A Still, it's five to protect five.

Q And what wording in there are you looking at that tells you that?

A It says eight U.S. direct-hire employees and two slots for political military and USAID. So that's 8, plus 2 is 10, of which 5 are substantive or management and 5 are Diplomatic Security. So you have five to protect five.

Q Okay. What if it had only been four, would you still have needed five agents?

A Given the composition here, the answer is no.

Q Does the size of the complex or the compound have any bearing on the number of DS agents that are needed?

A There are two factors at play. There is the size of the complex, and then there is the movement, the activity of the personnel.

If you have a principal officer, a reporting officer, a second reporting officer, a TDY PM officer, a TDY AID -- if you have lots of people going out and about all the time, you need more security for movement than if you have less people.

The information management officer does not travel. He is responsible for maintaining the communications equipment, so he is, in effect, tied to the facility. And so, if you have less people making sorties into the city, you need less security officers to protect them.

Q But what was the purpose of the Benghazi mission but to go out and gather information, to interact with the interim government --

A Right.

Q -- and provide information back to the State Department? Wasn't that their primary purpose in being there?

A That is correct. But how many people the Near East Bureau, looking at what was going on, how many people the Near East Bureau ultimately decided to deploy, kind of a cost-benefit analysis. How much activity are they going to do? How much reporting do they want to do? That's a call made by the Near East Bureau.

My point is that you judge the number of Diplomatic Security on two factors. It's the facility and the number of sorties that you need to make out into the city.

Q And the more volatile the security situation is in a particular area, does that also play into the factor of how many DS agents? If security is not permissive or barely permissive, will you need more DS agents?

A It depends on the volatility, and it depends upon whether the U.S. Government is threatened. There are locations in the world where situations are volatile but we are not the target.

Q Does it also depend on whether the host government is able to provide any type of security for the facility?

A That is one factor, host-nation capability.

Q Okay. And if the host-nation capability doesn't exist, what --

A If the host-nation capability is zero and no one ever shows up, then certainly that is a factor. If the host nation has some capability, that is also a factor.

Q Okay.

And we're talking a memo that talks about having a political -- headed by a political officer or principal officer. That's significantly different than an ambassador, is that correct, in stature and notoriety and the need for protection?

A This is not an embassy; therefore, it is not headed by an ambassador. The title we use at any subordinate post -- consul general, special mission facility -- we use the title of principal officer. It just means you are the senior officer present.

Q Okay. But that type of officer generally needs a lesser degree of security than an ambassador does.

A Yes and no. I mean, there are locations in this world now where we have places where the volatility at a constituent post is greater than the volatility in the capital city. So it can go either

way. Everything that we do around the world is site-specific.

Q Okay.

The mission in Benghazi was not a consulate. Is that correct?

A It was a temporary mission facility, yes.

Q Okay. Was it a post?

A It was not a permanent post, no. It was a temporary mission facility --

Q Okay.

A -- because no decision, as I have pointed out before, no decision had been made to make it permanent.

Q Okay. Had it been formally recognized to the Libyan Government? Had the Benghazi presence been formally notified to the Libyan Government?

A It had been notified to the government in Tripoli. I'm not sure that I can describe a situation where the Government of Libya was very, very good on paperwork.

Q And was that only after Tripoli reopened, the embassy in Tripoli reopened?

A Oh, yes. Under Colonel Qadhafi, the Government of Libya was very, very specific, if not difficult, on paperwork.

Q Well, let's talk about the timeframe between the time that you suspended operations at the embassy in Tripoli until it reopened in September of 2011, so the period of February 2011 through September of 2011. During much of that time, Chris Stevens and his crew were in Benghazi. Is that correct?

A Yes.

Q Was there any formal notification of their presence to any government?

A No, because there was a civil war raging, a de facto civil war, raging between the forces in the east and the government. And we had sent in someone to represent us to what amounted to an alternate government.

Q Okay. Well, let's talk about what happened July 15, 2011, before we reopened Embassy Tripoli but we recognized the TNC as a legitimate representative of the Libyan people. Did you provide formal diplomatic notice of Chris Stevens and his mission in Benghazi to them at that time?

A I believe that oral representations were made to that government. I doubt if there is a paper record, given the situation on the ground in Benghazi.

Q Well, 2 weeks later, you sent something to them asking that Chris Stevens be recognized as the Ambassador. But you don't think formal paper went saying, we have a mission in Benghazi?

A You asked me if anything was done to the TNC in Benghazi. You're now asking about after the government of Qadhafi has been overthrown and we are now reopening our embassy in Tripoli.

Q No, I'm talking July. I'm talking July of 2011.

A I'm sorry. I'm confused by your question, by the time horizons.

Q Okay. July 15th of 2011 --

A Right.

Q -- the United States recognized the TNC as the official representative of the Libyan people, recognized the TNC as the interim government.

A Just because I don't have a complete set of notes in front of me, what is the seat of the TNC? Is it in Benghazi or is it in Tripoli at that point?

Q Does it make a difference?

A Yes, it does.

Q Why?

A Because one is the capital of the country and one isn't.

Q Isn't the capital where the government is?

A Not necessarily.

Q Is the government the people or a location?

A The government is the government.

Mr. Snyder. You know, if I may, he's the Under Secretary for Management. It seems like this is far afield from what his responsibilities were. He wouldn't know to -- we should establish whether he's involved with notifying the host government or is that some other entity within the State Department. Yes?

Ms. Jackson. It has to do with whether physical security standards apply.

Mr. Kennedy. No, it does not.

Mrs. Brooks. So ask that question.

Mr. Kennedy. It does not.

Ms. Jackson. Under SECCA, does the definition of diplomatic facility hinge on whether an office has been notified to the host government or the personnel have been notified to the host government?

Mr. Kennedy. No, it doesn't. SECCA only applies to new embassy construction, where we are building a new embassy. That is what SECCA applies for.

Ms. Jackson. Doesn't SECCA apply to newly acquired facilities?

Mr. Kennedy. If you acquiring a newly acquired -- if you are buying and rehabbing a building -- if you bought and rehabbed a building to be an embassy, then SECCA would apply, just as we recently bought a building in a country in Europe and are converting that into an embassy.

Mrs. Brooks. So if you're renting or leasing, it does not apply?

Mr. Kennedy. The Overseas Security Policy Board standards would apply then. That's a separate set of standards.

Mr. Evers. Would it be helpful to -- I'm sure we have folks who can sort of --

Ms. Jackson. We have an email that we're going to show that was then shared with Diplomatic Security as to whether physical security standards apply. So we're looking for the document right now.

Mr. Evers. Okay.

I think what Eric was raising was that I think we're slipping into "you" and "we" kind of at the State Department level without establishing the role of the Under Secretary for Management.

Mr. Kennedy. Yeah. On that, I mean, certainly it is the

responsibility of the Near East Bureau and the post to do notifications. The exchange of diplomatic notes are done at a post level. They're not done by anyone within the ambit of the Under Secretary. A post sends a diplomatic note announcing people's arrival.

[Kennedy Exhibit No. 17

Was marked for identification.]

Ms. Jackson. For the record, what I've marked as exhibit 17 is an email exchange bearing document number C05396431, dated June 20, 2010. At the beginning, it's from a [REDACTED] to an [REDACTED].

It's multiple pages, multiple exchanges. And I'm going to allow the witness an opportunity to review it, but it's generally about the leasing of a villa and compound in Benghazi and whether waivers and exceptions are needed for the security status of that compound.

So I'll allow the witness to have an opportunity to look at it.

Ms. Sawyer. Sharon, is the Under Secretary on this thread?

Ms. Jackson. It's not relevant.

Ms. Sachsman Grooms. Well, it's relevant for the record at least. Can you just tell us whether he is on it?

Ms. Jackson. No.

Ms. Sawyer. Can we go off the record just for a second?

Ms. Jackson. He is not on it.

Ms. Sawyer. Okay, great. And can we just go off the record for a second?

Ms. Jackson. All right. Let's go off the record.

[Discussion off the record.]

BY MS. JACKSON:

Q Ambassador Kennedy, have you had an opportunity to review this email exchange?

A I have. And I note that I was not a recipient of this email in any form.

Q Okay. Do you understand the concepts that are being discussed in these email exchanges?

A It is a discussion between an officer in Diplomatic Security and an attorney in the State Department about the necessity for waivers.

Q Okay. Waivers and exceptions. Is that correct?

A Waivers, exceptions, yes.

Q And in State Department parlance, are waivers and exceptions different things?

A They are different.

Q Waivers apply to SECCA requirements. Is that correct?

A I would have to sit and think for a very long time about that. I know one applies to SECCA, one applies to OSPB, and since I don't deal with either of them on a regular basis -- one applies to one; one applies to the other.

Q Okay. But this email exchange is between the legal department and Diplomatic Security, and you have Diplomatic Security under your bailiwick. Is that correct?

A Correct.

Q Okay. And this has to deal with whether physical security requirements are going to be required for the Benghazi compound. Is

that correct?

A No, that is not correct.

Q Okay.

A This is about a set of security requirements that may or may not apply. There is a whole other set of security standards called the OSPB, Overseas Security Policy Board standards, which are interagency standards developed by the security community within the United States Government.

And so this is, in effect -- whether or not SECCA applies or not is not relevant to this discussion, because our efforts in Benghazi were based upon the OSPB standards, in which we took a property, as I answered to an earlier question on this same subject, we took the best property we could find that had the greatest attribute that we needed -- since the biggest threat to date in that region of the world was car bombs, we took a compound that had the longest distance, the greatest distance, between the wall of our compound and those facility structures that would be occupied. And we did that, and then we proceeded to take the OSPB standards and begin to implement them up and up and up and up, adding height to the wall with razor wire, adding barriers, adding drop-arms, adding lights, adding cameras, adding alarm systems.

And so the OSPB standards are the ones that apply in this case. And that is the standards we were using, and that is the standards we were building to.

Q Do you agree or disagree with the analysis that [REDACTED]

did as to whether SECCA applied to the Benghazi compound that is found at the bottom half of page 1?

A I am not a lawyer. One reading of this was it doesn't apply. And that's why my understanding was, not being a lawyer, is why we were using the OSPB standards there.

The SECCA standards relate if you are building something anew or so transforming something. You can never go into a place, when the national security requires you to go into a place tomorrow, and find a location that is going to meet SECCA standards. It is simply not possible. So --

Q But that's why it has a waiver component to it.

A But you apply, though, in that set, the OSPB standards, which are the appropriate standards to apply for a rental facility.

Q Let me show you another exhibit. I'm going to mark this one as 18.

[Kennedy Exhibit No. 18

Was marked for identification.]

BY MS. JACKSON:

Q For the record, this is document number C0539277. It's an email exchange between [REDACTED] and [REDACTED] on the same day, June 20, 2011, at 3:20 in the afternoon.

And, again, Mr. Kennedy, you are not on this email exchange, but I want to ask you if you were aware of this document.

A I was not aware of this document.

Q Do you agree with the fact that was stated?

Well, let me just read it into the record. It's a simple sentence that says, "This is to confirm that a determination has been made by DS that no waivers or exceptions to security standards are needed for the Benghazi compound property." And that was a quote.

Were you aware that DS had made the determination that no waivers or exceptions to security standards are needed?

A I believe I was informed of that at some point during the string, and I agree in response to your question before you read it into the record. Also, I also agree with the determination that they made.

Q Okay. So they didn't have to go through the process to look at the standards and see that exceptions were needed, a formal exception was needed, to anything that didn't meet a security standard?

A This was, as I've explained previously, a temporary mission facility. When you go into a country and you have to be there tomorrow, you are not going to find anything that meets the standards.

Q But that's a different question than whether you go through the formal process of looking at the standards and deciding that there's a reason to be excepted from the standards than they just didn't apply.

A I'm sorry. I disagree with your conclusion. It was the policy of the State Department, for temporary facilities, we would find the best facility we could, and then we would proceed to implement the OSPB standards continuously and to the maximum extent possible.

In response to a previous question -- and I'm trying not to take up too much time -- I noted that there were temporary facilities, there

were interim facilities, and there were permanent facilities. This is how we handled temporary facilities. Send security people to review the situation, to look at the security situation, and then decide, "This is the best property we can find because we have to be there." And then we will take the OSPB standards and we will keep adding improvements to the property until we achieve the highest level.

If we then make it a permanent facility or an interim facility, then we will go through and formalize the paperwork when it's either interim or permanent.

Q And that was the problem with Benghazi, wasn't it? That was one of the criticisms that the Benghazi ARB made, is that you made up these categories of temporary, interim, and permanent and said --

Ms. Sawyer. Hold on. I'm sorry, but they did not say they made them up. So if you want him to agree or disagree with the ARB, that isn't in there. So I understand, you know, and I appreciate if you're trying to be efficient, but they did not say that the State Department made up categories.

Mr. Kennedy. I don't recall that in the ARB either.

Ms. Jackson. Do you recall it in the Best Practices Panel report?

Mr. Kennedy. The Best -- we're talking about the ARB. We had three categories. We live in a real world. It is logical to have those standards in order to advance the U.S. national security. And we mitigate the risk by running down the OSPB standards.

And as I outlined before and I'd be glad to outline again, all the steps we took pursuant to the OSPB, the interagency standards, all

those steps we took to meet the highest possible level of security at a temporary facility.

[Kennedy Exhibit No. 19

Was marked for identification.]

BY MS. JACKSON:

Q Let me hand you what I've marked as exhibit 19.

And for the record, this is an action memo for Under Secretary Kennedy, subject matter: "Affirmation that Overseas Policy Board Standards Apply to All Overseas Facilities."

I note that it is dated January 24, 2012, but, Under Secretary Kennedy, I'd ask you if think that might be a misprint and it was January 24, 2013?

A It's 2013. My signature says that I signed it on January 24, 2013.

Q Okay. It often happens in January that the year gets typed wrong.

A And the date stamp on the document says 2013, as well.

Q Okay. And is this an action memo that you signed and approved?

A Yes.

Q Okay. And the recommendation that you approved is, quote, "that you affirm our current policy that the interagency Overseas Security Policy Board's standards for facilities apply to all facilities regardless of their nature (temporary, interim, or permanent)."

A Yes. This simply validates what I have been saying through the last series of questions, that it was -- it's asking me to validate what our current policy is. And our current policy was that the OSPB standards applied to temporary facilities.

And because, if you read the background, it says the ARB wanted this recorded, what the standards are. They wanted it recorded somewhere. I have simply recorded what the facts and practices were.

Q Okay.

Let's go back into "Background," because at the bottom it says, "Diplomatic Security will recommunicate this long-established policy to all posts, as well as the need for a waiver or exception to applicable standards, and the process for obtaining a waiver or exception."

A The ARB recommended that we paper what we were doing. So we were --

Q Didn't the ARB recommend that you actually do it, not just paper it?

A I'm sorry. I don't understand the question.

Q Well, we have in here that you're not going to go through the exception process for Benghazi for OSPB.

A That is what I call papering it. As I have said before, we took the best property we can find, we took the OSPB standards, we kept adding layers of security, driving towards the ultimate, at this temporary facility, of the maximum number of OSPB standards that could be implemented.

Q But it says exceptions were not needed for Benghazi.

A That's correct.

Q So they didn't have to go through the analysis.

A That is incorrect. We would not have been implementing all those improvements unless we were using the standards.

Why did we put razor wire on top of the wall? Why did we build a chicane -- c-h-i-c-a-n-e -- outside so no one could ram the front gate? Why did we put in drop-arms? Why did we have an imminent danger notification system? Why did we have alarms? Why did we build safe havens? We did all those things because those were in compliance with the OSPB standards.

Ms. Betz. Well, let me ask you this. What was the SETL rating in Libya at the time?

Mr. Kennedy. I don't know.

Ms. Betz. The SETL rating.

Mr. Kennedy. S-E-T-L.

Ms. Betz. S-E-T-L, Security Environment --

Mr. Kennedy. Secure Environment Threat List. I don't recall. I am sure it was high, if not critical.

Ms. Betz. Well, for the record, it was critical for political violence and it was high for terrorism.

[Kennedy Exhibit No. 20

Was marked for identification.]

Ms. Jackson. That's exhibit 20, if you could further identify it, please.

Ms. Betz. So, for the record, it is State Department doc

C05388931. And just for the record, the witness is not on this email, but the witness was asked whether he was aware of what SETL ratings are.

Mr. Kennedy. And I responded it was either critical or high. And it was -- two were high, and one was critical.

BY MS. BETZ:

Q And what does "critical" mean?

A "Critical" means there is --

Q A grave risk to American diplomats?

A Yes.

Q And what does "high" mean? Serious risk to American diplomats?

A I don't believe that we use those kind of adjectives.

Q But that's what it means, I mean --

A Yes.

Q -- when you're talking about a "critical" rating.

A "Critical" is higher than "high."

Q So, in your opinion, when you talk about OSPB standards, there are OSPB standards for critical ratings in political violence, correct?

A Yes.

Q And did those OSPB standards, when you talk about them at the mission, did they meet those standards?

A No. As I said earlier, when you go into a country and you have to be there tomorrow, you take the best facility that you can take.

You then take the OSPB standards and you keep layering them on, to the maximum extent possible, using the considered judgment of the security professionals.

Mr. Evers. Can we go off the record for just a second?

Ms. Betz. Uh-huh.

[Discussion off the record.]

Ms. Betz. Mr. Ambassador, I want to go back, because I thought you made a very important point to the Congresswoman's question about whether or not the State Department should create this Under Secretary for Diplomatic Security. And what I thought was interesting was your explanation on everything that encompasses security.

And so security, would you agree, is not just sort of the physical elements? It has to do with funding. It has to do with, to your point, ensuring that batteries are available in the IDNS pendants. It's everything that goes into making a facility secure.

Mr. Kennedy. Yes. Security is a package composed of numerous parts.

Ms. Betz. And some of those parts, as I just mentioned, would be being able to fund a mission or a facility, ensuring that you have the appropriate staff, the staff can get the appropriate visas. So these are all things that go into ensuring the security of the mission and the people.

Mr. Kennedy. Security is a package.

Ms. Betz. Great. Thank you.

BY MS. JACKSON:

Q Switching gears, I want to go back to the attack and the immediate aftermath.

You had said earlier today that you received a lot of information from the DS Command Center. Is that correct?

A I said I was receiving telephone calls periodically all through the night updating me on the situation on the ground both from Benghazi and from Tripoli.

Q Okay. And I believe that you also said that the DS Command Center endeavors to keep an open line with whatever location is having the crisis?

A I do not remember whether they were able to achieve that. I remember, at one point, we lost our line to Benghazi. However --

Q When you say "we," who do you mean?

A The State Department -- Washington lost its line to Benghazi. But Tripoli still had its line to Benghazi, so Tripoli was relaying those reports. And that's why we have multiple paths that we like to have.

Q Okay. So when you were getting information from Benghazi, you were getting the information from the eyewitnesses to the attack. Is that correct?

A Correct.

Q Okay. And when the agent in the TOC did not report a protest, he was your eyewitness to the attack. Is that correct?

A No. What I said was that the agent in the TOC did not report that he had seen a demonstration before he took the actions that he

took as the attack commenced.

Q Okay.

If there is social media out there that there's going to be a demonstration and it may be targeted at the Americans, is that something that your agents are trained to report in? Do they send a spot report or a sit report or something like that if they had --

A The agents work on that. The Political Section works on that. The Public Diplomacy Section works on that. The foreign -- I'm trying to remember the new acronym. The OSC works on that. Numerous U.S. Government agencies work on whether or not there is social media. It is part of our newer rubric, since social media has become a means of communication that never existed before.

Q For example, for the protests that were in Cairo earlier that day, they had warning that those protests were going to occur. Is that correct?

A It was picked up on social media by, I believe, the Public Diplomacy Section. I recall reading that somewhere.

Q Okay. Nothing similar happened in Benghazi, did it?

A Not that I'm aware of.

Q Okay.

And then going back to the night of the attack, through the Command Center or through Tripoli, you were getting essentially firsthand or secondhand accounts of what happened.

A Yes.

Q Okay. From the people who were on the ground experiencing

what was happening.

A Yes.

Q Okay.

When the agents were evacuated to Tripoli, did they talk with the Tripoli Embassy personnel there?

A They were -- one of them was severely injured. One of them had severe smoke inhalation. One of them had been blown off a ladder because the bomb, the mortar, I believe, or RPG had hit. So we had agents that were physically wounded, we had agents that had been going in and out of a very toxic smoke environment. We were treating them as patients, not interviewing them.

Q I'm not asking about formal interviews, but did any of the Tripoli Embassy personnel go and talk with them?

A I am not aware of any reporting of that nature.

Q Okay. So you're not aware that [REDACTED] met with the agents and they talked about what had happened and he reported that back to NEA. You are not aware of that.

A I'm not aware of that, no.

Q Okay.

When the agents were then taken to Germany, did the State Department send any agents over there to be part of the debriefing process?

A At that point, because of the death of Americans, this moved from being a Diplomatic Security case to an FBI case, and the FBI conducted the interviews, as per protocol.

Q Were there any Diplomatic Security agents assisting the FBI?

A There was one member of the Diplomatic Security Service on the FBI team, but he was operating at that point under FBI rules, reporting through the FBI, not back to Diplomatic Service.

This is a law enforcement practice in place. The case passes to the FBI. We have a member of their team, but he is, in effect, an FBI agent during that and not a Diplomatic Security agent.

Q Okay. So you're completely shut off from his information?

A Until the -- because we are not -- two points. And this is information that I was briefed on subsequently to the attack as part of a presentation I had to make.

If the Diplomatic Security special agent learns something in the briefing that would constitute an imminent threat to any other U.S. Government facility, then that Diplomatic Security special agent is free under the State-Department of Justice rules to advise whoever.

However, absent that, a Diplomatic Security special agent participates with the FBI, and then the FBI files a form, which I don't remember the number of, and that becomes the official report of the interview.

Q Okay.

A Well, are you trying --

Q Could you wait?

A Yes. Sure.

[Discussion off the record.]

BY MS. JACKSON:

Q But are you trying to tell us that you did not have -- you or no one else in DS had access to the information that the agents told?

A Not until the FBI released it.

Q And when was that?

A Sometime late the following week.

Q Late the following week?

A That's my -- to the best of my recollection, it was not until the following week.

Q Okay.

[Kennedy Exhibit No. 21

Was marked for identification.]

Ms. Jackson. I'm going to hand you what I've marked as exhibit 21, which is an email exchange between Eric Boswell and yourself, dated September 19th, and bears -- oh, man. Well, we won't read the document number since I can't. I believe it's SCB00, I think, 98125.

Mr. Evers. 425.

BY MS. JACKSON:

Q 98425. But, anyway, it's an email exchange between Eric Boswell and yourself, dated Wednesday, September 19th, 2012.

A Yes.

Q And I'll give you a moment.

A I have read it.

Q You have read it?

Eric Boswell writes to you that the "interview notes of the DS

witnesses indicate that there was an initial explosion followed by gunfire. No mention of RPG or mortar fire against the Mission by DS witnesses. DS witnesses report hearing mortar fire and observing RPG impacts at the Annex."

And that's the end of the first thing.

A Uh-huh.

Q So what is PII?

A It's a division of DS.

Q Protective Intelligence Investigations?

A Yes.

Q Okay. And do they do investigations when there are threats against overseas missions?

A Yes.

Q Okay. And was a member of PII sent to Germany?

A I do not recall.

Q Okay.

A There was a Diplomatic Security special agent with the FBI team under the rubric I previously described. I do not know if that officer, whether he or she was a member of PII or from another unit.

Q And it doesn't say "interview reports." It says "interview notes." So the notes of this agent were available to Eric Boswell?

A I have clearly received this email, but I have no recollection of any context other than what is presented here.

Ms. Sachsman Grooms. Did you put the date of the email into the record? I'm sorry.

Ms. Jackson. Yes, I did.

Ms. Sachsman Grooms. Okay. Great.

BY MS. JACKSON:

Q You have no independent recollection of why you asked for him to check this, why you thought he would have this information?

A I don't recall asking for this information. I don't see an email from me to Eric asking for the information. I think he was just keeping his boss informed.

Q So he certainly had access to these interview -- from the information from the interviews?

A I do not know whether he had the notes or whether he had been orally informed himself. That is not evident in that message, and so I cannot speculate.

Q Uh-huh.

Following the attacks in Benghazi, did you gather your leaders of your various offices that were impacted and institute any type of formal or informal after-action or lessons-learned report?

A We do not do that until after the FBI investigation is complete in order to avoid us compromising an FBI investigation. We also have the statutory requirement for the convening of an Accountability Review Board, and we also wish to make sure that we do not take steps that would compromise the ARB investigation. We're very careful to follow protocol.

Q Well, where is it forbidden that you do that?

A It is good practice to avoid compromising two independent

entities that are taking action that they are required to undertake by statute. It is the FBI's responsibility to investigate the death of American citizens overseas of this kind of violent nature, and it is also the statutory responsibility for the Accountability Review Board to conduct their inquiry.

Q Well, let me ask you this. Have you ever convened an informal group for an after-action or lessons-learned group for a security incident that occurred that did not result in an ARB?

A I don't convene such groups. Diplomatic Security may do that, but I am not an operations officer for Diplomatic Security. If that was done within DS and it was appropriate, I would have no knowledge of whether they were doing it or not.

Q Well, you could convene an after-action or a lessons-learned group just to see what you're doing within the State Department, whether your Management Secretariat could have operated better. It doesn't have to be in response to -- just for security purposes.

A We use the Accountability Review Board for that purpose. It is an independent group, and I believe that independent groups are preferable.

Mr. Evers. Sharon, it's been a long time, but last January you got a presentation that is used for DS agents to review tactics and lessons learned. And agents take that as part of the course.

Ms. Jackson. We'll discuss this offline.

[9:05 p.m.]

BY MS. JACKSON:

Q Mr. Kennedy, in the summer of 2009, right after taking office, Secretary Clinton announced she was convening something called the Quadrennial Diplomacy and Development Review. You're aware of that?

A Yes.

Q And after 18 months did that group -- did that review produce a report?

A Yes.

Q And was sort of the risk and reward, risk management that you have talked about earlier part of that report?

A I do not recall all the recommendations, nor how they all were phrased. I would need to be refreshed on this.

Q Okay. After the QDDR came out, was one of the recommendations that by the end of 2010 the Secretary will convene a senior-level committee from relevant State and USAID offices, including both management and policy officials, to begin a top-to-bottom review of how we manage risk overseas?

A Yes.

Q And did that senior-level committee come into existence?

A I recall, yes.

Q Were you part of that group?

A I think it was -- to the best of my recollection, they were supposed to make a recommendation to me. I was not part of the group.

I was to receive the recommendation.

Q And did that ever occur?

A I remember generally receiving a draft.

Q Okay. That group that was convened was to institute procedures to integrate security and risk management into every stage of policy and operational planning in Washington and the field. Was that part of the committee's charge and responsibility?

A I only remember that such a committee exists. I do not remember the specifics of it.

Q Okay. And you recall getting a draft of something?

A I recall receiving a draft, but I do not ever remember seeing anything being finalized because the draft was totally inadequate.

[Kennedy Exhibit No. 22

Was marked for identification.]

BY MS. JACKSON:

Q I'm going to hand you what I've marked as Exhibit 22, which is an email exchange. Let's see, it bears document SCB 0095037. It's from a [REDACTED] to you, copying [REDACTED]:
"Subject: Forward: Risk Management - draft action memo to S includes "Senior Review Panel," and has an imported attachment called risk management action memo.docx.

Do you recall receiving this email exchange?

A I generally remember that I got a document that was wholly inadequate and did not represent the agreed way forward by a number of senior officers. And to the best of my knowledge, I think it was

recommitted for further work and never came back.

Q Okay. I want to read from the first page.

Mr. [REDACTED] -- and that's [REDACTED] -- writes to you -- and who is Mr. [REDACTED]?

A Mr. [REDACTED] was the senior management officer. I believe at that point he may have been the executive director of the Near East Bureau. But Mr. [REDACTED] has occupied a number of senior positions in the Department, and I'm just not sure which one he had in 2012.

Q Okay. And this is January of 2012. Is that correct?

A Yes.

Q And he writes to you: S/P provides a draft that includes the Risk Management "Senior Review Panel" idea. I replied D/S and M do not support" -- and that's underlined -- "this idea, which has clear potential to undercut/dilute COM authority and security responsibility. The COM has reach-back to the regional assistant secretaries who can call on a range of views for advice. Emphasizing the "regular order" back through the chain of command is more in line with the separate Secretary QDDR initiative to underscore the regional assistant secretaries' responsibilities for leadership and management of the COMs in their region.

Is that an accurate assessment of what you felt about this when it says that D/S and M do not support the idea?

A I would have to go back and read the entire package again, and I can attempt to do that. This would take me about 15 minutes.

But I generally remember that a number of us were concerned that

we had a QDDR initiative recommending that regional assistant secretaries take on more leadership responsibilities for the management of chief of missions in their region, and then, which all of us agreed with, vesting the assistant secretaries with more coordination, more responsibilities to coordinate crosscutting issues.

And then we had this recommendation, which then proceeded to undercut the authority of the chief of mission, and that's why it was recommitted back to the policy planning shop, which is a think tank within the State Department, and it is not composed -- though of brilliant people -- it is not composed of practitioners of the overseas arts.

Q Was that headed by Jake Sullivan at the time?

A I think Jake Sullivan may have headed it. At some point, it passed from the dean of Princeton's Woodrow Wilson School to Jake Sullivan. I cannot.

Q Anne-Marie Slaughter.

A Anne-Marie Slaughter. Thank you. [REDACTED]

Q [REDACTED]

What was the problem, in your mind, with the Senior Review Panel?

A The Senior Review Panel was undercutting the chief of mission's responsibilities, which is ensconced in both statute and in Presidential executive order to be responsible for all United States Government personnel and operations under his or her authority,

excepting those under combatant commander. So this was undercutting chief of mission at the same moment we were trying as a matter of policy to vest more responsibility in the assistant secretary and the chief of mission.

Q If you could go to the fourth page of this document, at the bottom, under subparagraph 5, and I quote. It says, "Guidelines for institutionalizing a senior risk management review panel comprised of M, DS, P, D(B), D(N), and the relevant geographic A/S" -- or assistant secretary -- "to make decisions or recommendations to S on high profile/high impact situations." This is the panel that you opposed?

A Yes.

Q So you would have been a part of it?

A Yes.

Q DS would have been a part of it?

A Yes.

Q The under secretary for political affairs would have been a part of it?

A Yes.

Q Both deputy secretaries would have been a part of it?

A Yes.

Q And the relevant geographic bureau. Is that correct?

A Yes.

Q But you didn't want that to happen?

A The Secretary agreed with us that the cutting into the responsibilities of the chief of mission, and undercutting his or her

activities at a post, and undercutting the regional assistant secretary by substituting a group of people at a higher level is not the way to proceed. This --

Q I thought you said this didn't go to the Secretary, that it got sent back to --

A It did get sent back. It never reemerged.

Q So what did the Secretary sign off on?

A Nothing.

Q So how did the Secretary get a recommendation to either agree or disagree with?

A She didn't.

Q So she didn't make a decision on this?

A The situation never came to fruition, which is the Secretary never decided not to pursue this recommendation for the QDDR.

Q So the Secretary never made a decision on this?

A That's correct.

Q Okay.

Well, I see I am past an hour, let's go off the record.

[Discussion off the record.]

BY MR. KENNY:

Q Back on the record. The time is 9:27.

Ambassador, it has been a long day. We are now well underway over 12 hours now. Appreciate what will hopefully be our last round. Also appreciate working with our colleagues to be able to streamline our questions and facilitate -- answer our questions and hopefully send

you on your way.

A Thank you.

Q I am just going to be back and very briefly touch on some topics that arose in the last 2, 3 hours and move quickly. Just a few topics I just want to clean up and just ask a few questions about.

The first was in a discussion that you were having with my counterparts about a proposal to elevate the position of the assistant secretary for diplomatic security to an under secretary level-type position. Do you recall that discussion?

A Yes, sir.

Q In the course of your response to that question I had notated that you had made a statement that security should be spelled with a small "s," and I believe you had elaborated on that at another point. I don't think you meant this, but I just want to be clear, as clear on this as possible on the record, that you didn't mean to diminish the role of security within the Department. Is that accurate?

A Absolutely not. My point was that security is a package of multiple functions and it is not just the Diplomatic Security Service, as important as it is. It is composed of training and facilities and personnel and logistics and buildings, et cetera, et cetera. So it is a package of multiple parts of the State Department that come together to create the highest level of security and risk mitigation that we can attain.

Q Moving on now, there was --

Ms. Sachsman Grooms. And when you're talking about that total

package, are you talking about just the stuff that's under you as the under secretary or also the chief of mission and --

Mr. Kennedy. Well, obviously, the security also, it takes place at posts and it's the chief of mission. But I was talking about headquarters, you know. What one does not serve the general interest of security to take elements of the platform and disaggregate them so you have logistics and training and finance, medical buildings in one place, and the Diplomatic Security Service in another. All of those pieces need to work together seamlessly.

And because they are big and important organizations, there are times that there are questions that have to be resolved. And having them within one under secretary enables those resolutions to come very quickly and very effectively?

Ms. Sachsman Grooms. I see. But you are just talking about then the headquarters function of security and how to do that --

Mr. Kennedy. Yes, the headquarters function of security.

Ms. Sachsman Grooms. With the recognition that security as an entire package includes, obviously, more than just the headquarters function.

