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 DIPLOMATIC SECURITY AGENT #12

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, APRIL 9, 2015

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FOR THE SELECT COMMITTEE ON BENGHAZI

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FOR THE U.S. DEPARTMENT OF STATE

AUSTIN EVERS, *Senior Advisor*

Ms. Barrineau. We'll go on the record.

This is a transcribed interview of [redacted] 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.

Could the witness please state your name for the record?

Mr. [redacted]

Ms. Barrineau. The committee appreciates your appearance at the interview this morning, Agent [redacted]

Good morning. My name is Sara Barrineau, with the committee's majority staff. And I'll let everyone else in the room introduce themselves,too.

Ms. Jackson. I'm Sharon Jackson with the majority staff.

Ms. Sawyer. Heather Sawyer with the minority.

Mr. Woolfork. I'm Brent Woolfork on the minority staff.

Mr. Rebnord. Dan Rebnord with the minority.

Mr. Desai. Ronak Desai with the minority.

Mr. Davis. I'm Carlton Davis, and I work for Mr. Gowdy.

Mr. Chipman. I'm Dana Chipman. I'm with the minority staff.

Ms. Clarke. Sheria Clarke with the majority staff.

Mr. Chipman. Did I say "minority"?

Ms. Clarke. You did.

Mr. Chipman. I meant majority. Thank you. I apologize.

Ms. Betz. I'm Kim Betz with the majority staff.

Mr. Evers. Austin Evers for the State Department.

Ms. Barrineau. Thank you.

Before we begin, I'd like to go over the ground rules and explain how the interview will proceed.

The way the 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 if they choose. We 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. We will rotate back and forth, 1 hour per side, until we are out of questions, and then the interview will be over.

Unlike a testimony or a 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 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 has not been an issue we've encountered in the past, but we just want to make sure you're clear on the process.

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This session is to begin as unclassified. If any question calls for a classified answer, please let us know, and we'll reserve its answer until we move into a classified setting, usually after lunch.

You're welcome to confer with counsel at any time throughout the interview. And I see that you've brought your counsel with you. But if anything needs to be clarified, we ask that the witness make this known. If you need to discuss anything with your counsel, we will go off the record and stop the clock to provide you this opportunity.

We'll take a break whenever is convenient for you. It can be after every hour of questioning, after a couple of rounds, whatever you need. If you need anything -- water, sweet tea, use of the facilities, or to confer with your counsel -- just let us know, and we'll go off the record and stop the clock. We just want to make this as easy and 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 please feel free to jump in if we respond nonverbally or if I start talking too fast. We should also be careful to not talk over each other, as it makes it harder for them to get a clear record. And I'm as guilty of that as anyone.

We want to make sure you answer our questions in the most complete and truthful manner possible, so we will take our time and repeat or clarify if necessary. If you have any questions or do not understand

any of our questions, please let us know. We'll be happy to clarify or repeat.

If you honestly don't know the answer to a question or don't remember, it's best not to guess. Please just give us your best recollection, and if there are things you don't know or can't remember, just say so, and tell us if you know who might be able to answer those questions.

You're required to -- I know you know this as an agent, but you're required to answer questions from Congress truthfully. Do you understand that?

Mr. [redacted] Yes.

Ms. Barrineau. Do you understand that this also applies to questions posed by congressional staff in an interview?

Mr. [redacted] Yes.

Ms. Barrineau. And do you understand that witnesses that knowingly provide false testimony could be subject to criminal prosecution for perjury or making false statements?

Mr. [redacted] Yes.

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

Mr. [redacted] No.

Ms. Barrineau. Okay. That's the end of the preamble.

Heather, do you guys have anything?

Ms. Sawyer. No, thanks.

Ms. Barrineau. Okay. The clock reads 10:04, and we'll start

with the first round.

EXAMINATION

BY MS. BARRINEAU:

Q Agent [redacted] could you tell us a bit about your professional background before you joined DS?

A Sure. [redacted], I was a United States Marine. I served as a Marine security guard in [redacted] and in [redacted]. After separating from the Marine Corps honorably, I went to college at [redacted] in [redacted]. After my studies were complete [redacted], I worked for a private security contractor in Iraq [redacted] and joined Diplomatic Security in [redacted] 2006.

Q And what have your assignments been with DS?

A With DS, I've served domestically. I started in 2006 at the [redacted] field office. After [redacted], I served as assistant regional security officer in [redacted]. After [redacted], I was assigned to the Joint Terrorism Task Force, the FBI's Joint Terrorism Task Force [redacted].

After that assignment, I served 1 year at the [redacted] resident office -- Diplomatic Security's [redacted] resident office in [redacted]. I then went to Arabic language training for 1 year and served a permanent assignment in -- well, I'm currently assigned to the U.S. Embassy in [redacted].

Q Where during that timeline did you find out and then serve in Benghazi?

A While I was serving in [redacted], so 2012 -- so 2011-2012.

Q Did you volunteer? Did they ask you to go?

A I volunteered to serve in Benghazi.

Q How did you find out about it?

A As I recall, there was a broadcast message, which is typical for these type of assignments, for the Bureau or the Department to ask for volunteers, and I answered the call.

Q Do you remember -- and I know this was several years ago. Do you remember how much time from when you said, "Yes, I'll go," till when they had you on a plane?

A I don't recall the exact timeframe. I can speculate to say 30 days.

Q Okay. That's good.

I guess at that point you had already completed high-threat training?

A Correct.

Q Was it required at the time for everyone going into Benghazi to have completed the high-threat training?

A As I recall, I think it was required for everyone to serve -- or to have that training, the high-threat training.

Q Before you left to go to Benghazi, did DS provide you with any kind of security briefing or information or meetings or anything like that?

A I was assigned to work criminal investigations in [redacted] I had limited access to classified systems. If I needed to read something on the classified side, I would generally ask the

[redacted] I can't recall if I went over and read anything -- any classified, you know, security assessments or anything prior to my departure.

I do recall having email correspondence and maybe even had a phone call with personalities at post -- by "post," I mean Benghazi -- and also people -- I'm certain I corresponded with International Programs here in DS.

Q Do you remember who in International Programs you were talking to?

A Certainly, the desk officer, [redacted] and I think the region director at the time was [redacted].

Q So based on what they had told you, both at post and in D.C., what did you understand the situation in Benghazi to be in terms of, kind of, what you were getting into, if that makes any sense?

A I can't recall exactly what our conversations -- it was over 3 years ago. However, I'm confident to state that it was a high-threat post. I knew that if I needed the training to be a high-threat -- you know, high-threat-trained, that the situation -- or that the post required those type of skills from an agent going out there. So it wasn't, for example, Paris, where you wouldn't need that type of training.

Q Okay. Let me ask this. Did you know before you got there if the facility had the traditional diplomatic status or official

diplomatic status that you were used to, say, during your time in [redacted]? Did you know it to be any different?

Mr. Evers. Do you understand what she's asking?

Mr. [redacted] Could you maybe elaborate a little bit more?

BY MS. BARRINEAU:

Q Sure.

So, because you've done some time overseas, you understand, you know, what an embassy or consulate is and the official diplomatic status that comes it. Were you given any indication before you got to Benghazi that it might be a different type of facility?

Does that make sense?

A I mean, what I can -- how I can answer that is, you know, I read the message --

Q Uh-huh.

A -- I volunteered to serve at the post. And I don't really ask too many questions following what I'm being asked to do, which is provide a safe and secure environment for the conduct of diplomacy.

So when I answered that, understood that was going to serve that purpose.

Q Okay.

So when you got to Benghazi, what was the security environment both at the compound and in the city at large?

A When I arrived off the plane, landed in Benghazi, you know, there was no uniformed police on the streets. Militias were the flavor of the day, who provided security services to the city. You generally

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can move freely. We didn't incur any problems from my experience at the airport to when I arrived at the compound.

Q Could you identify a militia from a civilian or additional, like, various militias from one another? Does that make sense? You know, in this country, the police are all wearing uniforms that look the same. Could you tell --

A My initial -- you know, upon my initial arrival, no, I couldn't tell you who worked for who, and I don't know if that changed throughout my stay. Again, they were nonuniformed, you know -- when I say "nonuniformed," there was no standard uniform. The militia members, if you will, generally wore whatever they wore. I guess that's the best answer.

BY MS. JACKSON:

Q So not even like battle fatigues, camouflage, anything like that? There wasn't even an unofficial uniform or insignia of any kind?

A Certainly, they wore fatigues, camouflage, utilities, as we would call them in the Marine Corps. But there was no standardization in uniform, which we are familiar with through our Armed Forces. I'm, you know, a former Marine. I know by different patterns of camouflage what each servicemember -- or he or she belongs to. There was not that.

Q Or even in the police department --

A Correct.

Q -- you know the difference between the brown of a sheriff's deputy versus the blue of a trooper or city police officer

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or things like that. You saw no regularization, shall we say?

A Yes, ma'am.

Q Okay.

A I did not see uniformity in the appearance of -- again, I'm trying to recall, you know, what happened 3 years ago the best I can, but I don't recall, you know, this unit wearing this particular set of camouflage utilities or this unit wearing this particular -- identifying them as such.

Q Could you distinguish at all between one militia and another? Flags, other emblems, things like that? Were you at any point able to distinguish between sort of a friendly militia and a less friendly militia, if there was such a thing?

A Again, I can't recall, you know, who was friend from -- which militia group we would have had any concerns about. I mean, we had four or five at the time, 17th February Martyrs Brigade soldiers, we'll call them, that were associated with the compound. And they had been with -- or with the American presence there. They had been with us and provided us a quick-reaction-force-type of a capability at the compound, and they were part of the, for lack of better terms, loyal militia. The predominant militia that was in Benghazi at the time was the 17th February guys.

They helped us determine who were friendly from who weren't friendly. And I can't recall a time where we ever had any unfriendly militias that we encountered during my period of time there. I can't recall a time where we encountered any unfriendly militia.

BY MS. BARRINEAU:

Q Do you remember when you got to Benghazi?

A Yes.

Q When did you get to Benghazi?

A February 1st, I believe.

Q And --

A I say that so matter-of-factly, but I think it was February 1st.

Q -- do I understand correctly that you started as an ARSO for about a week and then you became the RSO when Agent [redacted] left? Is that right?

A When I was asked to go, in my initial volunteer -- when I volunteered for the position, I volunteered knowing that I was going as the regional security officer. I volunteered for the job. International Programs said, hey, you know, we'd like for you to be the temporary regional security officer there.

When I arrived, it was my understanding that the previous RSO and I would turn over for a couple of days, which is customary --

Q That makes sense.

A -- in my previous positions, and then he would go on. Because, again, these were temporary assignments.

Q So when you arrived and it was you and it was the RSO at the time, how many ARSOs were there?

A Including myself, I traveled with another agent, [redacted]. [redacted] and I traveled together into Benghazi. When we arrived,

there were three agents on the ground. That's including the RSO, so a total of five agents. We brought the total number of agents on the ground to five when we arrived.

Q Do you remember how long it stayed at five? Or were several of those rotating out?

A The dates and times when people left, you know, escapes me. However, I know that it was only a short period of time while we were all together there.

Q And then during the time you were there, what was -- and, obviously, I don't expect you to remember who came and left when, but what was the average number of agents you had on the compound while you were there, including yourself?

A The number fluctuated, so I don't know if I ever had an average.

Q Did you ever get back to -- once some of those agents rotated out, did you ever have five agents again?

A No.

Q Do you remember if you ever had four agents?

A Yes.

Q You did have four agents --

A Yes.

Q -- at some point. Okay.

BY MS. JACKSON:

Q Was that early on or later on?

A It would have been later on, towards the end of my time in

Benghazi.

Q Was it a situation again where agents were coming in to replace agents on the ground so you had the overlap again?

A As I recall, that's probably -- that was the situation.

Q Okay.

A Again, you know, personnel would travel to Benghazi, transition with the person that they were replacing, and then the other agents would then depart.

Q Okay.

BY MS. BARRINEAU:

Q But so, for the most part, once the transitions kind of settled, in between transitions, you generally had three or less RSOs on the compound? Is that fair?

A Again, you know, as I reflect on it, I don't know if I want to generalize and say that I only had four or three. You may know better than I do, but four was the maximum number of agents that I had on the ground in Benghazi, including myself. So three agents working with me was the maximum number, so four together.

Q Okay.

So when you got to the compound, what did the compound look like? What was the compound when you got there?

Ms. Jackson. Before that, can I ask --

Ms. Barrineau. I'm sorry.

BY MS. JACKSON:

Q Was there ever just you at the compound?

A Without other agents, you mean?

Q Yes.

A No.

Q Okay. So there was always at least one other person?

A Yes.

Q Did you always have at least two other people?

A Including myself?

Q No. In addition.

A So three.

Q Yes, three.

A So three agents on the ground. Did I ever have -- I'm sorry, could you ask again?

Q I guess what I'm asking is, was there ever a point where there was just two of you, you and one other agent? Or was it always you and two other agents?

A Again, I believe there was a period of time there was just two of us in Benghazi.

Q Okay.

Ms. Barrineau. Good?

Ms. Jackson. Yeah.

BY MS. BARRINEAU:

Q Okay. So when you got to Benghazi, what was the compound like? What was the nature of the compound?

A Could you be more specific about "the nature"?

Q What did it look like? You had some villas.

A Okay. When I arrived, after, you know, not -- we've already said that the arrival to the compound, there was militias, an assortment of militias, no police, but we could move freely about.

When I arrived on the compound, it was 13 acres -- I remember this pretty vividly -- 13 acres. We occupied three dormitories, I will say. We named them Villa A, B, and C. There was a building that we considered as, you know -- it was referred to by, you know, us and the other folks there as the tactical operations center, also as the office.

And then we had another outlying building on the 13-acre compound, which really was three separate, you know, residences, which housed the quick reaction forces I've described before, the 17th February guys, who also lived on compound with us.

Does that answer your question?

Q Uh-huh.

A Okay.

Q So what did you think about -- especially considering you had already served in Islamabad, which was high-threat, what did you think about the physical security of the compound when you arrived?

A The facility itself -- I mean, I'll just say the compound itself, the wall was in poor condition. There was, you know, several things that I have become accustomed to, serving in the Marine Corps overseas, serving as an ARSO in Islamabad, that were absent in Benghazi. You know --

Q Like what?

A The lack of any -- you know, the setback was not what we

had come -- again, that I've become accustomed to and which I know were standards that we try not to deviate from. There was no anti-ram vehicle barriers, if you will, to provide us that protection.

Those were some of the initial impressions. You know, those are some of the -- when you get there, you do see that the wall was in poor condition --

Q Right.

A -- and that there was none of those, you know, those countermeasures, if you will, the countermeasures that are usually outside a diplomatic facility. Well, I shouldn't -- you know, what I have come to understand are outside a diplomatic facility, the vehicle barriers, those were absent when I arrived.

Q So during your turnover with the RSO, did you discuss any of that?

A Again, as I recall, with --

Q Understood.

A -- speaking with [redacted] you know, we identified various weaknesses, various projects, various things that he either wanted to start or things that he had asked for funding to start, things that he did while he was there, and, you know, where to kind of go during my -- where to go or what's in the queue for the next couple of months.

So, yes, we did turn over, you know, some of those projects that we both wanted to -- that we both, I think, felt were necessary to improve our situation there.

Q Do you remember what requests maybe you inherited that he

had already made that you were still waiting on?

A I believe [redacted] requested funding for a drop-arm. And when I say "drop-arm," that was supposed to prevent people from being able to just drive up right into the front gate of our facility.

He had also asked for some funding for some sandbags.

Again, none of these -- again, he had asked for the funding, but it took a while for the -- when you add -- you know, the process is, you ask for money, and then it comes to you. There is some, you know, making sure that, you know, our requests are adequate, appropriate, and then the money is disbursed to Tripoli. And then it's -- you know, it was a cash economy at the time, so that money had to get to us before we could identify contractors and work to be under way.

So those are the two projects that I can readily recall that he started.

Q Did you make any additional requests while you were there for physical security upgrades?

A Certainly.

Q What did you request?

A Again, you know, I carried forward with some of the things that [redacted] wanted.

When the money was appropriated for the sandbags, we identified places to deploy these sandbag fighting positions, as we called them, you know, to give us these concentric -- you know, our security, you know, developed around a concentric rings theory. You've probably heard it over the period of other folks talking about it, but we wanted

to improve our ability to either defend from -- you know, to take the compound back or, you know, to give ourselves an opportunity for a fight and retreat. And that was the idea between the sandbags.

They're not, you know, in most -- in my experience, sandbags are not deployed at, you know, diplomatic facilities, but we believed they were important to give ourselves an opportunity to defend the compound if need be.

I also -- again, [redacted] had asked for the drop-arm. Well, we were able to get -- with the money that he had asked for, we were able to get another, so two drop-arms. And that work was performed while I was there.

You know, you don't need to be an expert in physical security, which I don't claim to be at all, but knowing that the wall was a major source of concern for myself, for my predecessor -- I don't want to speak for him, but I know when we were walking around, that was obviously a concern for all of us. So, you know, I worked with Diplomatic Security to improve the wall.

And there were obstacles to improving the wall. The answer was -- the short answer was OBO, Overseas Building Office, because it was a short-term lease, we couldn't improve the wall. We had to ask the landlord to improve the wall. And up until that point, my amount of confidence in getting the landlord to do anything was absent. There just wasn't any. We had other projects, the generator, you know, that the landlord just didn't pay attention to.

So we, myself and DS, the physical security experts back in

Washington, came up with a plan to build a temporary chain-link fence that would bring a -- you know, specifications were something that we all agreed upon, and it gave us some type of a level of comfort for an antipersonnel measure, so that if people were able to get over the wall, they would also have to defeat a chain-link fence with razor wire around it. Again, this is the concentric rings theory, was to kind of delay, you know, someone from intruding on the compound.

Q Did that temporary chain-link fence ever -- was that ever built while you were there? I don't know if "built" is the right word, but --

A I understand.

The work began roughly 2 weeks before I departed. Again, we'd identified the problem, requested the amount of funding, identified a contractor to perform the work -- which, again, it's a cash economy. There weren't a lot of -- you know, it's not like you can pick up a phone and go through the Yellow Pages there and find someone. You know, it's really word of mouth or you're relying on, you know, your locals to help you with it.

We identified a contractor to do the work, agreed on a price of the work, and the money was allocated. We paid him 20 percent. He began the work prior to me leaving. A couple of weeks after -- you know, we agreed upon a plan, blueprints, if you will, and the work began.

Q Aside from the fact that it was a cash economy, did you have other funding issues back in D.C., with it being a temporary mission?