A It includes the regional bureaus operating as they do and the posts operating. I think if I could offer you one example, the new VP2 process has this working to the under secretary for management with all the platform elements in one and working to the parallel in tandem to the under secretary for political affairs who has the regional bureaus and the posts.

And so you have two people who are then able to resolve something and not potentially three, or rather than the management under secretary resolving something, having then to convene large groups to resolve something between, one, a Management Bureau and now the Diplomatic Security Service, this is not part of management. This gets you better, tighter security.

BY MR. KENNY:

Q Just very briefly. When the special envoy went into Benghazi in the spring of 2011, do you recall where he resided?

A He first resided in a commercial hotel that was the place we could go -- the only place we could go to immediately off the boat. We had assistance from another nation that was already there and from the Turkish -- not the Turkish -- the Transitional National Council, the TNC. But we immediately began looking for another property that potentially provide more security because we were a little worried about the hotel, and that was exacerbated when a car bomb went off at the hotel. And we knew that car bombs were very prevalent in the Middle East and therefore we wanted to get to a place where we could put significant distance between our buildings and the street.

Q And I appreciate that. So the decision to move out of the hotel was driven then by a concern or worry about the threat of --

A Car bombs.

Q Vehicle-borne explosives.

A Yes, sir.

Q And we understand that there may have been a few interim

steps, but eventually within a sequence of a serious threats, the special envoy moved into a facility that eventually became what we believe is either Villa A or Villa B. Is that your understanding as well?

A I recall us directly going into one of the villas on the compound. And as I said in response to earlier questions, we kept adding security upgrades to the compound using the Overseas Security Policy Board standards as our guide.

Q And that decision to move into that facility, that set of facilities, did that alleviate or begin to alleviate the concern about vehicle weapons?

A Absolutely, because we were -- there was a wall. We could put in a chicane, c-h-i-c-a-n-e, to slow down cars so they were not able to ram the wall. We had heavy-duty drop arms, we had barbed wire on top of the walls, we had lights and cameras. We had a huge ability to add additional OSPB standard items because we now had this compound.

Q And do you recall how large the facility was, how far the main facilities were set back from the roadways?

A I think it was somewhere between -- somewhere usually around 200 feet on the front and the back, which were the only sides it could be approached by a vehicle. I would have to confirm that fact, but I know it was over 100 feet, which is our security standard.

Q Okay. And so because of that setback, it's your belief that that addressed the concern about that particular threat, right?

A Yes, sir.

Q And in fact, one setback is a component of SECCA, which we discussed a little bit earlier.

A Yes. And it's one of sort of the baseline factors because I can add height to a wall, I can put a bigger drop arm in, I can add more lights or alarms, but I cannot create distance. If it's 50 feet, it's 50 feet. I'm not going to be able to increase that distance.

So getting maximum distance possible is almost a sine qua non of finding a temporary facility. Let's get one with the maximum amount of distance, provided that there are no other huge, offsetting, negative factors.

Q And these facilities then provided some sort of advantage to staying in a hotel specifically with respect to --

A Absolutely. It was significantly more advantageous than the hotel.

Q Okay. And it's our understanding, we'd just like to ask if it's your understanding as well, that the setback requirement helps address the possibility -- the contingency of a car bomb.

A Absolutely.

Q But then on the night of the attacks, did you understand that there was no car bomb used at either facility? Is that accurate?

A There was no car bomb, but our experience in the Middle East had been that car bombs were one of the most prevalent means of causing damage to an entity you are opposed to.

BY MS. SAWYER:

Q I think I have a couple of quick questions. I just wanted

to return us briefly to exhibit 22, which is I think the last one.

Do you have your copy?

A Yes, yes, I have.

Q I think you had said that you agreed with the determination not to support the proposal, that you did not support the proposal?

A That is correct.

Q And you had indicated I think what is reflected here that it had the potential to undercut/dilute chief of mission authority and security responsibility.

Did you feel at the time that your failure to support this would have in any way a negative impact or impair the ability of either the chief of mission or the Department to be able to assess what resources were needed and get them to a post?

A Absolutely not. I thought this would actually -- if this had been implemented, this would have impaired the chief of mission's responsibility. By not implementing it, I think we were increasing the chief of mission's responsibility, in parallel with another one, the QDDR recommendations, that there would be no negative impact on funding security operations whatsoever by suggesting that this not be implemented.

Q So it was your position that it would not improve and it potentially could harm or impair the ability of the chief of mission and the Bureau and the Department overall to be able to assess and get security resources?

A Yes, ma'am, absolutely.

Q And if you had felt the reverse, that it would enhance --

A Then I would have endorsed it wholeheartedly. But it did not.

Q And then I'm going to just enter into the record exhibit 23 for identification purposes.

[Kennedy Exhibit No. 23

Was marked for identification.]

BY MS. SAWYER:

Q And just for identification purposes, this is the Accountability Review Board report, at least the publicly available excerpt, the 33 pages. And I just wanted to briefly ask you a question. I just will have you turn to page 30.

So this had come up in the last -- when you were talking to one of my colleagues, and there was a pretty thorough discussion of designation of temporary facility and the issue of SECCA standards and OSPB standards. I don't intend or want to revisit that. You know, I had taken exception to the characterization of what the ARB said, the State Department had made up certain categories.

I don't think that's what they said. That isn't to say that they didn't have criticisms, however. And so I just wanted you to take a look at that bottom paragraph, which is, "Another key driver behind the weak security platform in Benghazi was the decision to treat Benghazi" -- that paragraph, and the one that goes on to the top of page 31. And then I just have a couple of questions.

A Yes, ma'am.

Q So one of the -- and I know that in particular the ranking member had wanted us to just kind of confirm, and with regard to particular things of concern, you know, there is a remark in here, quote, "Benghazi's initial platform in November 2011 was far short of OSPB standards and remained so even in September 2012, despite multiple field-expedient upgrades funded by DS. (As a temporary, residential facility, SMC" -- which I think is the Special Mission Compound or the temporary facility in Benghazi -- "was not eligible for OBO-funded security upgrades.") A comprehensive upgrade and risk-mitigation plan did not exist, nor was a comprehensive security review conducted by Washington for Benghazi in 2012," end quote.

To the extent that those factors, it didn't meet the standards and it wasn't up there and there hadn't been a comprehensive upgrade and risk-mitigation plan, what exists now to have it go differently going forward?

A I think several things. First is the VP2 process, the Vital Precedence Validation. Should be decide to open a post temporary, interim, permanent, a new post, we would, A, use the VP2 process, even if it was a very short, fast one, lock people in a room and get it done professionally, but don't let it lag if there was an urgency.

Secondly, we did accept also the ARB recommendation that we set up -- and I'm trying to remember -- it was coordination cells to bring all the players together as you're planning to open a new post to make sure that all the pieces -- logistics, security, funding, et cetera, et cetera -- are brought into and discussed in advance.

This was always done, but just essentially, like the VP2, there was no formal metric to do it. The regional bureau always took the lead, as it will do now, in convoking these people. It has a name and it has a defined process rather than, as are many things in the State Department, there are traditions that achieve things, but there are also processes that, in effect, standardize, publicize, regularize traditions into a given rather than just a fact.

Q So in terms of some key components here, a comprehensive security review would be conducted?

A We will ensure that that takes place. I'm not sure, and though I have said extensively that I accept all the recommendations, this is an example where a comprehensive security review -- you can never do a comprehensive security review before you take a place, because you've got to take -- you send in people, you take the best facility with the most extant security and with the greatest security potential in order to protect our people to the highest level possible, and then you begin adding.

And they -- the ARB refers to it being far short of OSPB standards in the initial. Well, what it's missing is the initial platform was not the temporary mission facility. The initial platform in Benghazi was the hotel. And so we upgraded from the hotel significantly for the reasons I responded to your colleague a couple of minutes ago in terms of setback and other things. And so we did. And despite the field-expedient upgrades. I mean, the field-expedient upgrades were following the OSPB standards. We were using that as our goal, our

guide, our plan, and we just kept doing that.

In my humble opinion, doing all those things constitutes a comprehensive plan. We were going to make this facility, temporary that it was, as close to OSPB compliant as was possible, and doing this because it was then the best possible facility. And we were going to keep looking at it and we were going to keep monitoring the situation. And as the Director of National Intelligence said, there was no, you know, there was no warning intelligence, actionable intelligence on this. And so we were building this out to the maximum extent possible.

But we know we have to do better in the future. And so I can say assuredly that no one in the State Department, if we went back to Damascus or opened in Xanadu and Shangri-La, that all the tragic lessons of Benghazi are not going to be on everybody's mind to the nth degree.

Q And is there, in addition to what you have explained with regard to the VP2, kind of formalizing the --

A Risk management.

Q -- risk-management framework, is there more that you would suggest that the committee recommend need be done or could be done?

A I cannot think of any additional process steps. I think the VP2 process, the cell, the working cell to open a new post, I think those are two excellent process definitizations that will make for a better situation.

But the opening of any new post, especially one that if it was opened after any kind of trouble and turmoil, it's always going to be a bumpy and messy process, because we don't have the ability, as we

would do -- as we are now, for example, building new -- we're building new embassies in Nouakchott and N'Djamena and Niamey.

We have an existing facility. We have upgraded those facilities. And now, [REDACTED], we are building new facilities. But we have the opportunity of having a good interim facility and we're not stuck in a temporary facility.

Ms. Sachsman Grooms. What about streamlining the funding process? So part of this said, you know, the temporary residential facility wasn't eligible for OBO-funded security upgrades. Is that something we could work on?

Mr. Kennedy. I don't think that is necessary, because at least our review -- and I did not see anything in the ARB analysis. It says it was not eligible for one type of finding, but what it did not say, because it was not a fact, that other buckets of money were available.

We have money from the Embassy Security, Construction, and Maintenance account, we have money from the worldwide protective security account, we have money from the regional bureaus that come out of the D&CP account. All those funding streams are available depending upon the circumstances we must deal with.

And changing the ESCM account, the OBO account, I'm not sure that -- it would be fine. I always welcome maximum flexibility across lines of authority. But it was not an impediment. Yes, we took funding from different buckets to achieve that, but most State Department operations take funding from multiple buckets and apply it to the problem at hand, whether it's a grade problem, a security

problem, or just routine operating accounts.

Ms. Sawyer. And so a little earlier there was a fair amount of discussion about a recommendation where the Secretary shall personally review security. The VP2 process doesn't -- and taking that to mean what is one potential interpretation, which is that the Secretary shall actually personally review discrete security requests on kind of an operational day-to-day basis, the VP2 process wouldn't require that level of personal review, would it?

Mr. Kennedy. The VP2 process now presents to the Secretary of State, having gone from the collectivity of bureaus, through two under secretaries, then through two deputy secretaries, the end product is a memo to the Secretary saying that this entire panoply of offices at three levels within the Department have reviewed the situation and determined that the national security interests is high enough over the mitigated risk that we should remain.

And the Secretary gets that assurance now in writing. The Secretary used to get that assurance orally. But there was no written document that inscribed all the analysis that had been done to reach that conclusion, and that was not available to the Secretary. Now the Secretary gets all of this information in the VP2 process, and I think that meets the intent of that old recommendation.

Ms. Sawyer. So even the --

Mr. Kennedy. The 19 --

Mr. Kenny. '99.

Mr. Kennedy. '99 ARB's.

Ms. Sawyer. So even though it still wouldn't require then that Secretary Kerry personally review everything that is reviewed to make that assurance?

Mr. Kennedy. No, it would not. But he, she, the Secretary of State, has a written record that comes to him that says all these offices have reviewed the full panoply of issues and have determined at three different levels that this action is appropriate.

Ms. Sawyer. And then to the extent this panel might change that to say that Secretary Kerry should actually personally review, do you think that would be a positive? Is that something we should be doing? Do we want the Secretaries to --

Mr. Kennedy. I don't think so. I mean clearly the Secretary of State is responsible for the entire operations of the State Department, just as any Cabinet officer is responsible for the entire operations of his or her Department.

At the same time, it is, I think, physically impossible in terms of time and other responsibilities. And I say that knowing full well that security is one of the highest responsibilities of any Cabinet officer. But you have to construct a process to enable the Cabinet officer to assure himself or herself that this has been done and not task them to do it themselves. Because if they had to do it themselves, I think they would probably do potentially less work, less comprehensive a process than the VP2 does, because where would they find the time.

BY MR. KENNY:

Q Thank you, Ambassador. We're going to shift gears a little bit. I'm going to read to you a series of public allegations. It will be our final section of our portion of the interview. Notice we're reaching perhaps the end of the calendar day here, it is almost 10 o'clock. And I'm going to read a set of allegations. What I'm asking for here is just whenever you have firsthand knowledge about any of these allegations, not for you to speculate or offer your opinion. So we can just go ahead and dive right in.

It has been alleged that Secretary of State Clinton intentionally blocked military action on the night of the attacks. One Congressman has speculated that Secretary Clinton told Leon Panetta to stand down, and this resulted in the Defense Department not sending more assets to help in Benghazi.

Do you have any evidence that Secretary of State Clinton ordered Secretary of Defense Panetta to stand done on the night of the attacks?

A No.

Q Do you have any evidence that Secretary of State Clinton issued any order to Secretary of Defense Panetta on the night of the attacks?

A No.

Q Next, it has been alleged that Secretary Clinton personally signed an April 2012 cable denying security to Libya. The Washington Post Fact Checker evaluated this claim and gave it four Pinocchios, its highest award for false claims.

Do you have any evidence that Secretary Clinton personally signed an April 2012 cable denying security resources to Libya?

A No.

Q Do you have any evidence that Secretary Clinton was personally involved in providing specific instruction on day-to-day security resources in Benghazi?

A No.

Q It has been alleged that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Qadhafi to his own people in order to garner support for military operations in Libya in the spring of 2011.

Do you have any evidence that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Qadhafi to his own people in order to garner support for military operations in Libya in spring 2011?

A No.

Q It has also been alleged that the U.S. mission in Benghazi included transferring weapons to Syrian rebels or other countries. A bipartisan report issued by -- an unclassified report issued by the House Permanent Select Committee on Intelligence found that, quote, "The CIA was not collecting and shipping arms from Libya to Syria," close quote, and they found, quote, "no support for this allegation," close quote.

Do you have any evidence that contradicts the House Intelligence Committee's bipartisan report finding that the CIA was not shipping

arms from Libya to Syria?

A No.

Q Do you have any evidence that the U.S. facilities in Benghazi were being used to facilitate weapons transfers from Libya to Syria or to any other foreign country?

A No.

Q A team of CIA security personnel was temporarily delayed from departing the Annex on the night of the attacks to assist the Special Mission Compound, and there have been a number of allegations about the cause and appropriateness of that delay. The House Intelligence Committee issued a bipartisan report concluding that the team was not ordered to, quote, "stand down," close quote, but instead there were tactical disagreements on the ground over how quickly to depart.

Do you have any evidence that would contradict the House Intelligence Committee's findings that there was no stand-down order to CIA personnel?

A No.

Q Putting aside whether you personally agree with the decision to delay or think it was the right decision, do you have any evidence that there was a bad or improper reason behind the temporary delay of CIA security personnel who departed the Annex to assist the Special Mission Compound?

A No.

Q A concern has been raised by one individual that in the

course of producing documents to the Accountability Review Board, damaging documents may have been removed or scrubbed out of that production.

Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to the ARB?

A No.

Q Do you have any evidence that anyone at the State Department directed anyone else at the State Department to remove or scrub damaging documents from the materials that were provided to the ARB?

A No.

Q Let me ask these questions also for documents provided to Congress.

Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to Congress?

A No.

Q It has been alleged that CIA Deputy Director Michael Morell altered unclassified talking points about the Benghazi attacks for political reasons, and that he then misrepresented his actions when he told Congress that the CIA, quote, "faithfully performed our duties in accordance with the highest standards of objectivity and nonpartisanship," close quote.

Do you have any evidence that CIA Deputy Director Mike Morell gave false or intentionally misleading testimony to Congress about the

Benghazi talking points?

A No.

Q Do you have any evidence that CIA Deputy Director Morell altered the talking points provided to Congress for political reasons?

A No.

Q It has been alleged that Ambassador Susan Rice made a, quote, "intentional misrepresentation," close quote, when she spoke on the Sunday talk shows about the Benghazi attacks.

Do you have any evidence that Ambassador Rice intentionally misrepresented facts about the Benghazi attacks on the Sunday talk shows?

A No.

Q It has been alleged that the President of the United States was virtually AWOL as Commander in Chief on the night of the attacks and that he was, quote, "missing in action," close quote.

Do you have any evidence to support the allegation that the President was virtually AWOL as Commander in Chief and missing in action on the night of the attacks?

A No.

Q It has been alleged that a team of four U.S. military personnel stationed at Embassy Tripoli on the night of attacks who were considering flying on a second plane to Benghazi were ordered by their superiors to, quote, "stand down," close quote, meaning cease all operations. Military officials have stated that those four individuals were instead ordered to, quote, "remain in place," close

quote, in Tripoli to provide security and medical assistance at that location.

The republican staff report issued by the House Armed Services Committee found that, quote, "There was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi," close quote.

Do you have any evidence to contradict the conclusion of the House Armed Services Committee that, quote, "There was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi"?

A No.

Q It has been alleged that the military failed to deploy assets on the night of the attacks that would have saved lives. However, former Republican Congressman Howard "Buck" McKeon, former chairman of House Armed Services Committee, conducted a review of the attacks, after which he publicly stated, quote, "Given where the troops were, how quickly the thing all happened, and how quickly it dissipated, we probably couldn't have done more than we did," close quote.

Do you have any evidence to contradict Congressman McKeon's conclusion?

A No.

Q Do you have any evidence that the Pentagon had military assets available to them on the night of the attacks that could have saved lives but that the Pentagon leadership intentionally decided not to deploy?

A No.

Ms. Sawyer. So thank you for the time that you have given us today and your willingness to answer all the questions. We truly appreciate it.

I think, given the extensive number of questions we have asked of you, I just wanted to give you the opportunity, if there's anything you wanted to add or have the committee know or take into consideration, we certainly wanted to give you that opportunity.

Mr. Kennedy. No. One brief thing for the record. I think in all of this it is very, very important -- let's see how to phrase this -- to recognize the heroic actions of the Diplomatic Security agents at the compound that night.

Ms. Sawyer. We thank you for that. And certainly we thank you again for your time today. I think that, you know, certainly on behalf of the Democratic members, I'm sure all of our colleagues, quite frankly, would join us in just thanking you for your more than four decades of service to this country. It is truly appreciated. Thank you.

Mr. Kennedy. I will gladly cede a couple of minutes if you want a final remark. I don't know, if you have any final remarks.

Ms. Jackson. Again, we join in thanking you for your service, and we concur in that the Diplomatic Security agents were very heroic that night.

[Whereupon, at 10:02 p.m., the interview was concluded.]

EXHIBIT 1

STATE DEPT. CONFIDENTIAL ARB FILES - PRODUCED TO SELECT BENGHAZI COMM.
 SUBJECT TO AGREEMENT ON SENSITIVE INFORMATION/REDACTIONS. NO FOIA WAIVER.
 STATE DEPT. CONFIDENTIAL ARB FILES - PRODUCED TO SELECT BENGHAZI COMM.
 REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

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 Page 1 of 3

From:
 Sent: 7/9/2012 9:15:05 AM
 To: svcSMARTBTSP0P5
 Subject: TRIPOLI - Request for extension of TDY security personnel
 Attachments: Metadata.dat

UNCLASSIFIED
 SBU



MRN: 12 TRIPOLI 690
 Date/DTG: Jul 09, 2012 / 091316Z JUL 12
 From: AMEMBASSY TRIPOLI
 Action: WASHDC, SECSTATE ROUTINE
 E.O.: 13526
 TAGS: ASEC, AMGT, MARR, LY
 Captions: SENSITIVE
 Reference: A) 12 TRIPOLI 582 - INTERIOR MINISTER DISCUSSES BILATERAL RELATIONSHIP AND SECURITY CONCERNS
 B) 12 TRIPOLI 622 ? LIBYA'S FRAGILE SECURITY DETERIORATES
 C) 12 TRIPOLI 586 ? TRIPOLI - EAC - 06/20/2012
 D) 12 TRIPOLI 37 ? TRIPOLI EAC
 E) 12 TRIPOLI 512 ? TRIPOLI EAC
 F) 12 TRIPOLI 39 ? TRIPOLI EAC
 G) 12 TRIPOLI 504 - MISSION LIBYA- UPDATED TRIPWIRES
 Subject: TRIPOLI - Request for extension of TDY security personnel

1. (SBU) Summary and Action Request: Embassy Tripoli requests continued TDY security support for an additional 60-days, through mid-September 2012. Post assesses a minimum of 13 TDY U.S. security personnel, either D5 MSD, domestically assigned HT trained D5 agents, D5 SPS, or DOD/SST personnel or a combination of these personnel, are required to maintain current transportation security and incident response capability while we transition to a locally based security support structure. Post also requests continued TDY support of 2 D5 agents until the RSO reaches a planned full-time staffing level of five (5) agents. These TDY security needs do not include MSD security personnel involved exclusively in training the local guard force (LGF) and LES close protection team/bodyguards. Post understands and appreciates ongoing efforts by DS to identify and deploy TDY resources to meet our security needs during the next 60-90 days. End summary and action request.

2. (SBU) Conditions in Libya have not met prior benchmarks established by Post, the Department, and AFRICOM, for a complete drawdown of TDY security personnel. Overall security conditions continue to be unpredictable, with large numbers of armed groups and individuals not under control of the central government, and frequent clashes in Tripoli and other major population centers. National parliamentary elections have been delayed from 6/19 to 7/7, with post expecting an increased likelihood of election related political violence during and after the election period.

3. (SBU) While post has made a number of procedural security enhancement and physical security upgrades, our

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efforts to normalize security operations have been hindered by the lack of host nation security support, either static or response, an increase in violence against foreign targets, and GoL delays in issuing firearms permits for our LES close protection/bodyguard unit. Despite field expedient physical security upgrades to improve both the temporary Embassy and Villas compound, neither compound meets OSPB standards. Recognizing the growing challenges to Libya's fragile security environment, the Department increased Post's danger pay allowance from 25 percent to 30 percent on July 1st.

4. (SBU) Under current arrangements, Post's thirty-four (34) U.S. security personnel (16 SST, 11 MSD, 1 WAE TDY, 1 RSO, 2 ARSOs, and 3 TDY ARSOs) will draw down to twenty-seven (27) security personnel on 7/13. On 08/05, post will reduce U.S. security personnel to 4 MSD trainers, 1 RSO, 2 ARSOs, and 3 TDY ARSOs, with a further reduction to seven U.S. security personnel on 08/13, which includes four (4) MSD trainers not generally supporting transportation security, VIP visits, or RSO programs.

5. (SBU) As the Regional Security Office seeks to transition from emergency to normalized security operations, the continued presence of TDY security personnel is essential to support our daily movement and the continuing high volume of senior-level visits, provide static security in the absence of an appropriate host nation security presence, and assist our Mobile Security Detachment (MSD) colleagues in the training of our newly hired LGF members and locally engaged bodyguard force. SST's deployment has been critical to our ability to navigate the transition to a more locally-based security team while continuing to support a high-volume of VIP visits and expand our U.S. Direct Hire (USDH) staff (refelts A-G). Post anticipates supporting operations in Benghazi with at least one permanently assigned RSO employee from Tripoli, however, would request continued TDY support to fill a minimum of 3 security positions in Benghazi.

6. (SBU) With the receipt of firearms permits for 11-members of Post's LES close protection team, RSO anticipates limited deployment of team members to support Ambassador, DCM, and QRF details. However, this deployment will continue to require U.S. security personnel support and leadership until the close protection team (CPT) is fully staffed with 24 members. A second group of 5 members of LES CPT members complete MSD led initial training on 7/18 and could be fully deployed once firearms permits have been received from the Ministry of Interior. Permits for the first 11 LES close protection team members took more than 2 months and required Ambassadorial intervention with the Minister of Interior. While post anticipates a quicker response with this next round of permits, recruitment efforts of qualified applicants for the remaining CPT positions remains slow. As of 7/5, Post has identified only 2 of the remaining 8 candidates for the 3rd and final MSD led training course for new LES CPT.

7. (SBU) RSO and Post continue to engage host nation and is in the process of constructing and refurbishing climate controlled guard bouths at the temporary Embassy and Residential Villas compound as part of a plan to entice Ministry of Interior security support. Additionally, RSO has had initial discussions with Ministry of Interior police leadership, who expressed interest in signing a MOU for stipends to support a sustained presence of Mol officers at the aforementioned properties. However, despite assurances of support from throughout the Mol, to include from the Minister directly, the reality is that the GoL remains extremely limited in its ability to sustain a security support presence at USG compounds (REFTEL B).

8. (SBU) RSO and Post will continue to examine ways to augment the internal defense and static security profile at USG compounds in Libya, to include consideration of a partial arming of supervisory personnel in the LGF. Post anticipates that full implementation of armed supervisor LGF members could take up to 60 days for selection, training, equipping, policy approvals and deployment. Given the GoL's traditional sensitivities regarding armed security personnel, Post does not recommend deployment of either an armed LGF or CPT element without notification to and licensing from the GoL.

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9. (SBU) Post appreciates Department's support and guidance as we work to build up local capacity to address security requirements.

Signature: STEVENS

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Approved By: EXEC:Stevens, John C
Released By:
Info: SECDEF WASHINGTON DC ROUTINE; CDR USAFRICOM STUTTGART GEROUTINE;

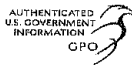
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SUBJECT TO AGREEMENT ON SENSITIVE INFORMATION/REDACTIONS. NO FOIA WAIVER.

EXHIBIT 2



**BENHAZI: EXPOSING FAILURE AND RECOGNIZING
COURAGE**

HEARING

BEFORE THE

COMMITTEE ON OVERSIGHT
AND GOVERNMENT REFORM
HOUSE OF REPRESENTATIVES
ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

MAY 8, 2013

Serial No. 113-30

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Mr. Thompson, I am comforted, and I know folks at U.S. posts across the world are comforted that there are men and women who do what you do, who live by a code that says if you are in harm's way we are going to come for you. Just hang on. And I thank you very much for that commitment.

Mr. THOMPSON. Thank you.

Mr. WOODALL. Mr. Nordstrom, my questions are following up on my colleague from Wyoming, thinking back to early July, 2012. Do you recall your back and forth with Charlene Lamb particularly?

Mr. NORDSTROM. Vividly.

Mr. WOODALL. What did you think of that decision-making process? Were those decisions that Ms. Lamb was making or were those decisions being kicked up to a higher level?

Mr. NORDSTROM. It was unclear. I think largely DAS Lamb. But one thing that struck me throughout the entire time that I was in Libya was a strange decision-making process. Specifically, again, the Under Secretary for Management in many ways was dealing directly with DAS Lamb. As her supervisor two levels ahead, obviously he has that ability to do that. He is well within his right. But it was strange that there was that direct relationship. And I never really saw interaction from Assistant Secretary of DS Eric Boswell or our Director, Scott Bultrowicz. It was even more clear in October when we were all sitting up here. There was two levels, if you will, that were not reflected. And it was quite a jump between DAS Lamb and Under Secretary Kennedy. So certainly I felt that anything that DAS Lamb was deciding certainly had been run by Under Secretary Kennedy.

Mr. WOODALL. Given the seriousness of that conversation, thinking about extending SST and MSD as the security support, did you receive an explanation for why that request was denied that satisfied you?

Mr. NORDSTROM. I didn't. As I testified before, you know, what I perceived that it was some sort of—explained to me that it would be somehow embarrassing or politically difficult for State Department to continue to rely on DOD, and that there was an element of that. That was never fully verbalized. But that was certainly the feeling that I got going away from those conversations.

Mr. WOODALL. Okay. And then following up on moving these discussions from back channel to front channel, what was the nature of your conversation with the Ambassador that this was such a serious issue that rather than leaving it with a no on back channels he wanted to elevate that?

Mr. NORDSTROM. That's exactly what it is. In fact, I recall all the way back to our first meeting with Congressman Chaffetz and the chairman, that was the question that I think they posed to me is if you knew she was going to keep saying no, why did you keep asking? Well, because it was the right thing to do. And it was the resources that were needed. And if people also on the other side felt that that was the right thing to do, to say no to that, they could at least have the courtesy to put that in the official record.

Mr. WOODALL. And did you receive any feedback back from Washington, whether a direct response to that cable or a back channel response to the fact that you elevated it to this front channel process?

EXHIBIT 3

C05562028

Mills, Cheryl D

m: Sullivan, Jacob J
t: Tuesday, September 11, 2012 7:21 PM
cc: 'Bash, Jeremy CIV SD'; Sherman, Wendy R; Nides, Thomas R; Mills, Cheryl D
Cc: Miller, James HON OSD POLICY; Winnefeld, James A ADM JCS VCJCS; Kelly, John LtGen.
Subject: SD; martin.dempsey [REDACTED]
 RE: Libya

Thanks Jeremy. + Cheryl.

We are joining a SVTC with NSS colleagues at 730pm -- believe your team will be on as well. We should work through this issue in that venue.

From: Bash, Jeremy CIV SD [mailto:Jeremy.Bash@ [REDACTED]]
Sent: Tuesday, September 11, 2012 7:19 PM
To: Sullivan, Jacob J; Sherman, Wendy R; Nides, Thomas R
Cc: Miller, James HON OSD POLICY; Winnefeld, James A ADM JCS VCJCS; Kelly, John LtGen SD;
 martin.dempsey [REDACTED]
Subject: Libya

State colleagues:

Just tried you on the phone but you were all in with S.

After consulting with General Dempsey, General Ham and the Joint Staff, we have identified the forces that could move to Benghazi. They are spinning up as we speak. They include a SOF element that was in Croatia (which can fly to Suda Bay, Crete), and a Marine FAST team out of Roda, Spain.

Assuming Principals agree to deploy these elements, we will ask State to secure the approval from host nation. Please advise how you wish to convey that approval to us. Burns/Nides/Sherman to Miller/Winnefeld would be my recommended course.

Jeremy

24.3

[REDACTED]

[REDACTED]

[REDACTED]

UNCLASSIFIED

[REDACTED]

[REDACTED]

COMMITTEE ON OVERSIGHT AND
GOVERNMENT REFORM,
joint with the
COMMITTEE ON ARMED SERVICES,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: [REDACTED]

Friday, January 31, 2014

Washington, D.C.

The interview in the above matter was held at Room 2203, Rayburn

[REDACTED]

ISR, and medevac requests, and --

A No, there is no -- that was really kind of it. There's no other conversations or other types of platforms, whether aircraft or anything else, that really came up at that point.

OR2 BY [REDACTED]

Q One quick question I thought I could logically put in here. With respect to the flight clearance issue, step back one more time, we have discussed this a couple of times. If you can recall, when were you formally directed by the DCM or anybody else with the State Department at the embassy there to officially request flight clearances from the Government of Libya? That's vice --

A It never transpired that way.

Q How did it transpire exactly?

A The decision was made to have the medevac come in and the FAST platoon come in. The implied task in there is to coordinate the flight clearances. So there was never a scenario or a situation where either Greg Hicks or [REDACTED] or somebody said, hey, pursue those; it's like, hey, we need the aircraft, and then the onus was on us to work with the host nation to get them.

Q Can you recall when the actual -- the relevant information that was needed, like tail numbers and things, when was that transmitted to the Government of Libya?

A I don't. But I would also come back to the fact that we had a green light from the Government of Libya to bring it in. It was just a question of when we were going to know the specific information that

[REDACTED]

[REDACTED]

goes into a standard flight clearance request. So it had to have been, I would say, sometime midmorning to noon on the 12th. It could have been a little bit after that.

Q And that's when you received the relevant information you needed to pass on, or what happened?

A Probably both. In the course of the morning, leading up to the afternoon, we got the information we required, and then we were able to subsequently transmit it to the Libyans.

ORR [REDACTED]. Okay. That's helpful.

ARI BY [REDACTED]:

Q So we have been briefed by [REDACTED] [REDACTED] who appeared before the Armed Services Committee and provided some of his recollections. We've also heard from a Marine [REDACTED] [REDACTED]. I don't know if you know [REDACTED] [REDACTED].

A I know [REDACTED] [REDACTED].

Q And [REDACTED] [REDACTED] recounted that he talked by cell phone to [REDACTED] [REDACTED] shortly after the attacks became known. Do you have any recollection of that? In other words, do you remember [REDACTED] [REDACTED] reporting what he had heard from that conversation with [REDACTED] [REDACTED].

A [REDACTED]

Q I beg your pardon, [REDACTED].

A No, but it doesn't surprise me --

Q Sure.

A -- because as we discussed it. But I don't remember, you know, for instance, [REDACTED] [REDACTED] [REDACTED] coming to me and say, hey,

[REDACTED]

EXHIBIT 5

**DEPARTMENT OF DEFENSE'S RESPONSE TO
THE ATTACK ON U.S. FACILITIES IN
BENGHAZI, LIBYA, AND THE FINDINGS OF
ITS INTERNAL REVIEW FOLLOWING THE
ATTACK**

THURSDAY, FEBRUARY 7, 2013

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 10:05 a.m. in room SD-G50, Dirksen Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Reed, Nelson, McCaskill, Udall, Hagan, Manchin, Shaheen, Gillibrand, Blumenthal, Donnelly, Hirono, Kaine, King, Inhofe, McCain, Chambliss, Wicker, Ayotte, Graham, Vitter, Blunt, Lee, and Cruz.

Committee staff members present: Richard D. DeBobes, staff director; Leah C. Brewer, nominations and hearings clerk; and Barry C. Walker, security officer.

Majority staff members present: Joseph M. Bryan, professional staff member; Jonathan D. Clark, counsel; Richard W. Fieldhouse, professional staff member; Michael J. Kuiken, professional staff member; Peter K. Levine, general counsel; Jason W. Maroney, counsel; Thomas K. McConnell, professional staff member; William G.P. Monahan, counsel; Michael J. Noblet, professional staff member; John H. Quirk V, professional staff member; and Russell L. Shaffer, counsel.

Minority staff members present: Adam J. Barker, professional staff member; Christian D. Brose, professional staff member; Thomas W. Goffus, professional staff member; Anthony J. Lazarski, professional staff member; Daniel A. Lerner, professional staff member; and Lucian L. Niemeyer, professional staff member.

Staff assistants present: Jennifer R. Knowles, Kathleen A. Kulenkampff, Brian F. Sebold, and Lauren M. Gillis.

Committee members' assistants present: Carolyn Chuhta, assistant to Senator Reed; Jeffrey Fatora, assistant to Senator Nelson; Jason Rauch, assistant to Senator McCaskill; Brian Nagle, assistant to Senator Hagan; Mara Boggs, assistant to Senator Manchin; Chad Kreikemeier, assistant to Senator Shaheen; Elana Broitman, assistant to Senator Gillibrand; Ethan Saxon, assistant to Senator Blumenthal; Marta McLellan Ross, assistant to Senator Donnelly; Nick Ikeda, assistant to Senator Hirono; Mary Naylor, assistant to Senator Kaine; Jim Catella, assistant to Senator King; Joel Starr,

Secretary PANETTA. The people that were in charge were the Ambassador there at Benghazi during the course of the attack—

Senator GRAHAM. But they were trying to save their lives. They weren't in charge. Somebody had to be in charge of coordinating assistance. Was it you, the Secretary of State, or the President? Who was in charge?

Secretary PANETTA. I think we're all in charge in the sense of trying to move our forces as quickly as possible to save lives.

Senator GRAHAM. Did you ever talk to Secretary Clinton at all that night, September 11?

Secretary PANETTA. Not that night, but obviously we had people in touch with her and—

Senator GRAHAM. Did you as Secretaries of Defense and State ever consult each other before the attack was over?

Secretary PANETTA. Did we consult?

Senator GRAHAM. Yes, did you talk? Did you individually talk with each other?

Secretary PANETTA. No.

Senator GRAHAM. When did you talk to the President after your initial meeting around 5 p.m.? When did you talk to him again?

Secretary PANETTA. I'm not sure.

Senator GRAHAM. Was it on September 12?

Secretary PANETTA. It could very well have been that I—

Senator GRAHAM. Did you go to bed that night? Did you go to bed before the attack was over?

Secretary PANETTA. No. I was at DOD.

Senator GRAHAM. Nor did you, General Dempsey?

General DEMPSEY. No. We were—

Senator GRAHAM. Do you know if the President went to bed before the attack was over?

General DEMPSEY. I don't know, sir.

Senator GRAHAM. Do you know who was talking to the President at the White House?

Secretary PANETTA. I assume the chief of staff was talking to the President.

Senator GRAHAM. Do you know—but you don't know?

Secretary PANETTA. I don't know.

Senator GRAHAM. Do you, either one of you, understand some of the frustrations we have? This is the first time in 30 years we lost control of an ambassador and no small deal.

I would just conclude, Mr. Chairman, saying I want to know more about what the—finally, do you know if the President knew of these prior attacks, March, April, June?

Secretary PANETTA. I can't.

Senator GRAHAM. I want this committee to continue to ask questions about what the President knew before and during this attack. Apparently, we're going to have to call other people.

Thank you very much, Mr. Chairman.

Chairman LEVIN. Thank you.

Secretary PANETTA. Senator, if I could just say, we share your frustrations. Any time you lose four Americans—

Senator GRAHAM. It's not about your caring. I know the President cares. It's not about that. It's about were we ready. We looked hard at the Bush administration. They screwed up a bunch. So

you're going through nothing they weren't going through. We're trying to learn.

You will be missed, Leon Panetta, you have served this country well. General Dempsey, thank you. But this to me is system failure at every level before, during, and after. The President of the United States deserves credit for Osama bin Laden. He was hands on. We need to find out where he was at and what he was doing here.

Thank you.

Chairman LEVIN. Senator Blunt.

Senator BLUNT. Thank you, Mr. Chairman.

Secretary Panetta, I want to say also that I think you've done a great job both at the CIA and here and in your other jobs. Frankly, I think you and Secretary Gates are two of the great public servants in these kinds of jobs in the history of the country. He knows I think that and I want you to know I think that as well.

I am concerned when Senator Graham asks who was in charge and there's not an answer. Somebody should have known that night that there is one focal point. Maybe I guess at the end of the day it's the President, though the President doesn't seem to be very engaged. I think that's a concern.

You said, I believe, to Senator Ayotte that you thought—what time did you—when did you think the attack was over?

General DEMPSEY. Could I help with the answer, who was in charge?

Senator BLUNT. You could have helped when the question was posed earlier.

General DEMPSEY. It was pretty tough actually.

Senator BLUNT. All right. Who was in charge?

General DEMPSEY. The responsible agent inside of a country for security until the introduction of DOD is the resident security officer (RSO), who works for the ambassador, in collaboration with—

Senator BLUNT. I think what Senator Graham was asking, though, was who was in charge of our response from here. You can't just be talking with no thought of conclusion.

General DEMPSEY. Okay, but I can help with that concern. I got that. So internal to the country, before we arrive, it's the RSO. Once we arrive, it's the combatant commander, the Commander of AFRICOM.

I want to assure you, had we been able to—there's been a whole bunch of speculation about we were risk-averse, we needed the country's permission to come in. If we had been able to get there with anything, we'd have gone in there under the command of the Commander of AFRICOM.

Senator BLUNT. Of the marines that were on the plane in Rota, Spain, did eventually—did those marines eventually go to Tripoli?

General DEMPSEY. They did.

Senator BLUNT. Why were they taken off the plane and told to change from their uniforms to other clothes?

General DEMPSEY. At the request of the host nation, relayed through the Embassy.

Senator BLUNT. How much did that slow that response up?

General DEMPSEY. Probably 30 minutes.

Senator BLUNT. Now, I've read other places an hour and a half to 2 hours. You think 30 minutes?

EXHIBIT 6

Majority Interim Report: Benghazi Investigation Update



Chairman Howard P. "Buck" McKeon

Committee on Armed Services

February 2014

Executive Summary

Immediately after the terrorist attack in Benghazi, Libya on September 11, 2012, the Committee on Armed Services began an ongoing extensive effort to evaluate the response of the Department of Defense (DOD). In addition to assessing how the Department reacted, the committee seeks to determine what preparations the U.S. military had made for the possibility of an attack in Libya, and what arrangements have subsequently been put into place to minimize the possibility of a similar recurrence.

To undertake the committee's review, Chairman Howard P. "Buck" McKeon has directed the Oversight and Investigations subcommittee to work alongside the full committee. As a result, this report expresses the views of Chairman McKeon, Vice Chairman Mac Thornberry, Rep. Martha Roby (who was the chairman of the Oversight and Investigations subcommittee until December 2013), and the five majority members of that subcommittee. These eight members are collectively referred to as the "majority members" in this report.

This report should be considered one component of continuing comprehensive Benghazi-related oversight underway in the U.S. House of Representatives. In keeping with the committee's jurisdiction, however, this document addresses only the activities and actions of personnel in DOD. To date, committee staff has reviewed thousands of pages of written material (including classified emails and situation reports) made available by DOD. Staff has also held three classified staff briefings, and two classified interviews. Members have participated in two open hearings, and seven additional classified briefings. In undertaking this work, the committee has met with and received information from military personnel in the entire chain of command in connection with Benghazi: from those on the ground at the time of the attack to the nation's senior-most uniformed leader.

While the committee's inquiry continues, the majority members believe that information gathered to date reaffirm the relevant findings in the *Interim Progress Report for the Members of the Republican Conference on the Events Surrounding the September 11, 2012 Terrorist Attack in Benghazi, Libya* issued in April 2013 by the five committees with jurisdiction in the U.S. House of Representatives. Further, based on its activities undertaken since the release of that report, majority members make the six findings listed on the following page.

Although the committee will continue to gather and assess information on this topic, it seems that had the risks been deemed acceptable and one or more unarmed fighter aircraft were flown over Benghazi, the effort would probably have been ineffective. Even if such planes could have been dispatched in a timely manner, it would have been extraordinarily difficult for pilots (even with night vision capability) to identify and overfly attackers in very low light. Furthermore, to minimize the anti-aircraft threat, an overflight would probably taken place at a relatively high altitude and this would have lessened the putative deterrent effect on enemy forces arrayed far below.⁸⁶ This is especially the case because the Benghazi attackers demonstrated that they were the sort of experienced fighters that Major General Roberson warned might be less fearful of an unarmed overflight. Those who struck the U.S. facilities seemed to have carefully planned their actions, scouted the scene beforehand, and were able to skillfully and accurately employ mortar fire.⁸⁷

Nonetheless, some have suggested that dispatching unarmed aircraft should have been considered, at least as an interim step before more about the attack and potential response became known. In this reading, had one or more jets been launched, a recall order could have been issued before arriving over Benghazi if problems arose with refueling or overflight permissions, or if a preferable alternative was developed in the meantime. But, in light of all these factors, majority members believe the use of unarmed aircraft, with no countermeasure capability, refueling arrangements, or targeting assistance, amidst a dangerous anti-aircraft environment, would have offered only a small likelihood of benefitting those under attack. It makes sense that this remote option was apparently not more actively contemplated.

Ground Forces

As for the two FAST platoons, the CIF, and the special operations unit in the U.S., the posture of each meant they needed as much as six hours preparation before departing for Libya and they then had to travel varying distances of considerable length.⁸⁸ The attacks in Benghazi were over within approximately seven and one-half hours, before any of these units arrived. In the case of the CIF, the Department of Defense declared in correspondence to Congress that “the time requirements for notification, load, and transit . . . prevented the CIF from being at [Benghazi] in time . . . to change events,” despite the fact that the upon being alerted the team “immediately began to fulfill its tasking” and moved to “an intermediate staging location.”⁸⁹ The committee, however, will continue to examine the fact that DOD’s posture allowed the CIF to be training on September 11.

⁸⁶ These dangers are especially apt in light of the fact that a U.S. fighter crashed outside Benghazi a year before while enforcing the no-fly zone during the anti-government uprising. See Tirpak, “Lessons From Libya,” p. 37; and Rob Crilly, James Kirkup, and Rob Winnett, “Libya: US fighter jet crash lands in field near Benghazi,” *Telegraph*, March 22, 2011.

⁸⁷ For references to accurate mortar fire and deliberate and organized (if not necessarily extensively planned) attacks, see Review of the Terrorist Attacks, pp. 9, 24-25.

⁸⁸ Senate Hearing, p. 45, Aspen Remarks. Some alterations in the response of ground units were also made mid-course because the Department of Defense initially thought Ambassador Stevens may have been kidnapped, thus potentially necessitating hostage rescue capabilities. (See Senate Hearing, p. 59.)

⁸⁹ Assistant Secretary King to Ranking Member Cummings.

As far as the Marines are concerned, according to General Dempsey, once one FAST platoon was underway it also stopped at a “forward-basing location” so that the Marines could don civilian clothes. This was apparently done upon the request of the Libyan government, conveyed by the Department of State.⁹⁰ Presumably, warfighters changed out of uniform because of concerns that the arrival of combat-ready troops might unduly alarm or inflame Libyan observers.

Although General Dempsey acknowledged to the Senate that this action delayed the platoon’s arrival in Libya, he said it was not enough to prevent it from getting to Benghazi before attack survivors departed.⁹¹ In sum, “[o]nce we started moving forces,” General Dempsey told the Senate, “nothing stopped us, nothing slowed us.”⁹² However, at least in the case of the FAST platoon, there seem to have been some challenges in proceeding expeditiously.

About seventeen hours after Secretary Panetta ordered ground forces to prepare to deploy, the CIF had only made it as far as “an intermediate staging base in southern Europe.” An hour later, one FAST platoon arrived in Tripoli. Despite having travelled across the globe, the special operations force from the U.S. arrived in Europe about thirty minutes later.⁹³ Majority members remain concerned about these response times and will continue to seek all necessary information to understand and place in context this timing.

V. There was no “stand down” order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi. However, because official reviews after the attack were not sufficiently comprehensive, there was confusion about the roles and responsibilities of these individuals.

After the Benghazi attack began, six U.S. security personnel left the embassy in Tripoli on a chartered Libyan aircraft to lend assistance.⁹⁴ Two of these individuals were U.S. soldiers on a specialized assignment who took orders in such circumstances from authorities outside of AFRICOM and Special Operations Command-Africa (SOCAFRICA).⁹⁵ These were the only U.S. military personnel who got to Benghazi before survivors arrived in Tripoli on a chartered plane, and they performed heroically.

Four other military personnel remained behind in Tripoli. They comprised the reduced and revamped Security Support Team and were assigned to AFRICOM.⁹⁶ Army Lieutenant Colonel S.E. Gibson, who led the reconfigured SST, told the committee that when he learned of the attack in Benghazi “[t]here were concerns this might be part of a larger coordinated attack . . .

⁹⁰ Senate Hearing pp. 71-72.

⁹¹ Dempsey Briefing, p. 41; and Senate Hearing, pp. 71-72. The Benghazi-bound Marines were subsequently diverted to Tripoli. See *ibid.*

⁹² Senate Hearing, p. 59.

⁹³ DOD timeline.

⁹⁴ ARB Report, p. 25; May Benghazi Briefing, Part I, p. 47. The number of individuals in this effort is reported as seven in the ARB Report, pp. 25, 27; May Benghazi Briefing, Part I, p. 77; and May Benghazi Briefing, Part II, p. 24; but six in the DOD timeline. The discrepancy is apparently traced to the fact that one of the seven was “a linguist” and presumably a Libyan national. See Review of the Terrorist Attacks, p. 29.

⁹⁵ AFRICOM and SOCAFRICA Briefing, pp. 125-126.

⁹⁶ DOD timeline; AFRICOM and SOCAFRICA Briefing, pp. 54, 78-82, 95, 125-127.

EXHIBIT 7

[REDACTED]

From: [REDACTED]
Sent: Thursday, September 13, 2012 11:52 AM
To: [REDACTED]
Cc: [REDACTED] H_DAS
Subject: [REDACTED] DS CONGRESSIONAL AFFAIRS

...just send [REDACTED] an email asking if he has time to come up early to talk through the questions he can expect/how best to answer.

From: [REDACTED]
Sent: Thursday, September 13, 2012 11:51 AM
[REDACTED]
Cc: [REDACTED] DS CONGRESSIONAL AFFAIRS
Subject: RE:

For today's call, Amb. Boswell may be asked whether State had sent up a justification for a waiver of the DS criteria for Benghazi.

From: [REDACTED]
Sent: Thursday, September 13, 2012 11:28 AM
To: [REDACTED]
[REDACTED] H_DAS
Cc: [REDACTED] DS CONGRESSIONAL AFFAIRS
Subject: RE:

Notes after the call.

From: [REDACTED]
Sent: Wednesday, September 12, 2012 7:55 PM
To: H. Egypt; [REDACTED]
Subject: Write up of U/S Kennedy Call with Hill re Libya

The call ended up starting around 6:30pm. Here are the raw notes.

Staff names from beginning.

- Alan goldsmith - hfac
- Jen stewart - speaker
- Chris -Risch
- Erin - hac
- Jason rauch - mccaskill
- Marin stein - nelson
- Rich Harper - Feinstein
- Mike phelan - SFRC
- Rachel leman - house rules
- Robert Marcus - hfac
- Rep. Wilson office
- Bob Corker office

C05580110

Preeti shah- Durbin
 Brian – Schwartz
 Jason steinbaum- hfac
 Alan Makovsky – hfac

U/S Kennedy

Benghazi was an interim office. As soon as Benghazi fell, we got back in and had two compounds.

All times est

4pm – Benghazi main compound took on fire from libyan extremists.

4:15pm – broke through and somehow building set fire. Libyan guard force and us mil personnel engaged/exchanged fire.

- Three people inside bldg at the time – amb, imo, and rso
- Try to evacuate bldg under fire and smoke.
- When rso got out, he found he didn't have others. attempted to get others out when not.
- Found sean dead of apparent asphyxiation.
- Then went back in to try to get ambo, but couldn't find him. Driven by the bldg by smoke, fire, and small arms.

4:45pm – us security personnel from annex reached compound to try to get in. took heavy fire and retreated to annex.

5:20pm – US and Libyan security made another attempt and were finally able to gain access to main building, secure the rsos (five) – one badly injured to lungs smoke damage, plus remains of sean smith. Then retreated due to fire.

Approximately 5:40-50 – annex under attack – included possible mortars, rpgs, etc. two us personnel wounded, two killed. Finally were able to gain control over compound. During that time, we believe ambo had been taken to hospital by others. However, attempts to get to compound – were unable to break through going through to hospital.

Somehow, Libyans brought body of ambo to hospital during time of retreat.

Then retreated to Benghazi airport. Three badly injured. Put the injured and a small number of personnel to Tripoli.

Got in second aircraft. During the time between the first and second aircraft, local employee was able to get body of ambo from hospital and bring him to airport. All personnel was evac from Benghazi.

Today got medivac c-17. Libyans treated wounded well. Then also reduced staff to emergency levels.

Then landed at ramstein afb. Longstool hospital.

Personnel will be held at hotel for a week or so in case can go back in, if necessary.

This is fog of war. Less than 18 hours.

This is an initial report. Haven't been able to interview everyone yet.

Starr- was ambo still alive when he was extracted?

- We were told by a phone call that they were taken by Libyan bystanders – ambo got out, collapsed on edge of compound, and taken to the hospital.

Rick Kessler – hfac- so last time we saw ambo was when rso and others were exiting bldg. how many ds personnel were in bldg and annex?

- Two ds at main bldg, [REDACTED] Approximately 15 security personnel.
- Three amcits at main bldg. other four security officers were in other buildings on the compound returning fire.
- Annex is several miles away from main compound.

Alan Makovsky – any estimate of number of attackers?

- We think 20-40 at first attack, maybe close to 100 in second attack.
- No idea who they might have been? There has been a group who has claimed responsibility, but we're investigating it ourselves to identify group.

Victor – Rubio – situation in Tripoli


- Relatively stable. PM express regret, deep humiliation. Have increased our security.
- We have reduced staffing.

C05580110

- We have two compounds. First embassy was burned out.
 - No attacks in Tripoli.
 - Just this morning, we have moved all personnel to one of two compounds.
- Perry – SFRC – any reason to think this wasn't premeditated? How effect operations regionally?
- I am not prepared to render formal opinion, except to say attack of this nature says this is semi-complex attack. This is personal opinion.
 - We called senior security officer and embassies worldwide. We are operating.
- Paul Foldi – SFRC – what was ambo doing in Benghazi and was it publicized?
- He makes periodic trips – duality to Libya.
 - We don't widely advertise his travel.
 - He does do appointments, so it's known
- Paul Grove – any info on attackers killed or wounded? Any information?
- Believe there were wounded. Think that we couldn't gain access to hospital because some attacking forces had taken their wounded to hospital and effectively shut down hospital.
 - Govt is offering assistance. We are going to follow-up in any possible way
- Chris - McCain – cooperation from GOL?
- GOL is shaken and embarrassed. Govt truly wants good relations.
 - They have given us additional security support.
 - Their dedication and capabilities do not match in equal strength.
- AnneMarie – HACFO – security footprint – role of contract forces, militias, and if MSG contingent there.
- No MSGs. Used alternate security. Contract guard force – unarmed. A unit of GOL security personnel – 6 people – who lived in barracks on compound at all times.
- Robert carter – burgess – typical arrangement for consulate?
- This is a special office.
 - In our smaller installations, there are probably [REDACTED]
 - In terms of timeline – was it true there was an initial attack then second attack? Unclear.
 - o Attack started at 10pm their time on main compound. 1015 breach compound...then go through the timeline again.
- Matt Zweig- HFAC – light and medium weapons used – what do you mean?
- We're talking AK-47. Medium – RPGs or mortars.
- Ayotte – some forewarning that attacks will happen?
- none.
- Steve Marchese – HACFO – how many attackers?
- Not sure. Attack at 10pm. 20-30 on first compound, maybe as many as 100 on second.
 - Did they take over hospital?
 - o We got call warning us of dangers of trying to reach hospital, but we were never able to break through.
 - o We believe they never knew who he was. His body wasn't desecrated. And our national was able to take him away.
- Rob – Ayotte – any video cameras on compound?
- No, interim compound.
- Mike P – sfrc – any arrangement for Libyan forces at compound? What arrangement?
- There was a six person detachment in residence on the compound. When we called for assistance, it didn't come immediately, not in as heavy numbers, but we cannot say Libyans w/in capabilities that they didn't muster help. From compound one to two, they did assist us, to airport. There was will, but not capability.
- Brent Woolfork – HFAC – at second site, was there for 6.5 hours, then got permission to leave from DC.
- When they called us, they said they were leaving and we said yes. No one was holding them there.
 - Did Libyans provide help the entire time? - yes.
- Alan Makovsky – hfac – given the fact that this incident was going on for such a long time, was any thought that US troops could be brought in to help?

C05580110

- All avenues were being considered. We were in contact with senior levels of DOD, National Security Staff, etc.
 - Why weren't troops inserted? – the entire thing lasted approximately 4.5 hours. No US forces within time to get there.
- Matt Zweig – HFAC – was there preexisting plan for QRF for such an occurrence?
- Yes, we knew who to call in such an incident. It took awhile for them to get there.
 - Started at 4, then at 5:20, they had second sorti which included Libyans.
- Chris – Risch – What is security footing of embassy and consulate on 9/11?
- Equivalent of defcon 5. We had discussions, conducted EACs, planned, etc. Any embassy depends on host nation for preponderance of security.
- Rob Carter – was this an attack under the cover of a protest?
- No this was a direct breaching attack.
 - Do we have any ideas of who launched? Leads?
 - o Some claims from someone who has never made threat before, but everyone is looking at this closely.
 - Do we believe coordinated w/Cairo?
 - o Attack in Cairo was a demonstration. There were no weapons shown or used. A few cans of spray paint.
- Matt Zweig – speaking in broad terms, are there any additional threats to the region to our compounds/embassies?
- Generally speaking, there have been demonstrations. Tunis, Cairo, Sudan. We are monitoring (overarching term) as we were two days ago – in constant contact with host nations and security forces.
- Who is in charge in Tripoli now?
- Charge is Gregory Hicks. Formerly DCM.
- Alan Makovsky – Any plans regarding Chris' return/remains? Memorial service?
- We are working on this, hopefully for Friday afternoon.
 - There will be a memorial service. Will let you know.
- Marin Stein – when will we learn the identity of others?
- Some problems finding the next of kin.
- Were they State Department employees?
- Yes.
- AnneMarie – Can someone give us an update on Egypt?
- We have been talking govt-to-govt.
 - Apology
 - We're talking to them = deploying additional police forces. Getting good cooperation.
- Steve – refused to pull protesters off wall?
- It took police awhile to get protesters off the wall. They were there.
 - We invited them in to remove the 6-8 who got in.
- for those of you who aren't there, there are three buildings. They were running around the grounds, but didn't penetrate the buildings.


 Legislative Management Officer
 for Near Eastern Affairs
 Bureau of Legislative Affairs
 U.S. Department of State
 Phone: (202) 647-8729

SBU
 This email is UNCLASSIFIED.

C05580110

From: [REDACTED]
Sent: Thursday, September 13, 2012 11:27 AM
To: [REDACTED]
Cc: [REDACTED] H_DAS [REDACTED] DS CONGRESSIONAL AFFAIRS
Subject: RE:

I can send you H's write up after the call, but I don't think we asked for points to be generated and I think he spoke from the cuff, but I'm adding others to weigh in if they know more.

From: [REDACTED]
Sent: Thursday, September 13, 2012 11:23 AM
To: [REDACTED]
Cc: [REDACTED] DS CONGRESSIONAL AFFAIRS
Subject: RE:

Can I get the points from the U/S call with the Hill staff yesterday. I need to share with Ambassador Boswell. Thanks.

[REDACTED]
Legislative Affairs Advisor
Office of the Assistant Secretary
Bureau of Diplomatic Security
Office: 202-647-0147
BB [REDACTED]

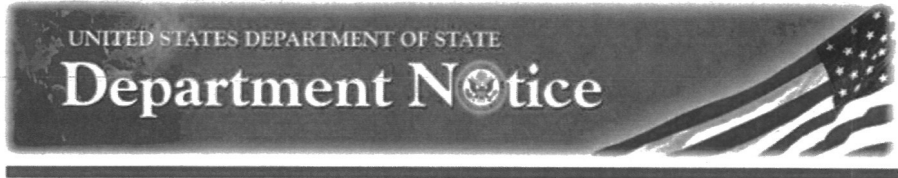
This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Thursday, September 13, 2012 11:02 AM
To: [REDACTED]
Cc: [REDACTED] H_DAS [REDACTED]
Subject:

Just linking us all up by email as we seek to stand up a conference call on embassy security in light of events and in advance of House CR floor consideration. We're all waiting to hear back from [REDACTED] and [REDACTED] on whether this is doable and timing, but in the interim could [REDACTED] and [REDACTED] tee up a draft email to relevant staff so we're poised to send as soon as we get word. [REDACTED] and [REDACTED] and someone from the Sen. Team should just make sure we have the right list and are standing by to clear it.

EXHIBIT 8

Department Notice: A Message from Under Secretary for Management Patrick F. Kenned... Page 1 of 2



Office of Origin: M
Announcement Number: 2014_10_115
Date of Announcement: October 17, 2014

A Message from Under Secretary for Management Patrick F. Kennedy regarding State Department Records Responsibilities and Policy

As the Senior Agency Official (SAO) for records, it is my responsibility to ensure that we maintain the documentation of all that we do in the performance of our official duties, not only because it is required by law and is a good business practice, but because it is the right thing to do.

The Office of Management and Budget (OMB) and the National Archives and Records Administration (NARA) have recently issued joint guidance on managing email that is consistent with Department policy. This guidance serves as a reminder to ALL employees regardless of rank or position -- including Foreign Service and Civil Service employees, contractors, When Actually Employed (WAEs) employees, and Locally Employed Staff (LES) of the Department -- that we are responsible for creating records necessary to document our activities, in addition to the proper management and preservation of records. These responsibilities are applicable to all records made or received in the conduct of agency business, regardless of physical format or media, including e-mail.

In short, as a condition of our employment with the USG, employees at every level have both a legal responsibility and a business obligation to ensure that the documentation of their official duties is captured, preserved, managed, protected and accessible in official government systems. This includes email.

Through Presidential initiatives and under the leadership of OMB and NARA, this Administration is moving aggressively to ensure we capture the essential documentation of what we do for ourselves and for posterity. It's important for you to know that the public appetite for our contemporary records is huge. The historical records of the State Department are the most accessed of all the agency records archived at the National Archives. So, in continuing our long standing tradition of record keeping - of preserving our history - it is imperative we leverage new technologies to ensure officials and the public today, as well as future generations, will know what we have done to promote our foreign policy mission with its related programs, operations and activities.

With that in mind, we recently reminded senior officials and other selected employees of their

records responsibilities, and provided instructions for preserving the e-mail of senior officials. See 14 STATE 111506 and my August 28, 2014 memorandum, "Senior Officials' Records Management Responsibilities." Both are available on the [Department's Records Management website](#).

While employees, including senior officials, may delete personal e-mails, they should be aware that the definition of a personal e-mail is very narrow. The only e-mails that are personal or non-record are those that do not relate to or affect the transaction of Government business. Departing employees are also reminded they may take with them only personal papers and non-record materials, subject to review by records officers to ensure compliance with federal records laws and regulations. All federal records generated by employees, including senior officials, belong to the Department of State.

In addition to the responsibility for preserving the documentation of official activities insofar as it is captured in email, employees generally should not use private e-mail accounts (e.g., Gmail, AOL, Yahoo, etc.) for official business. However, in those very limited circumstances when it becomes necessary to do so, the email messages covering official business sent from or received in a personal account must be captured and preserved in one of the Department's official electronic records systems (i.e., SMART or POEMS). The best way for employees to ensure this is to forward e-mail messages from a private account to their respective State account. Private email accounts should not be used for classified information.

I appreciate your cooperation in adhering to this policy guidance. This is an essential part of your official responsibilities. Further instructions will be forthcoming, as well as codification of this policy in the FAM. Should you have any questions, please address them to Records-DI@state.gov or visit the [Department's Records Management website](#) for more information. As part of the Department's records management responsibility there is an on-going effort to promulgate guidance that covers such technologies as email, instant messaging, social media and other online tools that are becoming more widely used.

Patrick F. Kennedy

Under Secretary for Management

◀ [Return to Department Notices index](#)

EXHIBIT 9

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
 REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

Kennedy, Patrick F

From: Lukens, Lewis A
Sent: Saturday, January 24, 2009 8:26 PM
To: Kennedy, Patrick F
Subject: Re: Series of questions

I talked to cheryl about this. She says problem is hrc does not know how to use a computer to do email - only bb. But I said would not take much training to get her up to speed.

From: Kennedy, Patrick F
To: Lukens, Lewis A; 'habedin [REDACTED]'; 'cmills [REDACTED]'
Cc: Smith, Daniel B
Sent: Sat Jan 24 20:22:20 2009
Subject: Re: Series of questions

That is why this is the best solution

From: Lukens, Lewis A
To: 'habedin [REDACTED]'; Kennedy, Patrick F; 'cmills [REDACTED]'
Cc: Smith, Daniel B
Sent: Sat Jan 24 19:49:30 2009
Subject: Re: Series of questions

She'll be able to.

From: Huma Abedin
To: Kennedy, Patrick F; Lukens, Lewis A; Cheryl Mills
Cc: Huma Abedin ; Smith, Daniel B
Sent: Sat Jan 24 19:48:27 2009
Subject: Re: Series of questions

Yes we were hoping for that if possible so she can check her email in her office.

-----Original Message-----

From: Kennedy, Patrick F <KennedyPF@state.gov>
To: Lukens, Lewis A <LukensLA@state.gov>; Cheryl Mills
CC: Huma Abedin; Smith, Daniel B <SmithD2@state.gov>
Sent: Sat Jan 24 19:29:25 2009
Subject: Re: Series of questions

Cheryl

The stand-alone seperate network PC is on on great idea

Regards

Pat

From: Lukens, Lewis A
To: 'cmill [REDACTED]'

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Cc: 'habeidin [REDACTED]'; Kennedy, Patrick F; Smith, Daniel B
Sent: Sat Jan 24 19:10:33 2009
Subject: Re: Series of questions

We have already started checking into the NSA bb. Will set up the office across the hall as requested. Also think we should go ahead (but will await your green light) and set up a stand alone PC in the Secretary's office, connected to the internet (but not through our system) to enable her to check her emails from her desk. Lew

From: Cheryl Mills
To: Lukens, Lewis A
Cc: Huma Abedin ; Kennedy, Patrick F
Sent: Sat Jan 24 19:05:24 2009
Subject: RE: Series of questions

so I have now read up more on POTUS' bb (which appears not really to be a bb but a different device).

is there any solution to her being able to use an encrypted bb like the nsa approved one he has in the vault and if so, how can we get her one.

and if not, let's set up the office across the hall for her to use – it needs a phone etc. so she can go across the hall to check her bb.

cdm

From: Lukens, Lewis A [<mailto:LukensLA@state.gov>]
Sent: Friday, January 23, 2009 6:54 AM
To: Cheryl Mills
Subject: Re: Series of questions

Questions 1 and 2 - yes. Will give you more details this morning

On the bb for hrc, can we chat this morning? I may have thought of a workaround but need more info on her bb use from you.

Lew

From: Cheryl Mills
To: Lukens, Lewis A
Sent: Fri Jan 23 06:47:59 2009
Subject: Series of questions

Lew –

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who can I talk to about:

1. can our email be accessed remotely through the web using a non-DOS computer like my laptop?
2. I am traveling to the M-E tonight – will my DOS bb work there and is there a cell phone attached?
3. spoke to Dan re: bb for HRC (and reports that POTUS is able to use a super encrypted one which)
4. spoke to Dan re: setting up Counselor office for HRC so she can go across hall regularly and check her email.

cdm

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EXHIBIT 10

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

From: [Abedin, Huma](#)
To: [Mull, Stephen D](#)
Subject: Re: S Communications
Date: Tuesday, August 30, 2011 5:34:07 PM

Its pretty silly and she knows it.

From: Mull, Stephen D
Sent: Tuesday, August 30, 2011 05:18 PM
To: Abedin, Huma
Subject: RE: S Communications

Thanks for reminding all of this very helpful context!!! ☺

From: Abedin, Huma
Sent: Tuesday, August 30, 2011 17:17 PM
To: Mull, Stephen D; Mills, Cheryl D
Cc: Kennedy, Patrick F; [REDACTED]
Subject: Re: S Communications

Steve - let's discuss the state blackberry, doesn't make a whole lot of sense.
As for the equipment, the commo team was limited in some capacity because we did not have authorization from owners of residence to install equipment. We did it regardless. Additionally, as S knows, the team didn't have access to the property until a couple of hours before S arrived. Finally, as even the white house attested, this was a pretty wide spread problem, not just affecting us. So we should bear that in mind.