A The money that I requested to Diplomatic Security I

received. Today, if I want to reflect on it, would I have been -- I felt, you know, that if I had the money in my pockets, I could have been able to -- the work would have been performed earlier.

The work was performed, however, not as timely as I wanted it to be, I guess is the way that I want to characterize that.

Q So, essentially, if the money had been at post instead of -- is that what you're saying? Instead of having to go through D.C. and Tripoli and then get cash? I just want to make sure I understand what you're saying.

A I think that's fair, yes. If we had the money at post and -- if I had the money at post, you know, if I was able to spend the money -- you know, I'm an official for the U.S. Government. I'm entrusted with a lot as a DS special agent. You know, I wanted the ability to go ahead and perform work, pay for that work, and then on the back end be able to tell people, "This is what I spent it for," and be able to -- you know, justify it that way, because it just made sense in my mind. Not necessarily -- I don't know if that's the appropriate way to do it, but for me, that was some of my frustration.

I can also discuss some of the other projects my team --

Q Absolutely.

A -- undertook while we were there aside from the fence.

We also -- again, I don't know if it was necessarily my team's brainstorming or, you know, a combination of the previous regimes and myself, but we also knew that there was bars. If you travel abroad, you often see bars on windows because the crime -- you know, to prevent

people from breaking in. Well, they don't always think that you need to get out of those in a fire. So we identified that there was a weakness, that you couldn't get out if there was a fire.

So, again, we identified some -- you know, identified a contractor to come in and cut those window grilles off and then replace them with a system that was very, very, you know, rudimentary, but it worked, to get out in case of a fire. We strategically located those in different buildings so, you know, there was at least one or two in each of the buildings so that if there was a fire you could escape from the building.

And, you know, that was one of the more -- you know, we took a lot of pride to get that done and then, after the fact, know that that was used.

Q Uh-huh.

A We also identified that, you know, there was no protection once -- you know, the methodology is to kind of bunker up -- at that point, the methodology was to kind of consolidate forces, bunker up, and then try to see what the situation was going on. Because we did have personnel on compound that were not -- you know, they didn't -- they weren't, for lack of better terms, gun-toters. They weren't DS agents, they weren't responsible for security. Those persons were the information management officer and the principal officer or any other TDYers that had come to post.

So we devised a very, you know, rudimentary safe haven, for lack of a better term, a gate, you know, that was [redacted] inside

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of the marble that, you know, protected, something that we could lock that would, again, delay adversaries to getting to our people. And we slept behind that, and I think in one of the villas.

Since that worked so well, I sought funding to create, you know, the same type of model in each one of our other -- the TOC and also one of the other dormitories. I sought funding for it. I don't know if the work was completed or not.

There were some other -- again, the other projects that we undertook. I mean, a visiting technical security team from Cairo came out and, you know, improved cameras, improved the lighting on the compound. There used to be vineyards on the compound. We just demolished all of the vegetation that had overgrown where people could find cover and concealment on the compound to make it easier for us to see what's going on at night.

You know, and my team -- and, I mean, really, the guys that I worked with there were very helpful, allowing me to accomplish some of these tasks. Because we all had, you know, a commitment to make things better for the next team that came in. And I think that that's just not -- you know, just not us that were thinking about that, you know. People before us were doing the same, and, you know, people afterwards, I'm certain, were doing the same.

Q Even with those upgrades that you made -- and it sounds like you made a lot of progress in 2 months -- did the compound then look like something you were more accustomed to in an overseas high-threat environment, or was it still lacking and you were essentially making

do with the best you could?

A In my experience --

Q Yes.

A -- Benghazi, the Special Mission Compound or facility did not look like other places I had been.

Q Did you make any requests that were just flat-out denied or refused?

A I can't recall.

Q Do you remember if anyone in D.C. ever put parameters on what you could request? "You can request these field-expedient things, but don't even bother requesting these things."

A Yeah, I can't recall if I was told that.

Q Okay.

BY MS. JACKSON:

Q Other than the wall?

A Right.

Q Right.

A Other than the wall. And, again, to clarify, the wall, you know, there was a -- you know, DS, we wanted to find a solution for that. The guys back in Washington, you know, we created a solution over email. Said, hey, this was a weakness, this was the restriction, let's get over that obstacle. I think, you know, we had a common, you know, approach to let's fix this, because we identified it as a vulnerability.

Q Right.

So were there any other issues that you identified, like the wall, where you had conversations with Washington where they said we're not going to fund that so let's go think of another way to get around this issue?

A The wall is the one thing that sticks out in my mind. And, again, I just want to -- you know, I do want to, you know, make sure that's clear that we did find a solution.

Q Right.

A It wasn't, you know, what we originally intended, which was improving the walls, but it was a solution.

Q Uh-huh.

BY MS. BARRINEAU:

Q Did you at least feel comfortable in making requests back to D.C.? Does that make sense?

A Yeah. I felt comfortable.

Q Okay. Let's go back to the staffing on the compound. And we talked about the DS agents. Tell me about the local -- what did you think of the local guard force when you arrived? What was your impression of them?

A Could you be more clear, I guess, who -- local guard force?

Q Okay, let's do both. Let's do the unarmed guards, for lack of a better word, and then we can talk about the 17th Feb QRFs.

A Okay. And the original question? I'm sorry.

Q Just what was your impression of the local guard force in terms of your other overseas experience and then what you thought of

those guys specifically.

A I'm going to base my answer off of what I've experienced in [redacted]. I had a contract guard force in [redacted], which was, you know -- contract guard force, I believe it was G4S at the time, 1,000-plus guards on a contract. They were trained by the guard contractor and given to us trained, ready to assume their positions. So I was familiar with guard forces prior to coming to Benghazi.

Now, when I arrived to Benghazi, we were in the midst of formalizing our guard force there. I was on the selection process for the guard contractor.

The guards, my impression was the question, of the guards that were there?

Q Uh-huh.

A They wanted to help. They needed the training to do their job. I think that's a good answer for that.

Q Did you feel the same way -- after you got the contract with the Blue Mountain Group and you started that, did that help any? Was that better? Or did you still feel that they were lacking training?

A As I recall it, many of the guards that we had under the previous -- before there was a contractor were absorbed by the guard force. I was more than elated when we professionalized the guard force, meaning we had standards to hold the guard contractor to, but we allowed them a certain amount of time to, you know, assume their roles as this professional guard force.

So with that came training on how to stand post. I mean, you know,

they started from, you know, the grassroots before we -- but they were still working as guards while we were there. I mean, this was something that we agreed to, you know. This was an expeditionary mission, and, you know, we were cognizant of the fact that we needed guards, they knew that we needed guards, and they wanted to train them. We met together that we wanted -- we had a common objective to make sure that the guards were professionals standing post.

And, you know, I was happy with the choice that we made to go with this contract guard force, to go with the group that we eventually -- that the Department eventually solicited the contract to.

Q Could you tell a difference as the training went on that the service that the guards were providing was getting better?

A Again, I can't recall, but there -- I mean, one instance, you know, comes into my mind. This was after the guard force was handed over to Blue Mountain, that the guards did what we expected them to do. You know, they initiated an alarm, and they sought cover. And that initiating alarm allowed us to react a certain and appropriate way.

So I was impressed with that, and I always commended my guards on doing that type of a job, because it was difficult in those type of circumstances. You know, guarding American diplomats in Benghazi is not something that's easy to do, and especially when we're asking people that are not formerly police officers or military, you know, to do this type of a job. It's just different standards, you know.

It's not asking somebody out here who knows what, you know, a mall -- for instance, we know what mall security guards do, you know, and so we kind of grow up in this idea of what a security person professional does. There they didn't have that. These guys were -- you know, some of them were educated, you know. They went, you know, and they were just finding employment at our facility.

So they did what we expected them to do under some tough circumstances.

Q So you said that you expected them to sound an alarm and seek cover. Was that essentially their role?

A Varying roles, right? So each position has different post orders, if you will. And I can't recall directly which post did what. But, you know, one of my agents or both of them that worked with me, you know, identified guard orders for each of the posts, you know.

But, essentially, you know, if you're a guard, you're supposed to observe and report, you know. We're not asking you to do -- they're unarmed guards. We're not asking them to put themselves in any more harm's way than they already were, being assigned to an American mission overseas.

Q So then let's discuss the other half of that. What did you think about the 17th Feb QRF that you had that were living there? What was your impression of --

Ms. Jackson. Before we go to 17th Feb, I've got just a couple of questions --

Ms. Barrineau. Okay.

Ms. Jackson. -- on the local guard force.

BY MS. JACKSON:

Q You said that many of your existing guards were absorbed by the Blue Mountain contract. Do you have a sense of how long they had been there prior to being absorbed by this contract? I mean, had they been there a matter of a couple of weeks or a couple of months?

The facility had opened in the summer of 2011, so it's 6, 7, 8 months in existence by then.

A Ma'am, I don't recall who stayed and who went when the new guard contract came on board. I know that some of them were absorbed. Some of them were let go, either because of performance issues or because they couldn't pass the, you know, strict, you know, HR process of Blue Mountain. There was a number of reasons why some of them stayed and some of them didn't stay, so I couldn't recall exactly what some of those were.

Q Okay. I just want to try to get your assessment of, if they had been there for 6 months, why did they not know the rudimentary tasks that were expected of them -- asking visitors who they were, screening vehicles, sounding the duck-and-cover alarm? You know, why is it that there was this basic training that was required if guards had been there for at least 6 months prior to your arrival?

A I don't want to say that the training or the nature of the work that they did was rudimentary. Some of those, you know, tasks are -- you know, they seem to us to be kind of standard for a guard, but for, you know, others who perform these security tasks, they are

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quite involved.

And I think that, you know, training is a big -- is something that is constant. And if throughout that process -- again, I can't speak for what happened before I got there. What I can speak for in my experience was that when a guard was on the contract -- or the guard was assigned to our facility, we took an interest in developing that particular guard to make sure that he -- it was a he; they were all males -- that he knew what his job was and that there were disciplinary actions for when they didn't.

If that disciplinary action before the Blue Mountain folks got there was termination, they were terminated. We would tell them they're not coming back. I can't tell you how many times that occurred. But, you know, if we found them not performing their job, we would take corrective action, because it was important for us.

And, again, my experiences with another guard force in [redacted] was that was a good remedy, to train them how to do their job and then take corrective action when they fail. And if need be, termination may have been an option.

We didn't want people working there that weren't enthusiastic about keeping us safe.

Q Right.

A And we expect these local guards, like we do in many other places, to provide us that level of comfort.

Q Now, you talked about the fact that when you got there they were changing the contract, and you were involved in that selection

process. What were the problems and issues with the prior contract? Because there was some sort of a contract there, right?

A As I understand it, ma'am, there was what's called a life services contract. I don't know or I can't recall what those problems were. I know I was pretty happy when we said we're professionalizing the guard force by hiring a contractor to perform the services. I'm comfortable with that, I'm used to it, as I was in [redacted] a very large contract guard force.

So getting this contract guard force is something I was ready to absorb. And I don't know -- I can't recall what the problems were with the previous guard force.

Q All right. Very good.

BY MS. BARRINEAU:

Q Okay. So tell us a little bit about the QRF and what your impressions of them were and their role on the compound.

A Maybe you could better describe "impressions." I'm hard at giving feelings. Maybe just, did they perform this, or what was -- maybe --

Q Okay. So you had four to five 17th Feb guys living on the compound.

A Uh-huh.

Q What was their role?

A Okay. What I and my team expected of the 17th February guys were to provide a quick-reaction-force type of capability, which, basically, if we needed -- if we got into a situation where we needed

extra guys with guns, they would assist us in mitigating whatever that threat was.

Now, to give you some examples, when we employed them, we employed them on motorcade movements at times. We employed them to help us respond to incidents on compound where we believed someone may have accessed the facility unauthorized, jumping the wall.

There's other times where we used them basically to just do things that we couldn't get done, menial tasks, if you will. "Go to the store and pick this up for us." "Find me two or three contractors to perform this type of work." They did that. And we couldn't have done what we needed to get done out there without those guys.

Q So you thought they had the capability and appropriate training to do what you were expecting them to do?

A When I assumed my role as the RSO, I had knowledge that they were trained in some form or fashion throughout their time at this special mission compound by other DS agents.

When we were there, we trained them. And when I say "trained them," we trained them on protective security, PRS, if you will, the movement security. We also trained them on reaction to contact, how to, you know, bound and over-watch these military-type small-unit tactics, things that we get in our high-threat training that all the agents are comfortable explaining to this force.

I observed their training. The other agents observed their training. We observed them in the field when we were doing these type of things. And I was confident that they stuck their neck out for us

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on quite a few times.

And, again, I don't want to discount the fact that working with the Americans anywhere, you know, much less in Libya, is probably, you know, a scary endeavor for some. And these folks were brave enough to step up and say, we're going to help you here.

And they worked for 17th February. 17th Feb, as I've explained, was the predominant militia force that was in Benghazi at the time. They seemed to have the most representation with other -- they were the most powerful, I guess, for lack of a better term, and they could get things done.

Q Did you trust that if you needed them that they would respond in some kind of a security incident?

A It was my experience that when we needed them they showed up. When I say "they," the four, five, or whoever was on compound. Again, they wanted to help. They were eager to help us.

Q Did you have any issues with them at all?

A When you say "issues"?

Q Well, in general, but specifically an issue with stipends and host nation not paying them so they were somewhat disgruntled?

A Again, I can't recall, you know, exact moments in time where they had problems getting paid. I know that we paid them a stipend for being there, which is, in my experience, customary with other police forces that provide us protection. But that stipend is to offset the cost of meals and other incidentals for them having to, you know, live and work with us. We pay them so that they can go pay for a meal away

from their homes.

I do recall some problems with their government, the transitioning government at the time, not being able to pay for them for their service either after the revolution or during the revolution. I think there were some problems with them getting paid.

Q But did it affect the level of performance, for lack of a better word, that you were getting from them?

A I don't recall if that affected them. Again, my general, you know -- when I asked them to help, they helped.

BY MS. JACKSON:

Q Was it your understanding that they were going to be, if need be, augmented by the larger Feb 17th Brigade?

A When you say "augmented"?

Q So if an incident happened at the compound or you're in a movement and there's an issue at a checkpoint and it appears that it may be more than you can handle, whoever's there, was it your understanding that they could call in more reinforcements to assist?

A Yes.

Q Okay. Was there an agreement to do that?

A I met with one of the, I guess, for lack of better terms, a sub-commander at the 17th February on a number of occasions. Maybe I met with a couple of people maybe. I'm certain I met with some of the leadership, you know. And through, you know, an interpreter -- I didn't speak Arabic at the time -- we were able to, you know, come to some level of agreement that if we needed assistance they were but a

phone call away. And that phone call typically would be from our QRF guys. The QRF guys were subordinate to the sub-commanders that I spoke to.

With that said, I also -- you know, there's at least one incident that, you know, these guys did show up and help us out.

Q Can you tell us about that?

A There's two incidents, one I'd prefer to speak about, you know, in a classified setting, and the other incident was when we had -- the guards did exactly what we explained before. They initiated the duck-and-cover, and it was a militia -- there was a disturbance outside of our gates. The guards initiated duck-and-cover. We reacted, and our 17th February QRF guys on the compound, you know, were able to coordinate to this other element of, I believe, 17th Feb outside of the compound that was interested in a fire that we had on our compound by one of the local guards.

This other force was investigating, what's this fire on this compound for? And then the guard initiated the duck-and-cover because these guys came up to the gate. And our 17th February guys were able to coordinate with their higher elements there, and they were able to deconflict. The situation mitigated.

The other topic we can talk about in another setting.

BY MS. BARRINEAU:

Q Okay. Aside from the other situation we can discuss in a classified setting, did you have any other security incidents while you were at post?

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A Oh, there were several, and, again, I can't recall specifics on each, but they were reported to DS, you know, using our spot reports.

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Mr. [redacted] And, you know, I think I explained, the one was the intruder on the compound. I think we had a couple of those while we were there. It turned out we didn't, so we never, you know, found anybody that reported had climbing over the walls. And we collectively responded together.

I am trying to recall. You know, there was one instance that we reported where myself and another agent were detained for a short period of time by, you know, a local militia. And it turned out that local militia was somehow associated with the 17th February guys. And, again, this is another example where the QRF was able to ensure that we, you know, escaped the situation with, you know, handshakes and smiles.

We were in an area doing some advance work, and we were detained by guards, essentially, that had no idea who we were, what we were doing out there. And then it moved to, you know, a more -- an escort, if you will, to another katahb, another camp, down the road, where we were, you know, told to wait here until we figure this thing out.

You know, that, of course, elevated our response. "How are we going to get out of this? What are we going to do?" But the 17th February guys were able to communicate, you know, what we were doing, that it was, you know -- part of what we do out there was make sure that the place where the principal officer wanted to go was safe. And

we were able to eventually mitigate the situation. But it kind of highlights the 17th February guys' work and how they were effective in doing their job for us.

I mean, Benghazi, at that time -- I mean, it is just not -- you know, I say "Paris," but, you know, it was an environment where there had just been a war, and there was no security and -- no formidable security. We had freedom of movement. We could get around using basic, you know, precautions during the day. You know, we stayed off the road at night. But -- so I can't recall any other security incidents that we were involved in.

BY MS. BARRINEAU:

Q So what was the general response on the compound? Because it seems like a lot of the incidents fell into the, kind of, category of someone who shouldn't be on the compound trying to come onto the compound or allegedly trying to come onto the compound. When something like that happened, what was the response on the compound?

A I'll approach it two ways.

So, one, as I explained to you, the guard initiated what we call the duck-and-cover, that he has a pendant on his person, on his neck, and he initiates that. That sends an alarm throughout the whole, the facility.

Now, we would -- again, during my time, we would respond by isolating personnel within the safe haven, which was in our primary dormitory. One of the agents would stay with the non-DS personnel in the facility. One of the agents at that point was living inside of

the TOC. We had some communications equipment in there that we slept with, as well as our arms. And that agent would then coordinate, you know, with what available resources we had to investigate the situation.

Now, if we had agent personnel, that would involve, you know, utilizing the CCTV cameras that we had. That may require local guards investigating the compound. That may require, you know, the QRF investigating. It may combine ourselves, QRF and the local guard, investigating the area. I can recall an occasion where we did go out, methodically, you know, clear the 13-acre facility to ensure that there was nobody on the grounds. When I say "methodically clear," that is, going out there with guns and moving tactically to ensure that nobody was out there, no threats remained to ourselves or to others.

That's typical. That was a -- I shy away from "typical" because every situation is so different and depending on 1hat we had at the time. But we responded-- we had a, you know, plan to respond to those types of internal defense situations.

Q So what you just described took a minimum of three agents, because you said you have an agent in the TOC, which makes sense, an agent with the non-DS personnel, which makes sense, and a third person who would be helping the QRF or whatever clear the compound.

Would you have felt like you were at a tactical disadvantage or had insufficient resources with less than three agents? Because it seems like if you don't have three agents you have to give up something off that list.

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A I don't know if I gave a number of how many agents it required. And sometimes we didn't -- you know, again, I'm trying to recall exactly the instances. But, you know, I believe our intention was to keep always someone with the principal officer or other persons and one person to, you know, manage the situation inside the TOC.

Now, depending on the number of people that we had, DS or other shooters in Benghazi, we would likely attach them to the QRF.

Look, I'm not going to put my folks out there if I don't have to. If the QRF is willing to go do a job and we are confident that they can go out there and clear this compound and that we have, you know, CCTV coverage, you know -- I mean, it sounds, you know, heartless a little bit, but if my local guards who are getting paid to do a job can investigate something, if the QRF or their government at the time is expecting them to help provide us protection, I'm going to have them go do it instead of sending a OS agent out there to respond to this type of stuff.

Ideally, if a DS agent was there and I was concerned enough that they couldn't investigate that, I would attach a OS agent out there. I can't recall, you know, with any specificity when I attached a OS agent with these guys or if I attached myself to go out there and investigate this.

Again, I would have you look at the reports that -- I am operating under the assumption that you've seen some of these spot reports that I drafted or that my team drafted. And I think that they would probably give a better understanding of how we responded to each of those.

Q I see my time is up. I just want to ask one followup question.

I guess what I'm asking is not necessarily for every specific response, but with less than three agents, did you feel like you were able -- would you have felt like you were able to adequately respond to an event, or would you have felt like you didn't have enough resources?

Mr. Evers. You're asking him to speculate?

Ms. Jackson. Give his opinion. He is a trained official, a trained expert in security.

Mr. [redacted] I don't consider myself an expert. I consider -- certainly, I'm learning every day.

It's no mystery that we had personnel, resource limitations out there. I can tell you, when those people came over the wall, we did our job and made sure that the facility was safe for us to continue to be there. I don't want to, you know, say that if we had more people we could have done a better job. The job was performed, and that's, I guess, what I was concerned with.

Ms. Barrineau. Let's go off the record.

[Recess.]

Ms. Jackson. The time is now 11:26.

And by agreement of the staff and with the witness' concurrence, the majority is going to continue their questioning and hopefully finish up in a half-hour, 45 minutes, and then we're going to turn it over to the minority staff to do their questioning, and then we hope

to be done.

So, with that, we will continue, hopefully not for another hour but some amount of time less than that.

Mr. [redacted] Okay.

BY MR. BARRINEAU:

Q Okay. When we finished up, we were talking about staffing and security incidents. Did you, while you were there, make any requests for additional staffing, be it DS agents or hiring locals or military support from Tripoli or anything like that?

A Yes. I think all of the above.

Q Were any of those requests granted while you were there?

A Again, I received -- well, not "again" -- I received support from a special forces team that was based out of Tripoli. A couple of folks came down and visited with me and helped me augment security during the lead-up to the 1-year anniversary of the February 17th revolution. And then also I requested additional DS personnel while I was there.

Q Did you get any additional DS personnel?

A I guess maybe you could define "additional" for me. I requested -- there was a suggestion -- not a suggestion -- there was an expectation of having five agents on the ground. I requested, you know, the five agents.

Q But aside from the turnover at the beginning, that was never -- I don't want to say "granted," but that never happened again, right?

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A During my time there?

Q Right.

A No.

Q What did the special forces team from Tripoli -- were they are helpful? What did they do?

A I don't know if I'm comfortable talking about their particular presence in this setting.

Q Okay. Then let me ask this. Did you find them to be an asset to the compound?

A Yes.

Q And did you request that they be able to stay longer?

A Yes.

Q And was that request granted, or did they end up going back to Tripoli?

A I can't recall if I requested that they stay longer as part of their trip down to visit with me. I do recall requesting that they come to Benghazi in some form of temporary or permanent fashion while we were there.

Q Did that ever happen?

A Not while I was there. The request happened.

Q Right.

A But they never visited Benghazi during my time again after they departed.

Q Do you know who made the decision for them not to visit Benghazi again?

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A I can't recall if that was ever intimated to me.

BY MS. JACKSON:

Q Can you describe for us in a little more detail the benefits that the SFT brought?

A I'd prefer not to do it in here, I think, just because I don't know how sensitive their presence in Libya was. I'm just more comfortable maybe describing what they had.

[Discussion held off the record.]

Mr. [redacted] Yeah. They were there to augment our security. My understanding when I requested them from Tripoli was that they would come down and give us security support. And that entailed them being an additional security resource. When we did movement security, they would jump in the motorcade with one of the other agents.

You know, they were also beneficial to our compound defense, if you will, identifying things that they thought, you know, may be helpful to provide more security for the compound. "You can do this. This may be helpful."

They also helped provide medical training to my DS agents. You know, we're always doing that type of stuff. In my experience, when you have a military somewhere, you, you know, do cross-training, and that's what we did. We showed them how to do personal security, and they showed us some advanced medical training.

Q Okay. And, obviously, SFT was all military.

A Yes, ma'am.

Q Okay.

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And I just missed it. How many agents came from Tripoli, or how many, SST members came from

A Two.

Q Two?

A Uh-huh.

Q Okay. And it was your understanding that -- do you know how many, typically, are in an SST team?

A Ma'am, I don't know.

Q Okay. But you requested SFT support for Benghazi. A Yes, ma'am.

Q Okay.

A Let me clarify that. I requested security support during the revolution. The SFT was what was offered, and that was what was accepted.

After they departed is when myself and the SST agreed to work within our respective chains to see if we could get a more permanent or a temporary solution down there after they departed.

BY MS. BARRINEAU:

Q Do you know what they thought about the Special Mission Compound? "They," the SST

A I couldn't begin to speculate what they thought.

Q Okay.

Let's switch gears just a little bit. I know you didn't have any security issues, you said, when you were leaving the airport. But did you, upon arrival in Benghazi, have some issues with some gear being

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lost?

A Yes. I don't know if it was lost or if it was just -- it didn't make it there when I was there.

Q Did it ever make it there, or were you without that gear the entire time you were there?

A I had -- it wasn't just gear. It was my, you know -- everything that I brought with me. Two suitcases were misplaced or lost for several days when I first arrived.

Q So was there additional gear -- because I assume that in your suitcases would have been some gear that you would take to a high-threat post.

A Can we define "gear"? That'd be helpful. Or you define "gear" for me, what you think "gear" is.

Q Aside from clothes and personal items, were there things in your suitcase that you would've used to do your job in a high-threat environment that you were missing? I mean, magazine holders, vests, personal protective equipment.

A Yes. I traveled with my personal protective equipment with me to Benghazi.

Q And was some of that not there when you arrived?

A Yes, ma'am.

Q Okay. Was there sufficient equipment at the compound for you to be able to use until yours showed up? Or was it just, since every agent brought there own, there was no extra? Does that make sense?

A Again, as I recall, there was equipment in Benghazi for me to do my job, which, I mean, we can define as the personal protective equipment. There was that equipment there. Yes.

Q Okay.

What kind of weapons did you have at the SMC?

Mr. [redacted] Can I talk to Austin?

Ms. Barrineau. Uh-huh.

[Discussion off the record.]

Mr. [redacted] And the reason I -- obviously, you know, the sensitivity of having weapons at a diplomatic facility is something that we, you know -- or, you know, there's concern we could talk about. But we had a sidearm, which was a Sig Sauer 9-millimeter, and M4 carbine rifles, 223 or 556, weapons system. We had, you know, other, you know, diversionary devices -- the flash-bangs, smoke, if you will, signal smoke. That's what I recall. We had that, and we had ammunition for all of the weapons systems that were there.

BY MS. BARRINEAU:

Q So I assume that DS agents, that you guys were all trained on all of those things. Did you ever take the initiative to familiarize the principal officer or the IMO with any of the weapons on site?

A Yes. I can't recall if it was both the IMO and the principal officer or one or separate or who I exposed to the weapons systems that we had, but I did show them. I vividly remember it was myself and another agent showing them how the proper employment of those weapons was.

Q What made you take the initiative to do that?

A I can't recall why I felt it necessary at a particular moment in time. But it's my understanding that foreign service officers go through FACT training, so this wasn't something uncommon for them to know, how a weapon works overseas. And "FACT" being the foreign affairs counter-threat training.

BY MS. JACKSON:

Q Was it your understanding that the political officer or IMO had, in fact, had the FACT training?

A I recall not -- the non-DS personnel, which are the PO and the IM or the IMO, that somebody did not have that training, did not have the foreign affairs counter-threat training. But I can't tell you which one had it or which one hadn't had it, so --

Q Did one actually have it?

A I believe --

Q Just your recollection.

A Again, my recollection is one person had that.

Q Okay.

A And I think it's important to note that I had two principal officers during my time and the same management officer while I was there.

Q Okay.

BY MS. BARRINEAU:

Q That's a good transition. Let's talk about the principal officers while you were there. Who were your principal officers while

you were in Benghazi?

A [redacted] was my principal officer when I arrived. And [redacted] was the principal officer that took over for [redacted], and she remained there until after I departed.

Q Were they generally cooperative? And by that I mean, did they defer to your security expertise and recommendations?

A From what I can recall, we worked on solutions together. I mean, it's usually, you know -- "usually." In my experience, it has been, if there's an objective that someone needs to go -- I can give an example -- if someone needs to go somewhere, you know, I may or may not say, "This is something we can execute; let me gather some information," or I may go to the extreme and say, "No, we can't do that," but somewhere usually it falls in the middle. We compromise on what we can reasonably expect to pull off.

And I think that we found, you know, solutions to problems. Or, I shouldn't say "problems." You know, I prefer to, you know -- we found solutions. If I was to say, "We shouldn't do this," they may counter and say, "Why can't we do this?", and I explain myself, and then we agree or we disagree. And then, if it comes to we can't find, you know, some common ground, then, you know, we may ask for an intermediary, someone outside the problem to kind of weigh in.

But I think it is important to note that the principal officer is ultimately, you know, the person in charge of the mission. So, you know, I worked at the pleasure of the principal officer and, ultimately, the Ambassador in Tripoli and Diplomatic Security.

Q Were there any movements or overnight trips or anything like that that you felt uncomfortable doing or -- I guess we'll just stop there. Were there any that you felt uncomfortable doing?

A Yes.

Q And did you express that?

A Yes.

Q And can you give us an example of something you felt uncomfortable and said, I don't think that's a good idea for X reason?

A What comes to my mind is a trip that the principal officer wanted to take to the eastern city of Derna. And I can't recall specifics as to why I said this isn't something that we can reasonably execute, but I recall saying, you know, we can't do this.

And, again, I don't know what the reaction was. It's hard to, you know, remember what his response was. It was [redacted] that wanted to go there. But we didn't go. So, in essence, my advice was what stopped us from going out there.

BY MS. JACKSON:

Q Do you recall why the principal officer felt it was important to make that trip?

A I can't recall, ma'am.

Q Do you recall who the principal officer was reporting to?

A Ma'am, I can't recall. In my experience, the principal officer generally reports to the Ambassador, and that would be in Tripoli.

Q Do you recall whether the principal officer was reporting

back to anyone in Washington at either State Department headquarters or any other agency?

A I can't recall.

Q I have just a couple of followup questions. I'm going to jump around just a little bit.

You said during your service with the Marine Corps you were a Marine security guard?

A Yes, ma'am.

Q Okay. And, again, where were you assigned as an MSG?

A I was assigned to, first, the American Embassy in [redacted], [redacted] and after that I was assigned to the Embassy in [redacted]

Q Okay. And neither of those were high-threat posts, were they?

A No, ma'am.

Q Okay. So you had --

A If I can correct, the term "high-threat post" I think was used, you know, after the Benghazi attack. The "high-threat post" term became synonymous with maybe dangerous places. That's just my opinion.

Q Okay. But there certainly were embassies that were considered much more of a security risk than others back then? Paris versus Pakistan --

A Yes, ma'am. Yes, ma'am.

Q -- big difference in --

A Yes, ma'am.

Q Okay. Can you compare and contrast for us Benghazi versus these other experiences that you had either as a Marine or as a DS agent, in particular, the security of the post and places?

A I guess it's important -- as a Marine, you know, you're concerned about, you know, internal defense of the mission. You're kind of -- you're outside of the security decision matrix. You know, you're standing a post, you're responding to events at the embassy. I guess it's for -- at the time, it was for protection of information and -- while I was there -- and of the personnel in the compound.

To compare, you know, my experiences in [redacted] and in [redacted] and then with Benghazi, I think they're different. You know, it's a different point in time, different regions. The threats in those all very different locations with the threat in Benghazi was also different.

So I guess it's hard for me to -- you know, maybe if you kind of maybe went step by step how I should -- you know, if you were as a Marine here, you know, compare that, you know, in this particular instance, for when you were in Benghazi, what was the differences, I guess is --

Q Would a Marine Security Guard contingent have been beneficial in Benghazi?

A Again, I think that that would cause me to speculate. I know through my experience we didn't have Marines in Benghazi while I was there. Would a DS agent -- and I would always enjoy having -- I'm a Marine. Would I always enjoy Marines being around? Yes. But

that's --

Q Uh-huh.

A It's hard for me to say. I mean, it was -- it's hard for me to say that they would have helped me do my job any better while I was there. They bring a level of comfort that I did miss.

But, again, I'm also not -- I'm also aware that there are certain standards that we expect our Marines to live in. As I was a young Marine, I expected to live in a certain way, and those things were just not in Benghazi at the time.

Q And what are some of those things?

A Housing. I mean, housing is a big thing. You know, access to, you know, a gym facility, access to some of those creature comforts that we all enjoy. And then also, you know, the security infrastructure, as well. So, you know, locks and alarms, things that we train Marines to monitor were absent during the time I was in Benghazi.

But there are other posts where they -- not Marines, you know. So, in my experience, it's not uncommon to go to a place where there's not Marines at an embassy or diplomatic facility.

Q You also mentioned earlier that you were able to move fairly freely around the city during the daytime but you generally did not do night moves. Is that correct?

A Yes, ma'am.

Q Okay. And what was the increased security risk that was there during the nighttime that wasn't present during the day or was

exacerbated at night?

A As I sit here, I can't recall any particular instances why I would say we shouldn't travel at night. I know from my experience serving overseas that things kind of happen at night that don't happen during the day because people are -- "people" I'm saying -- our adversaries, for lack of a better term, are able to move freely under the cover of darkness. So, as a general precaution, not isolated only to Benghazi, I have become accustomed with us reducing our movement at night in places such as that.

And, again, I think it's important that we didn't have police to rely on. We didn't have some -- there wasn't, you know, any formidable security force there. We were dealing with 17th -- we were working with the 17th February guys, but, again, you know, we don't want to extend, you know, their resources to do things at night where we can't always, you know, be certain what's out there. I guess things happen at night that -- and it happens here in the United States, too.

So I think that we generally, as a precaution in Benghazi, wanted to remain off the roads unless for a very good reason. And there were times where we went, you know, to places within Benghazi at night. But, as a general precaution, we stayed off the roads at night.

Q After the attack in Benghazi in September of 2011 and outside of the Accountability Review Board, did anybody within DS come and talk to you about your experience in Benghazi, any recommendations you had, sort of an after-action or lessons-learned?

A Did somebody come to me and ask me --

Q Uh-huh.

A I spoke with -- I was requested to speak to the FBI and to our Protective Intelligence about the attack. And that was about the attack, and I think that was from an investigative standpoint.

Q Okay. But that was limited to the attack?

A Again, I can't recall the question-and-answer session I had with both, but it was related to the attack. Maybe -- I know I was -- I provided some level of, kind of, on-the-ground knowledge when I was talked to by both entities, what this was, what that was, during my time.

But, you know, I was several months removed from being there. So I tried to give them some type of, you know, maybe more of a consultant as to what I saw when I was there. This was where this building was, this was where this building was, type of a conversation I had with both.

Q Were you reviewing video, or were you looking at aerial photos? Or what type of -- any other information, when you say they were giving you some overview background information?

A I'm cognizant there's investigations. I'm not --

Q Uh-huh.

A I did review video of the attack that night.

Q Okay.

A And that was with Diplomatic Security I reviewed that video.

Q With Diplomatic Security?

A Yes, ma'am. Protective Intelligence is part of Diplomatic

Security, so I did review the video with them.

Q Okay. And do you recall who was in the room at the time?

A I recall being in the room with one of the DS agents I served with there, [redacted] and maybe one or two DS PII agents. I can't recall the name, who I reviewed the tape with.

Q Okay. But, again, that was related to the attack?

A Yes, ma'am.

Q Okay.

Were you ever questioned by anybody within DS or within the State Department, and, again, outside of the Accountability Review Board, regarding the physical security or staffing issues in Benghazi?

A No, ma'am. I mean, I spoke to the High-Threat Protections Director, Bill Miller. This was after the ARB. And I sought that, I sought that out, just to talk to him, to let him know that if, you know -- that I was on the ground in Benghazi. But that's the only other conversation that I can recall having outside of the ARB and outside of the two investigations.

Q And can you describe that conversation with Bill Miller? I mean, was it just your offer of future assistance, or did you actually discuss substantive issues?

A Ma'am, I can't recall the exact discussion that we had. But I would say that now-Director Miller opened his office to talk to me about my time and experience in Benghazi.

Q Okay. And you sought that out?

A Yes, ma'am.

Q Okay. And do you recall, just ballpark, how long that was? Was it a 10-minute conversation? A 30-minute conversation? A half-day conversation?

A I can't recall the length. It was certainly -- he provided me ample amount of time to discuss whatever I wanted to discuss.

Q Uh-huh.

A And I was appreciative for being there.

Q But, again, I mean, was it a half-day?

A No, ma'am.

Q Okay. Less than that.

A Yes, ma'am.

Q Something less than that.

A Yes, ma'am.

Q Okay.

To your knowledge, did other agents have a similar discussion with Mr. Miller?

A I'm unaware of any of that.

Q Okay.

Now, you spoke to the Accountability Review Board.

A Yes, ma'am.

Q Okay. Did they seek you out, or did you seek them out?

A I sought them out.

Q Okay. And do you recall why you did that?

A Similar to the request for volunteers to go to Benghazi, there was a department-wide message describing the Accountability

Review Board and that they were seeking people who had information or -- I believe that's what it was -- that had information related to Benghazi. And I requested an appearance in front of the ARB.