From: Mull, Stephen D
Sent: Tuesday, August 30, 2011 01:39 PM
To: Mills, Cheryl D
Cc: Abedin, Huma; Kennedy, Patrick F; [REDACTED]
Subject: S Communications

Cheryl,

Thanks again for alerting me to the communications issues the Secretary has been having. Here's a status report:

- On the immediate problem of the Secretary's not being able to have her calls transferred, [REDACTED]

[REDACTED]

[REDACTED] The technicians are onsite now to [REDACTED]

[REDACTED]

- On the more long term issue, I've asked our team to develop an enhanced

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package of capabilities and equipment that we would propose deploying with the Secretary to be as closely co-located as possible with her when she is on travel away from her usual residences. The package will include things that anticipate the normally unexpected such as hurricanes, power outages, earthquakes, locusts, etc, such as generators, uninterrupted power supplies, supplementary satellite capabilities, including satellite phones for when local infrastructure fails (as it did in NY over the weekend).

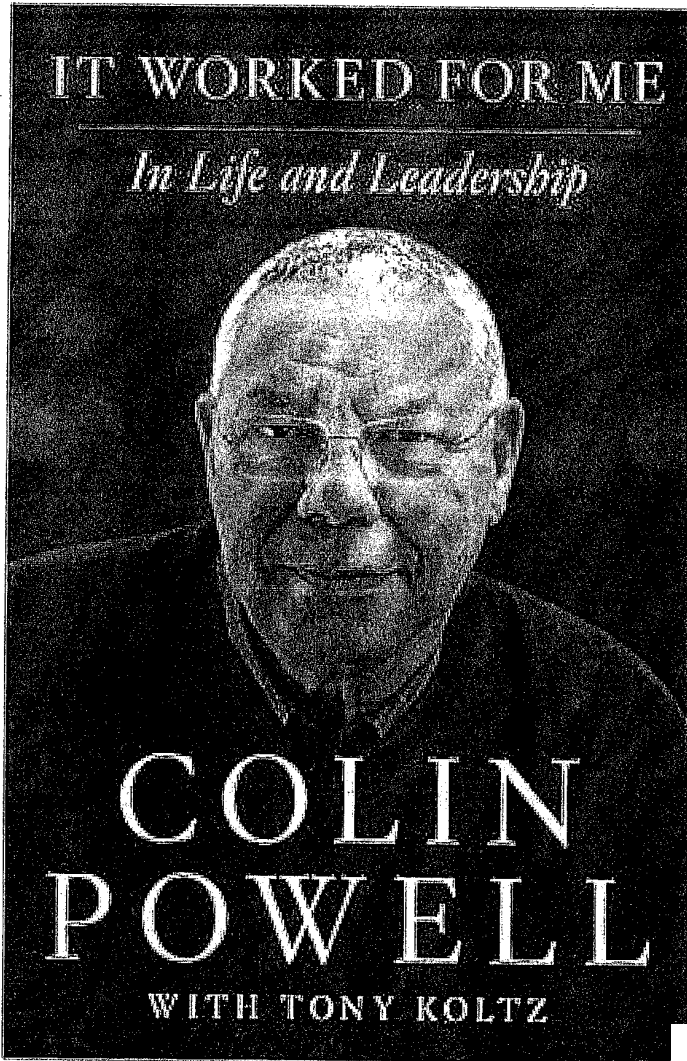
Separately, we are working to provide the Secretary per her request a Department issued Blackberry to replace her personal unit which is malfunctioning (possibly because of her personal email server is down). We will prepare two versions for her to use – one with an operating State Department email account (which would mask her identity, but which would also be subject to FOIA requests), and another which would just have phone and internet capability. We're working with Monica to hammer out the details of what will best meet the Secretary's needs.

Please let me know if you need anything more for now, and I'll be in touch with the above longer term options soon.

Thanks,

Steve

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the game, but not until securing an agreement that I would set the communications requirements, approve the CIA's candidate to manage the pipes, and provide an annual report card on the manager. Tenet agreed, and we signed a treaty. Within a year, our communications capacity had significantly increased, costs had dropped, and Congress got rid of the OMB law. Soon thereafter, State determined that much of our communications traffic could be sent securely over commercial Internet circuits, giving us an even more reliable and less expensive capability.

Meanwhile, we worked on our hardware needs. After a series of false starts with private contractors, we asked our staff to determine our computer requirements. They concluded that we needed more than 44,000 new computers, and we persuaded Congress to fund them.

Soon we had placed an Internet-connected computer on every desk in every embassy and every office in the department; every user had access to both the State systems and the public Internet. We accomplished this installation in less than two years. The last embassy we brought up to date was in Gabon; they complained about being last.

At the same time, we budgeted to avoid obsolescence. Four years down the road we would start replacing our by then out-of-date systems. We also developed a new messaging capability to move us from the world of telegraphic communication and diplomatic cables to email-based systems. We even allowed mobile devices to access our office systems. In short order, we moved from 1945 to 2001. The system is even better today.

This is another example of "taking care of the troops." You have to give your troops the tools they need to get their jobs done, or they will have no reason to believe in you or take seriously your missions and goals.

Because the State Department lives on the information flow in and out of embassies, I performed this little test whenever I

visited an embassy. I'd dart into the first open office I could find (sometimes it was the ambassador's office). If the computer was on, I'd try to get into my private email account. If I could, they passed. Their network pipes were working, and they were using their computers and the Internet.

Bringing in new hardware and software was complex and difficult, but most of the problems involved were practical and functional. Permanently changing brainware was a far greater challenge. I was determined to revolutionize the way our people thought and worked. We had to persuade the entire State Department that we were now in a transactional, not a lunar, world. We no longer lived a time-bound existence where our work and actions are measured by clocks and the passage of days. Computers and email have eliminated physical, geographic, calendar, and clock constraints to communication. Diplomatic messages no longer travel by riders on horseback, or by couriers on trains, ships, or planes.

The leader starts to change institutional brainware by setting the example and changing his own.

To complement the official State Department computer in my office, I installed a laptop computer on a private line. My personal email account on the laptop allowed me direct access to anyone online. I started shooting emails to my principal assistants, to individual ambassadors, and increasingly to my foreign-minister colleagues who like me were trying to bring their ministries into the 186,000-miles-per-second world.

State maintains on its website background notes on every country in the world. The notes are put together by the embassies, but monitored and updated by department country and regional experts and by our public affairs office. Every few weeks, I checked the background notes list, which showed the date when each note had last been updated. More than once I found notes that hadn't been updated in over a year. I fussed at the staff constantly to keep all our data current.

"But Mr. Secretary, we update quarterly," my public affairs assistant secretary said, defensively and unwisely, one morning at staff meeting.

"Don't tell me we only update our website once a quarter," I said. "Walmart updates their entire information system whenever there's a transaction at a Walmart checkout counter. If I wake up and see on television that a foreign leader has died and his replacement has been announced, I want that reflected on our website background note for that country by the time I get to the office. We may not always be able to beat Wikipedia or Google, but let's try."

Years ago I gave a speech to a large meeting of Walmart store managers and senior leadership. As I waited backstage before I spoke, the crowd was whipped up by corporate leaders to football-rally emotion. There came a huge cheer, followed by shouts and congratulations. I asked my host what was going on.

"They've just announced the latest sales report," he told me.

Naïvely, I asked, "For the week, the month, or the quarter?"

"No, for yesterday," he answered. "I could give it to you for this morning, if you like."

I was surprised, but not shocked. I had seen it coming. Even before Google, Amazon, and the explosion of the Internet, big-box stores and supermarkets had realized that the technology revolution and the power and speed of information allowed them to move from a lunar world of calendar periods to a world of transactions.

Each transaction is flashed vertically and horizontally throughout the organization and triggers all kinds of actions. Inventory levels go down, profit is calculated, reorder formulas kick in, wholesalers and manufacturers are informed, replacement goods are assembled and loaded onto trucks, computers make projections. All of this happens in real time.

I set out to embed the same kind of mind-set in the State Department. Major change only works when followers realize your change has made their lives better and improved their productivity

and performance. You only know you've succeeded in implementing change when your followers believe in the change and will pass their belief on to the next generation of followers. Real change has to outlive the change agents.

I never stopped pressing our people to increase their email use and update our databases with each transaction and not at the dictates of arbitrary calendar dates. Though I am long gone from the department, whenever I travel to a foreign country I send our ambassador a courtesy email from my personal account to let him know I am passing through and will be available for calls on leadership, as appropriate. I am proud to say I get very quick responses. Embassy desktops and laptops are not being used as paperweights.

In spite of my best efforts, I could never persuade my dear friend Igor Ivanov, then foreign minister of the Russian Federation, to get online. Igor's intransigence gave me an irresistible opportunity to score points with Igor and my staff.

One day Igor called me from Moscow complaining about our UN delegation's objections to a draft resolution his delegation was presenting in New York. Our delegation believed their resolution was inconsistent with a resolution passed by the UN some years earlier. He said we were totally wrong. I was unfamiliar with the earlier resolution, and didn't have a clue what he was talking about. While I kept him talking, I pulled up the Google search box on my new computer and typed in the number of the earlier resolution. It came up in about a second. I let Igor ramble for a moment before interrupting him. "Igor, I am not sure you are right. If my memory serves me correctly, paragraph 2B(1) of that resolution suggests that you have misunderstood it."

Silence. "Colin, are you sure?"

"Well, Igor," I said, as I stared at the resolution text on my screen, "I can't be positive, but perhaps you should have your staff take a look at it again." It took his staff several hours to pull it all in. *I was right; he was wrong. I loved it.*

I never did win Igor over to computers. When he was in Washington, he often came to dinner. He always came with a gift.

Because Igor dressed exceptionally well, with a preference for blue Hermès ties, my gifts to him became Hermès ties. He was impressed. It must be lots of bother to get them, he told me. I took him downstairs to my home office and introduced him to the magic of online shopping. He watched skeptically as I ordered a Hermès tie for myself. It took about a minute.

He walked away shaking his head and muttering, "Nyet, nyet." Igor was no technophobe. He was a grandmaster of the other revolutionary technology of our time—the cell phone. We conducted some of the most important conversations I've ever had on cell phones in strange locations two continents and nine time zones away from Washington.

And there were no emails to be subpoenaed, discovered, or WikiLeaksed. Hmmm, maybe Igor knew something I didn't.

But even Igor couldn't avoid the twenty-first century forever. Now that he has left office and is enjoying private life and successful business activities, Igor has caught up with other technologies and we email each other.

CHAPTER SEVENTEEN

Tell Me What You Know

You can't make good decisions unless you have good information and can separate facts from opinion and speculation.

I have always been a glutton for information. I wanted an overflowing in-box, lots of people dropping in to chat, constant phone calls from the staff or trusted agents telling me what they heard and saw. Over the years I learned to read quickly to get to the essence of a paper; tossing aside filler, unnecessary adjectives and adverbs, puffery, and snake oil arguments. I took the same approach listening to oral presentations: "Just the facts, ma'am, just the facts," an expression made iconic by Sergeant Joe Friday, the LAPD detective on the 1950s and '60s television show *Dragnet*.

Facts are verified information that is then presented as objective reality. The rub here is the verified part. How do you verify verified? Facts are slippery, and so is verification. Today's verification may not be tomorrow's. It turns out that facts may not really be facts; they can change as the verification changes; they may only tell part of the story, not the whole story; or they may be so qualified by verifiers that they're empty of information.

EXHIBIT 12
UNDER SECRETARY OF STATE
FOR MANAGEMENT
WASHINGTON

NOV 12 2014

Cheryl
Dear Ms. Mills:

The Department of State has a longstanding and continuing commitment to preserving the history of U.S. diplomacy, established in authorities under the Federal Records Act of 1950. I am writing to you, the representative of Secretary of State Hillary Clinton, as well as to representatives of other former Secretaries (principals), to request your assistance in further meeting this requirement.

The Federal Records Act of 1950, as amended, 44 U.S.C. chapters 29, 31 and 33, seeks to ensure the preservation of an authoritative record of official correspondence, communications, and documentation. Last year, in *Bulletin 2013-03*, the National Archives and Records Administration (NARA) clarified records management responsibilities regarding the use of personal email accounts for official government business. NARA recommended that agencies refer to its guidance when advising incoming and departing agency employees about their records management responsibilities. This bulletin was followed by additional NARA guidance on managing email issued on September 15, 2014. See enclosed.

We recognize that some period of time has passed since your principal served as Secretary of State and that the NARA guidance post-dates that service. Nevertheless, we bring the NARA guidance to your attention in order to ensure that the Department's records are as complete as possible. Accordingly, we ask that should your principal or his or her authorized representative be aware or become aware in the future of a federal record, such as an email sent or received on a personal email account while serving as Secretary of State, that a copy of this record be made available to the Department. In this regard, please note that diverse Department records are subject to various disposition schedules, with most

Enclosures - 3

Ms. Cheryl Mills,
1361 Locus Road NW,
Washington, DC 20012.

Secretary of State records retained permanently. We ask that a record be provided to the Department if there is reason to believe that it may not otherwise be preserved in the Department's recordkeeping system.

The Department is willing to provide assistance to you in this effort. In the meantime, should you have any questions regarding this request, please do not hesitate to contact William Fischer, A/GIS/IPS/RA, Agency Records Officer, at (202) 261-8369.

We greatly appreciate your consideration of and assistance with this matter.

Sincerely,



Patrick F. Kennedy

EXHIBIT 13

ORIG TO IPS
ELECTRONIC DIST:
CODE I
CODE III
IPS/NMM



09/05/2014
2:29 PM

201412443 Rev. 1

United States Department of State

*Under Secretary of State
for Management*

Washington, D.C. 20520

UNCLASSIFIED

AUG 28 2014

MEMORANDUM TO: The Office of the Secretary
The Office of Deputy Secretary Burns
The Office of Deputy Secretary for Management and
Resources Higginbottom
The Director of Foreign Assistance
All Under Secretaries
C- The Office of the Counselor
All Assistant Secretaries
L - The Office of the Legal Advisor
S/CPR - Peter Selfridge
S/P - David McKean
All Special Representatives and Special Envoys
cc: Executive Directors

From:

M - Patrick F. Kennedy *PKC*

SUBJECT: Senior Officials' Records Management Responsibilities

Senior officials are responsible for creating records necessary to document their activities and for the proper management and preservation of their records (see Tab 1 for the list of Senior Officials to which this memorandum is directed). These responsibilities are applicable to all records made or received in the conduct of agency business regardless of physical format or media. While all Department employees are to preserve records meeting the definition of a record under the Federal Records Act, see 3 FAM 414.8, senior officials' records are generally the most important documents created within the Department and are some of the most valued documents archived at the National Archives and Records Administration (NARA). Proper records management ensures statutory and regulatory compliance, preserves the rights of the government and citizens, supports better decision making, safeguards vital records, preserves organizational memory, minimizes litigation risk (ensuring systematic, documented, and routine disposal of records), and reduces operating costs through control over the lifecycle of the records.

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- 2 -

Specifically, senior officials must create records necessary to document their activities and actions taken on behalf of the Department. A records custodian must be identified who can manage a particular senior official's records in support of proper records lifecycle management, including appropriate access. Departing or transferring Senior Officials must identify their records prior to departure or transfer. Departing Senior Officials are reminded they may take with them only personal papers and non-record materials, subject to review by records officers to ensure compliance with federal records laws and regulations. All records generated by Senior Officials belong to the Department of State.

Defining and Managing Records

Records may exist in many formats, including Instant Messages (IM) and records on mobile devices like BlackBerries, mobile phones, and iPads. Typical records created by Senior Officials include not only e-mails, memos, and similar documents, but also calendars, schedules, and logs of daily activities.

Additionally, Senior Official records should include the following:

- Records pertaining to various committees, including Federal Advisory Boards, councils, and inter-agency and external committees in which the Senior Official participated.
- Materials relating to internal and external meetings, including briefing documents, minutes, and meeting notes.
- Records documenting the development of Department policies and programs, including correspondence, briefing and issue papers, and reports about policy, strategy, research and legislative priorities, program evaluation and planning, and similar topics.
- Reports to Congress and/or the President.

To establish a sound records management program, Senior Officials should, at minimum, take the following steps:

- Designate a records manager responsible for their records.
- Follow established records disposition schedules, which set out the applicable records retention and disposition requirements.
- Establish a plan for maintaining and managing their records.
- Collect, organize, and categorize their records in order to facilitate their preservation, retrieval, use, and disposition.

Specific Email Requirements and Procedures**UNCLASSIFIED**

UNCLASSIFIED

- 3 -

E-mail is the most widely-used tool within the Department for the conduct of official business. The Department generates millions of e-mail communications each year, many of which document significant foreign policy and Department business decisions. The standard for determining whether an e-mail message meets the definition of a "record" under the Federal Records Act is the same standard that applies to all other types of Department records (5 FAM 443.2 – see Tab 2).

As a supplement to existing policy, and consistent with the policy in place since 2009, it is important to capture electronically the e-mail accounts of the senior officials listed in Tab 1 as they depart their positions. Instructions for senior officials are provided (see Tab 3).

- At no time during designated senior officials' tenure will their e-mail accounts be cleared, deleted, or wiped for any reason.
- While senior officials may delete personal e-mails, they should be aware that the definition of a personal e-mail is very narrow. The only e-mails that are personal are those that do not relate to or affect the transaction of Government business.
- As a general matter, to ensure a complete record of their activities, senior officials should not use their private e-mail accounts (*e.g.*, Gmail) for official business. If a senior official uses his or her private e-mail account for the conduct of official business, she or he must ensure that records pertaining to official business that are sent from or received on such e-mail account are captured and maintained. The best way to ensure this is to forward incoming e-mails received on a private account to the senior official's State account and copy outgoing messages to their State account.

Visit the Department's Records Management [website](#) for more information.

Attachments:

Tab 1 – List of Designated Senior Official Positions

Tab 2 – 5 FAM 443.2 (Which E-mail Messages Are Records)

Tab 3 – Instructions for Preserving E-mail of Departing Senior Officials

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DRAFT: Designated Senior Official Positions – March 5, 2014

*The positions identified below reflect NARA guidance to satisfy the Presidential Directive on retaining Email for Senior Officials. The Electronic Records Management Working Group will subsequently address the companion NARA guidance for retaining all other Email.

- Secretary of State
- Deputy Secretary
- Under Secretary
- Assistant Secretary (AS)
- Regional Deputy Assistant Secretary
- Principal Deputy Assistant Secretary (PDAS)
- Chief of Staff
- Deputy Chief of Staff
- Executive Secretary
- Deputy Executive Secretary
- Executive Assistant to the Principal Officers
- Policy Advisor
- Strategic Advisor
- Chief Speechwriter
- Director of Communications
- Director of Foreign Assistance
- Director of M/PRI
- White House Liaison
- Chief Financial Officer
- Chief Economist
- Chief Information Officer
- Chief of Protocol
- Assistant Chief of Protocol
- Deputy Chief of Protocol
- Counselor
- Comptroller
- Legal Adviser
- Deputy Legal Adviser
- Assistant Legal Adviser
- Counselor on International Law
- Special Assistant to the Legal Adviser
- Principal Deputy Legal Adviser
- Inspector General
- Deputy Inspector General
- Counsel to the Inspector General
- Geographer
- Accountability Review Board Members
- Senior Advisers to the Principals
- Ambassador
- Ambassador-At-Large
- Chief of Mission
- Charges d' Affaires
- Charges d' Affaires ad interim
- Consuls General
- Consuls
- Principal Officer of U.S. Interest Sections
- Deputy Chief of Mission
- Deputy to the Ambassador-At-Large
- Deputy Principal Officers
- Assistant Chiefs of Mission
- Special Envoy
- Deputy Special Envoy
- Special Representative
- United States Permanent Representative
- United States Representative
- United States Deputy Representative
- Alternate Representative
- All individuals formally designated (i.e. by memorandum) as "Acting" in the above listed positions
- Applicable Special Assistants and Staff Assistants to the above listed positions, when they receive and respond to emails on the Senior Official's behalf

**Beyond this list, Bureaus may determine at an office level which individual positions would be considered "Designated Senior Official Positions" for the purposes of email preservation.

5 FAM 440 ELECTRONIC RECORDS, FACSIMILE RECORDS, AND ELECTRONIC MAIL RECORDS

*(CT:IM-126; 02-28-2012)
(Office of Origin: A/GIS/IPS)*

5 FAM 441 ELECTRONIC RECORDS MANAGEMENT

(TL:IM-19; 10-30-1995)

These requirements apply to all electronic records systems: microcomputers; minicomputers; and mainframe computers in networks or stand-alone configurations, regardless of storage media.

a. Electronic Data files.

- (1) Those employees who are responsible for designing electronic records systems that produce, use, or store data files, shall incorporate disposition instructions for the data into the design plan.
- (2) System Administrators must maintain adequate and current technical documentation for electronic records systems that produce, use, or store data files. At a minimum, include:
 - (a) a narrative description of the system (overview);
 - (b) a records layout that describes each field, its name, size, starting or relative position;
 - (c) a description of the form of the data (e.g., alphabetic, zoned decimal, packed decimal or numeric) or a data dictionary. Include the equivalent information and a description of the relationship between data elements in the data bases when associated with a data base management system; and
 - (d) any other technical information needed to read or process the records.
- (3) Electronic data bases that support administrative or housekeeping functions and contain information derived from hard copy records authorized for disposal may be deleted if the hard copy records are maintained in official files.
- (4) Data in electronic form that is not preserved in official hard copy files or supports the primary program or mission of an office, even if preserved in official hard copy files, may not be deleted or destroyed except through authorities granted as prescribed in sections h. and i. below.

b. Documents.

- (1) Electronic records systems that maintain the official file copies of documents shall provide a capability for the disposition of the documents. This includes the requirements for transferring permanent records to the National Archives, when necessary.
- (2) Electronic records systems that maintain the official file copy of documents shall identify each document sufficiently to enable authorized personnel to retrieve, protect, and carry out the disposition of documents in the system. Appropriate identifying information may include: office of origin, TAGS/Terms, subject line, addressee (if any), signatory, author, date, security classification, and authorized disposition.
- (3) Electronic records systems that maintain the official file copy of documents shall provide sufficient security to ensure document integrity.
- (4) Documents such as letters, messages, memorandums, reports, handbooks, directives, and manuals recorded on electronic media may be deleted if the hard copy record is maintained in official files.
- (5) Documents such as letters, messages, memorandums, reports, handbooks, directives, and manuals recorded and preserved on electronic media as the official file copy shall be deleted in accordance with authorized disposition authorities for the equivalent hard copy. If the authority does not exist, the documents in electronic form may not be deleted or destroyed except through authorities granted as prescribed in sections h. and j. below.

c. Spreadsheets.

- (1) Spreadsheets recorded on electronic media may be deleted when no longer needed to update or produce hard copy if the hard copy record is maintained in official files.
- (2) Spreadsheets recorded and preserved on electronic media shall be deleted in accordance with authorized disposition authorities for the equivalent hard copy.

d. Electronic records are acceptable as evidence in federal courts. Rule 803 (6), Federal Rules of Evidence, has been interpreted to include computer records. Further under Rule 1006, summary electronic records may be provided to limit the quantity of information considered during judicial proceedings. The courts must believe that records admitted before it are "trustworthy" that is, they must clearly and accurately relate the facts as originally presented or in summary form.

e. Administrators of electronic records systems shall ensure that only authorized personnel have access to electronic records.

f. Administrators of electronic records systems shall provide for the backup and recovery of records.

- g. Administrators of electronic records systems shall make certain that storage media meet applicable requirements prescribed in 36 CFR 1234.28. These requirements are also contained in FIRMR Bulletin B-1 and are discussed in the RMH, 5 FAH-4 H-219 .
- h. Retention of electronic records.
- (1) The information in electronic records systems and related documentation and indexes must be scheduled for disposition no later than one year after the implementation of the system.
 - (2) Procedures must be established for systematically backing up, copying, reformatting, and providing other necessary maintenance for the retention and usability of electronic records throughout their prescribed life cycles.
- i. Destruction of electronic records.
- (1) Electronic records may be destroyed only in accordance with a records disposition authority approved by the Archivist of the United States. This authority is obtained through the Records Management Branch (OIS/RA/RD).
 - (2) This process is exclusive, and records of the United States Government, including electronic records, may not be alienated or destroyed except through this process.
 - (3) Electronic records scheduled for destruction must be disposed of in a manner that ensures protection of any sensitive, proprietary or national security information. Magnetic recording media are not to be reused if the previously recorded information can be compromised in any way. Refer to 12 FAM for requirements regarding the security of magnetic media.
- j. All automated information systems (AIS) or facsimile machines used to process or store electronic records must comply with the security regulations contained in 12 FAM.

5 FAM 442 FACSIMILE RECORDS

(TL:IM-19; 10-30-1995)

The use of facsimile (FAX) equipment in appropriate and cost-effective circumstances is encouraged in the Department. Facsimile transmissions have the same potential to be Federal records as any other documentary materials received in Federal offices. The method of transmitting a document does not relieve sending or receiving offices of the responsibility for adequately and properly documenting official actions and activities and for ensuring the integrity of records. See the RMH, 5 FAH-4 , for more guidance on facsimile records. See 5 FAM 561 for policies on FAX transmissions, including use of secure FAX equipment and using FAX equipment to send correspondence to members of Congress.

5 FAM 442.1 Facsimile Label

(TL:IM-19; 10-30-1995)

The Records Management Branch (OIS/RA/RD) has designed a facsimile transmission label (Form DS-1905), to be affixed to facsimile equipment. The label serves as a reminder to users of the responsibility to file record copies of facsimiles and to photocopy record copies of thermal paper facsimiles onto plain paper for filing. The labels are available from OIS/RA/RD.

5 FAM 442.2 FAX Transmittal Forms

(TL:IM-19; 10-30-1995)

- a. Form DS-1890, Unclassified Facsimile Transmittal Cover Sheet, and Form DS-1890-A, Classified Facsimile Transmittal Cover Sheet, are Department forms that are available for use in transmitting documents. Their use is not mandatory. These forms are available on the INFOFORMS disk, which is part of the Department's INFOEXPRESS application. At a minimum, the transmittal form which is used by an office, should contain the following information:
 - date of transmittal
 - sending and receiving office information (symbol, name, voice & fax telephone numbers)
 - subject information, including TAGS/Terms to help properly file the documents
 - any comments regarding the transmission
 - appropriate security classification, when using a secure fax machine.
- b. Transmittal cover sheets containing substantive comments are to be filed with related record material. Those containing informal messages can be destroyed upon receipt or when no longer needed.

5 FAM 443 ELECTRONIC MAIL (E-MAIL) RECORDS

5 FAM 443.1 Principles Governing E-Mail Communications

(TL:IM-19; 10-30-1995)

- a. All Government employees and contractors are required by law to make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency (Federal Records Act, or "FRA," 44 U.S.C. 3101 et

- seq). In addition, Federal regulations govern the life cycle of these records: they must be properly stored and preserved, available for retrieval, and subject to appropriate approved disposition schedules.
- b. As the Department's information modernization program goes forward, new forms of electronic communications have become increasingly available within the Department and between the Department and overseas posts. One example of the improvements that modernization has brought is the automatic electronic preservation of departmental telegrams. Employees are reminded that under current policy departmental telegrams should be used to convey policy decisions or instructions to or from posts, to commit or request the commitment of resources to or from posts, or for official reporting by posts.
 - c. Another important modern improvement is the ease of communication now afforded to the Department world-wide through the use of E-mail. Employees are encouraged to use E-mail because it is a cost-efficient communications tool. All employees must be aware that some of the variety of the messages being exchanged on E-mail are important to the Department and must be preserved; such messages are considered Federal records under the law. The following guidance is designed to help employees determine which of their E-mail messages must be preserved as Federal records and which may be deleted without further authorization because they are not Federal record materials.

5 FAM 443.2 Which E-Mail Messages are Records

(TL:IM-19; 10-30-1995)

- a. E-mail messages are records when they meet the definition of records in the Federal Records Act. The definition states that documentary materials are Federal records when they:
 - are made or received by an agency under Federal law or in connection with public business; and
 - are preserved or are appropriate for preservation as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government, or because of the informational value of the data in them.
- b. The intention of this guidance is not to require the preservation of every E-mail message. Its purpose is to direct the preservation of those messages that contain information that is necessary to ensure that departmental policies, programs, and activities are adequately documented. E-mail message creators and recipients must decide whether a particular message is appropriate for preservation. In making these decisions, all personnel should exercise the same judgment they use when determining whether to retain and file paper records.
- c. Under FRA regulations (36 CFR 1222.38), principal categories of materials, including E-mail, that are to be preserved are:

- records that document the formulation and execution of basic policies and decisions and the taking of necessary actions;
 - records that document important meetings;
 - records that facilitate action by agency officials and their successors in office;
 - records that make possible a proper scrutiny by the Congress or other duly authorized agencies of the Government; and
 - records that protect the financial, legal, and other rights of the Government and of persons directly affected by the Government's actions.
- d. For example, just like paper records, E-mail messages that may constitute Federal records include:
- (1) E-mail providing key substantive comments on a draft action memorandum, if the E-mail message adds to a proper understanding of the formulation or execution of Department action;
 - (2) E-mail providing documentation of significant Department decisions and commitments reached orally (person to person, by telecommunications, or in conference) and not otherwise documented in Department files;
 - (3) E-mail conveying information of value on important Department activities, e.g. data on significant programs specially compiled by posts in response to a Department solicitation, if the E-mail message adds to a proper understanding of Department operations and responsibilities.

5 FAM 443.3 How to Preserve E-Mail Records

(TL:IM-19; 10-30-1995)

For those E-mail messages and attachments that meet the statutory definition of records, it is essential to ensure that the record documentation include the E-mail message, any attachments, and essential transmission data (i.e. who sent the message, the addressees and any other recipients, and when it was sent). In addition, information about the receipt of messages should be retained if users consider it necessary for adequately documenting Department activities. If transmission and necessary receipt data is not printed by the particular E-mail system, the paper copies must be annotated as necessary to include such data. Until technology allowing archival capabilities for long-term electronic storage and retrieval of E-mail messages is available and installed, those messages warranting preservation as records (for periods longer than current E-mail systems routinely maintain them) must be printed out and filed with related records. Instructions for printing and handling of Federal records for most of the Department's existing E-mail systems have been prepared and will be available through bureau Executive Offices

5 FAM 443.4 Records Management Reviews

(TL:IM-19; 10-30-1995)

The Department's Records Management Office (OIS/RA/RD) conducts periodic reviews of the records management practices both at headquarters and at overseas posts. These reviews ensure proper records creation, maintenance, and disposition by the Department. These periodic reviews now will include monitoring of the implementation of the Department's E-mail policy.

5 FAM 443.5 Points to Remember About E-Mail

(TL:IM-19; 10-30-1995)

- Department E-mail systems are for official use only by authorized personnel.
- The information in the systems is Departmental, not personal. No expectation of privacy or confidentiality applies.
- Before deleting any E-mail message, apply these guidelines to determine whether it meets the legal definition of a records and if so, print it.
- Be certain the printed message kept as a record contains the essential transmission and receipt data; if not, print the data or annotate the printed copy.
- File the printed messages and essential transmission and receipt data with related files of the office.
- Messages that are not records may be deleted when no longer needed.
- Certain E-mail messages that are not Federal records may still be subject to pending requests and demands under the Freedom of Information Act, the Privacy Act, and litigation and court orders, and should be preserved until no longer needed for such purposes.
- Classified information must be sent via classified E-mail channels only, with the proper classification identified on each document.
- When E-mail is retained as a record, the periods of its retention is governed by records retention schedules. Under those schedules, records are kept for defined periods of time pending destruction or transfer to the National Archives.

5 FAM 443.6 Future Technology

(TL:IM-19; 10-30-1995)

- a. The Department is actively working to develop systems that will enable those E-mail messages that are official records to be preserved electronically.
- b. These regulations are in compliance with those set forth by the National Archives and Records Administration.

- c. The Department and all posts are requested to bring these regulations to the attention of all Department employees and contractors and to begin its implementation immediately.

5 FAM 444 THROUGH 449 UNASSIGNED

**Instructions for Preserving Email of
Departing Senior Officials
August 2014**

- 1) As part of the employee check-out process, Executive Directors and Post Management Officers must notify their system administrators of the departure of designated Senior Officials and direct the system administrators to replicate the Official's remaining email onto CDs according to the following directions. If possible ask departing Officials to delete truly personal emails (to/from family, friends, and other non-work related emails) from their inbox, sent mail and PST. folders.
- 2) Note, preceding the Senior Officials' departure, at no time during their tenure in a position will their email account be deleted, cleared, or wiped for any reason. If, for instance, they reach their maximum allotted space in their mailbox, the Executive Director, Post Management Officer, and the system administrator will work constructively with the Senior Official to move older emails into stable and secure storage until the check-out process delineated in Instruction 1 is initiated.
- 3) System administrators must disable (but NOT delete) the OpenNet, ClassNet, POEMS and PACE Active Directory (AD) accounts of departing Officials.
- 4) System administrators do NOT delete the OpenNet, ClassNet, POEMS and PACE email accounts of departing Officials.
- 5) System administrators DO hide (but not remove) names of departing Officials from GALs.
- 6) System administrators DO delete the names of departing Officials from DLs.
- 7) Executive Directors, Office Directors or equivalent (Domestic Offices) or Management Counselors/Officers (Posts) must provide A/GIS/IPS/RA (by OpenNet mail to Records-DL@state.gov) with (a) the name of departed officials, (b) the designated Bureau/Post Records Management Coordinator, and (c) the Bureau/Post System Administrator. After the information is copied to the CDs, **the bureau/post must verify that the CDs are readable before sending.**
- 8) System administrators should create CDs for each OpenNet, ClassNet, POEMS and PACE email account of departed Officials. One set must be created for retirement, using the form DS-693, to A/GIS/IPS/RA for records preservation; the other is for Bureau/Post use, if required. See the *How to Retire Records* page of the DOS Records Management intranet site for further guidance on retiring records using the DS-693: <http://a.m.state.sbu/sites/gis/ips/RA/Pages/RetiredRecords.aspx>.
- 9) System administrators must use the following .PST naming conventions:

- a. For "Mailbox" content, use the user name followed by "_MB".
- b. i.e., Smith_John H_MB. If the mailbox exceeds the capacity of one CD, use: Smith_John H_MB1 for the first .PST created by the system administrator and Smith_John H_MB2 for the second .PST created by the system administrator, etc. (System administrators can decide where/how to split the content among multiple CDs.)
- c. For existing (user created) .PSTs, aka "personal folders", (this is a misnomer used by Microsoft since the content is "official". not "personal"), use the user name followed by "_PF" i.e. Smith, John H_PF. If the existing PSTs exceed the capacity of one CD, or there are multiple .PSTs, use Smith, John H_PF1 for the first .PST, Smith, John H_PF2 for the second .PST, etc. (System administrators can decide where/how to split the content among multiple CDs.)

10) CD markings:

- a. CDs from OpenNet, POEMS and PACE should be marked "SBU" (i.e., content not intended for public disclosure in accordance with 12 FAM 5400). CDs from ClassNet must be marked "Secret" (12 FAM 632.1-6).
- b. CDs must be marked with the user's name and office symbol or Post (example: John H. Doe, IRM/OPS/MSO).
- c. CDs must be marked with the users SMTP address (example jdoe@state.gov or jdoe@state.sgov.gov).
- d. In the event .PST exceeds one CD, the CDs must include X of Y (example, 1 of 3.)

11) Distributed System Administrator roles:

- a. IRM will handle CD production for email accounts of users under IT Desktop Consolidation.
- b. Bureau/Office system administrators will handle CD production for email accounts that are NOT managed under IT Desktop Consolidation.
- c. Post system administrators should handle CD production for their email accounts.
- d. IRM's IT Service Center ([IT Service Center@State.gov](mailto:ITServiceCenter@State.gov) or (202) 647-2000) will be available to assist Post and Bureau system administrators with technical support for the .PST and CD creation process.

12) System administrators must NOT delete the source mailbox or .PST files until after receipt of an email confirmation from A/GIS/IPS/RA and authorization to delete.

13) Technical questions relating to the CD creation can be sent to the IT Service Center on OpenNet at ITServiceCenter@state.gov or on ClassNet to ITServiceCenter@state.sgov.gov or by calling 202-647-2000. **Other questions can be sent to A/GIS/IPS/RA on OpenNet at records-dl@state.gov or on ClassNet at records-dl@state.sgov.gov.**

NOTE: Transferring records through Direct Network Transfer is *also an available option for the emails of Senior Officials*. For assistance, please contact records@state.gov.

EXHIBIT 14

cdmillsGroup
endeavors that matter

VIA HAND DELIVERY

The Honorable Patrick F. Kennedy
Under Secretary of State for Management
U.S. Department of State
2201 C Street, N.W.
Washington, DC 20520

December 5, 2014

Dear Under Secretary Kennedy:

I am writing in response to your request for assistance in helping the Department meet its requirements under the Federal Records Act.

Like Secretaries of State before her, Secretary Clinton at times used her own electronic mail account when engaging with other officials. On matters pertaining to the conduct of government business, it was her practice to use the officials' government electronic mail accounts. Accordingly, to the extent the Department retains records of government electronic mail accounts, it already has records of her electronic mail during her tenure preserved within the Department's recordkeeping systems.

Out of an abundance of caution though and to assist the Department, the Secretary's electronic mail has been reviewed. Please find enclosed those electronic mails we believe respond to your request. Given the volume of electronic mails being provided, please note these materials inevitably include electronic mail that are not federal, and in some cases are personal, records which we request be handled accordingly.

Sincerely,



Cheryl Mills

EXHIBIT 15

(STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.)

Kozlowsky, Matthew J

From: Stevens, John C
Sent: Wednesday, June 06, 2012 2:51 PM
Subject: RE: some good points from the day

Excellent. We just held a big reception for business people and heard a lot of similar comments. Also getting them on the Embassy's Facebook page. Maybe the Qataris will pay for our security upgrades...

From: [REDACTED]
Sent: Wednesday, June 06, 2012 12:15 PM
To: Stevens, John C, [REDACTED]
Subject: some good points from the day

The phone calls and messages I've been receiving have been extraordinary – militias, civil society, local politicians, Muslim Brotherhood, businesspeople, et c – the phone has been ringing off the hook. People are very concerned for us, and our safety, and our continued presence here.

And apparently the Qatari consul wants to rent our old Villa A as his residence – he told the landlord that the safest place is always next to the Americans! Given the conspiracy theories about Qatar here, I'm not sure we'd want to have them next door...

Best,

[REDACTED]
 [REDACTED]
 Principal Officer
 U.S. Diplomatic Mission
 Benghazi, Libya

Office: +1 240 553 9321
 Mobile: [REDACTED]
 Email: [REDACTED]@state.gov

EXHIBIT 16

(STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.)

201123787



United States Department of State

Washington, D.C. 20520

SENSITIVE BUT UNCLASSIFIED

December 27, 2011

ACTION MEMO FOR UNDER SECRETARY KENNEDY - M

FROM: NEA - Jeffrey Feltman *JF*

SUBJECT: Future of Operations in Benghazi, Libya

Recommendation 1:

That you approve a continued U.S. presence in Benghazi through the end of calendar year 2012; and that you approve a combined footprint of 35 U.S. government personnel in Benghazi, including eight State Department and USAID and two TDY beds.

Approve *JF* Disapprove _____

Recommendation 2:

That you approve the release of the existing State Department lease in Benghazi on Villa A; and that you approve the retention of Villas B and C for office and residential space for the State Department presence.

Approve *JF* Disapprove _____

Background

The Transitional National Council (TNC) recently declared Libya liberated and moved the center of TNC operations from Benghazi to Tripoli. Chris Stevens, the Department's original Special Envoy to the TNC, has been replaced by Bureau of Political Military Affairs officer [REDACTED] who previously served at Embassy Tripoli. Entry level officer [REDACTED] transitioned to Tripoli in mid-December and USAID has shifted its permanent presence to Tripoli. Because of budget constraints and the reduced footprint, Diplomatic Security's current presence consists of two Special Agents, with an additional three slots currently unfilled.

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With Information Management Officer (IMO)/Management Officer [REDACTED] the permanent presence in Benghazi is five, down from an approved footprint of 17. The current leases are paid through February 4, 2012, and extendable at our discretion through 2015.

Although our presence in Benghazi has shrunk considerably since the reopening of the Embassy in Tripoli, I would like to maintain a small State-run presence in Benghazi through the end of calendar year 2012, to include the critical summer elections period. Headed by an FS-02 or GS-14 officer, this office would work in close coordination with Tripoli on political and economic reporting, public diplomacy and commercial work in the eastern part of Libya and serve as "host" for the activities of USAID, PM, and any other U.S. government TDY personnel in Benghazi. Because this would be a smaller operation, Benghazi would continue to be supported by one IRM TDYer for communications and management issues and one NEA TDY reporting officer in addition to the TDY head of operations. NEA also would support the continuation of an LES PSA position to provide translation, policy, and administrative support. With the full complement of five Special Agents, our permanent presence would include eight U.S. direct hire employees, two slots for TDY PM and USAID officers, and one LES program assistant.

A continued presence in Benghazi will emphasize U.S. interest in the eastern part of Libya. Many Libyans have said the U.S. presence in Benghazi has a salutary, calming effect on easterners who are fearful that the new focus on Tripoli could once again lead to their neglect and exclusion from reconstruction and wealth distribution and strongly favor a permanent U.S. presence in the form of a full consulate. They feel the United States will help ensure they are dealt with fairly. TNC officials have said some government agencies may shift their headquarters to Benghazi (such as the National Oil Company). Other government agencies and corporations already have their headquarters in Benghazi and will likely remain there for the foreseeable future. The team will be able to monitor political trends (Islamists, tribes, political parties, militias) and public sentiment regarding the "new Libya," as well as report on the critical period leading up to and through Libya's first post-Qadhafi elections. Programmatic benefits to a continued U.S. presence in Benghazi include building on USAID/OTI's programs to strengthen civil society groups, media training, and capacity building in municipal councils. We should continue to engage with the populace, particularly with the large population of Libyan youth, an important and receptive audience with high expectations for the post-revolution period.

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REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.)

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Italy, Tunisia, Morocco, Malta, Finland, Turkey, Egypt, Sweden, Sudan, and the Palestinian Authority all have consulates in Benghazi. In informal conversations, representatives of the United Kingdom and French have said their governments would be unlikely to maintain offices there for budgetary reasons. The European Union and the United Nations have not announced whether they will maintain long-term presences in Benghazi.

Facilities

The current Benghazi State platform (Villas A, B, and C) is a 13-acre walled compound with 3.5 villas, office space, and a dining hall. Although all groups have come to the conclusion that co-location is the best and most economical option for continued presence, [REDACTED]

[REDACTED] the current State facility is not large enough to permit co-location. Tripoli Facility Manager [REDACTED] recently traveled to Benghazi to study a proposed villa compound (Villa D - see Tab [REDACTED]) and determined that the electrical, plumbing and physical security work needed to bring the facility up to an acceptable standard would negate any cost savings of the move.

The current Villa Compound is much larger than we need for the duration of our presence in Benghazi. We currently pay \$70,000/month for the three properties (A - \$28,000/month, B - \$14,000/month, and C - \$28,000/month). NEA proposes to release the Villa A property and use Villa C for residential and Villa B for offices, dining facility, and TDY housing. If you agree with this course of action, NEA will work with DS to rapidly implement a series of corrective security measures as part of the consolidation of the State footprint. We have one-year leases renewable for up to three additional one-year periods on these villas, with an option to terminate without financial penalty after the first six months, with sixty days notice. In order to avoid any additional rent payments on Villa A, NEA proposes to give immediate notice of termination, but would like to retain the leases on Villas B and C through the end of calendar year 2012 [REDACTED]

Attachment:

Tab - Benghazi proposal

SENSITIVE BUT UNCLASSIFIED

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REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.)

STATE DEPT. CONFIDENTIAL ARB DOCUMENT - PRODUCED TO SELECT BENGHAZI COMM.
SUBJECT TO AGREEMENT ON SENSITIVE INFORMATION/REDACTIONS. NO FOIA WAIVER.

Approved: NEA/FO: Jeffrey D. Feltman *JDF*

Drafted: NEA-SCA/EX - [REDACTED]

Cleared:

NEA/FO: RMaxwell *RMaxwell*

NEA-SCA/EX: [REDACTED]

NEA/MAG: [REDACTED] ok

NEA-SCA/EX: [REDACTED] ok

NEA-SCA/EX/PMO: [REDACTED] ok

NEA-SCA/EX/Budget: [REDACTED] ok

M: [REDACTED] ok

OBO/FO: [REDACTED] ok

DS: [REDACTED] ok

RM: [REDACTED] ok

A: [REDACTED] ok

D(N): [REDACTED] ok

D(B): [REDACTED] (info)

P: [REDACTED] (info)

Benghazi: [REDACTED] ok

EXHIBIT 17

U.S. Department of State - Doc# C05396431 - Produced to the House of Representatives Select Committee on Benghazi per agreement on redactions/safeguarding sensitive information. No waiver of rights under the Freedom of Information Act.

From: [REDACTED]
Sent: Monday, June 20, 2011 11:30 AM
To: [REDACTED]
Subject: RE: Information Needed for Compound Lease

Classification: UNCLASSIFIED
SensitivityCode: Sensitive

Thanks, [REDACTED]

Paula J. Barton
Attorney-Adviser
U.S. Department of State
571-345-3006
571-345-3045 (fax)
bartonpj@state.gov

SBU
This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Monday, June 20, 2011 11:22 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Information Needed for Compound Lease

[REDACTED] asked me to answer this for L because SECCA fits within my portfolio.

I think you are right that this facility would not fit within the definition of a "diplomatic facility" under SECCA, which defines the term as an office that (1) is officially notified to the host government as diplomatic/consular premises or (2) houses USG personnel with an official status recognized by the host government. If the facility will not be notified to the host government, will not be considered inviolable, and our personnel will not have any official status, then the facility would not meet the definition of a diplomatic facility under the statute. My understanding is that the USG has not officially recognized the National Transitional Council, and as such none of these criteria would likely apply to this facility. But I would recommend confirming these characteristics of the facility, if you haven't already done so.

I would note that the proposal for a State Department facility in Benghazi seems to be a unique situation that was not anticipated by Congress when they drafted the statute. So while it may not fit within the statutory definition, it still might make sense as a matter of policy to ensure that an appropriately senior official considers whether the site should be occupied in spite of insufficient setback. Collocation would presumably not be an issue here if this is the only USG facility in Benghazi, so the 100 foot setback requirement would be the only consideration under SECCA.

Best,

SBU
This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Friday, June 17, 2011 5:25 PM
To: [REDACTED]
Subject: RE: Information Needed for Compound Lease

[REDACTED] - our first read is that waivers would not be required as this is not an Embassy, Consulate, EBO, etc.. and it is not a declared diplomatic facility to a host government with accredited personnel, etc... That said, I am going to have to defer to legal to get their take.

[REDACTED] - what they are referring to is a residence that we are going to lease in Benghazi, where the Envoy, agents, support staff, etc will be residing for the next several months. There will also be desk space. We hope this is a short term lease and we are only installing field expedient countermeasures. Can you give us a legal opinion on whether or not we need to process waivers for this villa? Thanks so much. Nancy

From: [REDACTED]
Sent: Friday, June 17, 2011 2:49 PM
To: [REDACTED]
Subject: FW: Information Needed for Compound Lease

[REDACTED]
Can you answer his question regarding the waivers for the compound.

Regards,

[REDACTED]
From: [REDACTED]
Sent: Friday, June 17, 2011 1:53 PM
To: [REDACTED] Stevens, John C; [REDACTED]
Subject: RE: Information Needed for Compound Lease

[REDACTED]
Thanks again. What contracts? From whom?

On another topic, can DS go ahead and provide the needed waivers for this compound/lease?

[REDACTED]
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From: [REDACTED]
Sent: Friday, June 17, 2011 12:37 PM
To: [REDACTED] Stevens, John C; [REDACTED]
Subject: RE: Information Needed for Compound Lease

Great question. The villa and the compound will have furniture. He covers all the types of furniture in the overall packet. But it will include tables in the main dining area to support up to 30 personnel, meeting area, beds, dressers, small fridge's in each villa, dining tables, couches, and chair. The concept of turnkey ready or similar to a hotel slash exec housing.

The Libyans and I have a painful similarity, it is bad spelling. He means gardening as per the phone conversation with you.

Legal contracts are coming as I scan them in. They are all in Arabic, I will cc translator in Cairo, but I do not think he can get them translated tonight.

From: [REDACTED]
Sent: Friday, June 17, 2011 12:24 PM
To: [REDACTED] Stevens, John C; [REDACTED]
Subject: RE: Information Needed for Compound Lease

Will the villas have furniture? If not, who will provide it?

In his most recent proposal Mr. [REDACTED] says he will provide "guarding works." Is this right? Won't we get guards thru the life support contract?

This email is UNCLASSIFIED.

From: Cheng, Todd CE
Sent: Thursday, June 16, 2011 7:31 PM
To: Doubek, Robert W; Stevens, John C; Moretti, John S; Keshap, Karen
Subject: RE: Information Needed for Compound Lease

There are two warehouses that are under construction just inside of the main gate. He needs to complete a roof on one and is turning the other into a large covered garage area. We don't need them, but have provided guidance that they should be completed. The security review also noted that the main warehouse has a large door frame facing external of the compound onto the main street and needs a door (there is no internal doors). Again, he is completing as they should be completed regardless of us occupying the compound, but I do not believe they represent a failure point to occupying.

You can see them in the pictures provided yesterday.

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From: [REDACTED]
Sent: Thursday, June 16, 2011 3:30 PM
To: [REDACTED] Stevens, John C; [REDACTED]
Subject: RE: Information Needed for Compound Lease

In his latest proposal, he talks about warehouses. What's with them?

[REDACTED]

This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Thursday, June 16, 2011 1:08 PM
To: [REDACTED] Stevens, John C; [REDACTED]
Subject: RE: Information Needed for Compound Lease

[REDACTED]

I have forwarded on the questions to [REDACTED] regarding the property. I have populated what I thought was correct below. We will talk to him in an hour and will follow up with more information early tomorrow.

1. Full name and address of the landlord. First Last Name/ ID _____
2. Full name of signatory for the USG and his office Chris Stevens US Special Envoy Benghazi, Libya _____
3. Address of the property _____
4. Legal description of the property _____
5. Physical description of the structures on the property _____

SITE DESCRIPTION.

1. Villa Compound Description: The proposed compound would be a single walled compound to cover both residences and office space. The compound consists of the following living areas.

- 12 two bedrooms units with living room, kitchen, bathroom (57 sqm each)
- 4 one bedroom units with living room, kitchen, bathroom (57 sqm each)
- 2 executive units with 2 bedrooms, living room, kitchen, office, bathroom (95 sqm each)
- 1 compound kitchen and dining area (160 sqm)
- 1 multi-use structure and connected bathroom area (120 sqm)
- 2 cement/stone villas

6. Payment information for the landlord, i.e. name of bank, account numbers, and wiring instructions.
7. Additional equipment and services to be provided by the landlord, i.e. what security upgrades he will do.

Services

Electrical services, water services, grounds maintenance, gardening, plumbing, repair of mechanical /generator/electrical/appliances. Provide phone and cable service.

Security

Fix block wall/perimeter wall, install chain link fence to separate living compound from open area, trim back all hedges/growth along perimeter wall and pathway, complete upgrades to both front and back rolling gates, complete exterior warehouse door, complete exterior street side warehouse wall, acquire 27 meter setback on wall near residential area

From: [REDACTED]
Sent: Thursday, June 16, 2011 12:12 PM

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To: Stevens, John C; [REDACTED]
Subject: Information Needed for Compound Lease

Chris,

For the compound, I need the following information:

1. Full name and address of the landlord.
2. Full name of signatory for the USG and his office.
3. Address of the property
4. Legal description of the property
5. Physical description of the structures on the property, e.g. three-story villa with basement.
6. Payment information for the landlord, i.e. name of bank, account numbers, and wiring instructions.
7. Additional equipment and services to be provided by the landlord, i.e. what security upgrades he will do.

Thanks,

[REDACTED]
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This email is UNCLASSIFIED.

EXHIBIT 18

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REVIEWED FOR SENSITIVE INFORMATION PURSUANT TO MOU, NO FOIA WAIVER.

C05397277 Date: 10/20/2015

CLASSIFICATION: UNCLASSIFIED

C05397277-MOU

Page 1 of 1

From: [REDACTED]
To: [REDACTED]
Subject: Benghazi Compound
Sent: 6/20/2011 3:20:13 PM
[REDACTED]

This is to confirm that a determination has been made by DS that no waivers or exceptions to security standards are needed for the Benghazi compound property.

[REDACTED]

This email is UNCLASSIFIED

CLASSIFICATION: UNCLASSIFIED

Printed By: [REDACTED]

Page 1 of 1

EXHIBIT 19

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ORIGINAL

United States Department of State

Washington, D.C. 20520

4-12 20100 001

201301230

Seen by the Under Secretary
for Management

January 24, 2012

UNCLASSIFIED

ACTION MEMO FOR UNDER SECRETARY KENNEDY – M

FROM: DS/DSS – [REDACTED] Acting

SUBJECT: Affirmation that Overseas Security Policy Board Standards Apply to All Overseas Facilities

Recommendation

That you affirm our current policy that the interagency Overseas Security Policy Board’s standards for facilities apply to all facilities regardless of their nature (temporary, interim, or permanent).

Approve [Signature] Disapprove _____
01/24/12

Background

The Accountability Review Board recommended that “the Department should develop minimum security standards for occupancy of temporary facilities in high risk, high threat environments.....” The Overseas Security Policy Board’s standards do apply to temporary facilities. Diplomatic Security will re-communicate this long-established policy to all posts, as well as the need for a waiver or exception to applicable standards, and the process for obtaining a waiver or exception.

UNCLASSIFIED

Subject: Affirmation that Overseas Security Policy Board Standards Apply to All Overseas Facilities

Approved: DS/DSS – Barry Moore, Acting

Drafted: M – KAustin-Ferguson, ext. 7-1501

Cleared: D(B) – JEllison (ok)
D(N) – ACho (ok)
P – BSanghera (ok)
S/P – JWright (ok)
M/PRI – SCurley (ok)

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EXHIBIT 20

REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

[REDACTED]

From: [REDACTED]
Sent: Thursday, December 15, 2011 9:03 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: US Mission Benghazi threat levels

No inbriefing form/template here. Just trying not to drown.

In terms of SETL – these are the new ratings that just came out.

Terrorism: High
Pol Violence: Critical
Crime: High

[REDACTED]

[REDACTED]

Regional Security Officer
U.S. Embassy
Tripoli, Libya
[REDACTED]
<http://libya.usembassy.gov/>

From: [REDACTED]
Sent: Wednesday, December 14, 2011 4:20 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: US Mission Benghazi threat levels

[REDACTED]

Greetings from Benghazi. Here in Benghazi we have not seen our current threat level for terrorism/crime listed anywhere. We need these for physical security/in-briefing, etc. Can you pass that along? Also, so you have an in-briefing template? We don't seem to have a formal in-briefing document here and want to create one. It would make sense to incorporate the commonalities between the two locations.

I hope all is well in Tripoli.

Cheers,

[REDACTED]
ARSO US Mission Benghazi, Libya

EXHIBIT 21

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REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

From: Boswell, Eric J <BoswellEJ@state.gov>
Sent: Wednesday, September 19, 2012 12:43 PM
To: Kennedy, Patrick F <KennedyPF@state.gov>
Subject: RPGs in Benghazi

From PII

Interview notes of DS witnesses indicate that there was an initial explosion followed by gunfire.

No mention of RPG or mortar fire against the Mission by DS witnesses.

DS witnesses report hearing mortar fire and observing RPG impacts at the Annex.

PII currently has no visibility on reporting by other agency personnel responding to the compound, nor has PII had access to local guard force. Preliminary reporting provided by the guard company does not go into detail as to the circumstances of the attack.

EXHIBIT 22

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From: [REDACTED]@state.gov>
Sent: Friday, January 13, 2012 12:42 PM
To: Kennedy, Patrick F <KennedyPF@state.gov>
Cc: [REDACTED] [REDACTED]@state.gov>
Subject: FW: Risk Management - draft action memo to S includes "Senior Review Panel"
Attach: risk management action memo.docx

Pat:

S/P provides a draft that includes the Risk Management "Senior Review Panel" idea. I replied that D/S and M do not support this idea, which has clear potential to undercut/dilute COM authority and security responsibility. The COM has reach-back to the Regional Asst Secretary who can call on a range of views for advice. Emphasizing the "regular order" back through the chain of command is moreover more in line with the separate Secretary QDDR initiative to underscore the Regional Assistant Secretary's responsibilities for leadership and management of the COMs in their region.

[REDACTED]

From [REDACTED]
Sent: Friday, January 13, 2012 11:49 AM
To: [REDACTED]
 [REDACTED] Macmanus, Joseph E; Mull, Stephen D [REDACTED]
Subject: RE: Risk Management

<<...>

Colleagues: attached for your consideration is a draft action memo to the Secretary on QDDR implementation on risk management. We have included the idea of a senior review panel, recognizing that there is not full consensus on this idea and looking forward to discussing further. We are still working on the policy guidance cable and the "fact sheet" summarizing its key features, and will circulate those early next week. [REDACTED]

From [REDACTED]
Sent: Thursday, January 12, 2012 10:10 AM
To: [REDACTED]
Cc: [REDACTED] Macmanus, Joseph E; [REDACTED], [REDACTED] Mull, Stephen D; [REDACTED]
Subject: RE: Risk Management

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[REDACTED], we're working up the documents in S/P and will circulate them as soon as possible.

[REDACTED]

[REDACTED]

Principal Deputy Director

Office of Policy Planning

From [REDACTED]
Sent: Wednesday, January 11, 2012 5:29 PM
To: [REDACTED]
Cc: [REDACTED] Macmanus, Joseph E; [REDACTED]
[REDACTED] Mull, Stephen D; [REDACTED]
Subject: RE: Risk Management

H [REDACTED] an [REDACTED]. How is this process coming along, please? Do you need any assistance from S?ES? We're looking at town hall meetings with S the week of January 23. Thanks, [REDACTED]

From [REDACTED]
Sent: Tuesday, January 03, 2012 4:54 PM
To: [REDACTED]
Cc: [REDACTED]
[REDACTED] Mull, Stephen D; [REDACTED]
Subject: RE: Risk Management

[REDACTED] and [REDACTED], thank you both. S/P will start moving on coordinating next steps, and we agree it would be useful at some stage to have a meeting to iron out any remaining issues or differences. Best [REDACTED]

[REDACTED]

Principal Deputy Director

Office of Policy Planning

From [REDACTED]
Sent: Tuesday, January 03, 2012 12:40 PM
To: [REDACTED]
Cc: [REDACTED] Macmanus, Joseph E; [REDACTED]
[REDACTED] Mull, Stephen D
Subject: RE: Risk Management

This is really helpful [REDACTED], much appreciated. It sounds like the next steps would include a meeting and/or exchange of specific texts on the risk management cable and proposed FAM changes between M, S/P, and others. [REDACTED] had offered to have S/P coordinate next steps, so perhaps S/P can take it from here. A

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meeting could also provide an opportunity to iron out any differences on the senior risk management review panel, is S/P or others have any disagreement with M and DS.

As far as the new distance learning class goes [REDACTED], do DS and FSI need help with that? Anything we can do to help?

We'd appreciate it if S/P and M could keep S/ES informed as you move forward with these actions.

It's really great to see progress on this, the most complicated of the QDDR Phase I goals. Thanks to all for the thoughtful proposals and follow-up.

[REDACTED]

From: [REDACTED]
Sent: Tuesday, January 03, 2012 12:25 PM
To: [REDACTED]
Cc: [REDACTED] Macmanus, Joseph E; [REDACTED]
Subject: RE: Risk Management

Colleagues:

We have consulted with U/S Kennedy, Ambassador Boswell and Ambassador Jacobson (FSI). While there are devilish details to sift through, it looks like "we have a plan." I've made interlinear notes to capture how and where the M Family can help move this forward, and position us well for a January 2012 QDDR townhall.

1. A guidance cable on risk management. The contents of this cable would be the letter to CoMs (originally drafted by DS) and the paper on risk management principles (originally drafted by S/P).

Subject to a thorough final scrub by L and the M/PRI Chief of Mission Authority staff, M is OK with this approach.

2. Updates to the FAM to reflect and implement the changes conveyed in the policy guidance cable.

This will need detailed study. We see the need for, at a minimum, changes to 12 FAM and 13 FAM (mandatory training). Changes to the 12 FAM section on ARB would need to await changes to legislation.

3. A proposal to Congress to amend the ARB legislation to establish a threshold for convening a board (such as "reason to believe there may have been deficiencies in protective measures, security procedures, or implementation").

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Subject to a thorough final scrub by L, DS, H and the M/PRI ARB officer, M is OK with the concept of proposing an amendment to the ARB legislation. There are valuable lessons to be learned from incidents that may fall below the threshold of an ARB, so we will need to develop and publish a mechanism for capturing them.

4. A plan/schedule for expanding FACT training to additional personnel assigned to more dangerous places. (DS and M to develop options, with costs.)

After examining this recommendation, M and DS conclude that expanding attendance at FACT training is not supportable in resource terms, practical in operational terms, or even necessary. FACT is designed for and should remain the training solution for employees assigned to the most dangerous posts truly in war or near-war situations. A different approach to training is needed for countries that present escalated threat levels, but which are different from service in the war or near-war posts.

We propose as an alternative a new and substantially redesigned FACT-based distance learning course that FSI will launch in the summer of 2012. The content of this course has been developed in collaboration with the Bureau of Diplomatic Security. This course uses highly interactive computer-based training accessible by Department of State and other agencies via internet, thus overcoming the significant resource obstacles that would be entailed by expanding FACT training. The FACT-based distance learning course would be a required course for those specific posts and bureau personnel with an identified need.

DS would also recommend Department employees assigned domestically but in bureaus, e.g. the Bureau for Contingency and Stabilization Operations, where long term TDY support to designated posts is likely also complete the ASOS course. We can work with the Director General to require employees going to (x countries) to take this updated online course prior to assignment. Country clearance requests for designated countries should also document that an employee has taken the DOS approved ASOS course or a DOS approved equivalent ASOS course offered by another agency. This requirement will allow for an additional course compliance mechanism and will also ensure other USG agencies are attesting to course completion by their employees.

5. Guidelines for institutionalizing a senior risk management review panel, comprised of M, DS, P, D(B), D(N), and the relevant geographic A/S, to make decisions or recommendations to S on high profile/high impact situations.

M and DS favor the "regular order" which can achieve the intended purpose

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without risk of diluting the clear lines of authority and responsibility contained in legislation and the Presidential letter to COMs. By regular order, we mean the routine and regular communication between the Chief of Mission and the Regional Assistant Secretary on circumstances affecting security at the post; typically we see this contact ramp up in periods of crisis or heightened security. The Regional Assistant Secretary in turn consults DS, M and Department leadership, all with the aim of providing the COM the Department's assessment and perspectives. Responsibility and authority are left clearly with the Chief of Mission and the Secretary.

■

■■■■■■■■■■ | Director | Management Policy, Rightsizing & Innovation | U.S. Department of State

Room 5214, 2201 C St NW, Washington, DC 20520 | 📞: 202.647.0093 | ✉: ■■■■■■@state.gov

From ■■■■■■
Sent: Friday, December 16, 2011 9:54 AM
To ■■■■■■ Macmanus, Joseph E
Cc: Mull, Stephen D ■■■■■■
Subject: RE: Risk Management

Thanks very much ■■■■■■, for this comprehensive proposal and for volunteering to move it forward. Clearly M and DS (and HR and H) will have to discuss the way forward too. I suspect we will be able to move forward with some sort of proposal to the Secretary that includes many of the elements you suggest.

I will be on leave next week, but back in the office the week of December 27. If M can do its internal consultations in the meanwhile, I will be happy to re-engage with everyone that week or the following (whenever the right people are in the office). If you need S/ES help next wee ■■■■■■ will be in the office.

Again, our goal is to move forward on at least some proposals before the Secretary's town hall meeting.

Happy holidays to all!

■■■■■

From ■■■■■■
Sent: Thursday, December 15, 2011 3:32 PM
To: ■■■■■■ Macmanus, Joseph E
Subject: RE: Risk Management

■■■■■, thank you for your willingness to help advance decisions on the various risk

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management proposals that have been under consideration. S/P recommends that we prepare a decision memo for the Secretary that would include the following elements:

6. A guidance cable on risk management. The contents of this cable would be the letter to CoMs (originally drafted by DS) and the paper on risk management principles (originally drafted by S/P).
7. Updates to the FAM to reflect and implement the changes conveyed in the policy guidance cable.
8. A proposal to Congress to amend the ARB legislation to establish a threshold for convening a board (such as "reason to believe there may have been deficiencies in protective measures, security procedures, or implementation").
9. A plan/schedule for expanding FACT training to additional personnel assigned to more dangerous places. (DS and M to develop options, with costs.)
10. Guidelines for institutionalizing a senior risk management review panel, comprised of M, DS, P, D(B), D(N), and the relevant geographic A/S, to make decisions or recommendations to S on high profile/high impact situations.

S/P is willing to take the lead in assembling this memo and the various attachments, though item #4 would require DS and M, working with HR, to take the lead in developing specific options based on our training capacity. We anticipate that the process of finalizing this package could bring up other issues requiring S guidance or decisions, so the list of contents could expand.

If this suggested road forward is acceptable to all, we are happy to get started on it.

Best [REDACTED]

[REDACTED]

Principal Deputy Director

Office of Policy Planning

From [REDACTED]
Sent: Thursday, December 15, 2011 12:16 PM
To: [REDACTED] Macmanus, Joseph E
Subject: FW: Risk Management
Importance: High

Colleagues,

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In preparation for the Secretary's town hall meeting on QDDR sometime in January, I am following up for [REDACTED] on a few questions related to the risk management work stream. Specifically, drawing on [REDACTED] excellent summary of the state of play from late October, below:

For M and S/P, could you please advise on:

- The status of the draft letter (also below) from the Secretary to COMs summarizing risk management principles? Is that now with S/P or with M (or DS)?
- Where we stand on updating the FAM? Have S/P and M reached agreement on the new text yet?

And for M and H:

- What are your views on the prospects for amending ARB legislation?

Finally, for M specifically:

- What do you think about specialized training for officers deploying to high risk environments?
- What are your views on S/P's suggestion for a high level board to provide risk management policy guidance?