Q Had you provided any documents prior to your appearance before the ARB?

A Yes, ma'am.

Q Okay. And was that in that same request that came out, a request to gather any relevant documents?

A Ma'am, I recall there being several requests for documents. I can't recall -- certainly, prior to my appearance, there was a request for documents. And those were afforded -- those were provided to the ARB at the time.

Q How did you actually go -- how did you physically gather those documents? I mean, were they all electronic? Did you have some hard copies? How did you do your search?

A My experience, what I can recall is I sent everything electronically. I don't know if I provided any hard copies of documents because, I mean, everything that I had was electronic-based. So I believe I provided everything electronically.

Q Okay. So most everything was in email form?

A Yes, ma'am.

Q And did you, like, put them in a folder and forward the folder or forward each one individually?

A As I recall, I forwarded both individually or attached many documents to an email and sent it along.

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Q Okay.

And can you describe your interview with the ARB? Were you the only agent there? Were there other agents there? How many people questioned you? How many people were in the room? Can you describe that process for us, please?

A I was the only agent in the room. I met with a panel of interagency seniors that was convened. And it was generally similar to this, a question-and-answer period. I was in there for, you know, maybe an hour and a half, and there was an opportunity for me to discuss my experience in Benghazi.

Q And that was fairly close -- that was much closer in time than us sitting here today. Is that correct?

A Yes, ma'am.

Q So it would have been some time between September and December of 2012?

A I believe so.

Q Okay. Well, the report came out December 18.

A Yes, ma'am. Okay.

Q Putting it in a timeline for you.

And would you say that your recollection and recall was much better back then as to all of the events that you've discussed with them as well as things we've asked you about today?

A For me, time has been a killer, trying to recall exactly how I felt, some of the questions about my impressions. I was certainly closer connected to Benghazi events in September, October, November

of 2012 than I am today.

Q Now, you said this group, the panel, was interagency seniors. Can you elaborate on that and further describe who was on the panel?

A Again, the notable person was the former Chairman of the Joint Chiefs of Staff, Admiral Mullen. Ambassador Pickering was not present. There was a former CIA Executive Service representative and then an outside, I think, outside-of-government expert that was on the panel, as well as the staffers that were present. But those were the main players who asked me questions.

Q Were there any senior-level people from the State Department present?

A I believe there was some -- there was an executive assistant of maybe someone that assisted me in arranging the interview, but I can't recall being asked any questions from them.

Q Uh-huh. Did you review any documents before your appearance before the ARB?

A I reviewed my own documents that I had prior to meeting with the ARB.

Q And these would've been the documents that you had submitted?

A Yes, ma'am.

Q Okay.

A Yes, ma'am.

Q Anything else? Did you review anything else?

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A Not at the ARB, no.

Q Okay. Prior to coming here today, did you review any documents?

A I've been -- I've seen some documents. I've had documents to the same documents that I provided to the different requests for information. Those are what I've used to help refresh my memory. But, again, that's the extent of it.

Q Did you see any summary of your conversation with the ARB?

A No, ma'am.

Q You did not see that?

A No.

Q Okay.

When you spoke with the ARB, did they touch upon some of the same things that we've touched upon today?

A Again, the gap of time, but generally around some of the same questions. I believe so. I mean, my experience, I can summarize it as they asked me about my experience there, and they asked generally the same questions that you're asking today.

Q And you felt you were able to be truthful and candid with them about --

A Yes, ma'am.

Q -- your experience?

A Yes, ma'am.

Q Okay. And was there anything that they didn't ask you about that you thought they would ask you about?

A There was an opportunity for me to -- at the end for me to discuss anything that they hadn't asked me. I can't recall exactly what that was, but I know that that opportunity was afforded to me, to kind of, you know, discuss anything else that I wanted to say before the panel. I can't pinpoint what it was that I discussed.

Q You believe you did bring up something?

A As I sit here today, I feel like I was able to say what I was needed to say in front of the panel.

Q Well, I think Austin can tell you I'm not adopting their idea, because I have done this in the past, but that is usually my final question.

A Okay.

Q Is there anything that you thought we would ask about today that we have not brought up? Or is there any other topic that you think it would be important for this committee to know, given that, like the ARB, we will be making recommendations down the road?

A The one recommendation that I proposed to the ARB was the creation of an under secretary for diplomatic security. And the reason I provided that recommendation -- I don't have any intimate knowledge of what goes on at the upper echelons of my agency. I think, generally, we are all trying to keep people safe abroad. I just -- I believe that it would elevate security within the Department to a more appropriate level.

I am no expert on what the machinations of leadership within my bureau and within the Department are regarding that creation of that

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or if it would give us better access or if it would put us in a better position. But, as I sit here today, I feel that an under secretary for State is the right direction, and it would, in my mind's eye, give us a better position, seat at the table, when we head to future Benghazis.

Ms. Jackson. Okay.

I think that may be all the questions we have, so we'll go off the record.

[Recess.]

Mr. Desai. The time is about 12:21.

EXAMINATION

BY MR. DESAI:

Q Special Agent [redacted], good afternoon. My name is Ronak Desai. I am one of the counsels with the minority here at the Select Committee. I'm joined here by my colleagues today, Heather Sawyer, Daniel Rebnord, Brent Woolfork and Susanne Sachsman Grooms. And I know you have flown a long way to be here. I also understand that you have [redacted] waiting for you back at home. And I just want to say on behalf of the committee, thank you so much for your appearance and thank you so much for your service.

A Thanks.

Q And we will do our best to try to get you out of here as expeditiously as possible.

So in the last hour, I believe you told us that prior to coming to Benghazi, you had been in [redacted]. Is that right? Not immediately prior, but prior --

A Yes, correct.

Q -- with some intervening time in between for Arabic language training and some other things. Is that right?

A I was in Benghazi following [redacted] but prior to Arabic language training.

Q Right. And [redacted], what was your -- I think you were an ARSO. Is that right?

A Yes.

Q And just for the purposes of the record, that's an Assistant Regional Security Officer?

A Yes.

Q Okay. And then you then get to Benghazi. And you said you volunteered for that position. Is that correct?

A Correct.

Q And you heard about that position through a department-wide message?

A Yes.

Q And did Benghazi specifically have any particular meaning to you, or resonance that you decided to volunteer for this?

A No.

Q I believe in the last hour or so you described the mission there as an expeditionary mission. Is that right?

A I don't know if I described it, but I -- it's a term that we -- that we did refer to Benghazi as an expeditionary mission. And that wasn't something that I created. That was a term that was used in association with Benghazi.

Q And could you just explain what that term means to you?

A For me, it was going to Benghazi and it being an expeditionary mission was being outside of the normal creature comforts that we enjoyed at other posts. I guess you're going somewhere

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where -- you know, going somewhere where no one's gone before, and that's what it was: reintroducing ourselves into Benghazi. Expeditionary mission was kind of that. I think it -- you know, people coined the term, you know, I'm familiar with it from my time in the Marine Corps, expeditionary force, going somewhere that, you know, other forces may or may not be operating in, but most likely not operating in, so going back to a place where there aren't -- where no one else has been for a while.

Q Right. In your personal experience, the fact that a mission is expeditionary or not, does that make it more or less attractive for you to want to go there and serve?

A For me at the time?

Q Yes.

A It made it attractive for me to want to serve there, but it being Benghazi or it being another place, what would -- that may have been -- again, I didn't -- in the broadcast, I don't know what it -- you know, what the description of Benghazi or if it was -- it could have been an announcement to go to Tripoli, and Benghazi was the place that I ended up, but being in that area of operations did attract me to volunteer for the job.

Q And you arrived in Benghazi on or about February 1.

A Yes.

Q Is that right?

A Yes.

Q And your title there then was RSO?

A I'm going to say yes. We assumed the title of the Regional Security Officer. Whether or not that was formally designated an RSO position, I'm not quite sure.

Q And your predecessor was still there for a few days?

A Yes.

Q Mr. [redacted]? Is that your predecessor --

A Yes.

Q -- [redacted]? And you arrive on or about February 1. And just provide briefly some background. You know, as the RSO of Benghazi or anywhere, what are your primary responsibilities?

A Broadly?

Q Yes.

A My responsibilities is to provide a safe and secure environment for the conduct of our foreign policy. Now, breaking that down, it's, you know, to ensure that the office spaces that we live in, the places that we live -- the office spaces that we work in, the places that we reside are an environment of -- you know, there is relative safety behind, you know, certain security measures. And we try to create that sense of normalcy as best we can so that people aren't -- don't have, you know -- they're not walking around with flak jackets and helmets on. That's -- you try to create that sense of security.

Q And as the RSO, are you effectively the primary individual responsible for security at that place?

A In Benghazi --

Q Yes.

A -- I viewed myself as the primary adviser for law enforcement and security to the principal officer in eastern Libya, in Benghazi.

Q And you arrived on or about February 1. Do you recall when you departed Benghazi?

A My departure was just short of 60 days. March 27 or 28.

Q I think at a certain point, you actually extended your tour of duty there. Is that right?

A That's correct.

Q Okay. If you can provide me with some insight into the reporting structure as the RSO. So you arrive into Benghazi. Who do you report to, if anyone, at Benghazi? Let's start there.

A Okay. For -- for Mission Benghazi, I reported to Diplomatic Security/International Programs, which I mentioned before, the desk officer, [redacted] and the regional director, [redacted]. I also reported to the regional security officer in Tripoli, [redacted].

Now, I don't know if that's something I created or if it was passed down to me, but that's who I would make sure that I informed of what I was doing out there.

Q Okay. So in Tripoli, it would have been, you said, [redacted], who was the RSO there.

A Uh-huh.

Q And then sort of beyond Tripoli or outside of Tripoli, [redacted]

[redacted], who was, you said, the desk officer?

A Yes.

Q Okay. And then also [redacted]?

A Uh-huh.

Q Am I pronouncing that correctly?

A Yeah.

Q Okay. Did you ever interact with anyone outside of DS or outside of this structure that you just told me about?

A Could you explain "interact"?

Q Sure. If there was ever an incidence, whether it was someone outside of DS or not one of these three gentlemen that you just identified, was there, you know, contact, interact, communicate with about your responsibility as an RSO?

A I guess I -- maybe a little firm -- another -- maybe some more clarification. I mean, I talked to people as part of my job, so --

Q Beyond these three.

A Beyond these -- absolutely. Sure.

Q And if you ever felt like you needed to talk to anyone about your responsibilities beyond these three gentlemen, you felt comfortable and free to do so?

A Absolutely.

Q Now, in the last hour or so, my colleagues from the majority discussed with you staffing shortages --

A Okay.

Q -- in Benghazi. Is that right?

A Yes.

Q And I think one of the things that came out of that discussion was that the staffing levels during your tenure as RSO fluctuated between a different number of agents. Is that right?

A Correct.

Q The thing that I'd like to discuss with you is some of the reasons behind that fluctuation, and one thing specifically that I want to talk to you about are visa issues, and whether or not difficulties surrounding visas or obtaining visas for agents that were supposed to be on the ground actually caused delays and ultimately shortages.

A During my time, I can think of at least one occasion, two occasions where visas were an issue.

Q An issue in what way?

A Delayed agents' arrival to post; and post being Benghazi.

Q And the two occasions that you do recall, can you tell me about those?

A I can't tell you who the -- there was one agent the last name [redacted]. I don't recall his first name. He was identified to come to post, and for some reason, visa-related, he didn't end up showing up.

Q He didn't show up at all or his arrival was delayed?

A He never -- he never arrived. I don't know -- to be clear, I don't know if that was the only reason why he didn't arrive. I know a visa issue was associated with [redacted].

I said two occasions. I believe the -- my successor, [redacted]

[redacted], also incurred visa issues, but I can't be completely accurate.

Q So Mr. [redacted] and Mr. -- and Ms. [redacted]. Is that right, Ms. [redacted]?

A Yes. [redacted].

Q And did she ultimately ever arrive that you're aware of?

A [redacted] arrived. At what point, I'm not sure.

Q But her arrival wasn't delayed. Is that right?

A I would like to, you know, I think, for the record to make it a little more clear. I know that [redacted] didn't show up because of a visa issue. I think I'm speculating there that [redacted] didn't show up because of the visa issue, so I'd like to make sure that that's -- that that's either clarified that I'm not quite sure if [redacted] was a visa issue.

I know that [redacted] wasn't -- didn't arrive because of a visa issue and maybe another issue that compounded that.

Q And who ultimately, at that time, is responsible for issuing visas to individuals like Mr. [redacted] and Ms. [redacted]?

A From my experience, the process is I send my passport, diplomatic passport to the State Department, and the State Department then works with the government, at that time, the government of Libya, to issue a visa to enter the country.

Q So it's the government of Libya that ultimately issues the visa to these individuals that are trying to come?

A Yes.

Q And the sole responsibility lies with the Libyan Government. Is that right?

A That's my understanding.

Q And what steps, if any, could U.S. officials, either in Libya or back in D.C. or elsewhere, take to help expedite that process?

A It's been my experience that when there is an issue with a visa for a person on a diplomatic assignment, that American personnel and inside the country, we'll say Libya, for instance, can bring this to the attention of the gov- -- their counterparts inside of Libya. Say, we have -- [redacted] has a visa issue. Whether or not that was done, I can't recall, but it's been my experience that's -- traditionally if -- where there's a visa issue, post can bring that up to the government, their counterparts inside the country.

Q And do you recall if your American colleagues did -- you know, supported these efforts to help expedite the issuance of these visas so you could get the staffing levels up to where you wanted them to be?

A I can't recall the conversations that may have transpired regarding visa issues.

Q And do you recall how big of a problem the visa issue was generally, in your experience?

A Right. Certainly. I mean, if I remember that Manning had a visa issue, it must be something that stuck in my head. I don't know quite certain whether or not, you know, it was a huge deal that affected many people or just [redacted] particular arrival to Benghazi, but it

does -- when you said visa issue, I immediately thought of, you know -- of a person that was selected to come that didn't arrive because of a visa issue.

Q Another topic that we discussed briefly in the last session focused on physical security upgrades. And the picture that emerges from the conversation that you had with my colleagues on the majority as well as some documents that I reviewed is that you arrived at Benghazi and, you know, you had some concerns about how hard Benghazi's security posture was, and that you worked pretty diligently and pretty hard to take existing requests for physical security upgrades that you had inherited from your predecessor or predecessors as well as generating your own to address some of these concerns. Is that right? Is that a fair representation?

A When you said -- when you described it as hard, could you maybe elaborate? Hard -- when we say hard, it's -- we describe things as soft and hard targets, so soft being a -- you know, a more vulnerable place to attack and a hard target being something, you know, more fortified.

Could you just maybe restate what you --

Q Right. So would it would be fair to say that when you came to Benghazi, one of your objectives was to make Mission Benghazi harder, as the way you just described it?

A Yes.

Q To make it less vulnerable to attack?

A Yes.

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Q And one way that you wanted to do that was by making certain physical security improvements to Mission Benghazi. Is that right?

A Yes.

Q And we talked, I think, in the last session about what some of those were with respect to obtaining funding and then in terms of completing them. So it sounds like -- you had mentioned drop arms. Is that correct?

A Yes.

Q And do you recall if the drop arms were funded and completed? Is that your recollection?

A Yes. I was able to -- we had two drop arms in place in Benghazi while I was there.

Q And then you mentioned the temporary perimeter fence as well. And you recall that you had obtained funding and that -- maybe even started construction on that project as well?

A That's correct.

Q And do you recall guard booths being requested, funded, and ultimately completed while you were there?

A The guard booths were requested, they were funded. There were issues with the construction, the fabrication of the guard booths. I wasn't happy with their construction. And, again, I identified that problem with the local contractor and left that work to be completed after I departed.

Q Now, part of the -- of getting these physical security improvements made was obtaining funding?

A Yes.

Q And one of the things that, again, you discussed in last session was that funding was sometimes delayed, that you were somewhat frustrated with the pace of funding in order to complete some of these projects that you had both inherited and that you had requested get completed. Is that right?

A Yes.

Q And with respect to the funding, it was specifically the pace of funding. Is that right? So if I understood your conversation with my colleagues on the majority during the last session, the funding would come, it would just take a long time for that funding to arrive in order to complete the projects. Is that correct?

A I think it's fair to say that I was frustrated in the delays of me identifying projects, requesting funding and that -- for that money to come to me to spend, yes.

Q Right. And despite those delays, I think you said that you created solutions with the guys in D.C. to still complete some of these requests and projects that you had in mind. Is that right?

A Yes.

Q And can you just elaborate on some of these solutions that you created with the folks back in Washington or other relevant places?

A I think we -- in the previous session, I explained the process about the fence, and I -- unless you want me to go into the fence again, if that's what you're asking. You know, I identified the problem with the restriction for improving the wall height. There was

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an obstacle to overcome, and we -- when I say "obstacle," a funding challenge, right, that they weren't -- they wanted us to -- the expectation was to ask the landlord to improve the wall. That wasn't going to happen. When I say, "that wasn't going to happen," the landlord wasn't going to improve the wall. We're asking a landlord to go into his pockets to build a wall, and that just -- that conversation didn't get started.

So, we identified a solution to build the fence. And, again, when I requested it, I worked with DS physical security experts to, let's come up with a solution to, again, impede someone's, you know, access to the facility. And they helped me. I -- again, I found a contractor. I entertained several contractors, because that's the process, you know. The suggestion was, you know, to find contractors to help build this fence. So we worked -- we found a contractor that he was performing the same work in Tripoli, or he was performing physical security upgrades in Tripoli. He came down, gave us a plan, and we started moving. And then that brown -- the ground was broken on that project prior to my departure.

Q And do you recall any other instances where you came up with solutions with DS and folks in D.C. to get projects completed, or at least get started?

A Certainly. I mean, the -- the egress grills on the facilities to escape during a fire, the safe haven, the -- you know, the drop arms, the -- I think the procurement of Jersey, these Jersey-style barriers to, again, improve the setback of the facility.

Money was requested, and it was allocated. That took some time. And I think I've explained my misgivings with the ability of not being able to identify a problem and effect a solution right there. A number of -- I mean, those are the -- other projects that may escape me at the moment.

Q And so you were there from early February to about late March. Would you say that things improved over time with respect to this process in obtaining funding and getting the mission hardened?

A I don't know if the process improved or if I just became comfortable with the process. I was -- you know, I know I have a limited amount of time to make an impact and to keep the -- I wanted to make the place a better place for the people that followed me, you know, and I think that's carried from the people before me to the people after me. We have a common understanding that we want to make sure people are safe. So I don't know if I can say that, you know, things got better. I just became more comfortable with the appropriations and allocation of funds.