The purpose of these questions is to see whether we can finalize action on some of the pending proposals as we reach the QDDR anniversary. The Secretary can describe the progress to employees at the town hall meeting. If there is anything we can do here in S/ES to help advance these proposals, please let me know. I'd also be happy to meet on this, if that would be easier.

Thanks.

[REDACTED]
Deputy Executive Secretary

U.S. Department of State

[REDACTED]@state.gov

tel. (202) 647-8448

-----Original Message-----

From: [REDACTED]
Sent: Saturday, October 29, 2011 01:05 AM
To: Mills, Cheryl D; Nides, Thomas R; Kennedy, Patrick F; Mull, Stephen D; Boswell, Eric J
Cc: [REDACTED] Sullivan, Jacob J; [REDACTED]
[REDACTED]

Subject:

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

Cheryl, Tom, Pat, Steve, Eric-

I wanted to send an update on several pieces of work from the Risk Management review as I see them. I'd appreciate any views/guidance you might have about these issues.

Respectfully,

██████████

1. Revising Risk Management Principles and S Letter: I'm still waiting on any edits to the Risk Management Principles document. We (S/P) had a couple of relatively small edits to the draft S letter, which are attached. (I have also reattached the draft of the Risk Management Principles).

2. Formalizing the Risk Management Principles: After consideration, it's S/P's view that the most useful and straightforward way to formalize the Risk Management Principles would be to (a) send them out with the S letter as an ALDAC directed to COMs and EACs; and (b) incorporate the Risk Management Principles in the FAM as formal guidance for EACs. As we understand it, in order to incorporate the Risk Management Principles into the FAM, DS (or S/P or S/ES) would task the A Bureau with incorporating the Principles, when finalized, into the FAM.

3. Revisions to the ARB Statute: We are continuing to work the ARB statute issue. At this point, I think we've all seen the "expanded waiver" proposal, that would let S waive ARBs not only in Afghanistan in Iraq, but at other posts as well.

We are also trying to develop an option that, rather than a waiver, would establish some threshold that an incident has to meet before the statute would mandate convening an ARB. In broad stroke, the idea is that an ARB would not be established in every case, but rather only in those cases that involve relatively more serious incidents or incidents that appear to involve some kind of security deficiency. A very, very preliminary concept is attached; I know that neither L senior leadership nor the DS/FO has had a chance to review this yet. We'll keep fleshing this concept out next week.

Other issues for consideration: I'd also like to raise several additional issues for consideration, to get guidance about where, if anywhere, to take this process going forward:

A. Training: At several points, different people have raised the issue of providing additional training to officers who would undertake higher-risk travel, etc. For example, we currently provide training in evasive driving techniques and other risk-mitigation tactics to many officers deploying to Iraq and Afghanistan. We could consider whether to expand this kind of training to a larger cadre of officers serving in other posts.

There are a couple of different models that could be considered; Tom Nides, for example, has suggested that posts in a range of higher-risk countries could each have a small number of officers who would be given extra training in risk-mitigation tactics, and that embassy risk management policies could allow greater high-risk travel for those officers. We've (S/P) begun to develop a short concept paper on this idea which we could circulate next week for comment, though we do see several drawbacks. There are undoubtedly other options as well.

If this is an avenue you would like explored thoroughly, however, we're going to have to ask that DS in large part take the lead. We (S/P) would be happy to work this issue and can develop some concepts, but we don't have great insight into what training already exists, potential costs, available resources, etc.

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B. Process for Senior-Level Guidance Regarding High-Profile Risk Policies: In conversation, a number of people have suggested to me that the Department establish a formal, high-level (e.g., M, D(N), P, etc.) board to review certain high-profile risk management practices. Such a board could have any or all of several different-but-related mandates: (1) offering "top cover" to Ambassadors/EACs that want to be more forward leaning in their risk policies, but want cover from Washington (e.g., an Ambassador could voluntarily request approval of policies); and/or (2) making decisions on certain very high-profile risk management issues where State and AID may disagree, e.g., whether/who to allow into Somalia or parts of Libya. (Don Steinberg, for example, has repeatedly suggested something like this to me on the margins of conversations on unrelated topics). There are a number of obvious drawbacks/pitfalls that may make an idea like this unworkable in practice; e.g., limited time of senior officials, not wanting to make Ambassadors feel the need to ask permission of Washington for decisions better left to the field; the "8,000 mile screwdriver problem;" etc.

Is this an idea that you would like to see considered with an option or two developed, or do you not think this would be a useful endeavor?

<< File: Draft Proposal for Diplomatic Security Act (22 USC 4831)
v2.docx >> << File: Risk Management principles October 18 PM.docx >>
<< File: SecState letter 10-18-11 SP Edits.docx >>

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EXHIBIT 23

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“Those who cannot remember the past are condemned to repeat it.”
-- George Santayana, *Reason in Common Sense* (1905)

INTRODUCTION

Pursuant to Title III of the Omnibus Diplomatic and Antiterrorism Act of 1986, 22 U.S.C. § 4831 *et seq.*, (the “Act”), Secretary of State Hillary Rodham Clinton convened an Accountability Review Board (ARB) for Benghazi to examine the facts and circumstances surrounding the September 11-12, 2012, killings of four U.S. government personnel, including the U.S. Ambassador to Libya, John Christopher Stevens, in Benghazi, Libya. A series of attacks on September 11-12, 2012 involving arson, small-arms and machine-gun fire, and use of rocket-propelled grenades (RPGs), grenades and mortars, focused on two U.S. facilities in Benghazi, as well as U.S. personnel en route between the two facilities. In addition, the attacks severely wounded two U.S. personnel, injured three Libyan contract guards and resulted in the destruction and abandonment of both facilities – the U.S. Special Mission compound (SMC) and Annex.

Four Board members were selected by the Secretary of State and one member from the intelligence community (IC) was selected by the Director for National Intelligence. Ambassador Thomas R. Pickering served as Chairman, with Admiral Michael Mullen as Vice Chairman. Additional members were Catherine Bertini, Richard Shinnick, and Hugh Turner, who represented the IC.

The criminal investigation of the September 11-12, 2012, Benghazi attacks, for which the statutory responsibility rests with the Federal Bureau of Investigation (FBI), was still underway at the time of this report. The Board enjoyed excellent cooperation with the Department of Justice and FBI throughout preparation of this report. The key questions surrounding the identity, actions and motivations of the perpetrators remain to be determined by the ongoing criminal investigation.

As called for by the Act, this report examines: whether the attacks were security related; whether security systems and procedures were adequate and implemented properly; the impact of intelligence and information availability; whether any other facts or circumstances in these cases may be relevant to appropriate security management of U.S. missions worldwide; and, finally, whether any U.S. government employee or contractor, as defined by the Act, breached her or his duty.

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The Benghazi attacks represented the first murder of a U.S. ambassador since 1988, and took place 11 years to the day after the terrorist attacks of September 11, 2001. Ambassador Stevens personified the U.S. commitment to a free and democratic Libya. His knowledge of Arabic, his ability to move in all sectors of the population, and his wide circle of friends, particularly in Benghazi, marked him as an exceptional practitioner of modern diplomacy. The U.S. Special Mission in Benghazi, established in November 2011, was the successor to his highly successful endeavor as Special Envoy to the rebel-led government that eventually toppled Muammar Qaddafi in fall 2011. The Special Mission bolstered U.S. support for Libya's democratic transition through engagement with eastern Libya, the birthplace of the revolt against Qaddafi and a regional power center.

The Benghazi attacks took place against a backdrop of significantly increased demands on U.S. diplomats to be present in the world's most dangerous places to advance American interests and connect with populations beyond capitals, and beyond host governments' reach. With State Department civilians at the forefront of U.S. efforts to stabilize and build capacity in Iraq, as the U.S. military draws down in Afghanistan, and with security threats growing in volatile environments where the U.S. military is not present – from Peshawar to Bamako – the Bureau of Diplomatic Security (DS) is being stretched to the limit as never before. DS overall has done a fine job protecting thousands of employees in some 273 U.S. diplomatic missions around the world. No diplomatic presence is without risk, given past attempts by terrorists to pursue U.S. targets worldwide. And the total elimination of risk is a non-starter for U.S. diplomacy, given the need for the U.S. government to be present in places where stability and security are often most profoundly lacking and host government support is sometimes minimal to non-existent.

The Benghazi attacks also took place in a context in which the global terrorism threat as most often represented by al Qaeda (AQ) is fragmenting and increasingly devolving to local affiliates and other actors who share many of AQ's aims, including violent anti-Americanism, without necessarily being organized or operated under direct AQ command and control. This growing, diffuse range of terrorist and hostile actors poses an additional challenge to American security officers, diplomats, development professionals and decision-makers seeking to mitigate risk and remain active in high threat environments without resorting to an unacceptable total fortress and stay-at-home approach to U.S. diplomacy.

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For many years the State Department has been engaged in a struggle to obtain the resources necessary to carry out its work, with varying degrees of success. This has brought about a deep sense of the importance of husbanding resources to meet the highest priorities, laudable in the extreme in any government department. But it has also had the effect of conditioning a few State Department managers to favor restricting the use of resources as a general orientation. There is no easy way to cut through this Gordian knot, all the more so as budgetary austerity looms large ahead. At the same time, it is imperative for the State Department to be mission-driven, rather than resource-constrained – particularly when being present in increasingly risky areas of the world is integral to U.S. national security. The recommendations in this report attempt to grapple with these issues and err on the side of increased attention to prioritization and to fuller support for people and facilities engaged in working in high risk, high threat areas. The solution requires a more serious and sustained commitment from Congress to support State Department needs, which, in total, constitute a small percentage both of the full national budget and that spent for national security. One overall conclusion in this report is that Congress must do its part to meet this challenge and provide necessary resources to the State Department to address security risks and meet mission imperatives.

Mindful of these considerations, the ARB has examined the terrorist attacks in Benghazi with an eye towards how we can better advance American interests and protect our personnel in an increasingly complex and dangerous world. This Board presents its findings and recommendations with the unanimous conclusion that while the United States cannot retreat in the face of such challenges, we must work more rigorously and adeptly to address them, and that American diplomats and security professionals, like their military colleagues, serve the nation in an inherently risky profession. Risk mitigation involves two imperatives – engagement and security – which require wise leadership, good intelligence and evaluation, proper defense and strong preparedness and, at times, downsizing, indirect access and even withdrawal. There is no one paradigm. Experienced leadership, close coordination and agility, timely informed decision making, and adequate funding and personnel resources are essential. The selfless courage of the four Americans who died in the line of duty in Benghazi on September 11-12, 2012, as well as those who were injured and all those who valiantly fought to save their colleagues, inspires all of us as we seek to draw the right lessons from that tragic night.

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central government influence and control in Benghazi. The Libyan government did facilitate assistance from a quasi-governmental militia that supported the evacuation of U.S. government personnel to Benghazi airport. The Libyan government also provided a military C-130 aircraft which was used to evacuate remaining U.S. personnel and the bodies of the deceased from Benghazi to Tripoli on September 12.

The Board determined that U.S. personnel on the ground in Benghazi performed with courage and readiness to risk their lives to protect their colleagues, in a near impossible situation. The Board members believe every possible effort was made to rescue and recover Ambassador Stevens and Sean Smith.

The interagency response was timely and appropriate, but there simply was not enough time for armed U.S. military assets to have made a difference.

4. The Board found that intelligence provided no immediate, specific tactical warning of the September 11 attacks. Known gaps existed in the intelligence community's understanding of extremist militias in Libya and the potential threat they posed to U.S. interests, although some threats were known to exist.
5. The Board found that certain senior State Department officials within two bureaus demonstrated a lack of proactive leadership and management ability in their responses to security concerns posed by Special Mission Benghazi, given the deteriorating threat environment and the lack of reliable host government protection. However, the Board did not find reasonable cause to determine that any individual U.S. government employee breached his or her duty.

KEY RECOMMENDATIONS

With the lessons of the past and the challenges of the future in mind, the Board puts forward recommendations in six core areas: Overarching Security Considerations; Staffing High Risk, High Threat Posts; Training and Awareness; Security and Fire Safety Equipment; Intelligence and Threat Analysis; and Personnel Accountability.

*OVERARCHING SECURITY CONSIDERATIONS*UNCLASSIFIED

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1. The Department must strengthen security for personnel and platforms beyond traditional reliance on host government security support in high risk, high threat¹ posts. The Department should urgently review the proper balance between acceptable risk and expected outcomes in high risk, high threat areas. While the answer cannot be to refrain from operating in such environments, the Department must do so on the basis of having: 1) a defined, attainable, and prioritized mission; 2) a clear-eyed assessment of the risk and costs involved; 3) a commitment of sufficient resources to mitigate these costs and risks; 4) an explicit acceptance of those costs and risks that cannot be mitigated; and 5) constant attention to changes in the situation, including when to leave and perform the mission from a distance. The United States must be self-reliant and enterprising in developing alternate security platforms, profiles, and staffing footprints to address such realities. Assessments must be made on a case-by-case basis and repeated as circumstances change.
2. The Board recommends that the Department re-examine DS organization and management, with a particular emphasis on span of control for security policy planning for all overseas U.S. diplomatic facilities. In this context, the recent creation of a new Diplomatic Security Deputy Assistant Secretary for High Threat Posts could be a positive first step if integrated into a sound strategy for DS reorganization.
3. As the President's personal representative, the Chief of Mission bears "direct and full responsibility for the security of [his or her] mission and all the personnel for whom [he or she is] responsible," and thus for risk management in the country to which he or she is accredited. In Washington, each regional Assistant Secretary has a corresponding responsibility to support the Chief of Mission in executing this duty. Regional bureaus should have augmented support within the bureau on security matters, to include a senior DS officer to report to the regional Assistant Secretary.
4. The Department should establish a panel of outside independent experts (military, security, humanitarian) with experience in high risk, high threat areas to support DS, identify best practices (from other agencies and other countries), and regularly evaluate U.S. security platforms in high risk, high threat posts.

¹ The Board defines "high risk, high threat" posts as those in countries with high to critical levels of political violence and terrorism, governments of weak capacity, and security platforms that fall well below established standards.

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5. The Department should develop minimum security standards for occupancy of temporary facilities in high risk, high threat environments, and seek greater flexibility for the use of Bureau of Overseas Buildings Operations (OBO) sources of funding so that they can be rapidly made available for security upgrades at such facilities.
6. Before opening or re-opening critical threat or high risk, high threat posts, the Department should establish a multi-bureau support cell, residing in the regional bureau. The support cell should work to expedite the approval and funding for establishing and operating the post, implementing physical security measures, staffing of security and management personnel, and providing equipment, continuing as conditions at the post require.
7. The Nairobi and Dar es Salaam ARBs' report of January 1999 called for collocation of newly constructed State Department and other government agencies' facilities. All State Department and other government agencies' facilities should be collocated when they are in the same metropolitan area, unless a waiver has been approved.
8. The Secretary should require an action plan from DS, OBO and other relevant offices on the use of fire as a weapon against diplomatic facilities, including immediate steps to deal with urgent issues. The report should also include reviews of fire safety and crisis management training for all employees and dependents, safehaven standards and fire safety equipment, and recommendations to facilitate survival in smoke and fire situations.
9. Tripwires are too often treated only as indicators of threat rather than an essential trigger mechanism for serious risk management decisions and actions. The Department should revise its guidance to posts and require key offices to perform in-depth status checks of post tripwires.
10. Recalling the recommendations of the Nairobi and Dar es Salaam ARBs, the State Department must work with Congress to restore the Capital Security Cost Sharing Program at its full capacity, adjusted for inflation to approximately \$2.2 billion in fiscal year 2015, including an up to ten-year program addressing that need, prioritized for construction of new facilities in high risk, high threat areas. It should also work with Congress to expand utilization of Overseas

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floating TDY platform with successive principal officers often confined to the SMC due to threats and inadequate resources, and RSOs resorting to field-expedient solutions to correct security shortfalls.

Communication, cooperation, and coordination between Washington, Tripoli, and Benghazi occurred collegially at the working-level but were constrained by a lack of transparency, responsiveness, and leadership at senior bureau levels. The DS Bureau's action officers who worked on Libya are to be commended for their efforts within DS and across the Department to provide additional security resources to Benghazi. Action officers in the Bureau of Near Eastern Affairs' (NEA) Office of Maghreb Affairs and Executive Office showed similar dedication in collaborating on solutions with their DS counterparts and responding to TDY staffing demands. However, in DS, NEA, and at post, there appeared to be very real confusion over who, ultimately, was responsible and empowered to make decisions based on both policy and security considerations.

The DS Bureau showed a lack of proactive senior leadership with respect to Benghazi, failing to ensure that the priority security needs of a high risk, high threat post were met. At the same time, with attention in late 2011 shifting to growing crises in Egypt and Syria, the NEA Bureau's front office showed a lack of ownership of Benghazi's security issues, and a tendency to rely totally on DS for the latter. The Board also found that Embassy Tripoli leadership, saddled with their own staffing and security challenges, did not single out a special need for increased security for Benghazi.

Further shortfalls in Washington coordination were manifested by the flawed process by which Special Mission Benghazi's extension until the end of December 2012 was approved, a decision that did not take security considerations adequately into account. The result was the continuation of Special Mission Benghazi with an uncertain future and a one-year expiration date that made allocations of resources for security upgrades and personnel assignments difficult.

Another key driver behind the weak security platform in Benghazi was the decision to treat Benghazi as a temporary, residential facility, not officially notified to the host government, even though it was also a full time office facility. This resulted in the Special Mission compound being excepted from office facility standards and accountability under the Secure Embassy Construction and Counterterrorism Act of 1999 (SECCA) and the Overseas Security Policy Board (OSPB). Benghazi's initial platform in November 2011 was far short of OSPB

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standards and remained so even in September 2012, despite multiple field-expedient upgrades funded by DS. (As a temporary, residential facility, SMC was not eligible for OBO-funded security upgrades.) A comprehensive upgrade and risk-mitigation plan did not exist, nor was a comprehensive security review conducted by Washington for Benghazi in 2012. The unique circumstances surrounding the creation of the mission in Benghazi as a temporary mission outside the realm of permanent diplomatic posts resulted in significant disconnects and support gaps.

Personnel

The Board found the short-term, transitory nature of Benghazi's staffing to be another primary driver behind the inadequate security platform in Benghazi. Staffing was at times woefully insufficient considering post's security posture and high risk, high threat environment. The end result was a lack of institutional knowledge and mission capacity which could not be overcome by talent and hard work alone, although the Board found ample evidence of both in those who served there. The situation was exacerbated by the lack of Locally Employed Staff (LES) who would normally provide a backstop of continuity, local knowledge, and language ability. This staffing "churn" had significant detrimental effects on the post's ability to assess adequately both the political and security environment, as well as to provide the necessary advocacy and follow-through on major, essential security upgrades.

The Board determined that DS staffing levels in Benghazi after Embassy Tripoli re-opened were inadequate, decreasing significantly after then-Special Envoy Stevens' departure in November 2011. Although a full complement of five DS agents for Benghazi was initially projected, and later requested multiple times, Special Mission Benghazi achieved a level of five DS agents (not counting DoD-provided TDY Site Security Team personnel sent by Embassy Tripoli) for only 23 days between January 1-September 9, 2012.

As it became clear that DS would not provide a steady complement of five TDY DS agents to Benghazi, expectations on the ground were lowered by the daunting task of gaining approvals and the reality of an ever-shifting DS personnel platform. From discussions with former Benghazi-based staff, Board members concluded that the persistence of DS leadership in Washington in refusing to provide a steady platform of four to five DS agents created a resignation on the

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part of post about asking for more. The TDY DS agents resorted to doing the best they could with the limited resources provided.

Furthermore, DS's reliance on volunteers for TDY positions meant that the ARSOs in Benghazi often had relatively little or no prior DS program management or overseas experience. For a time, more experienced RSOs were sent out on longer term TDYs, but even that appeared to diminish after June 2012, exactly at the time the security environment in Benghazi was deteriorating further. It bears emphasizing, however, that the Board found the work done by these often junior DS agents to be exemplary. But given the threat environment and with very little operational oversight from more experienced, senior colleagues, combined with an under-resourced security platform, these agents were not well served by their leadership in Washington. The lack of Arabic-language skills among most American personnel assigned to Benghazi and the lack of a dedicated LES interpreter and sufficient local staff also served as a barrier to effective communication and situational awareness at the Special Mission.

Required security training for DS agents prior to service in Benghazi consisted of the High Threat Training Course (HTTC). However, domestically-based DS agents who had not served abroad did not have the opportunity to receive RSO training before serving in Benghazi. In addition, after April 2012 all personnel scheduled to serve in Libya for over 30 days were required to take the Foreign Affairs Counter Threat (FACT) training. IMOs, who also served as the "management officer" at post, did not, as a prerequisite, receive any basic management or General Services Officer (GSO) training to prepare them for their duties.

The Board determined that reliance on February 17 for security in the event of an attack was misplaced, even though February 17 had been considered to have responded satisfactorily to previous, albeit less threatening, incidents. The four assigned February 17 guards were insufficient and did not have the requisite skills and reliability to provide a reasonable level of security on a 24/7 basis for an eight-acre compound with an extended perimeter wall. In the days prior to the attack and on September 11, 2012, one was absent. Over the course of its inquiry, the Board also learned of troubling indicators of February 17's loyalties and its readiness to assist U.S. personnel. In the weeks preceding the Ambassador's arrival, February 17 had complained about salaries and the lack of a contract for its personnel. At the time of the attacks, February 17 had ceased accompanying Special Mission vehicle movements in protest. The Blue Mountain Libya (BML)

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unarmed guards, whose primary responsibilities were to provide early warning and control access to the SMC, were also poorly skilled.

Physical Security

Given the threat environment, the physical security platform in Benghazi was inadequate. It is incumbent upon the Board, however, to acknowledge that several upgrades and repairs took place over 2012. DS provided additional funding for the Local Guard Force (LGF), February 17, and residential security upgrades, including heightening the outer perimeter wall, safety grills on safe area egress windows that helped save the life of ARSO 1 on the night of September 11, concrete jersey barriers, manual drop-arm vehicle barriers, a steel gate for the Villa C safe area, some locally manufactured steel doors, sandbag fortifications, security cameras, some additional security lighting, guard booths, and an Internal Defense Notification System. Because OBO does not fund security upgrades for “temporary” facilities, DS also identified non-traditional funding streams to fund physical security upgrades and worked with the IMOs, NEA and Embassy Tripoli to move funds and supplies to Benghazi. The Engineering Security Office (ESO) in Cairo provided strong technical support and regularly visited. Following the June 2012 IED incident, which blew a large hole in the compound wall, DS, OBO, Tripoli, NEA and ESO Cairo immediately responded to Benghazi’s request for assistance. Tripoli identified OBO funds that could be used to fix the wall, and ESO Cairo traveled to Benghazi on June 8 to provide technical support. The TDY IMOs worked tirelessly with the RSOs, Tripoli procurement and financial management staff, and Libyan professionals on statements of work, contracts and funding for the emergency repair of the SMC wall and for the other physical security upgrades, as well as ongoing electrical repairs. New upgrades remained a challenge, however, due to a lack of cash reserves and contract and procurement expertise, which meant Benghazi had to rely on Tripoli for further processing.

The Board found, however, that Washington showed a tendency to overemphasize the positive impact of physical security upgrades, which were often field-expedient improvements to a profoundly weak platform, while generally failing to meet Benghazi’s repeated requests to augment the numbers of TDY DS personnel. The insufficient Special Mission compound security platform was at variance with the appropriate Overseas Security Policy Board (OSPB) standards with respect to perimeter, interior security, and safe areas. Benghazi was also under-resourced with regard to certain needed security equipment.

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**INTERVIEW OF
ODNI ANALYST**

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, APRIL 29, 2016

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

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* * *, *Deputy General Counsel*

* * *, *Office of General Counsel*

~~TS/SCT~~

Mr. Davis. Thank you very much for coming in today voluntarily. We very much appreciate it.

We went over the committee process of how the interview is going to work prior to coming on the record. I want to make sure you understand that you have an obligation to tell the truth when you are testifying before Congress. Is that correct?

Ms. [REDACTED]. Yes.

Mr. Davis. Yeah. And please respond affirmatively or negatively orally.

And that applies to testimony before a congressional committee. Do you understand that?

Ms. [REDACTED]. Yes.

Mr. Davis. And is there any reason why you are unable to tell the truth today?

Ms. [REDACTED]. No.

Mr. Davis. Okay.

Heather, is there anything you would like to add before I begin?

Ms. Sawyer. No. We just thank you for being here. We appreciate your time today and look forward to hearing your testimony.

Mr. Davis. Great. So we will start with our hour.

[REDACTED] Exhibit No. 1
Was marked for identification.]

[REDACTED] Exhibit No. 2

~~TS/SCT~~

~~TS/SGT~~

Was marked for identification.]

~~TS/SGT~~ Exhibit No. 3

Was marked for identification.]

EXAMINATION

BY MR. DAVIS:

Q So I passed out three exhibits. You have them in front of you. We will start with exhibit 1, and that is it a LinkedIn in profile, I believe, of you that I printed off the Internet. I just wanted to ensure that that is you and ask you if that profile accurately reflects your professional career.

A Yes, that is me. And, yes, it does accurately reflect my career.

Q Is there anything important from your review of this profile, germane to what we're talking about here today, that is not reflected in there?

A I don't think so, but I don't know what is germane since we're just starting, so --

Q Sure.

I want to direct your attention to page 3 briefly. At the very top of page 3, it says: Branch Chief, Joint Staff, August 2010 to August 2011.

I was wondering if you could describe just briefly what your role was in that position.

A Yes. I ran a small team of analysts who put together the Chairman's daily intelligence brief. My role was to ensure

~~TS/SGT~~

~~TS/SCI~~

that the brief was accurate, timely, and relevant to topics that the Chairman needed to know about.

Q Okay. And you held that job for a year?

A I did.

Q Okay.

A A little over a year, but yeah.

Q Over a year. And was that something you did 5 days a week, 6 days a week, 7 days a week?

A I think it was -- I think we produced a brief for him 7 days a week.

Q Okay.

All right. I want to flip up to page 2 and look at the bottom of page 2. I just wanted to ask you some questions. At the bottom, it says: President's Daily Briefer, Office of the Director of National Intelligence. So I just want to go through this line by line and ask you about it.

"Produced and personally delivered daily national security intelligence updates to President Barack Obama and former White House Chief of Staff Jack Lew."

The first clause there, "produced and personally delivered," can you explain what that means?

A So we produced the President's daily brief. I was the executive coordinator of the daily brief, and I oversaw the production and delivery of that brief every other week. So during the -- there were two PDB briefers, and we rotated. So,

~~TS/SCI~~

~~TS/SCI~~

the first week, I was responsible for producing the PDB. I can't actually -- I think it was 2 weeks. So 2 weeks on doing the PDB, producing and delivering, and then the other 2 weeks -- the next 2 weeks would be producing the PDB walk-ons.

So during the weeks that I produced the PDB, I would produce it, and then they would drive me to the White House, and I would produce -- or I would brief Jack Lew first, who was the Chief of Staff. And if the President required a brief during that day or chose to take a brief, then I would give him a brief, and if not, then his briefer -- then the DNI would brief him.

When we were on travel, I always briefed the President. That was my responsibility whenever we would fly.

Q Okay. So you talked about the 2-week shifts.

A Uh-huh.

Q The first 2-week shift, you're producing and delivering the actual production of the document.

A Uh-huh.

Q And the second 2-week shift, you are actually doing the briefing?

A The PDB walk-ons. No. So what we do is --

Q The walk-ons. Okay.

A -- at that time, depending on who was taking the brief, it would either be the DNI, Clapper, or the DDII, Cardillo. And depending on who was giving the brief, we would give -- like, Cardillo preferred to have fewer articles to present but much more

~~TS/SCI~~

~~TS/SCI~~

thorough in depth. And if Clapper was giving him the brief, he preferred to have more source material or more resources, and so we would produce more walk-on briefs.

And walk-on briefs were just a shortened version of PDB, and they were not coordinated. They were coordinated to the extent you could do that in 24 hours but not nearly as coordinated as a full PDB briefing.

Q So, as the executive coordinator of the staff, did you have, like, a direct report or a supervisor above you?

A I had three -- three -- it was a joint -- so it was [REDACTED] (ph), Bob Kitchinos (ph), and [REDACTED] whose name I cannot remember, from the State Department.

Q Well, who were those three individuals, though? What were their roles?

A They ran the PDB staff.

Q Okay.

A They were in charge of the whole PDB staff, and they were jointly who I would report to.

Q Okay. So your involvement as the executive coordinator -- is your involvement only with material that's put in front of the President, or is it the entire staff?

A I don't understand the question.

Q Anything that you saw, would that be passed on to either, I guess, the President or his chief of staff?

[REDACTED] Can we pause for just a second?

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Mr. Davis. Sure. Sure.

[Discussion off the record.]

[REDACTED] I saw a number of intelligence products every day. Not everything that I saw went to the President.

BY MR. DAVIS:

Q Okay.

A So, you know, if that clarifies or answers your question --

Q It does. It does. Okay.

As the executive coordinator, were there two executive coordinators, you and this individual?

A Uh-huh.

Q So for 2 weeks on, you would be the executive coordinator. Did you each work concurrently with separate roles? Does that make sense?

A Yes. So I was -- like, on the 2 weeks that I was actually delivering the brief to the President and to the Chief of Staff, I would come in at 11 and, you know, oversee the process from 11 until, you know, we produced it and delivered it.

On the weeks that I was not producing, when I was responsible for the walk-ons, I would come in at, like, 8 or 10 in the morning and then work until, you know, the walk-ons were done, like 11. So a lot of times we would just cross, you know? Most of the time we'd be there around the same time, but we had different roles every other week or every 2 weeks.

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Q Okay. And maybe I'm just having trouble understanding, which is very likely the case. So there were two roles that you did in your increments.

A Uh-huh.

Q One was the walk-on, and one was sort of the coordinator.

A Coordination of the brief.

Q So at what point -- under which role did you actually travel to the White House? That was that walk-on role?

A No.

Q Coordinator role?

A Coordinator role, yes.

Q Okay.

A You come in and you coordinate the production. And then when we produced it, then they drive you to the White House and you deliver the brief.

Q Okay. So a walk-on -- explain what a walk-on is briefly.

A So a PDB walk-on is basically what we call that was, like, the continuation of a story, or it was an opportunity to alert the President that something is developing that we don't have a full story on yet but we think this is, you know, likely to be important.

Q Okay.

A You know, it would be like -- I don't know when

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that -- if we heard that there might be rumors of a coup in a country or whatever, we would think that that was important. And we don't really -- we just produce those for the DNI or the DDII. They decide whether or not it goes to the President. We just produce them and say, here's what we think, boss, you know, are topics that might be of interest, you know, that you could tee up to the President in the Oval.

Q So when you were in charge of walk-ons, you would not travel to the White House.

A Correct.

Q So when were you executive-producing, you had multiple roles. Your --

A Yes.

Q -- role was overseeing the coordination and briefing.

A Correct.

Q Okay. So I guess, in lack of a better way to phrase it, your 2 weeks as a walk-on coordinator were lighter than the other 2 weeks.

A Lighter only in the sense that you're not briefing, but not lighter in the sense that you are now responsible for coming up with, you know, oftentimes 17 interesting things every day that the President might be interested in knowing.

Q In terms of volume of material --

A Yeah.

Q -- is the volume of material greater as the executive

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coordinator or --

A Yeah, because --

Q -- as a walk-on?

A -- you know, as a PDB walk-on, you know, you're only reading about a stack this big before you go into the brief, whereas if you're the walk-on, you're reading everything, so you -- and you're sifting through to see, you know, have we missed something that might be worthy or, you know -- and it's really combed over. It's intelligence that's already been combed over to determine what should go in the PDB.

Q Okay.

So the second sentence here on your first paragraph bottom of page 2, it says, "Traveled with the President to provide intelligence support and produce current intelligence updates on the road."

A Yep.

Q "To provide intelligence support," can you just describe what you mean by that?

A So if the President has a question about something, you know, like, say, he's in a meeting or he gets a question about -- or he sees something on CNN and he wants to know, hey, what's happening, what's the rest of the story, he's going to ask me, and I'm going to call back to, you know, the agency and get an answer.

Q Okay.

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A Anything that he needs, or if he wants a previously produced PDB, or he's like, hey, I think I read this. You know, the G-20 is the perfect example of that. When he was going in to talk to, you know, Putin or other leaders, you know, if he wanted information or intelligence that he had seen or that he'd, you know, heard about, I'm the person that he asks. And then I call my resources, and they answer the questions.

Q Okay. So when it says "Traveled with the President to provide intelligence support and produce current intelligence updates on the road," are you producing anything yourself on the road, or are you being given things from --

A No, I'm being given things --

Q -- the greater area?

A Yes. So I'll say, hey, the President has a question on this and what do you guys have, they'll put something together, and I will tidy it up, I will package it so that it looks like it, you know, comes from 1 person rather than, you know, 17 agencies of the IC. They all have their input on to something. You know, some people write this way; some people write that way. The President wants to see something that sounds like it comes from one voice. That's my job.

Q Okay. Okay.

So when you're receiving these pieces on the road, are you altering the languages of the pieces to be reflective of something that your customer wanted?

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A Not usually. I don't change the language. And if I am going to change any language, it's only in coordination with the people that originally wrote it.