Q So through your efforts and your collaboration with folks at DS and D.C. or elsewhere, you felt that you were able to take the existing process and still deliver results for the mission. Is that right?

A I identified a problem. I learned how to work with the contractors. We had a contractor that we'd identify a piece of work, and he would give me a quote. He figured out that I needed a quote, he'd give it to me, we sent it to Washington. They would then send

me monies for that project.

Q So if I can at this time, I'm going to show you one or two documents just to help guide our discussion --

A Okay.

Q -- and maybe refresh your memory on some of these issues. I will mark as Exhibit 1 this email between yourself and [redacted].

[[redacted] Exhibit No. 1

Was marked for identification.]

Mr. [redacted] Okay. I haven't seen this for some time, so it's going to take me --

BY MR. DESAI:

Q No. Please. Take as much time as you need to review.

A Okay.

Q Good to go?

A I think so, yeah.

Q So this is Exhibit 1. Just for the record, this is document number C05393639.

Do you recall this email?

A It looks like something I would -- I drafted, yes.

Q And the subject of this email is, questions for Libya meeting, and this is an email from you to Mr. [redacted] with some others cc'd, dated from March the 6th. And what it looks like in this email is Mr. [redacted] has written to you to inquire about the status of the drop arms bars in Benghazi. You reply a short while later. You provide that status update. You write, I think in the first paragraph

here, good evening, [redacted]. The drop arms are near completion. You then discuss how you'd like to perhaps re-program some funding from this project to another.

And if I can just direct your attention to the fourth paragraph in that document where you've written, we are extremely pleased with the recent funding decision of our temporary fence -- for our temporary fence. Couple that with sandbag deployment, safe haven door fabrication, and emergency egresses on the windows, Benghazi is rapidly finding a sense of security.

A Okay.

Q If I can just ask you about that briefly. So it looks like you've mentioned here the funding decision for the fence, the sandbag deployment, safe haven door fabrication, emergency egresses on the windows, and these are some of the things that you just told me about a few moments ago. You conclude that sentence by writing, "Benghazi is rapidly finding a sense of security."

If you could just tell me, if you recall, what you meant by that in this context, given your experience at the mission at the time.

A It would be difficult for me to recall what exactly I meant when I made this statement. It could be, you know -- if I start from the beginning of this sentence, I can tell you I was happy that we had found a solution to the wall. When we -- and when I say "we," that I agreed with working on this with the physical security experts in International Programs.

I'm also probably pat -- I can tell you I'm patting my team on

the back here by doing all of these things to improve the situation we were in out there. And I think that has something to do with me suggesting Benghazi -- probably should have maybe wrote Special Mission Benghazi. I'm not quite certain what I felt and meant by that last part of the sentence there, but I was, you know, proud of the team that I had out there. And I think that has a lot to go with some of the improvements that were on -- that we made, again, with this -- you know, we wanted to set -- this is a couple of weeks before I departed. You know, I wanted to make sure that we did -- we made meaningful -- you know, we took meaningful efforts to make the place a little bit better than we may have found it. And that's what we all can expect, given that there's a lot of things going on in Benghazi and, you know, things always kind of detract you from, you know, what you set out for the day to do.

I don't know if that's a good answer for that, but that's what I can provide.

Q Did you find that when you would make these funding requests and you were trying to find solutions, as you just identified, that for the most part, the folks at DS back in D.C. were receptive to your -- when there were concerns or requests or your desire to work with your team to make things better?

A I think the people that I worked with, [redacted] and it looks like, you know, [redacted], [redacted] he goes by, were receptive to the requests that I provided. And they had an understanding -- they had a better understanding, a more informed

understanding of what was done previous to me being there and during my time there. Of course, that's my assumption right now. We go into their thinking, you know, that there's a strategic level of thinking that -- we're there on the ground, we're going to handle these tactical decisions, but folks that are above us, you know, generally make decisions for us. They really have an informed opinion, and it carries a lot of water.

So I had faith and confidence in my -- my leadership and the folks that I was dealing with here to help us find solutions and fund those solutions, because they knew that it was a tight spot we were in, you know. We wanted -- everybody wanted to make the place better.

Q And you mentioned just a few minutes ago that, you know, part of this email perhaps and the sentiment behind it was that you were patting your team on the back that they had done a good job and had worked fairly assiduously to make things better and safer.

And if I can just show you another document that I will mark as Exhibit 2.

[[redacted] Exhibit No. 2

Was marked for identification.]

Mr. [redacted] Okay.

BY MR. DESAI:

Q Great. So Exhibit 2 carries with it a document ID number of C05393467. And this is an email that originally is dated, looks like, March 8, 2012, with subject line, "Meritorious honor award for U.S. Mission Benghazi." And you've written here to Mr. [redacted]

[redacted] -- pronounce that correctly still?

A Uh-huh.

Q "Sir, I'd like to nominate my team for a group meritorious honor award. They've done a heck of a job working long hours to improve the physical security of post, stand up a new local guard force, and create continuity in programs (turnover binders, establishing written doctrine, how much each program works) which has previously been absent."

And then you go on to say later on, I'm now on the -- page 4 of the document, "Our big push here has been to make life better for the TDY agents that follow us. I believe that we have done an incredible job doing just that while also creating a safer environment for those who work here."

So this email that you write appears to reflect what you just told me a few moments ago, that you were, you know, quite pleased with the work that your team had done in improving physical security of the mission, and that given the circumstances, you guys had made things a lot better than where they were at least when you came to Benghazi. Is that fair?

A In the -- when I'm drafting this, yes. I think, you know, when I read through this, this exhibit here, it is a little troubling, because I'm patting -- patting myself and my team on the back for -- and there's a loss of life, you know, after -- several months after this, and I think it's, you know -- you know, I think we all reflect on, you know, after the incident, you know. I'm asking for an award for my

team, and, you know, it's kind of -- brings a level of, you know, dissatisfaction to know that people lost their life, you know, and friends were injured.

So I just wanted to, you know, suggest that, you know, it is difficult to read about a -- you know, an award that I put my team up for, and, you know, several months later, somebody was -- people were killed, you know, that we were charged to protect, so -- but in this email, yes, you know, I'm looking for recognition for my team for doing a good job.

Q And at the time, again, based on where physical security was through your efforts and the efforts of those you collaborated with at DS and elsewhere, things had improved, relatively speaking, from when you had arrived, correct?

A We made an earnest push to get things done, to make the place -- like, create a safer environment for those who worked there and overcoming, you know, some obstacles along the way, funding and others, to make it, you know, a relatively safe place to be. Benghazi was a tough, tough place to be at, you know, post-war. And that's what I'm asking for -- that's what I'm, you know, suggesting in this.

Q So this gets forwarded on. There's some email traffic, I think Mr. [redacted] -- I'm back on page 1 now.

A Okay.

Q -- on March 9 said, send it right up. I'll submit it.

And then a few weeks later, it looks like on March 23rd, 2012, you write back to Mr. [redacted], saying, "Good morning, sir. Looks

like [redacted] will be here just in time."

And then down a few lines and at the last paragraph, "It's been a good ride and one that I learned a tremendous amount from. I appreciate IP support and look forward to joining the NEA team next year when I head to Cairo as an ARSO 1."

Who's [redacted] that you mentioned in the first line here?

A [redacted], the RSO in Tripoli.

Q Okay. And this was Friday, March 23 that you wrote this, so this was just a couple days or a few days before you left Benghazi. Is that right?

A Correct.

Q And this last line when you say, "It's been a good ride and one that I learned a tremendous amount from," can you just elaborate on that a bit, if you can recall?

A I can't recall exactly what I'm referring to, but, I mean, I'm comfortable with saying that, you know, my experience in Benghazi was career enhancing and I think, you know, that I learned -- again, what exactly it's, you know, saying there is that I learned a tremendous amount from it, it's going to carry -- it's going to help me be a better agent and help me make decisions as I further my career with Diplomatic Security.

Q And the -- you write, "I appreciate IP support."

Remind me who IP is again?

A International Programs, and that's [redacted] -- that's [redacted] was the regional director for NEA International Programs.

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Q Okay. And the support you were referring to that you appreciated, do you recall what that was?

A I mean, it's from the entire time that I was there.

Q I see.

A Things that we've already talked about, you know, funding support, finding, you know, solutions to obstacles. That's the type of support that I'm referring to.

Q Okay. Great. And just returning sort of more broadly to staffing shortages and physical security sort of together, and I think in the last session, my colleagues had asked you if you felt comfortable going to your superiors with any concerns that you had or whether you felt comfortable asking for physical improvements or for funding for them, and you indicated that you were. Is that right?

A I was comfortable, absolutely, asking for help.

Q Did you ever feel like during your time in Benghazi from February to the end of March that you could not be totally forthcoming and honest in your opinions to your superiors about the mission's physical security or anything else?

A I don't recall feeling that way.

Q Do you recall if anyone ever discouraged your advocacy efforts to improve the mission's physical security through upgrade requests?

A If someone at the -- within DS or at the mission discouraged my --

Q Your superiors or anybody.

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A Discouraged me from improving the physical security.

Q Discouraged your efforts, right? So as we talked about, you were pretty assertive and resourceful in creating solutions to getting things done. At any point during your time in Benghazi, did anyone discourage you from doing that?

A Not that I recall.

Q And were you ever told by anyone, superiors or otherwise, about keeping your mouth shut about Mission Benghazi's physical security or the staffing shortages that were afflicting the post?

A No.

Q And did anyone at any point, either directly or indirectly, indicate to you that you would suffer consequences or penalization or repercussions of any kind for expressing any of your concerns with respect to the shortages or the physical security of the mission?

A No.

Q And did anyone ever tell you that you shouldn't rock the boat, or not make waves, and that you should just keep to yourself and not express your opinions to anyone about staffing shortages or physical security?

A No.

Q Do you recall if you ever faced retaliation or adverse employment consequences by expressing your concerns and being so resourceful in creating solutions with the guys in DS to make the mission safer?

A No.

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BY MS. SAWYER:

Q And let me just ask with regard to that, I know that you hesitated around the note about the commendation. And certainly I think, you know, from our perspective, what that showed was what you've described, kind of this atmosphere of a very earnest effort by people, both on the ground and sounds like people you were working with.

Kind of to the flip side of what my colleague was asking is it sounds like certainly at least you felt with regard to your colleagues that they should be commended for their very sincere efforts to harden the security posture.

Did you feel like your efforts were similarly recognized by your superiors, not necessarily by commendation, but that they appreciated your efforts to do all that you could to work with them to harden the posture?

A I believe that my -- as it's stated in the email, that International Programs was appreciative of our efforts, and that's why they went ahead and awarded all of us, they gave us an award for our efforts out there. I don't know if that's customary for the folks before me or after me. I know that they applauded our efforts in such a way of giving us a group award for what we did out there.

You know, as I stated before, as we reflect on it now, it does seem -- you know, it does bring a bit of discomfort knowing that I was awarded for something that, you know, people ended up losing their lives and getting seriously injured for, but I guess at the time, it seemed that we had made improvements to our posture out there, security

posture.

Q And both your efforts and the people who surrounded you, you felt like, I think you described it as, you know, as earnest push to get things done. And did you feel like that was just a shared commitment up the chain -- so it sounds like most of your interaction was with [redacted] and Mr. [redacted] -- a shared commitment to kind of earnest effort and push to get things done?

A I would -- I certainly -- every email or every phone call was answered, so I believe that everyone had a shared commitment in keeping people safe in Benghazi, most certainly in Diplomatic Security.

BY MR. DESAI:

Q So I'm going to switch focus again. And you had a pretty exhaustive discussion, again, in the last session about the QRF and the 17 February militia. And just for the record, what does QRF stand for?

A Quick Reaction Force.

Q And what relationship, just to provide, again, a brief background, does the QRF have to the 17 Feb militia? What's the difference between those two things?

A They're one and the same. We just -- we used it interchangeably. And Quick Reaction Force, we -- was made up -- comprised of the 17 February guys.

Q I see. And based on your discussion in the last session, it sounded, and please correct me if I'm wrong, that you were fairly positive on the QRF with respect to the role that they played in

supporting the security of Mission Benghazi. Is that right?

A I was happy to have them, to have extra guys on the compound to help us in security situations.

Q And one of the things that you said was, We could not have gotten done what we needed to get done without these guys. And could you just elaborate on what you meant by that specifically in terms of the things that the mission needed to get done and the role that 17 Feb played in fulfilling that role?

A Previously I think the -- when the question was asked, you know, that we needed them to get things done, was -- I was referring to the building of some of these field-expedient measures that we used out there, the egress windows. I used the 17 February guys to help me find someone to build these temporary measures, or field-expedient measures.

They also -- you know, they're local, so they can give -- they pick up on things that you certainly, being an American in eastern Libya, are not going to pick up on. So they were, you know, instrumental members of our team out in Benghazi.

Q And so you've mentioned construction, some other things, physically on the mission. I think in the last session also, you had referenced a security incident where some other forces had, I think, approached the Mission Benghazi gate, and you had said it was the QRF that had ultimately come and resolved that. Is that right, from what you recall?

A The QRF was on compound with us, so they responded to, you

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know, and conversed with this group that was outside our gate. They both identified each other, and that's how they de-escalated the situation. That's -- I mean, that was a perfect example of how they provided assistance to us.

Q And the fact that they live on the compound that's inside the compound walls, that indicates a certain level of trust with these guys that the mission would actually have them onsite. Is that right?

A When I took over as the temporary duty RSO, they were living on compound. Their mission was explained to me. I didn't see any reason to take them off of -- you know, ask them to remove -- ask to remove them from the compound. For my level of comfort, I made sure that these individuals -- we did necessary background checks on them, so I knew who was working for me, so that -- I mean, there was no reason for me at the time to remove them, and I didn't have any discomfort with them initially being on the compound.

Q I see. And when an incident happens, as the one that you had referenced previously, they respond, is that standard protocol or practice that if there is an incident of some sort, that it's QRF that is alerted, in some capacity, to arrive at the scene and provide assistance?

A In Benghazi, that's what we -- that's how we -- that's what we worked with in Benghazi, that was our -- you know, part of our approach to investigating or mitigating a situation.

Q And during your time there, that process worked well, the one that you described?

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A Yes.

Q Did you have confidence while you were there that they would respond as required when something would happen, that if you were to call them, they would be there?

A They proved that they would show up when I needed them to, so I didn't have any reason to doubt that they would be helpful.

Q And is there a difference between internal and external February 17th militia, the QRF on the one hand that, you know, we've been talking about, versus other folks?

A Again, it was my understanding that they were part of the same group; just, we had four to five guys that lived with us on the facility. They were a subordinate force to the larger 17th February Brigade.

Q Okay. And just the reason I ask that is we've heard 17 Feb be described as a larger umbrella organization, if you will, comprised of different militias. Is that a fair characterization based on your experience there and what you knew about them while you served in Benghazi?

A I don't know the composition of 17 Feb, and I can't recall if I ever did know the composition. I know that they were the largest or most powerful militia in eastern Libya, to include Benghazi, while I was there, and during my time there.

Q So let's switch gears again. You indicated in the last session support for Under Secretary of Diplomatic Security. Is that right?

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A Yes.

Q And are you aware of the independent panel on best practices that was formed in response to one of the recommendations enumerated by the Accountability Review Board?

A Vaguely familiar. I've been away from -- from this for a while, but I do know some of what was -- what came out of that.

Q Right. So the Independent Best Practices Panel was formed as a result of this recommendation by the ARB. It's five members, chaired by former Secret Service Director Mark Sullivan. The five members of the panel have, I think it's something like 168 years of collective security experience.

One of the members of the panel is Todd Keil , who was in Diplomatic Security in various capacities for 25-plus years. Are you familiar with him or know him at all?

A No, I don't know him.

Q So the panel put out a number of recommendations in its August 2013 report, and one of these recommendations was the creation of an Under Secretary for Diplomatic Security. And the Department, at this time, has not accepted it, and one of the concerns that they have surrounding the creation of such a position is that it would further exacerbate existing stovepiping or isolation of DS within the larger State Department organization. And I just wanted to see if you had any thoughts on that or if, you know, you would find that to be a reasonable concern, given the way the Department was operating prior.

A When I spoke to the ARB about the creation of an Under

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Secretary, again, I am absent any knowledge on what actually occurs at, you know, the upper echelons of my organization. I felt it would -- the creation of an Under Secretary for Diplomatic Security would elevate, you know, the security and law enforcement arm, branch of the Department of State to a position where they had direct access to the Secretary or Deputy Secretary.

When we look across the board at other -- I'm basing this off of just my very, very vague knowledge of maybe the Department of Defense, or within our organization, you have several Under Secretaries for political affairs, from other -- for other bureaus, if you will, and other disciplines. And, of course, I'm home team guy, I wanted to see the best for our organization, which -- and elevate the life safety, security of our personnel, who serve in really, really tough situations overseas to an appropriate position within the Department.

That's where I was -- that's where the suggestion came from. Irregardless of what actually occurs, I wanted to make sure that we -- that people remain safe overseas, and that I thought by offering that as a recommendation would appropriately elevate Diplomatic Security in the grand scheme of things in the operation of the Department.

Q Okay. And turning to the ARB, so you had mentioned that you had, in fact, spoken with them --

Ms. Sawyer. Can I ask a question about that?

Mr. Desai. Sure. Please.

BY MS. SAWYER:

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Q One of the things that did happen, and on the timing, I'm not sure if it was after the Accountability Review Board, or if State had affirmatively done, it was to kind of have an Assistant Secretary for Diplomatic Security, who the current person serving in that position is Greg Starr. He testified at a public hearing before the committee about the rationale for creating his position being to assure direct access to kind of those upper echelons you're talking about, including the Secretary, and talked about his relationship with the current Secretary, Secretary Kerry, as being very favorable in granting direct access.

If that was the kind of solution to get, it sounded like your concern was direct access and a seat at the table, would you feel that that would kind of address some of the concerns that you had had, that seat at the table?

A Ma'am, I'm a bit confused.

Q It's a very long question.

A The Assistant Secretary position existed before the ARB. I mean, Assistant Secretary for Diplomatic Security has always been -- as long as my tenure with the Department, there's always been that. Maybe somebody else?

Q Yeah. I think there was a new reporting relationship created. It's not -- I misspoke by saying the title --

A Okay.

Q -- but a reporting relationship to allow that person to have more direct access. So I think that was the sense of getting the seat

at the table.

A Okay.

Q So maybe what I'm trying to get your sense of is whether your concern was -- was one of finding direct access, finding a seat at the table, and less kind of how structurally that was done.