Q Sure. So when you're talking about, you know, written with one voice as opposed to coming from multiple agencies, can you describe how you would do that?

A Yeah. So some people write in passive voice, some people write in active voice, some people, you know, write -- it's just different styles of writing. You can't just put together, like, in a mosaic a bunch of different, you know, things that don't -- and then I'll put, like, a transition sentence that will make flow and say, "And so, thus, we believe" blah, blah, blah, instead of, you know, having to piecemeal it together.

Q Right. I guess my question is, it sounds like you're altering the written product but you're not altering the substance of the written product.

A Correct.

Q Okay.

A I never alter the written --

Q That was what I meant.

A Yeah.

Q Okay.

And you said during the time period January 2012 to November 2012 you were the only travel briefer at that point?

A No, we both are --

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Q Oh, you both did. Oh, but only one of you would go at a time?

A Yeah, only one at a time. Yeah.

Q Okay.

I want to continue down the profile here. "Served as executive coordinator of the President's daily intelligence brief," which we talked about briefly.

"Responsible for daily interagency coordination, production, and presentation." Can you describe what that entailed, the interagency coordination, production, and presentation?

A Yes. So all of the products that go in the PDB are coordinated. And that's, you know, DNI's role, is to make sure that everybody gets a say.

And so if I'm, you know, reading a product or a piece and I feel like it has, you know, too much of one slant or I know from my reading in my own research -- because I read, you know, every day; that is my job, is to read all of the intelligence products that come in.

If I see that something looks like it's not, you know, fully coordinated or someone hasn't had a chance to weigh in, especially because a lot of these things come in really fast over 24 hours, it's my responsibility to call up and say, hey, you know, I see that, you know, this agency is putting out a piece on this and it's going to go in the book, but I don't feel like, you know, you guys got your say. Did you? And they'll say, yep, we did, we're

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good with it, everything's cool; or, no, thanks for letting us know, we'll have something to -- we'll have a few sentences, you know, in a couple of hours.

Or if I'm doing the walk-ons, that's where it's especially pertinent, is if I'm doing the walk-ons and, you know, I'm writing a piece on a -- a wire comes out and says, you know, hey, North Korea is going to -- we think North Korea is going to launch within this window, blah, blah, blah, and that was a wire, I'm going to want to talk to some of the other agencies that have a stake in that. So I'll call up, you know, DIA, I'll call up, you know, DOE, whoever I think, you know, might have a comment so that I'm not just giving one side of the story.

Q Of course. Okay.

Next sentence, it says, "Authored and edited daily current intelligence updates for the Director of National Intelligence, the Honorable James Clapper, and his deputy, Robert Cardillo, for daily presentation to the President."

A That's the PDB walk-ons.

Q That's the PDB walk-ons.

A Uh-huh.

Q Okay. So in terms of your role as the executive coordinator, when you went to the Oval Office, you would not be -- would you be briefing Mr. Clapper and Mr. Cardillo in that role?

A I brief, yes, Clapper and Cardillo and Jack Lew at the

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White House. Generally, they are the ones that brief the President at the White House. And the only time that I actually personally brief the White House is when we're on -- or brief the President is when we're on travel.

Q Okay. I understand.

Okay. So let me ask you a question. The LinkedIn in profile here, I'm just ticking through it temporarily. Branch chief for Joint Staff, which we talked about, where you were working on updates for the Chairman, it says, August 2010 to August 2011.

A Uh-huh.

Q President's daily briefer, January 2012 to November 2012.

A Uh-huh.

Q At least on here, there's a gap of a few months. Can you explain that gap?

A So I was at the Defense Intelligence Agency the entire time, and either -- there are other roles and things that, you know, we fill in. So when I PCS'd from -- sorry -- permanently changed station from the Pentagon down to Charlottesville, I took a job as -- I don't even remember what my title was. But, literally, like, within a month of getting that job, I had applied for this job and was in the process of getting the PDB job. So I was just kind of -- we call it snowbirding, just sort of hanging there, doing odd jobs, and waiting to see -- because they didn't want to put me in a leadership position if I was going to be

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leaving to go take this job.

Q So can you describe the process of how you were, I guess, selected for the PDB, the executive coordinator job?

A Several interviews. It was a long process.

Q Okay.

A So you do an application. And I was a very different case because I was a military officer. No one, to my knowledge and to anyone in the PDB staff, had remembered ever having another military officer as a PDB briefer. So I had to get clearance from DIA and from the Army to do that.

So it was sort of a lengthy process. There were several interviews. There were an application process. There was writing resumes and a number of things that were unusual for a military officer.

Q Okay.

A Normally they would just say, you're going to this job, and you just go do it.

Q So when you ultimately found out you were selected for the job, did you show up -- or, where was the job physically?

A I lived in Charlottesville at the time. I was working at the Defense Intelligence Agency in Charlottesville. And the job was up here at DNI headquarters -- well, actually, no, it was at CIA old headquarters building, the seventh floor. So I had to relocate up here and take the job, you know, kind of remotely.

Q Okay. So did you show up on day one? Had you spoken

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with your predecessor? Did you --

A No. So I had adequate turnover. Actually, my predecessor was somebody I'd worked with at DIA before. He was a DIA civilian that I worked with at JFPD. So I came up and I, you know, talked to him. I talked to him on the phone a number of times beforehand. And I talked to them extensively before I even applied for the job to see if it was something that, you know, I would be able to succeed at.

And then when I found out I was selected for the job, I came up, I talked to him. We had a long turnover. We had, like, a week or two of turnover, where I first shadowed him to see what he did and --

Q You're talking about an overlap?

A Yes, overlap.

Q Okay.

In addition to speaking with this individual you had a prior relationship with, was there any type of formal training that you underwent or any type of formal guidance that you received?

A No.

Q Okay. So there's not a packet of information that says, Michelle, this is how you're going to your job?

A I wish. No.

Q Okay. All right.

And can you describe again the three individuals that you said you reported to, who they were and --

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~~TS//SI~~

A [REDACTED] (ph) worked for CIA. He was career CIA. Bob Kitchinos (ph) was career DIA. And [REDACTED] -- I'm sorry, I cannot remember [REDACTED] last name, but she was from the State Department.

Q But in terms of what their roles were like, what did you report to them about? What did they do?

A So I don't actually know what their different roles were. I just know that they ran the PDB. So if I had -- I never had any issues or problems. I was interviewed by all three of them. And, you know, like, every morning we would have a meeting, and they'd all be there. You know, it was my understanding that they all had, kind of, joint responsibility. Like, it was like one of them ran operations and another ran the budget or whatever.

Q Sure. Sure. But when you were done with the PDB or when you had, you know, completed a walk-on to your satisfaction, did you run it by them and say, okay, this is it, I'm taking it over?

A No.

Q Okay. So what was your level of interaction with them on a daily basis?

A I spoke to them every day. I mean, it wasn't -- I didn't need approval from them to do my job.

Q Okay. That's a helpful clarification. Thank you.

Can you describe your interaction on a normal everyday basis with the analysts who write pieces that end up going in the PDB?

~~TS//SI~~

How does that interaction occur?

A So it depends on whether I'm in the, you know, PDB executive coordinator role or if I'm in the walk-on role. I have much more --

Q Well, let me ask you this question first. Look at exhibit 2, if you can. And can you describe just briefly what exhibit 2 is and what role you played when you saw exhibit 2?

Ms. Sawyer. Hey, Carlton, could you just identify it for the record?

Mr. Davis. Sure. Of course. Exhibit 2 [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] So exhibit 2 [REDACTED]

[REDACTED] And what's your specific question again? Sorry.

BY MR. DAVIS:

Q Did you see this in realtime?

A Yes.

Q Okay. And what role were you playing? Were you in the walk-on role, or would you have been the --

A No, this was in the PDB executive coordinator role.

Q Okay. So when you're in your executive coordinator PDB role, can you describe normally what your interaction with the analysts are who author the piece?

A Yes.

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When I receive this, it rarely looks like this. It looks like -- it's usually longer and a lot wordier. And my responsibility is to take this piece and kind of edit it down and get it to one page. So, a lot of times, I have to talk to the analysts so that I can make sure that whatever I'm cutting out isn't substantive in their opinion.

So we will go back and forth during the night, and we'll sort of make sure that the language that I'm using -- like, I will take, you know, "small dog" and make it into "puppy" just because it's less words and, you know, fits on the page. And so for purposes of clarity and conciseness, I edit this.

I do not edit for content unless I see something in there that completely contradicts something that I have already briefed the President on, in which case I will say, hey, did you meant to put that in there, and if you did, why, and why do we not have a note that says why we're changing this.

Q So, in terms of physical proximity, are the analysts in the office with you?

A No.

Q Are they at a different location?

A They are at a different -- they're in the building, but I'm on the seventh floor and they're wherever they are. So, like, I'm sure they -- I don't know where they are. They come up to see me.

Q Okay. But you do have face-to-face interaction with

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them?

A I do, but not everyday. Only if there are significant questions. A lot of times, if there is something that I'm not comfortable briefing, if it's something that's new or something that's developing, they will come up and they will brief not only me but the other briefers.

Q Okay.

A Like, if there was a coup in Mali, I'd be like, uh, sorry, I'm not a Mali expert; can you fill me in a little bit on, you know, some things about Mali that I should probably know that I probably don't.

Q Okay.

So this particular document, exhibit 2, when do you recall the first time you saw this particular document?

A I don't particularly recall thing, but it would be on the day that this happened. So, normally, they give this -- let me just tell you a little bit about how this works.

Q That would be helpful.

A You come in at 11 o'clock, right, at night. And then from 11 to 1, I'm reading that large stack of intelligence that has come in overnight, right? That's from all different sources, right? Like, all the HUMINT, all the SIGINT, all the imagery from all the different agencies, everything that, you know -- and somebody does a pretty good job before I get there of culling that information and puts it in a folder for us. So I'm just assuming

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that whatever's in the folder is what has happened overnight that's pertinent.

I also had a profile on my computer that would -- that was set to, like, catch anything and flag anything that, you know, I thought would be important. I can't remember, you know, what the keywords were that set it up, but it was pretty long. So it'd take me about 2, 2-1/2 hours to get through all of that.

Then they give me -- by that time, by about 1:30 or 2 in the morning, we have a draft of the PDB. I look at the draft and I edit the draft, again, to make it sound like it comes from one voice, because the PDB editors have done their best to incorporate everybody's comments and everybody's ideas, but a lot of times it sounds a little disjointed. So we read through it and we make sure that it sounds, you know, very clear, articulate, that it conveys, you know, the message very clearly.

And then, after that, then usually somewhere between 4 and 5 in the morning I think, we would see -- and maybe a little bit earlier than that, we would see [REDACTED] And it wasn't always just [REDACTED] It could be a different [REDACTED] I mean, if we were following the Mali coup, it would be, like, "Mali Coup Update" or whatever.

Q Sure.

A So then when I get that, I spend about, I don't know, half an hour or so going through and kind of, you know, like I said, taking out the extra words, trying to make it -- to package

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it nicely so that it all fits on one page and that we're not losing any substantive information.

And that's kind of, you know, how it works.

Q Okay. One page, is that -- that's just for convenience for you and for the customer?

A Yes. I mean, that's the standard. Obviously, if there's two pages' worth of information, we're not going to cut, you know, extra information. But it's been my experience that when people are writing this quickly -- right? I mean, because this is an overnight thing, right? Even Mark Twain said, "I would've written you a shorter letter, but I didn't have time."

So it comes to me in very raw form, and it's my responsibility to quickly read it and sort of help them to, you know, cut out all the extra "the"s and "that"s and "than"s and, you know, things like that.

Q So this particular [REDACTED] it sounds as though that was not in the original binder that you had when you walked in in the morning but that's --

A No.

Q -- something you received later in evening or early in the morning?

A Yes. I mean, occasionally, if it's a slow night, it will be in the binder. I mean, they'll have it done already and it'll be in there. But in this particular instance, no, because the information was, you know, coming in very quickly, and so they

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were still working on it, you know, all the way up until -- probably until the time we published.

Q And the time you publish is?

A So, usually, we publish, I think -- 6 o'clock is our, like, deadline, you know, because everybody has to be out the door by 6:30. It depends on who -- you know, different briefers have to leave at different times because their principals take their briefings at different times. So it has to be done as soon as the earliest briefers need leave, right?

Q So, with this particular case, it sounds as though it came in 4 or 5 in the morning and there was a deadline of 6 o'clock.

A Well, this particular night, I think this came in earlier, right, because we -- that night, we started getting information about this pretty early in the evening, right? And so they were working on this -- as soon as we, you know, got word that something was happening and that, you know, the Ambassador was involved, they were working on it already. I mean, they called people in, you know, probably around 1 in the morning.

And so this was definitely not in my book. It was being worked on. And so when it's something that's happening and evolving quickly, you know, we're not, hey, you have to have -- this is what the deadline is; you know, we need to have this in. We'll give them a little bit of slack to make sure they get the story right.

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Q Okay. So can you explain, to the extent you remember, the first time you saw this piece, your interaction with the analysts, you know, up until the time that it was published? Can you explain what you remember?

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

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

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

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~~TS/SCI~~

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

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

Q Okay.

So, in terms of how you got your information that night about what had occurred, you had the interaction with the analysts --

A Uh-huh.

Q -- and you had read different press reporting?

A Uh-huh.

Q Do you know if there was any other type of reporting that came in that night about this event?

A I'm sure there was. I can't remember. I mean, it's been over 2 years.

Q Sure.

A But yes. I mean, we don't -- I rarely ever -- in fact, I can't remember any time that I've ever made, you know, a call

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just based on press reporting, so I'm sure there was other intelligence.

Q Okay.

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

A We did. Yes.

Q Okay.

A In fact, it was a phone call that alerted us to the situation to begin with. There was an analyst from another embassy, and I can't remember -- I want to say Jordan, but I'm not 100 percent sure. It could have been one of the other GCC states, but I want to say it was Jordan. And it was somebody who was trying to get in touch with a friend of theirs in Libya and couldn't and thought that was very strange and said that, hey, you know, I think that something might be wrong or something's happening because this is very unusual.

And so the other folks on the PDB staff who were agency folks -- because I was not an agency person. I was, you know, DIA and the Army. And some of the other agency folks made some phone calls to some of their friends and some of their contacts in other agencies to -- or in other embassies to see what was happening. And from there, we started getting more information.

Q When you say "we," are you talking about the PDB staff?

A Yeah, PDB staff.

Q Okay.

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A There were, yeah, maybe about 15 of us.

Q Okay. Did you personally have any conversations with any of those individuals outside the building?

A No, because they were not my contacts, and I was focused on getting the PDB brief together.

Q Okay. But were you talking with other people on the PDB staff?

A Yes. I mean, I was right there -- the conversation was happening right here as I'm trying to type and edit. So, I mean, I was privy to what was -- unfortunately, in a SCIF, they don't have a speaker. You're not allowed to put a phone on a speaker.

Q Okay.

A So I was just hearing one end of the conversation. But, you know, we had talked about questions that we wanted to know the answers to, and, you know, they asked --

Q Okay. Do you know if you had any followup interactions with any of the people who were on the phone?

A I do not.

Q You don't know? Okay. All right.

So can you talk -- let me back up. You said there was a disagreement between you and the analyst. A piece came in; it was lengthy. You wanted to cut it down because that's what you normally do. Can you describe a little bit more about the disagreement that you had?

A Well, that was really it. Like, he was pretty

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convinced that this was a spontaneous attack, that it was, you know, as a result of this confluence of events -- the 9/11 anniversary, the video being released, the protest in Cairo. And I think they had a particular [REDACTED]

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

Q Did you and the analysts -- was it one analyst or two? If you can recall.

A So it was one that came to brief me, but I think it was two analysts that were preparing this piece.

Q Okay. So the interaction that you had with the individual who came to brief you, that occurred on the seventh floor? He came up to your office?

A Correct.

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

A Not really.

Q -- on how to proceed?

A No.

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

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

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We had -- I was very lucky because we had another -- we had a MENA analyst that was a PDB briefer. She was the, I want to say, the SecDef briefer, [REDACTED] (ph). And so I went over and I talked to her and I said, "Hey, this is what the analyst says. Here's my opinion. You know, what are your thoughts, having covered this area, you know, pretty extensively in your career?" And she agreed with me.

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

Q Okay. Did you alert the analyst that you had had the prior discussion with that you were going to do that?

A No, but I did alert his supervisor.

Q Okay. Do you recall who that was?

A No. There are a lot of them --

Q Yes.

A -- in MENA.

Q So when you say you alerted his supervisor, is that something you did over email?

A Yes.

Q Okay.

A Well, and probably over the phone too. I mean, we had several conversations about it because, you know, like, this was -- like I said, this was very long, and I was like, look, can

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we take some of this out so we have more room for this? You know, because the MENA update isn't always just Libya, right? I mean, there was a lot of stuff. I mean, Syria was happening at the same time. And I was like, hey, can we cut some of the press time on Syria so we get more Libya?

So it's usually -- it is a very, like, professional, cordial relationship. You know, like, "Hey, these are my suggestions," and a lot of times they'll say, "That's a good idea," or they'll say, "You know what, I really think he needs to know this. Can we leave that in? I suggest if you want to keep it to one page we cut this part instead," or, you know, whatever.

Q Okay.

In your conversations with your predecessor -- you said there were a couple weeks of overlap and you had spoken with him on the phone prior to that. Did you have any conversations about whether or not it was appropriate for you to do something like that, where you're in a disagreement with the analyst and you would insert something over their objections?

A I don't remember. We might have.

Q Okay. Do you know if that's something that he had done, the individual before you?

A I don't know.

Q Okay.

You said there were two executive coordinators, you and the other --

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A Yeah, [REDACTED]

Q -- individuals. Yeah. Do you know if that's something that [REDACTED] ever did?

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

Q So the sentence we're talking about is: "The presence of armed assailants from the outset suggests this was an intentional assault and not the escalation of a peaceful protest."

A Correct.

Q Okay. Was that the right call?

A In terms of what?

Q In terms of accuracy. Was that an accurate sentence?

A At the time?

Q At the time? Today?

A With the information that we had, I would say, yes, that was an accurate call.

Q And to the extent you understand -- your understanding of what occurred in Benghazi today, is that still an accurate

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sentence?

A Yes.

Q Okay.

You had mentioned earlier -- I didn't write down the exact quote, but you gave an indication that you wouldn't have made the change if it were just press reporting; you would've required something else. Is that a fair --

A Yes. I don't generally make --

Q -- interpretation?

A Yes.

Q Okay. So when you say something like that, I hear you don't generally make the changes without something more. Were there other times where you made changes similar to the one that you made on that night?

A Substantive changes like this?

Q Yes.

A Not that I recall. I mean, there may have been, but, I mean, there were a lot of briefings in that year, so --

Q Yeah. So if you can't recall any, why on this particular night did you decide to make that change?

A I don't think being able to recall that and making this decision actually are related. But the reason I made this change tonight was because I felt like we were closing a door, and I did not feel like that was, you know, serving the best interest of our readers.

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So when you have done intelligence for a long time, you get a sense of, you know, like -- just kind of a sense of the lay of the land and what's happening. And my sense was this was an intentional assault as opposed to a target of opportunity.

Q So do you happen to recall -- well, let me ask you this. Is this something that you inserted, that sentence, or is that something that you changed from the original draft?

A I can't remember that.

Q Okay. So, to the extent the original draft came in -- you said it was much longer. You don't recall; roughly, what type of language was in there that speaks to --

A I do not.

Q Okay.

So you were talking about [REDACTED] one of the three people above you. In the interview process, he told you, "Hey, if there's a conflict, ultimately you're the last line of defense. Coord it, but it's your call."

A Yes.

Q Okay.

A And the context of that conversation was, you know, when I asked him, I said, you know, what is your primary, you know, goal for this role? And he wanted somebody who was able to get people together and bring people together, because sometimes that becomes a problem, if you can't, you know -- it's not really achieving consensus, but trying to take into consideration all

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aspects and perspectives. And, you know, he said that in this role, you know, my job is not to be the dictator; my job is to try and, you know, bring people in and get, you know, all of the agencies to work together. And that's what I did. That was my objective.

Q Okay. And you made this particular call based on your roughly 20-year experience --

A Yes, my 20-year experience in the military.

Q Okay.

Were you familiar at all with the background of the analyst who disagreed with you?

A Other than he was, you know, a Middle East and I think he was a Libya analyst, no.

Q Okay. Did you have any particular expertise or knowledge about Libya?

A A little bit. I mean, I had worked in -- as you saw in my background, I had worked in the Joint Intelligence Task Force for Combating Counterterrorism for 3 years. And subsequent to that, I worked for the Chairman, and I had presented his daily briefs every day for a year. And there were a number of briefings presented to him on Libya and --

Q And that was during the Libyan intervention?

A Well --

Q The United States intervention of Libya?

A Yes. I guess that's what you're calling it. Yes,

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during the Libya scenario.

Q Scenario, yes. Okay.

A Uh-huh. And on top of that, you know, like I said, I spent 3 years working at the Joint Intelligence Task Force for Combating Counterterrorism, and so, like, understanding what Al Qaeda and, like, those kind of Sunni extremists, what their TTPs were -- their, you know, tactics, techniques, and procedures -- to me, this just felt too military to be something that was just, you know, spontaneously decided that moment.

And I used the example, I explained to him, I said, look, we have a lot of O plans in the military, right -- operational plans -- Korea, for example, right? We have been working on a Korean O plan, you know, since 1953. But that doesn't mean that, you know, we're just going to -- that we're planning to attack Korea at any time, right? It just means that, in the event that that happens, we have a plan and, you know, we can execute it.

And that's what I tried to explain to him, is that that's what this feels like, is that they had this plan on the shelf and that they were waiting for, you know, a good moment of opportunity to execute. And that's what I was trying to convey in this piece.

Q We talked earlier about how common or uncommon it was for you to put in something substantive like that. Kind of taking a step back, how common or uncommon was it for you to have a disagreement with the analysts?

A Actually, it was not very common for me to disagree

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with them. A lot of times, rather than disagreeing, it was just the way that it was written wasn't clear. So I didn't like the way -- like, I really need you to explain to me what you're trying to convey here so that I can help you convey that more clearly and concisely.

So it was very rarely a disagreement, because they were the experts in that area. Unless I had other information that -- you know, hey, I worked for 3 years on this target set, this doesn't sound right to me, explain to me what I don't know, tell me what I'm missing that makes this make sense to me.

So very rarely was it, well, like, I don't agree with you so I'm going to take that out. Very rarely, if ever, would I ever do that. They are the experts. The only thing I asked for here was the opportunity to, you know, demonstrate that this might not be just a target of opportunity. So that's how that came about.

Q And so when you say "suggests this was an intentional assault," that's just opened up to the opportunity it was an intentional assault, not necessarily a conclusion that it was an intentional assault. Does that make sense?

A No. I'm sorry.

Q So the specific language you used, "the presence of armed assailants from the outset suggests this was an intentional assault" --

A Right.

Q -- your choice of the word "suggests," is that to couch

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it --

A Yes.

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

A Correct.

Q Okay. And was that a deliberate --

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

Q Okay. Which was your point to the analysts in your discussion.

A Yes.

Q Okay.

Would you in any way characterize your disagreement with the analysts as somewhat hostile?

A I don't know that it was hostile, but it was not -- we were moving fast, and, you know, I did not have time to sit down and educate him. So he was very married to his opinions, and I said to him, look, we cannot -- we don't have time for this right now, but let's get on the phone with your supervisor and we'll make the language -- we'll change the language to, you know, something that we can all agree on. And -- yeah. He left.

I don't think he was happy that I didn't agree with him. Because he tried very hard to convince me to change -- so he tried harder to convince me that his analysis was right than I tried to convince him that my analysis was right.

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Q Okay. Your disagreement, I mean, would you characterize that as an argument at all?

A No.

Q No. Okay.

A There was no yelling or shouting or --

Q Okay. And I know we talked about it, but how unusual, I guess, was this disagreement, this type of disagreement?

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

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

Q This particular piece, exhibit 2, you've talked about how things were moving quickly. In an emergent scenario, you tend to give the analysts a little more time to put information in

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there. The fact that it's moving quickly, does that mean that it undergoes less of a rigorous editing process before it gets to you?

A I don't know if I would say that it's less rigorous. We just have less time, so it gets less -- I mean, there's less time to do it, so you've just got to do it faster.

Q Okay. So compared to a wire or another type of piece that is written over the course of several days, several weeks, whatever it is, were you more confident in intervening, just for lack of a better word, in this particular situation because it was sort of a crisis scenario, as opposed to a wire piece that might be longer and that might have undergone more scrutiny before it came to you?

A Well, I don't produce wires, so that's --

Q You don't --

A No. I never produced a wire. But if I'm doing -- if I have more time, then I'm going to -- you know, then my analysis is going to take into consideration more information because more information is going to come in over time. When you have limited information, like we did for this, you're just going to put in what you have. You're going to use what you have available to make your analysis.

Q So I understand when you say you don't produce a wire. But if a wire became a PDB, is that something that you would review and you would edit and synthesize if necessary?

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A If a wire became a PDB, yes.

Q Yeah. Okay. So if a wire became a PDB, a wire would've undergone -- there would've been more time to edit the wire --

A Correct.

Q -- presumably, than there would be in this particular case.

A Yes.

Q So, given that this was a SITREP as opposed to a wire, I guess is my question, did you feel more comfortable having that discussion with the analysts here as opposed to if it had been a --

A No, I would've felt equally comfortable in either situation.

Q Okay.

A Yeah.

Q Okay.

So ultimately you put the language in, and the piece was published?

A This?

Q Yes.

A I assume so, yes.

Q You assume so?

A Yes.

Q Okay. So you don't know what happened with this after

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you were done making your edits?

A Well, after I brief it, I mean -- so I don't know what happens to it after it goes into the book on the days that I don't actually present to the President.

Q Okay.

A And this was not a day I presented it. This was -- we gave the book. So I presented it to, you know, Jack Lew, but I don't know what happened to it after that.

Q Okay. And when I say "published," maybe you have a different terminology. I simply meant put in the book.

A Oh. Yes.

Q That's simply what I meant.

A It went into the book.

Q Okay.

Did you have any conversations with Mr. Clapper or Mr. Cardillo about this particular piece that you can recall?

A I probably did, but I can't recall. Because, generally, on the mornings when I'm doing the briefing, I don't actually see them. The only time I really had interaction or interface with either of them is when I was doing the PDB walk-ons.

Q Okay. Okay.

At some point did you learn, aside from your conversations, did you learn that the analysts were upset that you had inserted that language into the piece?

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A Yes.

Q Can you explain how you learned that?

A So we have, in the morning, after everybody comes back from their briefings, we have, like, a roundtable. And it came up at that time that, you know, some of the analysts were unhappy with the wording.

██████████ Can we pause for just a second?

Mr. Davis. Yes.

[Discussion off the record.]

BY MR. DAVIS:

Q So the roundtable, that occurs when you're still on shift from coming in the night before?

A Yes.

Q Okay.

A It's a very long day.

Q So you learned that the analysts were upset that you had put it in?

A Yeah.

Q Do you recall who told you that specifically?

A No.

Q Okay. Were you surprised to hear that?

A No.

Q Okay. And was there any further conversation about it at that point?

A I'm sure there was, because we had -- like I said, we

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had at least one briefer who came from the MENA desk in CIA. But the consensus around the table was that it was the right call. So nobody -- there was no, you know, "who shot John" kind of conversation. It was just that this was what went in.

There was a little bit of, you know -- and not even controversy. I would say that that's too harsh of a word, right? I would just say that -- and to say that the analysts were upset I think is even still harsher than what they said, you know, that they were maybe -- and not even surprised. I mean, it was just that there was maybe a little bit of, you know, disagreement about, you know, the wording. There was nothing -- you know, there was no -- they were absolutely, you know, hard over that this was wrong or that they were going to -- you know, that anyone was going to be having to write a retraction or anything.

So, at the time, it was really just a conversation around the table about, you know, the situation that was unfolding. So we were watching, you know, CNN and people were, you know, just trying to follow the story.

Q Okay.

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

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

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it.

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

A Yeah.

Q -- for lack of a better word.

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

Q Sure. Sure.

A Yeah.

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

A Yes.

Q Okay. The consensus by those at the roundtable.

A At the roundtable, yes.

Q And outside of your discussion at the roundtable, did you have any further conversations with anybody about -- I'm talking about that day or the following day -- about the insertion of that language?

A I'm sure I did, but I cannot recall any particular conversations. I mean, I am sure that I did, but, honestly, I cannot remember who I talked to or what I said. So --

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

A No.

Q Okay. Were you told by anybody that what you did was a

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big no-no?

A No.

Q I wanted to turn to exhibit 3 briefly. And exhibit 3 is a -- it's [REDACTED]

Are you familiar with this piece at all?

A I'm familiar with wires, and I'm pretty sure I probably read this when it was published, but it's not, like, something I would remember.

Q Okay. I want to turn your attention to page 2. And the [REDACTED]

A Uh-huh.

Q When you read that, to the extent you did read it at the time it was being produced, did that stick out to you in any way?

A Can I have a second to read it?

Q Oh, take all the time you need. Of course. Of course.

A What was your question again?

Q To the extent you reviewed this in realtime, that title there, [REDACTED] do you recall whether that stuck out to you in any way?

A No. But I am almost certain that this probably would've been a PDB walk-on.

Q And as a PDB walk-on, is that something that you would

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have reviewed in your non-walk-on role?

A Um --

Q The job you had at the time was not the walk-on coordinator.

A Right.

Q It was the other role.

A So are you asking me would I have read this as traffic before I did the briefing that morning? So this would've gone in my stack, right, of stuff to read on the 13th of September. So, yes, that morning I would've read this. If that was a normal day of briefing, yes, I would've read it.

Q All right. Do you know if you were -- do you know if the 13th -- do you know if you were in town on the 13th or if you were at a different location?

A I want to say that that week we were traveling. Probably Los Angeles or maybe Denver.

Q Okay. And so, if you were traveling, you would have traveled?

A Correct.

Q Okay. And as a result of your traveling, you being the briefer, this is something that you would have seen?

A Yes.

Q Okay.

So I just want to compare the two pieces, exhibit 2 and exhibit 3.

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A Uh-huh.

Q Exhibit 2, you wrote, "The presence of armed assailants from the outset suggests this was an intentional assault and not the escalation of a peaceful protest."

A Uh-huh.

Q So exhibit 3 says, [REDACTED]

A Uh-huh.

Q They're not entirely consistent, not entirely inconsistent. Is that something that you would've had a question about?

Do you understand my question? The night before, you were relatively confident, based on your experience, that this was a planned operation. And yet, the next day, there's a wire -- you think it might be a PDB walk-on -- where the assessment is "extremists capitalized on Benghazi protests."

A Uh-huh.

Q Those aren't necessarily in -- flow together nicely. So what would you have done if you had seen that? Is that something you would have called back about and said, give me more information? I mean, do you --

A No, because, at this point, this is an assessment from one agency, right? This is just what the CIA felt had -- this was their opinion and their take. And that's what the DNI is all about, right? We have different agencies with different

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intelligence and different perspectives, right?

DIA might have put out a DID on this very exact same thing that said -- and if you had a DID available, whatever DID came out that day, that might have said exactly, you know, the opposite, more in line with what the last paragraph says, about, "The June attack on the British Ambassador's convoy, however, involved sophisticated tactics that suggested the attack was well-planned."

So that would be my comment. And then if I would've had time, I would've gone through and I would've looked at all of these sources and I would've evaluated the sources. Because some sources are great; some sources are not as great.

Q So that's something that you normally do if you have the time to do it.

A If I have the time to do it, yes.

Q Okay.

A And if I were making this into a PDB walk-on, you can betcha I would've definitely gone through the sources to see, you know, do I agree with this or do I not agree with this? Do I feel like these sources tell an accurate story? Are these TDSes or are they TDs? You know, is this gamma reporting or is this just regular SIGINT?

Q So I think you said earlier that you were almost certain this was a PDB walk-on. Why you do say that?

A Because what PDB walk-ons --

[REDACTED], I'm going to stop you there.

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I'm going to ask [REDACTED] not to answer any questions that relate to what the President may or may not have actually been briefed on in regards to this wire.

BY MR. DAVIS:

Q If something is a PDB walk-on, is the President always briefed on it?

A No.

Q Okay. So if this --

A If I made it into a walk-on, it goes to Cardillo or Clapper, and they make the call, whether or not it gets briefed --

Q So you don't actually know whether the President was briefed on this.

A No.

Q But you think it may have been a PDB walk-on.

A I think it may have been a PDB walk-on.

Q And can you explain why you think this was a PDB walk-on?

A All I can explain is that if I were doing the PDB walk-on, I would've made this into a PDB walk-on because it continues the story.

Q So if you're traveling as the travel briefer and something is a PDB walk-on, you're alerted to that?

A No, actually.

Q Okay.

A If I'm the travel briefer, I don't know what the PDB

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walk-ons look like.

Q Okay.

A I could find out if I wanted to, but that's not usually --

Q So when you're on travel, PDB walk-ons are out of your lane.

A Yes.

Mr. Davis. I'm at 1 hour, so we'll stop for now and go off the record.

[Recess.]

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[11:21 a.m.]

Mr. Jordan. Okay. You got it right the very next day. I maintain all along that the intelligence may have changed, but initially it was right, wrong for several days, weeks, eventually got it right again. From my perspective, though, the story told by the administration never did change, even though the intelligence may have. But you got it right the very first day.