A I may have done a poor job of -- again, I don't -- explaining it before. I don't know what the level of access previous Assistant Secretaries And previous principal Deputy Assistant Secretaries, the director of our service have had with the different bureaus or with the Deputy Secretary or with -- the Deputy Secretaries or with the Secretary.

I was purely making my recommendation based on what I thought was occurring or what I think the creation of that position would mean for my bureau. So, again, I'm only speaking to what I think would be best, and from a very -- you know, a guy that's been on, you know, 9 years-plus with the Department, with Diplomatic Security.

Q And that end goal, really, from your perspective, is the seat at the table, getting the access that you think Diplomatic Security needs and deserves?

A I chose the term "seat at the table," I think, but I would be -- I don't know if I'm comfortable saying that my seniors should have a seat at the table. I think that -- I think that having an Under Secretary, again, would elevate it to the other Under Secretaries and make it just a little bit -- make it more of a priority for the Department, safety and security of our diplomats and family members.

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BY MR. DESAI:

Q Great. So with respect to the Accountability Review Board, you didn't talk to them, you sought out the appearance. Is that right?

A I did seek out the appearance.

Q And did you feel as if you were provided the opportunity to share all the information you deemed pertinent, based on your experience and based on their work?

A Yes.

Q And did you feel like you were fully forthcoming and were able to be fully forthcoming with the ARB?

A I felt that I was able to discuss everything I needed to discuss about my experience there in Benghazi.

Q So there are a couple of just very brief allegations that have been put out there with respect to the ARB that I want to ask you about --

A Okay.

Q -- and just dispense with.

Were you ever asked or ordered not to provide information to the ARB?

A No.

Q Were you ever asked or ordered to conceal or destroy information from the ARB?

A No.

Q If I can just refocus your attention now onto some of the ARB's findings and recommendations. And I think, as was pointed out

in the last session, some of the issues that we've discussed in our conversation today were also identified by the ARB in their report, which was issued in December 2012.

Have you had an opportunity to read the ARB report?

A I read the unclassified version of the ARB report.

Q Okay. So just the unclassified?

A Yes.

Q Okay. And in general, did you feel that the report accurately captured your experience at Mission Benghazi?

A I don't believe that it was a verbatim explanation of my experience there. I did take -- I don't know if "pride" is the right term, but there were things that I suggested as a best practice or a recommendation to the panel that ultimately ended up in the report.

Q Do you recall what some of those things were that ultimately were reflected in the report that you provided to the panel?

A I -- training was one of them, training, not necessarily Diplomatic Security agent training, but the training between DS agents, DS personnel with the Foreign Service Officers specialists that we serve with abroad. There seemed to be, you know, I think, misunderstandings on both sides as to what our collective missions are overseas, and I thought that improving opportunities for training prior to getting in those situations would be beneficial to all of us.

Q Was there anything else besides training that you can recall that you told the board that was ultimately reflected in the report?

A There were several, but, you know, without looking at it

right now, I couldn't go through which ones I thought were -- that I hit in my explanation to the panel.

Q Okay. Great. So if I can turn to the ARB's findings on staffing shortages and other specifics. I'll just read --

BY MS. SAWYER:

Q Yeah. Actually --

Mr. Desai. Go ahead.

BY MS. SAWYER:

Q -- could I just ask you a quick question about, you had indicated in the last hour that you had reached out -- you had gotten the notice that the ARB, the Accountability Review Board, would be stood up, and you reached out affirmatively to them to share your experience.

Did you get any sense when you did reach out to them that they were not interested in speaking with you or other DS agents?

A I don't recall having that feeling. There was a process to undertake. You would -- I responded to the notice and I was called back. My understanding was that they felt that it was necessary to speak to me because of my experience there and my role there. I didn't have any issues getting in front of the ARB.

Q So no one, certainly from the ARB, indicate -- because I know my colleague asked you about whether you had been discouraged, but no one from the ARB ever indicated to you that the ARB did not want to hear from you?

A No.

Q It was just the process of getting it scheduled --

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A Sure. Sure.

Q -- after you had contacted them?

A Yes.

Q Did you hear from any of your other colleagues, DS agent colleagues, that they had reached out to the AR -- the Accountability Review Board, but that the Accountability Review Board had refused to speak with them?

A I can't recall any instances where somebody reached out and was not offered an opportunity. On the contrary, I know agents that served before me and after me that talked to the ARB. Now, whether or not they sought out that opportunity or the ARB sought them out, I'm not certain, but I know that there are other DS agents that of course spoke to the ARB.

Ms. Sawyer. We'll go off the record just for a sec.

[Recess.]

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Mr. Desai. Let's go back on the record. The time is 1:26 p.m.

BY MR. DESAI:

Q So, before we left off, we were briefly discussing the Accountability Review Board and some of their findings and recommendations. And one of the things that they talk about in their report are staffing shortages, and that's, of course, something that we've talked about during our conversation today. The Board, of course, found that staffing shortages were a problem and had enumerated various reasons behind this.

And in order to address some of those issues, the ARB made several recommendations to address this. And the first thing it did is it endorsed the Department's request for increased Diplomatic Security personnel for high- and critical-threat posts, as well as for additional mobile security deployment teams, as well as increase domestic DS staffing in domestic locations as well.

Do you agree with that recommendation generally?

A Yes.

Q And you think it would be helpful?

A Yes.

Q The other thing the ARB recommended in this capacity was: Key policy program and security personnel should be assigned for a minimum of at least 1 year at various posts, and there should be at

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least a 120-day minimum for temporary duty, or TDY, assignments across the globe at various posts.

Do you agree with that recommendation, as well?

A Could you be -- the recommendation I'm familiar with, but are we speaking solely with DS or across the board, both the entire Foreign Service family?

Q DS.

A With DS. And the question was, do I agree with -- I think there's two questions in there. Do I agree that key personnel should be there for a year?

Q Uh-huh.

A Yes.

Q That's one, and the second is TDY service --

A For 120 days. I don't have any problems with that recommendation.

Q Okay.

Lastly, from where you sit and given your experience -- and you said you've been at DS for, I think, 9 years. You served in Benghazi for, you know, close to 60 days. And there's been the ARB report, and you spoke at the Accountability Review Board. There's been an independent best practices panel and report. There's been an independent best practices of management panel, as well. We're now the eighth congressional investigation looking into the Benghazi attacks.

Based on your experience and based on where you sit, do you think

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there are any other questions that have, you know, been left unanswered in connection with the Benghazi attacks?

A Sir, I don't have an opinion on the matter. I think looking into the events surrounding Benghazi has been a good thing for my agency. How that occurs and what format that occurs in, investigative-wise or otherwise, is unimportant to me. I just think that it's been a good review of our -- because I take it so very seriously. This is my career. And anything that this body or previous bodies can do to improve security and our operations overseas is very important to me.

Ms. Sawyer. And to help us, you know, do that -- because, in part, we're very committed, I think, as a full committee, to make sure that this is indeed the last investigation into the Benghazi attacks -- are there, just from where you sit, and there may not be any, but are there any particular questions that you have that you feel that we should be looking into or that remain unanswered?

Mr. [redacted] No, ma'am.

Ms. Sawyer. Okay.

BY MR. DESAI:

Q Very good.

So I'm going to shift gears, and I'm going to ask you a series of questions about several public allegations that have been made with respect to the attack. And it's our understanding that the committee is looking into some of these allegations, or all of these allegations, rather, and, as a result, we are compelled to ask everyone all these

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questions.

Just to be very clear, though, even though I'm asking you these questions about these allegations, I don't want you to think that anyone on the minority staff or the minority members believe that these specific allegations have any merit.

What's going to happen is I will describe the allegation to you, I will ask you if you if you have any information or evidence to support any of these allegations, and if you do not, I will move on to the next allegation until we're done.

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 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 of 2012 cable denying security to Libya. The Washington Post Fact Checker evaluated this claim and gave it four

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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 Colonel 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 Colonel 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 the CIA was not collecting and shipping arms from Libya to Syria, 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?

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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 and 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,

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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 had then misrepresented his actions when he told Congress that the CIA faithfully performed our duties 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?

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A No.

Q Do you have any evidence that the 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 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.

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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 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, "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 Chairman McKeon's conclusion?

A No.

Q Do you 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 decide not to deploy?

A No.

Mr. Desai. Do my colleagues have any questions?

I think, with that, we're all done. And, again, thank you so much

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for appearing and for your service. We're very grateful.

Mr. [redacted] Thank you.

Mr. Desai. We can go off the record.

[Whereupon, at 1:36 p.m., the interview was concluded.]

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Certificate of Deponent/Interviewee

I have read the foregoing 110 pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

[redacted]

Witness Name

_____

Date

EXHIBIT 1

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REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

[redacted]

From: [redacted]
Sent: Tuesday, March 06, 2012 12:44 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Questions for the libya meeting

Good Evening [redacted], the drop arms are near completion...the fabricator has taken over a month to finish this project. He has to come out tomorrow to make final adjustments. The 2 drop arms came in under budget so we are able to use additional drop arm funds to purchase 2 more drop arms for our remaining 2 vehicle access gates, freeing up the 2 LAVs we currently have in place. I have yet to hear from Tripoli, which vehicles they wanted back. I sent them along an email telling them what we had and what we could do without. I'll await a response.

As [redacted] stated in an earlier email, we responded to some of his questions today but have some late breaking news to report. Our Guard Force Commander resigned his position today. Yes, this is the person who was highly regarded by ALL RSOs in the past, including myself. It seems there were some differences in strategy with BMG and the GFC, and the GFC decided it best to go his own way. BMG to date is meeting expectations under the tight timeline they had to assume the contract. The LGF is a work in SLOW progress.

[redacted] recently identified funding for guard booths, which we are now in negotiations with the contractor to build them. Seems the price went up from when we asked for the quote...this is Libya. Work should begin shortly.

We are extremely pleased with the recent funding decision for our temporary fence. Couple that with sandbag deployment, safe haven door fabrication, and emergency egress' on the windows, Benghazi is rapidly finding a sense of security.

I will send a last hoorah email, identifying some areas that still need slight improvement (and by that I mean funding). Also, with the closing down of the UK Mission in Benghazi, we may benefit from their departure in terms of additional jersey barriers, free of charge. We will only be responsible for moving them. If/when this comes to fruition, it would be something that we certainly should jump on.

[redacted]
Special Agent in Charge/Regional Security Officer
Regional Security Office
US Special Mission Benghazi, Libya

From: [redacted]
Sent: Tuesday, March 06, 2012 3:21 PM
To: [redacted]
Cc: [redacted]
Subject: Questions for the libya meeting

[redacted],

What is the status of the drop arm bars in Benghazi? Have they been installed if not when?

Briefly let us know of your initial impressions of the Blue Mountain contract LGF that started on 3/1?

Thank you,

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[redacted]
Desk Officer | DS/IP/NEA
Office Ph: 571.345.3475 | Mobile Ph: [redacted] | Fax: 571.345.3400
Email: [redacted]@state.gov

SBU
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EXHIBIT 2

REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

[redacted]

From: [redacted]
Sent: Friday, March 23, 2012 9:53 AM
To: [redacted]
Cc: [redacted]
Subject: RE: Meritorious Honor Award for US Mission Benghazi
Attachments: RSO.Group.Acknowledgement.Benghazi.docx

Good Morning Sir. Looks like [redacted] will be here just in time.

As discussed in the email chain, I submit the following for your review.

I will send an email to [redacted] and [redacted] on Monday detailing current operations in Benghazi. I will ensure that you and [redacted] are also on that email.

It's been a good ride and one that I learned a tremendous amount from. I appreciate IPs support and look forward to joining the NEA team next year when I head [redacted] as an ARSO-I.

[redacted]
Special Agent in Charge/Regional Security Officer
Regional Security Office
US Mission Benghazi, Libya

From: [redacted]
Sent: Friday, March 09, 2012 1:39 PM
To: [redacted]
Cc: [redacted]
Subject: Re: Meritorious Honor Award for US Mission Benghazi

Send me the write-up and I will submit it.
[redacted]

From: [redacted]
Sent: Friday, March 09, 2012 05:00 AM
To: [redacted]
Cc: [redacted]
Subject: FW: Meritorious Honor Award for US Mission Benghazi

So back to my original question, how can I recognize the team here? Traditional means through GEMS does not seem applicable as I intend to do a group award covering all their accomplishments. Can NEA Bureau be of assistance?

[redacted]
Special Agent in Charge/Regional Security Officer
Regional Security Office
US Mission Benghazi, Libya

From: [redacted]
Sent: Friday, March 09, 2012 11:55 AM
To: [redacted]
Cc: [redacted]
Subject: RE: Meritorious Honor Award for US Mission Benghazi

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[redacted]:

I'm very supportive of the need to recognize the efforts of your team in Benghazi but I don't believe I can process this nomination via the Tripoli awards program. Per Post Awards Policy...

The Joint Country Awards Program is open to all American direct-hire employees and Locally Employed Staff (LES) of all agencies serving with the U.S. Mission.

The FAM has specific requirements on eligibility. Each agency participating in the program would only cover their PCS employees and LES. Even award nominations for the Libya Cell would need to be submitted to DC for processing per the policy. Further our awards budget is based on Direct Hires and LES. As you mentioned all the nominees are TDY staff assigned to different offices, I believe this award needs to be processed out of the IP office in Washington or Bureau rather than at post.

Anyone can nominate an employee or group for an award so you could still prepare the nomination form but I believe this needs to go to DC to be approved. Post could prepare a certificate of appreciation but I know you are going for a more significant and certainly deserved recognition. Please keep me posted on how this proceeds and if I can provide additional support or information.

One thing you/post can do if you want to recognize the team is forward a performance memo's to the employee's immediate supervisor and reviewer to be used for their EER's. If you would like to draft any memo's and provide me the names of the rater and reviewer I will be happy to forward on behalf of the mission.

[redacted]

This email is UNCLASSIFIED.

From: [redacted]
Sent: Thursday, March 08, 2012 7:16 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Meritorious Honor Award for US Mission Benghazi

Thank you. Over to you [redacted]...same question.

[redacted]
Special Agent in Charge/Regional Security Officer
Regional Security Office
US Mission Benghazi, Libya

From: [redacted]
Sent: Thursday, March 08, 2012 6:52 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Meritorious Honor Award for US Mission Benghazi

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Please work with [redacted] on the awards question. He is the HRO for Tripoli.

[redacted]
NEA-SCA/EX
Post Management Officer - Libya
202-647-6355 office

This email is UNCLASSIFIED.

From: [redacted]
Sent: Thursday, March 08, 2012 11:51 AM
To: [redacted]
Cc: [redacted]
Subject: FW: Meritorious Honor Award for US Mission Benghazi

Good Evening [redacted], I was instructed to check with Tripoli to see if an awards committee has been designated. I'm seeking to nominate my guys for an award. If not, I'll go back to DS/IP and see what my options are getting this through.

Thanks,

[redacted]
Special Agent in Charge/Regional Security Officer
Regional Security Office
US Mission Benghazi, Libya

From: [redacted]
Sent: Thursday, March 08, 2012 4:50 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Meritorious Honor Award for US Mission Benghazi

[redacted],
That would be great, of course I will support the award.
[redacted]

This email is UNCLASSIFIED.

From: [redacted]
Sent: Thursday, March 08, 2012 3:34 AM
To: [redacted]
Cc: [redacted]
Subject: Meritorious Honor Award for US Mission Benghazi

Sir, I'd like to nominate my team for a group Meritorious Honor Award. They have done a heck of a job, working long hours to improve the physical security of post, stand up a new local guard force, and create continuity in programs (turnover binders - establishing written doctrine how each program works) which has previously been absent. All doing

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this while maintaining a 24/7 protection presence over senior diplomat. Our big push here has been to make life better for the TDY agents that follow us. I believe we have done an incredible job doing just that while also creating a safer environment for those who work here.

Traditional means to nominate persons for awards would go through post/field office leadership and through the ranks, however since we are all TDY from different shops, I'm asking for IP's assistance getting this through.

I'll provide a write-up in the week to come but wanted to give you a head's up of my intention. I ask for your support to award the hard work that has been accomplished these past couple of months.

With Respect,

[redacted]
Special Agent in Charge/Regional Security Officer
Regional Security Office
US Mission Benghazi, Libya

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INTERVIEW OF DIPLOMATIC SECURITY AGENT #16

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, APRIL 13, 2015

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

SHARON JACKSON, *Deputy Chief Counsel*
MARK GRIDER, *Deputy General Counsel*
SARA BARRINEAU, *Investigator*
SHERIA CLARKE, *Counsel*
HEATHER SAWYER, *Minority Chief Counsel*
RONAK DESAI, *Minority Counsel*
BRENT WOOLFORK, *Minority Senior Professional Staff*

FOR THE U.S. DEPARTMENT OF STATE

AUSTIN EVERS, *Senior Advisor*

FOR DS AGENT #16

ZLATANA BADRICH, *Deputy General Counsel*
American Foreign Service Association

Mr. Grider. Let's go on the record. This is a transcribed interview of Agent [redacted], conducted by the House Select Committee on Benghazi. This interview is being conducted voluntarily as part of the committee's investigation into the attacks us 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.

Special Agent [redacted], could you please state your full name?

Mr. [redacted]. [redacted].

Mr. Grider. On behalf of the Committee, we appreciate your time and willingness to come and talk to us today. My name is Mark Grider, I am one of the counsels on the committee's majority staff.

I am going to have every one in the room introduce themselves as well.

Ms. Jackson. I am Sharon Jackson. I am one of the attorneys with the majority staff.

Mr. Desai. Ronak Desai, with the minority staff.

Ms. Sawyer. Heather Sawyer, with the minority staff.

Mr. Woolfork. Brent Woolfork, with the minority staff.

Mr. Evers. Austin Evers, State Department.

Ms. Badrich. Zlatana Badrich, AFSA.

Ms. Clarke. Sheria Clake, majority staff.

Ms. Barrineau. Sara Barrineau, majority staff.

Mr. Grider. Thank you, everyone. I would like to go over some ground rules and explain how the interview will proceed today. The

way the questioning proceeds is that a member from the majority will ask questions for up to one hour, and then the minority will have an opportunity to ask questions for an equal period of time as they choose. As we talked before, we may sort of change that up a little bit, but we will take a break in an hour.

We will adhere to the 1-hour time limit. Questions may only be asked by a member of the committee or designated staff members. We will rotate back and forth, 1 hour per side until we are out of questions and the interview will be over.

During your career as a law enforcement officer, you may have testified in a deposition or in State court or Federal court. As you may know, this is a little different. The committee format is not bound by the rules of evidence. So we may ask your opinion on things, we may ask hearsay. All of that is admissible in a transcribed interview before a congressional committee.

You or your counsel may raise objections for privilege subject to it 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 hearing 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 not been a problem or an issue in the past, and I don't anticipate it to be.

This session is to begin as unclassified. If any questions call for a classified answer, please let us know, and we will reserve the answer until we move into a classified setting.

In preparing for your interview, I don't believe any of my questions will go into a classified information based on the documents that I have reviewed, but if you feel it does, please confer with your counsel, and we will handle that as it comes up.

Mr. [redacted]. Okay.

Mr. Grider. You are welcome to confer with counsel at any time throughout the interview. But if something needs to be clarified, we ask you to make this known to me. If you need to discuss anything with your counsel, we will go off the record, stop the clock, and provide you this opportunity.

We will also take a break whenever it's convenient for you. This could be after every hour of questioning or whenever you need or after a couple of rounds. During a round of questioning if you need a glass of water, coffee, to confer with counsel, just let us know. We will go off the record, and we will make that happen.

As you can see to your right, an official court reporter is taking down everything you may say to make a written record. So we ask that you give verbal responses to all questions, yes and no and not a nod of the head. I am going to ask the reporter to feel free to jump in in the case that he does not respond verbally. And so do you understand that?

Mr. [redacted]. Yes, I do.

Mr. Grider. This is the issue that I need to work on; also, we should both try not to talk over each other so it is easier to get a clear record. So I welcome the court reporter to say, Hey, slow down,

and I will try to slow down a little bit so we can make sure we get a clear record.

We want your answers and our questions to be in the complete and truthful manner as possible. We will take our time to repeat or clarify our questions if necessary. If you have any questions, you don't understand our questions, please let us know, be happy to clarify or repeat our questions.

We also want a clear understanding of what you know from your time in Benghazi, Libya. So we are going to ask you to give us your best recollection. And I think everyone here understands a numbers of years have passed, so things may not be crystal clear. So if you honestly don't know the answer to a question or you do not remember, it is best not to guess. Please give us your best recollection. And if these are things that you do not know or can't remember, just say so and please inform us who or to the best of knowledge may be able to provide a more complete answer to the question.

Mr. [redacted]. [Nonverbal response.]

Mr. Grider. A few questions here for you. Do you understand that you have an obligation to answer questions from Congress truthfully?

Mr. [redacted]. Yes, I do.

Mr. Grider. This also applies to questions posed by congressional staff in an interview. Do you understand this?

Mr. [redacted]. Yes, I do.

Mr. Grider. Witnesses that knowingly provide false testimony

could be subject to criminal prosecution for perjury or for making false statements. Do you understand that?

Mr. [redacted]. Yes, I do.

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

Mr. [redacted]. No reason.

Mr. Grider. That is the end of my preamble.

Does the minority have anything that they want to bring up?

Does anybody else?

EXAMINATION

BY MR. GRIDER:

Q It is 10 after 10, and I am going to jot that down. And we will get the questions started.

Agent [redacted], can you give us, just start from the beginning of your career and give us your background prior to DS?

A Well, I joined DS in [redacted] of 2011. Prior to that, I served 22 years in the United States Marine Corps, approximately 10 years Active, 12 as a reservist. I was an infantryman. I was also part of human intelligence, counterintelligence, and I was an MSG under the embassy duty program.

In addition to that, prior to joining DS, I have approximately 13 years of Federal law enforcement experience, FPS, the Federal Air Marshal Service, and 1 year with NCIS. With DS, I initially served at the [redacted] field office, did several TDYs out of there. My TDYs include 2 months in Guadalajara, Mexico, [redacted].

Q May I ask you a question?

A Sure.

Q Just to get the chronology. So you joined in [redacted] 2011.

A Correct.

Q Can we walk in a chronological aspect of your TDYs, and then you can even touch on the Benghazi if there was something after?

A Sure.

Q Thank you.

A After training, approximately in [redacted] 2011, probably in the August timeframe, I went to Mexico for approximately 2 months, [redacted] in Guadalajara, Mexico. I came back for some time, and I did my TDY to initially the Secretary of State for approximately -- I don't remember at this time. It was 60 or 90 days where I served in the protection of Secretary Clinton.

Afterwards, approximately from March 6 through April 21, I did an approximately 45-day TDY in Benghazi, Libya, where I served initially as an ARSO. Later on, I was the acting RSO. I came back again to the [redacted] field office, and approximately in the summer of 2013, I did another 90-day TDY in [redacted] as the ARSOI, which is the Assistant Regional Security Officer for Investigations.

Approximately 1 year and a half ago, I was assigned to the American Embassy, [redacted], where I now serve as the ARSOI. I am basically in charge of all the State Department investigations in [redacted].

Q Thank you very much. Before we get to that March 6, April 21 timeframe, I just have a question about the ARSOI.

A Yes, sir.

Q Can you explain what that is?

A It is a new program that DS started approximately 10 years ago, sir. Basically, it is a DS agent that serves in an overseas post and does investigations. We are talking visa fraud, passport fraud. We are talking human trafficking and smuggling. We are also in charge for the fugitive program for the U.S. Marshals. So we capture fugitives of the American legal system and bring them back to justice.

Q Very good. So was that program in place when you were in Benghazi during that time period?

A Yes, but Libya did not have such a position at the time.

Q Okay. Let's direct your attention back to the March 6 timeframe.

A Yes, sir.

Q With respect to that TDY, was it -- were you recruited? Did you volunteer? How did that come about? Can you explain to us?

A Well, DS was looking for volunteers to fill that position, and I volunteered.

Q Are you familiar with the term high-threat training?

A Yes, I am, sir.

Q Can you explain to us what it is?

A Well, sir, it is -- in my own words, I would put it as a protection under high-threat environments/military type training that

agents -- DS agents receive. I don't -- I have never heard of another agency that has a program of this sort, and I think it is a very good program. They have got some of the best instructors I can think of. Most of them are former U.S. Marines.

Q And did you take the high-threat training course?

A Yes, I did, sir. It was one of the requirements as I understand it to get an assignment to Benghazi, Libya.

Q Do you recall about when you took that course?

A Yes, sir, it was pretty cold, so I do recall. It was in January of 2012.

Q Okay. Let's talk a little bit more about your time in Benghazi. Can you walk me through sort of the chronology prior to March 6? Obviously, they were looking for volunteers.

A Yes, sir.

Q So we are not familiar with the process. So how did you volunteer? What information did they give you? And we will talk about how you got there and what you took with you, does that make --

A Yes, sir. An announcement went out looking for volunteers to fill this now position for TDYs. I thought it would be a challenging experience so I volunteered for it. They had several requirements, one of them was to take the high-threat training. I immediately contacted people at that school to see when the next availability was that they would have. Upon completion of the training, I spoke to the desk officer for Benghazi, Mr. [redacted]. Mr. [redacted] initially scheduled me to go to Benghazi in mid to late February of 2012. And

did some reading up on Libya, on the revolution. I was also briefed by Mr. [redacted] on the situation on the ground and what the duties and responsibilities out there would be. I also spoke to another agent from the Washington field office who was currently -- who was in Benghazi prior to my arrival.

Q Great. Can you give us some of the -- what was the contents of the briefing from [redacted], was that formal, informal, was it by telephone, by email?

A It was in person, sir. I went to his office. We sat in his cubicle for, I don't know, approximately 1 to 2 hours. He showed me pictures, maps, explained to me what the compound consisted of, spoke to me of the personnel over there as to what our mission was in Benghazi.

Q And you mentioned that you had talked to someone that was currently on the ground in Benghazi?

A That is correct. At this point, I believe we might have had one phone call, and the rest of them might have been through email, sir. Basic questions as to what are the Libyan accommodations, what is your daily routine, that sort of thing.

Q Do you recall who that person is?

A Yes, [redacted]. He is currently assigned as the ARSOI, in Brasilia, Brazil.

Q Do you recall what his title was at that point?

A He was also an ARSO in Benghazi at the time.

Q Very good. Before you got on the plane, what were your impressions of the situation you were getting into? What was your

sense of why you were going there and what was going to be the environment that you were walking into, if you recall?

A Well, sir, as I recall, I knew that the country had just gone through a revolution. I knew that there were several armed groups in Benghazi. I knew that the government had little control of security, and I was expecting to provide the safest environment I could for diplomats to conduct their business.

Mr. Grider. Do you have any questions?

Ms. Jackson. Sounds like it was going to be a challenge.

Mr. [redacted]. Yes, ma'am.

BY MR. GRIDER:

Q Can you tell me how you got there, and what, if anything, did you take with you?

A I took all the high-threat gear that I was issued. I took extra military survival type gear and protection gear that I thought I would need. And I initially flew in through -- I went to Istanbul, Turkey, and then spent one night there, and from there, I continued my trip to Benghazi, Libya.

Q Did you go out of New York or out of Dulles?

A You know what, sir, I believe I flew from Dulles International to Istanbul, and from -- and because there was no flights until the next day, on the next day, I flew to Benghazi.

Q Right.

A I take that back, sir. And I would need to go back, but it is possible that I could have flown to Frankfurt, from Frankfurt

to Istanbul, and from there to Benghazi.

Ms. Jackson. You have probably been on one or more international flights in your career.

Mr. [redacted]. As a Federal air marshal for 9 years, I have been on plenty of them, yes.

Ms. Jackson. How do you like that Frankfurt airport?

Mr. [redacted]. It's great because they have a grocery store downstairs that -- they sell just about everything. It is a good airport, ma'am.

BY MR. GRIDER:

Q Okay. Once you landed in Benghazi, can you tell me if you can walk me through sort of who was on the ground, you know, from DS, all the different individuals and levels?

A There was three agents on the ground, sir. The RSO at the time was [redacted]. One of the ARSOs was [redacted]. And there is a third ARSO, and I cannot recall his last name. His first name was [redacted]. He was an ARSO in Jeddah, Saudi Arabia, at the time but was TDY to Benghazi.

Now this number of three did not stay like that for long. Approximately one week later, [redacted] left.

Q So he left in the March timeframe?

A Yes, sir.

Q Fair enough. What about [redacted], how long, do you recall?

A [redacted] must have stayed there for another 2 weeks, 2 to 3 weeks; same thing with [redacted].

Q That's the DS agents that were on the ground?

A Yes, sir.

Q Any other State Department employees?

A Yes, sir, [redacted], who was our principal officer. And we had one communicator -- and I just cannot remember his name. There was -- he was replaced by another communicator, [redacted] -- I am terrible right now with those names, I am sorry.

Ms. Jackson. Was one named [redacted]?

Mr. [redacted]. Yes, [redacted] was the initial communicator there, and then he was replaced by [redacted].

Ms. Jackson. Was it, like, [redacted]?

Mr. [redacted]. Yes.

Ms. Jackson. Recognition is so much better than recall.

Mr. Grider. So we have got the DS agents that are covered, State Department. Any other agencies on the ground?

Mr. [redacted]. Well, sir, in order to give you any details on that, I would probably need to be in a secure environment to discuss that.

Mr. Grider. From a yes or no?

Mr. [redacted]. Yes.

Ms. Jackson. Any other U.S. Government like U.N. or USAID, other State Department officials, other than the one.

A None that I -- the U.N. was there. I don't know -- and I know that they were there. I had contact with their security people. I know the attacks that they went through, but I don't know if there was any Americans assigned to them. I imagine that there were. As

to USAID, I am not aware of them. It's possible. I just never had any contact with them.

BY MR. GRIDER:

Q One other presence, were there any other countries that may have been there?

A Yes, sir, we had a very close relationship with the U.K. The U.K. had a representative there, and they had a house similar to ours. They also had security personnel. I belive their people were contractors, though. They eventually left. As a matter of fact, they left some of their vehicles and their gear with us, but yes, they were initially there.

Q Very good. I am just going to ask you just, are you familiar with the name [redacted]?

A Yes.

Q What, if anything do you recall. What was his role, if you recall?

A Again, my memory may fail me, sir. If I am not -- if I am not mistaken, he was an [redacted] in Benghazi, and he also did part-time work for us as interpreter and assisting the principal officer with certain things. I also believe he was involved -- the reason why we were -- had a relationship with him is he was involved in saving a U.S. pilot during the revolution. I am not sure if I am talking about the same [redacted].

Q When you were present in Benghazi, was Mr. [redacted] there as well?

A Yes, he was. He would visit us at the compound and have meetings with Mrs. [redacted]. I also remember times that we would -- I would accompany Ms. [redacted] to his school.

Ms. Jackson. Were there any other Libyans that worked on the compound either full time or part time?

Mr. [redacted]. Yes, ma'am. We had members of the 17th February Militia. They were part of our QRF. Initially there was three of them. Later on, there was four of them. Also, the guard force, they were all Libyans. We had people that worked in the kitchen. However, I don't believe they were Libyans. I believe they were third-country nationals. I know that there was Egyptians there, but there could have been a Libyan there too.

Ms. Jackson. Was there anybody else in the position like Mr. [redacted] that helped with the political office or helped arrange --

Mr. [redacted]. Yes, [redacted], cannot recall [redacted] last name now. She basically did clerical work. She also did some logistical work for the compound, and that is the only other person I can think of at this time.

BY MR. GRIDER:

Q Let's talk about -- you had mentioned your gear that you had brought over with you. Was that gear given to you from the State Department, or was that gear given to you prior to?

A Well, sir, I love gear and the State Department is great in giving out gear. After going through high threat, they give you some of the best gear that I have seen. So I had all of that gear.

And, you know, after a military career, you also end up with a lot of gear too. So I took some of my personal gear too.

Q One you landed in Benghazi, did they give you additional gear?

A Yes, I do believe they had different vests available with more low profile that we were able to use. We also had gear we could put into the vehicle in case you needed it, additional vests for the principal officer in case she needed it, that sort of thing. So other protective gear was available in the compound.

Q Fair enough. What type of firearms did you have to do your job?

A Well, I took my issued pistol, which is a [redacted] millimeter. In addition to that, they made available for me a shotgun, as well as an M4 Bushmaster rifle.

Q Are you familiar with the M249?

A Yes, it's a squad automatic weapon. We did not have those.

Q Have you been trained on that?

A Yeah, like I said, I was in the infantry, and I was a machine gunner, So yeah. In addition to that in high threat, you also go through the training for the SAW.

Q We are going to move to another section, but before we do, you had mentioned low-profile gear. I am new to that. What does that -- what, if anything, does that mean?

A Well, I guess what I am trying to say, sir, a lot of the vests that I was taking with me, they are pretty thick. They stand

out. You can't wear it really underneath civilian clothing. And the low-profile stuff is stuff that you really don't see and maybe just the vest with the plate, metal plate, in the front and the back.

Q And that was State Department gear?

A That is correct, sir.

Q Let's turn to just your role in Benghazi, what you did. Sounds like you were in two different roles, my understanding. You were acting RSO for some point or -- just why don't you take me through your role?

A Well, sir, when I initially got there, as you probably know, the responsibilities of an RSO are pretty broad. There is the physical security. There is the guard force, the fences, the alarms, the protection of the principal officer, a lot going on. So what they did was they divided that up amongst of the different agents there on the ground.

What I initially ended up with the protection of the principal officer. And that was my main role. Obviously, you would help out with other things. I started helping out with the training of the guard force and the training of the QRF, helping with upgrading security around the compound, but my main responsibility was protection of the principal officer.

Q So when you arrived, obviously, there were two DS agents?

A It was initially three, sir.

Q That's correct. They were leaving. Did your role stay the same during your entire time period?

A Well, in a way, yes, in a sense that I still had the protection of the principal officer, but as more agents leave, more responsibilities fall upon you.

Ms. Jackson. Did any other agents come to replace them?

Mr. [redacted]. No, they did not, sir -- they did not, ma'am. And as I understand it, one of the problems was that there was a visa issuance issue; the Libyans were not issuing Americans visas.

Mr. Grider. So to follow on that, was there a time period when you were in Benghazi that there were less than three, less than two, less than --

Mr. [redacted]. Yes, sir, there was a time when there was two of us, [redacted] and myself, maybe for a 2, 3-day period agents were supposed to -- at least one agent was supposed to arrive to replace him. They never made it. There was a, perhaps -- I don't recall the exact number of days right now. It could be up to 2 weeks where I was the sole DS agent in Benghazi.

Ms. Jackson. And this timeframe would have been sort of the end of March if --

Mr. [redacted]. That is correct, ma'am, the end of March through, you know, mid April. Towards the end, I -- two other agents arrived. So, yeah, it would have been end of March, early April.

Mr. Grider. We may get into this a little bit later, but I want to ask what were your feelings -- what was your opinion about being the sole agent on the ground during that 2-week time period from a security standpoint?

Mr. [redacted]. Well, sir, you know, we can always hope for the best situation. And we can plan for the bust situation, but Murphy is going to be around; something is always going to go wrong. So I planned to do the best with what I had available. I, obviously, requested more assistance, sent up the request up my chain of command and did all that I could with what I had available on the ground.

Mr. Grider. If you don't mind me asking, so that -- I appreciate you bringing that up in requesting more assistance. Do you recall, was that when Mr. [redacted] was there still on the ground or after he left or when you anticipated him leaving?

Mr. [redacted]. Well, when Mr. [redacted] was on the ground, sir, we were expecting the agents to arrive. Agents were supposed to arrive on certain dates, okay, but it didn't happen. And it didn't happen as I understand it because no visas were being given to American personnel. So I continued asking for this assistance, but it is no time for feelings or to complain about stuff, you still have a daily mission that you must accomplish during that time. And of course we had longer days, you know, 20-hour days or whatever, but I -- I believe we were providing the best security that we could at the time.

BY MS. JACKSON:

Q Given the adage of the squeaky wheel will sometimes get oiled, were you a squeaky wheel? I mean, were you sending in daily requests for additional agents? Were you on the phone with [redacted] or others? I would assume that you obviously needed -- to have a secure environment. You needed assistance.

A A long time ago, ma'am, I learned something from, you know, my Muslim colleagues, and it is a saying that says that the baby that cries the most gets the most milk. Of course, every day I would send in, as part of my request, questions as to when they would be arriving. But that did not stop us from fulfilling our requirements to provide a safe environment for our principal officer and the communicator.

Q Were you communicating with the Embassy in Tripoli at the time?

A I was communicating with the Embassy in Tripoli. I am not sure if you are familiar with this, ma'am, but the RSO for the country is always located at the -- most of the time at the embassy. So the RSO for all of Libya was located in Tripoli, and I would communicate with him in requesting agents from the Embassy to come and assist me, and I was communicating with my desk officer, [redacted] in D.C., requesting updates as to when those visa issues would be taken care of so that the agents could arrive.

Q And who was that RSO in Tripoli at the time?