So then the second day -- so the 12th you have, "The presence of armed assailants from the outset suggests this was an intentional assault." The next day it changes. Walk me through what happened. So based on what I've been told, in the first hour of questioning, this document -- I assume -- I don't know what it was numbered when you got it, but this document that --

Mr. Wine. Two.

Mr. Jordan. -- you produced, and you felt very strongly that that first bullet point was on target, and you stuck to your guns and made sure that was how it read. Is that correct?

[REDACTED] Yes.

Mr. Jordan. Okay. So what happened between the 12th and 13th, just to refresh my memory?

[REDACTED] What happened between the 12th and 13th in terms of the intelligence?

Mr. Jordan. Yes, this and --

[REDACTED] I didn't write this. I didn't write the wire, so I don't know.

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Mr. Jordan. Right. Okay.

[REDACTED] Are you asking me like why this intelligence is different than this? Because I didn't write this.

Mr. Jordan. Okay. We understand, and that's what Carlton just had told me.

What involvement at all did you have in this final product?

[REDACTED] In the wire?

Mr. Jordan. Yeah.

[REDACTED] Zero. None.

Mr. Jordan. Zero. And why is that? If you're the top person, why didn't you have this involvement in --

[REDACTED] Because I don't write the wire. CIA writes the wire. I didn't work for the CIA.

Mr. Jordan. I understand. But CIA writes it, you assimilate it, put together the final product that goes to the Commander-in-Chief, right, or his chief of staff. Is that right?

[REDACTED] Yes. Oh. Do you know what wire is? Do you understand --

Mr. Jordan. You can fill me in. But, I mean, I understand this is something you look at that goes -- my understanding is, this helps you put together this document and this is what goes to the President. Am I wrong on that?

[REDACTED] Yes. This -- no. You're correct. But this came out the day after this.

Mr. Jordan. I understand. This is on the 12th.

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[REDACTED] So I get no editorial -- I don't get my any input whatsoever into the wire at all. And this came out after this. So this did not inform this document, so --

Mr. Jordan. Does ODNI see the wire, take into account what the CIA has put together before that information is then passed to the President?

[REDACTED] I don't understand that question.

Mr. Davis. If the wire becomes a PDB, it runs through your process, correct?

[REDACTED] So if the wire becomes a full-blown PDB article, right, is that what you're asking me?

Mr. Jordan. Uh-huh.

[REDACTED] Then does it come through me? Yes, if the wire becomes a PDB product and I am editing, I'm the one that's on the shift that night, I will edit that. But I don't edit for content. I edit to make sure that -- and very rarely will a wire itself be just translated into a PDB, right. So the purpose of the DNI is to bring in the rest of the other 16 agencies over the intelligence community and get their perspective.

What happens, as I was explaining to Carl before is that oftentimes they sound disjointed, right. So CIA will have information and they'll want to make this into a -- squish it down -- we call it, they want to Jenny Craig that into a PDB article, right. Then everybody else gets to say, yes, I agree with that analysis, or no, I don't agree with it and here is why,

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~~TS/SCI~~

because we have information that contradicts this or whatever.

My responsibility is to take that PDB article and make sure that it reads like it came from one author, not a whole bunch of disjointed authors. And then secondary to that, if there's something that's absolutely wrong and doesn't -- like I've read other intelligence that completely contradicts that, my responsibility is to talk to the analyst and say, I don't think this is right, or explain to me why you've written this when I've read this that contradicts it.

Mr. Jordan. Okay. So maybe I don't get it. Is this a PDB? Whatever you said, was this a --

[REDACTED] I'm going to instruct the witness to not discuss what the President actually saw on the day.

Mr. Jordan. I understand. I understand. But what is this?

[REDACTED] So this is just a SITREP, a situation report. These can or cannot -- it's at my discretion whether or not to put it into the PDB. So the President may or may not see this on any given day.

Mr. Jordan. Do you know if this went into the presidential daily briefing?

[REDACTED] I'm going to instruct the witness not to discuss what actually went into the President's daily brief that went to the President.

Mr. Jordan. So you wrote this on the 12th. You don't know who read it. Who'd you give it to?

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[REDACTED] Correct, I don't know who read it.

Mr. Jordan. Where did it go after you wrote it?

[REDACTED] After I write it, it goes into the PDB books, and each individual PDB briefer, it's at their discretion whether or not they want to include this.

Mr. Jordan. So this document, with that bullet point, goes into the notebook or book put together that goes to the President. Is that accurate?

[REDACTED] Sometimes, yes. If I don't think that it's presidential material or if I think that this is really weak, then I don't put that in there. I do not include it in the PDB. What I'm saying to you is that it doesn't always go into the PDB. It's not a standing PDB --

Mr. Jordan. That's fine. I don't care if it does or doesn't. I want to know what this one did.

[REDACTED] They're instructing me not to answer that question.

Mr. Jordan. Well, so you wrote it. You just told me earlier you felt very strongly about the first bullet point --

[REDACTED] Correct.

Mr. Jordan. -- as being what happened, intentional assault on one of our facilities where four Americans were killed. And you can't tell me what you did with the document after you wrote it?

[REDACTED] I've been instructed not to answer that

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question.

Mr. Jordan. Let me try one more time, and then I'll move on. Did you place it in the folder or notebook that then gets passed onto someone else as it starts a journey to the President, not knowing whether it got to the President or not?

[REDACTED] Yes.

Mr. Jordan. Yes. Okay.

[REDACTED] I did.

Mr. Jordan. Okay. So then after that, this is what comes from CIA on the next day.

[REDACTED] Correct. Written by CIA analysts only, with no input from any other agencies.

Mr. Jordan. Got it. Where does this go? Does this come to your office then?

[REDACTED] No. It's not distributed, no. So usually in the stack of intelligence that they pull for me every day, this is usually included, WIREs, but not necessarily. I'm the one that's responsible for, you know, like going through my traffic and saying -- this isn't usually an electronic document. They don't generally publish those in paper, right. And so I'll go through my traffic and I will pull the WIREs that I think are worthy for distribution or for even just for PDB walk-ons. So normally, yes, I would pull this.

Mr. Jordan. Okay. My understanding is you were traveling with the President on the 13th.

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[REDACTED] Uh-huh.

Mr. Jordan. So the 12th you put this together.

[REDACTED] Correct.

Mr. Jordan. It goes in the notebook.

[REDACTED] Yes.

Mr. Jordan. Where it goes from there, you can't say. The 13th, is there a document that your office compiles that puts it in the notebook that goes to the President too?

[REDACTED] No.

Mr. Jordan. That didn't happen on the 13th?

[REDACTED] I mean, there was a PDB, yes. But this raw intelligence, the President never gets these finished intelligence products or raw intelligence.

Mr. Jordan. Okay. So what I want to know is, did it change -- what came from your office the next day? Did it reflect what the CIA was saying? So whatever ODNI puts in that notebook, did it reflect what CIA is saying on the 13th?

[REDACTED] I cannot remember. If you have the next day's PDB, I can tell you whether that happened or not, but I can't remember.

Mr. Jordan. Oh, we're not going to get to the next day's PDB.

[REDACTED] I mean, you're asking me to remember 2 years ago whether this document made it in there.

Mr. Jordan. So we don't know if there's a comparable piece

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like this that went in the -- something that you wrote, which you wouldn't have wrote anything on the 13th. Is that right?

[REDACTED] I would not have written it, no. I don't write WIRes.

Mr. Jordan. I understand that, but was there any document you wrote on the 13th that went in that brief, just like this document went in that?

[REDACTED] I can't remember. I really honestly cannot remember. If there was a MENA -- I don't write this. That's the thing is, I don't write this.

Mr. Davis. When he says "write," I think he means coordinate.

[REDACTED] Coordinate, update it, edit it?

Mr. Davis. Yes.

[REDACTED] Yeah.

Mr. Jordan. You're the final say on this piece, right, this first piece?

[REDACTED] Correct, yes.

Mr. Jordan. Got it. Okay. And who was making the final say on the 13th if it wasn't you then, the next day?

[REDACTED] On what goes in here?

Mr. Jordan. Yeah.

[REDACTED] It would be me. But you're asking me what went in there. If I don't have it in front of me, I can't remember that.

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BY MR. DAVIS:

Q But you were on travel on the 13th?

A I was on travel.

Q So would it have been your --

A It would be me.

Q It would still be you?

A It would still be me, yeah. That's why we have this like ginormous tail that comes --

Q So it's not your counterpart with the 2-week on, 2-week off shift?

A No. No.

Q Okay.

Mr. Jordan. Did your assessment of what happened, did it change?

[REDACTED] No.

Mr. Jordan. You always believe it was an intentional attack?

[REDACTED] Yes.

Mr. Jordan. Planned attack, preplanned, everything?

[REDACTED] Yes. That was my --

Mr. Jordan. And so when you saw the intelligence begin to change, at least from the CIA, what did you do?

[REDACTED] In terms of putting it in the briefing or --

Mr. Jordan. What did you think? What did you do? Yeah.

[REDACTED] Well, I didn't actually feel that the intelligence itself had changed. And in our trade craft, that's

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what's great about being an analyst is we can both read a piece of traffic or raw intelligence and you might come to one conclusion, based on your background and experience, and I'll come to a different conclusion.

Mr. Jordan. Yeah, but yours would have a lot more weight. This position you hold, you would know it a lot better than me, I would think a lot better than other folks in our government or you wouldn't have the position you have. And you saw what was being reported and all. Did that concern you that that wasn't what you believed and what you had told the President?

[REDACTED] I don't know that it would concern me because this is how analysis works. This is how the intelligence community works. We all hold our own -- no one is -- there's no right or wrong answer. It's here is what we have at the time, here is the information and the intelligence that we have at the time. You assess that it means one thing; I assess that it means something else. I don't think that just because I'm the PDB coordinator that I'm right and you're wrong. That's not the way it works. It means that we try to come to consensus and we try to talk about it and we try to discuss it, but that doesn't mean that I'm right and you're wrong. That's never the case.

Mr. Davis. You had talked earlier how you may interject yourself if you have a piece that you see that contradicts other intelligence that you had seen and you'll go back to the analysts.

[REDACTED] Right.

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Mr. Davis. Did that happen in this particular case?

[REDACTED] My guess is probably yes, but I can't tell you because I don't have that piece right here. I don't know for sure. I cannot remember that. And if you had the next day, if you had the 13th, I could tell you for sure.

Mr. Jordan. Yeah. Well, we'd like to have that but we don't.

Mr. Davis. Fair point.

Mr. Jordan. Did anyone call you, contact you, and say, are you sure about this, Michelle? Are you sure this is the right -- because we've got other folks who were saying this was a video-inspired protest that turned into an attack. So did anyone contact you and say, are you sure about what your assessment is?

[REDACTED] Yes.

[REDACTED] What timeframe are you looking at, when she was writing it on the 12th or after it was published?

Mr. Jordan. I'm talking from you when you came into the work that night on -- I think you came in late on the 11th. From when you came in from the time you would focus on this --

[REDACTED] Of course.

Mr. Jordan. -- that entire week.

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

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~~TS/DCI~~

would do --

Mr. Jordan. I understand.

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

Mr. Jordan. Look, I have made this point publicly, you're right. There seem to be three things that we could have done: You could have said it was a video-inspired protest, you could have said it was a planned attack, or you could have said we don't know for sure, and say we're looking at it, even though I thought all the evidence pointed to a planned attack. You took the right approach. Without a doubt, you said everything suggests this was a planned attack and that's what you said, and my guess is that's why you stuck so strongly to it.

So did you get any calls from people at State saying we think this was a video-inspired protest, anyone from the Secretary of State's office --

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[REDACTED] Not that I recall.

Mr. Jordan. -- or State Department, I should say?

[REDACTED] I don't think I had any directly -- yeah, anybody from State Department.

Mr. Davis. How about the Secretary of State's briefer? Did that individual mention anything to you?

[REDACTED] I can't remember that. He's part of the PDB staff, so I'm sure we were all involved in discussions, but I don't even remember who the State Department PDB briefer was right now. I'd be hard pressed to recall whoever that was.

Mr. Jordan. Anyone from the White House call you up?

[REDACTED] No. No.

Mr. Jordan. So just so I know here, you get all this information, you're gathering a lot, and then you're helping synthesize and boil it all down to the important stuff that's going to get put in the daily briefing. When that process is going on, who's all involved? Because based on what you just said, it's not just your office but folks from State Department, folks from CIA. How is that done?

[REDACTED] The boiling down piece or the -- what part?

Mr. Jordan. Walk me through all of it just so I know.

[REDACTED] Do you want me to go through what I explained to you already about how -- so a day in the life of a briefer?

Mr. Jordan. Uh-huh.

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[REDACTED] Is that what you'd like?

Mr. Jordan. Can you do that.

Mr. Davis. You can give us the short version.

Mr. Jordan. Yeah, you can shorten it.

[REDACTED] Okay. I come in. I have a stack of traffic. I read the traffic that they've pulled for me. I read my own pull that I do on wise or whatever, and then I begin looking at the four to six main articles that are in the PDB. I edit those for clarity for continuity, to make sure that as I'm reading through it, this makes sense and it sounds like it's coming from one voice. I edit it just to make sure that we're telling a very clear and short story.

Then when we have done that and we've gone back and forth, like if I have any substantive changes or if I think that something doesn't make sense, I'll call the analyst and I'll say this doesn't make sense. Can you explain this.

Mr. Jordan. Stop one second. When you say call the analyst, is that an analyst within your agency or someone at CIA?

[REDACTED] Yes, whoever the analyst was that submitted that PDB, right. And they know. All the PDB authors are on call. The night before your PDB goes to the President you're on call in case there are questions. So that's the process.

After I'm done editing that, then usually whatever executive summaries or SITREPs, they come in last, right, because it's at my discretion and all the other PDB briefers whether or not they put

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that in the book. So if you're briefing the FBI director and one of these happens to be on the coup in Mali and you don't think he needs that, you're not going to put that in there.

Mr. Jordan. Right.

[REDACTED] So it's up to their discretion. So that's why we wait until -- that's the last thing because it's quick, it's down and dirty, and it's done. And usually what they give me is, they had 24 hours to put it together and it usually comes in like two, sometimes three pages. And my job is to get that three pages down to one, two if it's absolutely critical, like all these things are happening.

There were a couple of nights we had two-page SITREPs, but not usually.

Mr. Jordan. Okay. And, again, just so I'm clear, this is a SITREP here?

[REDACTED] Yes, it says "Situation Report."

Mr. Jordan. And this would be as a supplement to the daily briefing document you put together?

[REDACTED] Correct.

Mr. Jordan. And the daily briefing, you try to make it as concise as possible, read with one voice. But if something is really important, it's going to get put in there too?

[REDACTED] I wouldn't say if it's really important.

Mr. Jordan. Really important and pertinent to the person you're giving it to.

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[REDACTED] No. The purpose of this is -- so those other PDB articles are very well coordinated. They've taken weeks. Just like we were talking about the wire, it takes a long time to get a PDB article coordinated throughout the community, get consensus, get whatever, get it through the system and get it into the book, right. This is a 24-hour cycle.

So this is not fully coordinated intelligence, and not all the sources of information have been accurately and adequately vetted for this. That is the main difference. And so that's why this isn't always put into the book. And you can see at the top, right, it'll tell you who are contributors to this, right, because there will be a CIA crest and there is a DIA crest. That means CIA and DIA contributed to this report, right. Out of the 17 little emblems that could be on there, to have only two of them, that gives you some inclination of why this is the way that it is.

Mr. Jordan. Okay. And I apologize, but --

[REDACTED] It's a product.

Mr. Jordan. -- then they contribute, but you wrote this?

[REDACTED] I didn't write this. I edited this.

Mr. Jordan. You edited this, okay.

[REDACTED] Yeah. I never write -- I don't write anything. I don't produce anything. I edit. That's what I do. So I compile things together. Even when it's PDB walk-ons, I'm basically editing finished intelligence products that have already been produced, where I'm kluging a couple of them together but I'm

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not actually --

Mr. Jordan. And one other thing you made me think of. You said you look at stuff coming in, but you also have your things that you personally, your sources, things you're looking at each day to help you evaluate?

[REDACTED] Uh-huh.

Mr. Jordan. What you personally look at led you to believe that it was a planned attack in Libya?

[REDACTED] Uh-huh.

Mr. Jordan. Okay. In addition to other things you saw, but that was your assessment from what you get, your sources?

[REDACTED] Yes.

Mr. Jordan. Thank you. Thank you for letting me jump in there.

Mr. Davis. All right. We'll take a break.

[Recess.]

Mr. Jordan. So tell me how it's done. There's an actual briefing booklet put together. Do you personally walk that to the White House to the President, to the chief of staff? How is that done?

[REDACTED] I'm not understanding. Are you talking in general when --

Mr. Jordan. When the President gets the briefing, is that something that just gets walked over, shipped over, mailed over,

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and then he reads it? Or do you typically interact and --

[REDACTED] So it depends. If we're traveling, then I present it to the President personally. And if he has questions -- usually the only questions he usually asks --

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

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

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

[REDACTED] No.

Mr. Jordan. How did it happen on the 12th that day?

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

Mr. Jordan. Okay. And what time was that on the 12th?

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

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

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[REDACTED] No. First we give the brief to the usher. So my driver drops me off at the front gate. I go through --

Mr. Jordan. You actually physically hand the document -- or the material.

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

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

[REDACTED] We're not going to discuss what specific information was provided to any White House staff in any PDB.

Mr. Jordan. But you did talk with Mr. Lew that day?

[REDACTED] I did.

Mr. Jordan. Okay. Thank you. Happy birthday again.

[REDACTED] Thank you.

Ms. Sawyer. We're off the record.

[Recess.]

BY MR. DAVIS:

Q Were you aware of any type of formal complaint, a trade craft complaint that the analyst had filed after the incident --

A No.

Q -- after you made the change on the morning of the 12th?

A No.

Q Okay. So the only discussion you recall having with

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anybody about what transpired was at the round table the following morning?

A Yes.

Q And you believe you may have had further conversations with people that week, but you don't remember them specifically?

A Correct.

EXAMINATION

BY MS. GREEN:

Q Hello, ~~TOP SECRET~~ Again, my name is Shannon Green. I'm with the minority staff. I'm joined by my colleagues; Heather Sawyer and Linda Cohen.

I have just a few questions for you and then my colleagues might have a couple questions, and then we'll wrap up by asking you a series of questions that we ask every witness, more or less, based on the urban legends out there about the Benghazi attacks.

So I'll turn to exhibit 2, which is the ~~TOP SECRET~~ that my colleagues discussed with you in the last hour. And it seems that there's the one sentence that we talked about that became an issue, a disagreement, I guess, between yourself and some of the CIA analysts.

First of all, let me ask you, would you say during the course of that night that yourself and the analysts, really everyone in the IC that you were working with, was doing the best that they could to figure out what was happening?

A I absolutely agree with that statement. Everybody was

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trying to figure out -- we call it the fog of war, and everybody in intelligence and everyone in the military understands that first reports from the field are often unclear and sometimes wrong. So we were doing the best that we could to try and figure out what was happening. It was happening very quickly. And a lot of it was open press, which is not -- in the intelligence community, not usually considered as credible as information that's collected from other sources.

Q And you mentioned, I think, that it's not uncommon that analysts may interpret information differently. Is that fair to say?

A That is fair to say.

Q And so on this particular occasion, the analyst, at least one or two of the analysts, held a different view than you did, right?

A Correct.

Q I think you mentioned that you decided to keep that sentence in based on you had quite a bit of experience in the military as an intelligence analyst, and that was much of the reason you decided to put that sentence in. Is that right?

A Correct.

Q And possibly the CIA analyst may not have had that experience to draw upon?

A Correct.

Q Is it your sense that it was anything other than a

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difference of opinion of trying to get this right?

A No. I think it was absolutely a difference of opinion. It was just analysts doing what analysts do. They analyze, right, to boil it down to its simplest form. We take information, we look at it, we break it down into its simplest components and then we try to put it back together in a way that makes sense.

And my way may not be the same as someone else's way, but no one is right or wrong, it's just how we view the problem. And that is based on our background, the information we've been exposed to. Some people come up from a background of purely SIGINT or HUMINT or whatever that is, and they are biased in favor of that. Hey, I think SIGINT is always right, or I have much more faith or trust in HUMINT sources or whatever. So people can look at the same piece of information and come up with different assessments to its value, credibility, and meaning.

Q And just to be clear, in no way was this agreement something that stemmed from the director of the CIA or the White House or State Department?

A No, absolutely not. No, no. In the Main, analysts are actually pretty professional and congenial. Even when we disagree, we do it professionally.

Q So we know following the next day, I think my colleague introduced exhibit 3, which was a wire from the 13th of September, and there were a number of other intelligence products produced in the days after the attacks from the Defense Intelligence Agency,

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from the NSA, really all across the intelligence community, that for a good, solid week assessed that a protest had taken place in Benghazi before the attacks. And we have copies of some of the SIGINT reports and the various other raw intelligence that were relied upon.

I would just like to ask you if you have any reason to believe that the analysts from the CIA or the Defense Intelligence Agency or the NCTC made these assessments for any reason other than assessing what information they actually had at that time?

A What other reason would there be? No. No. I mean, analysts don't do that. There is no political agenda when you are analyzing intelligence.

Ms. Sawyer: And you don't have any reason to believe that it was different here, that unlike usually what analysts do throughout the community that everyone broke from that tradition and allowed politics to influence their assessment of what happened in Benghazi?

[REDACTED] I absolutely do not believe that, especially given the quality and caliber of the analysts that were working on this problem set. We're very professional. And that would be an aberration of, I mean, for no reason, it would be out of character for any of these people that are producing this product.

BY MS. GREEN:

Q And going back to the sentence that you included in that report, you mentioned, the presence of armed assailants from

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the outset suggests this was an intentional assault and not the escalation of a peaceful protest. And you mentioned the use of that word "suggest" was not definitive at that point in time. Is that right?

A That is correct, it was not definitive.

Q And you mentioned earlier that you used that word because you were leaving the door open as more information came in. Is that correct?

A Correct.

Q My colleague is going to ask a couple questions.

BY MS. SAWYER:

Q I think at one point when you were describing kind of your assessment that night, and what you had added to this piece, this exhibit 2, at one point you had indicated -- you repeatedly said you wanted to leave open the possibility that it had been an intentional attack not a spontaneous attack, at least by some of the people who were there.

And at one point you said, you indicated that you wanted to leave open the possibility that the extremists had this plan on the shelf and were looking for a good moment of opportunity to execute it. Do you remember having that thought in mind as you were putting this together?

A That was my primary thought, and that's what I explained to the analyst who came to talk to me. I said, think about this, having been in the military for a long time, this is

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the way military people think and operate. And so we had that discussion. And I think I used the Korea example as a matter of fact, so --

Q And what would have been the opportunity that existed for them to execute on that particular night?

A I'm not sure what the opportunity would have been, but I just know that that's how -- and that's how Al Qaeda operates. That's trade craft, right. That's me having worked the Al Qaeda problem set for a while. That's what they do. They build these plans and then they wait for an opportunity to present itself to execute. So given the traffic that had been leading up to this time -- it's mentioned in exhibit 3 where it talks about the convoys and these sophisticated attacks -- that to me, with my military background, that to me suggested that this is possibly what was happening. So, I mean --

Q And would a protest, or thoughts of a protest, or gathering for a protest, have been a potential opportunity to execute attack?

A Yes, it could have been the opportunity. It could have been a protest. It could have been like they saw that there was no security that day, or there could have been any number of triggers for an event like that, if they were looking already for something like that.

Q And then just directing your attention briefly to exhibit 3, which you had discussed with my colleague in the last

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hour, page two, I think you had discussed. And there was some discussion of the topic line there, [REDACTED]

[REDACTED] there does not sound to me inconsistent with what you just described that the potential that what had happened was extremists capitalized on something that happened, a protest or some other activity?

A Yes, I agree.

Q So I think, from my view, certainly, those assessments, characterizations, what you believed and thought you captured in exhibit 2 and what was expressed in exhibit 3 are not dimetrically opposed?

A No, they're not inconsistent. I think some of the substance in here is a little bit -- they have more -- obviously, clearly, they have more information, and I think that's the primary difference is that we have more information. And, of course, it's been a day later. There has been time for more information to trickle in.

But I feel like that's the primary difference between these two things, because that last sentence or the last paragraph that starts with "Since April" and talks about sophisticated tactics that suggest the attack was well planned, that's completely consistent with what I was suggesting in the document, exhibit 2, in that sentence.

Q And in the last hour too, you had described that you had seen press reporting that indicated that night, so the night

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that you were working on exhibit 2, that indicated it might have been a phased attack. Have you had the opportunity at any point to then see the video that was actually taken at the temporary mission compound?

A I have not.

Q I know it wasn't available that night and it actually wasn't available, I think, to the U.S. Government for a few weeks.

A I did not. I have never seen that video.

Q Now, obviously the -- I think you had said -- we were asking you to remember things that were 2 years ago. I think you're generous. It think it's, to memory, I think it's --

A I think it's been like 4 years, yes.

Q Longer, yes.

A I left Active Duty 2 years ago, so I was still in the intelligence community up until 2014, so --

Q So there has been a fair amount of examination as to what happened in Benghazi as well as how the U.S. Government responded and also the analysis, so the agency's analysis and the entire intelligence community's analysis. You said you left 2 years ago. Have you been able to be updated on kind of any of that ongoing assessment as to both what happened that night and how the U.S. Government then talked about, responded to, analyzed the attack?

A No.

Q Did you ever get an opportunity to read the CIA's

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analytic line review about their assessment of the attack?

A No. Was that published before I left?

Q I think so --

Ms. Green. Yeah, it was.

Ms. Sawyer. It probably was done while you were still in service, but I don't know if you had an opportunity to read it.

BY MS. GREEN:

Q It was internal to the CIA.

A Oh, then no. Because once I left there, I went back to the military, I went back to the Defense Intelligence Agency and I had a different role. And as you all know in the intelligence community, if you don't have a need to know -- so it would not have been in purview.

Q It was really a critical look at every step they took in the process to try to do a better job the next time.

A That would be interesting to see what they wrote.

BY MS. SAWYER:

Q And then do you happen to recall -- I know we've talked to you a fair amount about exhibit 2 -- what, if any, role the Office of Terrorism Analysis had in that particular product?

A OTA?

Q Yeah.

A No.

Q And do you recall whether or not you ever discussed that particular product, exhibit 2, with anyone in the Office of

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Terrorism Analysis?

A I don't recall. One of our analysts, whose name I don't remember, but she came from OTA, so I probably would have just talked to her.

Ms. Green. So, [REDACTED] this is now the eighth congressional investigation into the Benghazi attacks.

[REDACTED] Can I pause for just one second?

Ms. Green. Yes.

[REDACTED] Thank you.

[Recess.]

BY MS. GREEN:

Q So we're asking every witness a series of questions from public allegations that have been made since the attacks. And it's our understanding, even where they may have been answered by other investigations, these allegations are still being pursued, and that is why we ask every witness.

And while anyone can speculate about the Benghazi attacks, only a limited universe of people have firsthand knowledge or evidence of what happened that night, before, during, and after the attacks. So what I'm asking from you is not for your opinion, but just whether you have firsthand information. If you do not, then we will just move onto the next question.

It has been alleged that Secretary of State Clinton intentionally blocked military action on the night of the attacks. One Congressman has speculated that, quote, "Secretary Clinton

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told Leon Panetta to stand down," end quote, and this resulted in the Defense Department not sending more assets to help in Benghazi.

Do you have any evidence that Secretary of State Clinton, ordered Secretary of Defense Panetta, to stand down on the night of the attacks?

A I have no firsthand knowledge of that.

Q Do you have any evidence that Secretary of State Clinton issued any kind of order to Secretary of Defense Panetta on the night of the attacks?

A I don't have any firsthand knowledge of that either.

Q It has been alleged that Secretary Clinton personally signed an April 2012 cable denying security to Libya. The Washington Post Fact Checker evaluated this claim and gave it Four Pinocchios, its highest award for false claims.

Do you have any evidence that Secretary Clinton personally signed an April 2012 cable denying security resources to Libya?

A No.

Q Do you have any evidence that Secretary Clinton was personally involved in providing specific instruction on day-to-day security resources in Benghazi?

A No.

Q It has been alleged that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Qadhafi to his own people in order to garner support for military

TS/SCI

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operations in Libya in the spring of 2011.

Do you have any evidence that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Qadhafi to his own people in order to garner support for military operations in the spring of 2011?

A No.

Q It has been alleged that the U.S. Mission in Benghazi included transferring weapons to Syrian rebels or to other countries. A bipartisan report issued by the House Permanent Select Committee on Intelligence found that, quote, "The CIA was not collecting and shipping arms from Libya to Syria," end quote, and they found no support for this allegation.

Do you have any evidence to contradict the House Intelligence Committee's bipartisan report findings that the CIA was not shipping arms from Libya to Syria?

A I do not have any firsthand knowledge.

Q Do you have any evidence that the U.S. facilities in Benghazi were being used to facilitate weapons transfers from Libya to Syria or to any other foreign country?

A I have no firsthand knowledge of that.

Q A team of CIA security personnel was temporarily delayed from departing the Annex to assist the Special Mission Compound, and there have been a number of allegations about the cause of and the appropriateness of that delay. The House Intelligence Committee issued a bipartisan report concluding that

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the team was not ordered to stand down but that instead there were tactical disagreements on the ground over how quickly to depart.

Do you have any evidence that would contradict the House Intelligence Committee's finding that there was no stand-down order to CIA personnel?

A No.

Q Putting aside whether you personally agree with the decision to delay temporarily or think it was the right decision, do you have any evidence that there was a bad or improper reason behind the temporary delay of the CIA security personnel who departed the Annex to assist the Special Mission Compound?

A No.

Q A concern has been raised by one individual that in the course of producing documents to the Accountability Review Board, damaging documents may have been removed or scrubbed out of that production.

Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to the ARB?

A No.

Q Do you have any evidence that anyone at the State Department directed anyone else at the State Department to remove or scrub damaging documents from materials provided to the ARB?

A No.

Q Let me ask this question about documents that were

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provided to Congress. Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to Congress?

A No.

Q It has been alleged that CIA Deputy Director Michael Morell altered unclassified talking points about the Benghazi attacks for political reasons, and that he then misrepresented his actions when he told Congress that the CIA, quote, "faithfully performed our duties in accordance with the highest standards of objectivity and nonpartisanship," end quote.

Do you have any evidence that CIA Deputy Director Mike Morell gave false or intentionally misleading testimony to Congress about the Benghazi talking points?

A No.

Q Do you have any evidence that CIA Deputy Director Morell altered the talking points provided to Congress for political reasons?

A No.

Q It has been alleged that Ambassador Susan Rice made an intentional misrepresentation when she spoke on the Sunday talk shows about the Benghazi attacks.

Do you have any reason to believe that Ambassador Rice intentionally misrepresented facts about the Benghazi attacks on the Sunday talk shows?

A No.

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Q It has been alleged that the President of the United States was, quote, "virtually AWOL as Commander-in-Chief," end quote, on the night of the attacks and that he was missing in action.

Do you have any evidence to support the allegation that the President was virtually AWOL as Commander-in-Chief or missing in action on the night of the attacks?

A No.

Q It has been alleged that a team of four military personnel at Embassy Tripoli, on the night of the attacks, who were considering flying on the second plane to Benghazi were ordered by their superiors to stand down, meaning to cease all operations. Military officials have stated that those four individuals were instead ordered to remain in place in Tripoli to provide security and medical assistance in their current location. A Republican staff report issued by the House Armed Services Committee found that, quote, "There was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi," end quote.

Do you have any evidence to contradict the conclusion of the House Armed Services Committee that there was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi?

A I have no firsthand knowledge of that.

Q It has been alleged that the military failed to deploy

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assets on the night of the attacks that would have saved lives. However, former Republican Congressman Howard Buck McKeon, the former chairman of the House Armed Services Committee, conducted a review of the attacks, after which he stated, quote, "Given where the troops were, how quickly the thing all happened, and how quickly it dissipated, we probably couldn't have done more than we did," end quote.

Do you have any evidence to contradict Congressman McKeon's conclusion?

A I don't have any evidence. That's not really an evidential question, but no, I don't have evidence to contradict that.

Q Do you have any evidence that the Pentagon had military assets available to them on the night of the attacks that could have saved lives but that the military leadership intentionally decided not to deploy them?

A No.

Q That is all we have. And again, on behalf of Congressman Elijah Cummings and the other Democratic members, we appreciate you coming in voluntarily today. Thank you.

BY MR. DAVIS:

Q I have great news. I have one more question.

When Shannon was reading you the list of allegations, she asked you about an allegation that the CIA was shipping arms from Libya to another location. It looked like you paused or you were

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thinking, maybe you remembered something. Did I misread your body language? You answered you had no firsthand knowledge.

A I do not have firsthand knowledge of that.

Q Did you pause longer to that question than other questions? Do you recall? I mean, do you have any secondhand knowledge of that?

A No. I was thinking about some of the things that have been on TV and some of the things that we've -- like, that have been discussed, so no, I don't have first or secondhand knowledge of that.

Q Great. Thank you.

Ms. Green. We can go off the record.

[Whereupon, at 12:19 p.m., the interview was concluded.]

~~TS/SC1~~

1611

EXHIBIT 1

This exhibit was not cleared for public release.

1612

EXHIBIT 2

This exhibit was not cleared for public release.

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EXHIBIT 3

This exhibit was not cleared for public release.

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