A Um.

Q We are taxing your brain.

A Yes, you are, ma'am. Golly, I know him, he testified.

Q Would the name [redacted]m sound familiar?

A Yes, Mr. [redacted], correct.

Q And can you describe some of the conversations that you had with Mr. [redacted] and Mr. [redacted] regarding the request for additional agents?

A Well, you know, I could be -- I could sound a little forceful and strong in my request, but you know, it's just my style, but they were -- there was no animosity there. Maybe you could sense some frustration, but I understood what the situation was. And what I got was that they could not send anyone from the States at the time because of the visa issues. And Mr. [redacted] was -- had other requirements in Tripoli and could not let his agents leave from there, yeah.

Q I assume Mr. [redacted] -- and correct me if I am wrong -- was also waiting for additional agents from Tripoli?

A I am not sure what his situation was, ma'am. I do know that he would say that he had a lot of requirements out there too, and therefore, he could not let any of his agents go down to assist me.

Q Okay.

BY MR. GRIDER:

Q Your primary responsibility was to protect the PO, and that was Ms. [redacted]. Is that correct?

A When I arrived as an ARSO, that is correct.

Q Did you ever inform her of or did you ever enlist others to articulate that additional need for security?

A Oh, yes. I had a very open relationship with the principal officer. And I remember being included in emails where she also requested the additional manpower.

Q I am not sure how to get to this question, so this may be a narrative. When you had three DS agents on the ground, the responsibilities were divvied up.

A Yes, sir.

Q So two things, one, when there was a movement, so let's say the PO was going off, can you explain to me when there were three agents on the ground how that would at times play out with respect to three agents?

A Well, I would have the opportunity to go do an advance of the location where we were going. I would concentrate my time and making liaison with the primary agency perhaps responsible for the security there. I would have more time to plan things out than to accompany the principal officer to whatever location we were going to.

BY MS. JACKSON:

Q When you have three agents on the ground when you first arrived, would all three agents go on a movement or how did that work?

A No, ma'am, because we had so many other responsibilities, most of the time, it would only be one agent. However, if it was a location that we considered, you know, very unsafe or unsecure, we would send an agent in advance. And he would do the advance, and then I would accompany Ms. [redacted]. If it was a movement of let's say to another compound that, you know, has good security, then we may not need that. But, yeah, that's how we did it when we had three agents.

Q I want to make sure I have this correct. If it was a riskier environment, it would be your process to have an agent go in advance. Would one or more members of the QRF go with the agent?

A Yes.

Q And they would go ahead of time and report back, stay there

until the rest --

A Correct.

Q And then you and Ms. [redacted] would arrive later?

A Correct.

Q Would you have one or more QRF with you?

A I would have one with me, correct.

Q And then you would have the third agent remain at the compound?

A That is correct.

Q And what would that agent be doing?

A Well, he would manage communications. He would answer any questions from the guard force. He would manage any security type issue that would arise while we were gone.

Q Would that agent generally be in the Tactical Operation Center or TOC?

A That's correct.

Q And is that where the communication system was located?

A That is correct.

Q So the agent that was left behind was in charge of security the compound as well as being the communication hub for you all?

A That is right.

Q Okay, and in your opinion, was that what you needed to have three agents, one to do the advance, one to travel with the principal officer, and one to remain back?

A Well, ma'am we can always -- of course, more agents, it's

going to provide better service, better coverage. So three agents for that was good. Five agents would have been so much better. And, of course, you are going to be able to do a better job when you have more people, yes.

Q In your opinion, is it important to have that person who is back at the Tactical Operations Center?

A Yes, it is very important.

Q Why is that?

A Well, first of all, he has a longer range of communications. He has a computer right there. He has radios with longer reach. He has a better phone system. In addition to that, there is someone there to deal with any security issue that might arise at the compound.

Q Did the IMO usually stay back when the principal officer --

A The IMO always stayed back. I cannot think -- I can count with one hand the times that the IMO left the compound.

Q During the time that it was you and Mr. [redacted] there, just the two of you, would one of you remain behind in the Tactical Operations Center?

A Yes, one of us would normally one would remain behind, and what we would do is we would use the QRF, the members of the militia, quite more than we did when he had three agents.

Q And then when you were the only agent there, what was the ramification of that? Did movement stop, or did the compound have to remain without an agent while you did a movement?

A Ma'am, well, obviously, my mission is to provide a safe

environment for our diplomats, and the diplomats' mission is to do diplomacy. And, for that, they do need to leave the compound; they do need to have meetings. The arrangement that the principal officer and myself came up with is that we would minimize those movements. So, whenever they were necessary, what I did is I would accompany her; we would shut down the compound. The QRF as well as the guard force would know that no one would be coming in or out during that time. I was in constant communication with our IMO, and we would make them as quick and fast as we could possibly do it.

Mr. Grider. So the IMO would remain at the compound, the shutdown compound?

Mr. [redacted]. That's correct, sir.

BY MS. JACKSON:

Q So simple things like even deliveries would have been curtailed if you weren't there?

A Yes, ma'am?

Q And this lasted for approximately a 2-week period?

A Two weeks at the most, ma'am. I would have to count the days, but somewhere between 10 and 14 days.

Q Was there any other steps that you decided to take either on your own or in consultation at the direction of someone else to enhance the security when you were the only agent there?

A Well, 10-hour shifts or 10-hour days turn into 20-hour days. We would spend a whole lot more time attempting to train our QRF and our local guard force. We had a plan of, besides our concentric rings

of security, we also had fighting positions throughout the compound. I gave familiarization training of our weapon systems to our principal officer and our IMO, and we were just much more careful in the way we did things.

Q Okay. And when you talk about weapons familiarization training, what is that?

A Well, both the IMO as well as the principal officer had gone through, you know, fan fire. They were already somewhat familiar; they had fired pistols and shotguns and rifles. And sometimes those are perishable skills; you forget things. So I took the time to individually train them, remind them, you know, how the sights work, how to take off or put on the safety, how to load, reload either a shotgun or pistol or rifle that we had, yeah.

Q Did anyone express to you displeasure over your doing that, or did you hear from either the principal or IMO that others had expressed my type of displeasure over that training?

A They did not to me. I never heard of it. I think they understood the situations we were in. I was never asking them to step into a security role, but I wanted them to be able to protect themselves in the event that they needed to. It didn't mean that -- they did not carry a weapon with them, but they knew where the weapons were.

Ms. Jackson. Good.

Mr. Grider. Off the record.

[Discussion off the record.]

BY MR. GRIDER:

Q In light of this line of questioning, I have some other generic questions, but I am going to move those to the back end and get to some of the security incidents during your timeframe there.

A All right.

Q Can you -- I am trying to figure out the security incident, is that my phrase or is that a phrase that DS would normally use?

A No, we would normally use that.

Q Can you -- maybe I picked it up out of reading. Can you sort of define what a security incident is?

A Well, I guess it would be any incident in which the security of the compound or the security of any American can be in jeopardy or could be of interest to us.

Q How did you report -- if there was a security incident, was there is a way to communicate that to your higher ups, to others on the ground?

A The correct way of doing so is to write a Spot Report or some other report like an information report, an IIR, Information Investigation Report. So that is one way of doing it. The other way is when it it's something that's taking place right there or right now, you can always pick up the phone and call our communications center here in Washington, D.C.

Q And usually who would pick up, is that [redacted] that you recall?

A Well, he's got a normal job from 8 to 5. So, no, we have a center that's open 24 hours a day, 7 days a week and there is always

someone there from DS to pick up.

Q Is it that the command?

A The command center, yes.

Q Okay. Based on that definition of security incidents, I just want to -- can you -- during your timeframe there, do you recall anything that would sort of fall into that definition? If we can mark it chronologically -- if you can't, you can't?

A Well, I would like to say what could be a security incident here in Washington, D.C., would be completely different as to what we learned was a security incident in Benghazi, Libya. We heard small arms fired every day. You know, you have got to determine when it was celebratory fire and when, you know, different armed groups were having a fire fight.

We have heard explosions also constantly. So, again, you became acclimatized to what was normal on the ground and what wasn't. We had several incidents in the city where different groups would engage in combat against each other. I believe I might have written something on that. Then there was also an attempt against the U.N. Special Envoy outside of one of the security headquarters there in Benghazi. There was also an attack against the U.K. representative on his visit. There was one attempt to climb over the fence into our compound. And then I guess the biggest event that we had was a bombing of the compound while I was there.

Q So we will come back to those other ones. Let's take a look I believe it was probably around April 6?

A That's correct.

Q So can you sort of describe the events prior to what happened during the attack and any reports that you sent up and any communications?

A Okay. On April 6, at approximately 2230 perhaps, I will just gone into our house where the Americans stayed, considered in Villa C. And shortly after I went inside, I know the principal officer and the IMO had already retired. I was sitting there, and I just turned on the TV, and I heard a very loud explosion. And, as I told you before, you heard explosions throughout, but you would know by the force of this explosion, not only the noise but also the way it rocked the building, I knew that it was inside the compound.

At that point, I was sitting in the living room. I had my weapons with me. I did not have my vest. I ran into my bedroom, grabbed my vest. I spoke to the IMO and to the principal officer. I instructed them to allow me out, lock themselves -- lock the door and lock themselves in the safe haven. I had an extra pistol and an extra shotgun. I left it there for them. I left two radios. One that is communication for them and me and communications for them and [redacted]. I told them that I would be constant contact with them on the radio or on the phone; if they did not hear from me, then to contact [redacted] for assistance.

I also called our QRF, basically reacted them. We had a plan: On a situation like that, they would take up positions throughout the compound. One of the positions would be outside of our building. As

I stepped outside, one of the QRF members was already out there waiting for me. This is possibly, I don't know, 3 minutes after the bombing.

At some point, the guard finally activated the alarm. Our guard force had a push button alarm; in case of any attack, they would activate it. As I step outside, the QRF member is there. We cleared our way to the TOC. Went inside the TOC. I turn off the alarm, and I use our camera system to view or to try to determine if there was any other people, any other attackers in the compound. That took approximately 3, 4 minutes.

I did not see anybody in our camera system. There are some blind spots, but we did have a pretty good system throughout the compound. I thought that with that, I would be able to determine something, something blatant, something that would really stand out.

Afterwards, I stepped outside of the TOC. I had two QRF members with me, and we commenced on clearing the compound.

While we were doing that, I heard two shots. It sounded to me like rifle fire, something bigger than an M4, which is what I had. So I thought initially that it was shooting in the compound. One of the QRF members received, if I am not mistaken, a call that told him that a third QRF member was outside and had detained someone.

Q Question. I'm sorry. I just want to get clarity. When you heard the rifle shots, did you think they were shooting inside the compound or someone over the wall was shooting -- I just wasn't --

A The shots were very nearby. So I thought that the shooting was possibly inside of the compound.

Q Okay.

A Okay.

There was a third QRF member, first name [redacted], who was outside of the compound and had detained two Libyan nationals. Eventually I found out that he's the one who fired the two shots. It is common; it is standard operating procedure for Libyans to shoot warning shots, and that is what he did.

So we were clearing the compound when I learned that he was outside and he was possibly engaged with the attackers. I kept one of the QRF members guarding the entry to our house. I communicated with the principal officer that everything was still okay; we are still clearing. I went outside, and [redacted] had two people on the ground.

Shortly afterwards, reinforcements from the 17th February Militia arrived. They took them away. I requested from the militia to provide a security ring outside of the compound. I made contact with [redacted]. And I asked them to hold off on sending reinforcements to prevent a blue-on-blue situation -- the Militia did not know who they were; they did not know who the Militia were -- but to be on standby in case we needed additional assistance.

At that time, all QRF members and myself cleared the whole compound. It took us several hours to do so. We did not find evidence of any other intruders, attackers, enemy on the grounds. I went back inside, and I briefed the principal officer as to what had taken place. She and I then commenced our notifications to D.C. and our report writing.

BY MS. JACKSON:

Q When the first explosion occurred, how many -- on the evening of April 6, how many QRF and how many local guard force did you have on compound?

A Ma'am, there was only one explosion on April 6, and we had three members of the QRF available that day as I recall. And we must have had maybe eight members, six to eight members of the local guard force. As well, remember, that the bombers were members of the local guard force. So I am not including them in that number.

Q So you would have had 8 to 10 --

A No. Well, with the two suspects?

Q Yes, yes.

A Yes, 8 to 10.

Q And then six to eight that were --

A Please allow me to correct myself. One of the local guard members had been fired days earlier. So I take that back; there was only one active local guard member. So there would have been seven to nine.

Q Okay, okay. And I believe you said that you had -- I am just trying to get the sequence correct -- you had put the principal officer and the IMO in the safe haven, you had called for the QRF and were outside all before the duck-and-cover alarm was activated?

A The duck-and-cover alarm was finally activated possibly 2 minutes after the explosion. It could have been activated right as I was walking out -- no, it was activated before I walked out.

Q Okay.

A Because it was -- it was difficult to communicate with once it was on.

Q Okay. And do you know who activated it?

A One of the guards at the main gate, yeah.

Mr. Grider. While you are looking, just to be clear, with respect to the rings of security: Three members of QRF; seven to nine members of local guard force; and then, with respect to DS agents, how many were there?

Mr. [redacted]. Me, one.

BY MS. JACKSON:

Q And then you said other members of the 17th Feb Brigade arrived. This was in addition to your QRF members?

A That is correct, ma'am. The agreement that we had with the 17th February Brigade is that if we ever requested -- if we ever needed assistance because due to a security incident such as this one, that they would provide reinforcements, and they did that night.

Q And approximately how many arrived?

A Two vehicles full of people. I would estimate up to 15 to 20 people.

Q Okay. And approximately how long did it take them to arrive?

A They were there within 10 minutes, I would estimate.

Q And what type of -- what type of weaponry did they bring with them?

A Well, the weapon that's issued to them is the AK-47. I recall most, if not all, had an AK-47. I don't recall whether they had any larger weaponry.

Q And what type of vehicles did they come in? Did they have any weapons on their vehicles?

A You know, those vehicles were very common, ma'am. The technicals, as they are called, the truck with the machine gun back, I don't recall seeing one of those, but, then again, it was nighttime, and I was not paying much attention to that them.

BY MR. GRIDER:

Q About 5 more minutes. We may have to come back to this in a little bit. I appreciate walking through. So let's turn to sort of the report writing and sort of the notification process up. Can you explain -- you stated that you briefed the PO and then?

A Yes.

Q And then you move towards report writing?

A Yes.

Q How did you communicate? What occurred?

A Well, as I recall, I initially made a phone call to the command center to notify them of the attack, and then I wrote what we call a Spot Report. I sent out -- I take that back, I sent out a quick email, and then I wrote a Spot Report.

Ms. Jackson. Did you communicate with Tripoli?

Mr. [redacted]. Yes. The report doesn't only go to one person or one entity. I included Tripoli on that Spot Report, yes.

Ms. Jackson. I was wondering, did you have a phone call with Tripoli, or had the principal officer or IMO --

Mr. [redacted]. I know that the principal officer did have a phone call with Tripoli. I don't recall at this point if I also spoke on the phone with Mr. [redacted] or not. Three years ago, my memory is bad, I am really sorry.

BY MR. GRIDER:

Q So earlier we talked about sort of the need to have additional personnel.

A Uh-huh.

Q And you communicated that you had had discussions perhaps with Tripoli as well as D.C.

A Uh-huh.

Q What, if anything, did this security incident do to your continued discussions for a need? Was it coupled or did you just sort of say it's obvious? How did you -- what, if anything, was it connected to sort of saying, Hey, this is a case in point, or did you just let it lie?

A Well, sir, of course, any time there is a security incident, they are going to see the need for more personnel and this -- I would say this definitely showed the need that we had for more personnel.

Ms. Jackson. Why don't we just find a stopping place?

Mr. Grider. I believe this is a safe place to stop.

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

[Recess.]

Mr. Grider. I think we're back on the record. I'm confident we're back on the record.

BY MR. GRIDER:

Q Special Agent, prior our break, we were discussing the April 6 incident.

A Correct.

Q Before we get back into that incident, I want to just touch on a quick question with respect to movements just generally.

During your timeframe there, was there ever a time that you traveled, took movements, with the PO outside of Benghazi?

A Yes, there was. Towards the end of my time there, there was a movement that we did to Derna.

Q Okay. And can you tell us more about that.

A Yes. The principal officer had an important meeting with certain members of the security forces in Derna. Prior to that, knowing that it's a -- it's a challenging trip, given the distance and the location where we are going, I made arrangements to get extra personnel to assist me with the move.

Also, by then, we had two more agents on the ground, the RSO, [redacted], and ARSO [redacted]. In addition to that, we -- we also got three members of the U.S. Army Special Forces that were stationed in Tripoli to assist us with that move. I was in charge of the -- of

the overall move, but I had their assistance for that day.

BY MS. JACKSON:

Q So what was it about Derna that needed -- in your opinion, why you requested the extra assistance?

A Well, ma'am, you know, Marines have been fighting the Barbary pirates out there since, you know, the early 1800s. So Derna has always been a troublesome spot.

There was certain armed groups that operated in Derna at the time, and just the distance alone of a drive between Benghazi and Derna required more vehicles, more personnel.

Q Uh-huh.

And what type of armed groups were in or around Derna?

A I would have to go back to notes to tell you right now, ma'am. But I do know that there was a particular radical Islamic group that had ties to Derna. Please excuse my memory.

Q Uh-huh.

So they were more insurgent groups as opposed to a criminal element?

A As far as I recall, yes, ma'am.

BY MR. GRIDER:

Q In light of the time that we have, it's going to appear that we're sort of jumping around a little bit.

A No problem.

Q I think you can stay with me. We'll stay on security incidents.

Let's go back just to April 6.

A Yes.

Q Based on what you communicated to me, it appeared that some of the perpetrators perhaps were a local guard force?

A They were.

Q So can you explain that. Who was the local -- who were they with? And what did you find out in your investigation with respect to the perpetrator?

A Well, sir, if you may allow me, I would like to also correct myself on the numbers that I used on guards.

Q Uh-huh.

A As I was thinking about this, we had three different gates where we had people manning those gates. The front gate had two people, and the other two gates had one person each. That is four people right there.

Then we also had a rover, which would be five, and a supervisor, which would be six. So I'm talking about local guards on duty that day should have been six -- should have been approximately six.

Q Okay.

A As to -- would you please again repeat your question.

Q Right.

With respect to the -- it was my understanding that there were at least two individuals that perhaps were apprehended.

A Yes, sir. One of the individuals had been fired by me earlier that week for vandalism. We've already had several incidents

with members of the guard force. And he had -- I believe he did some graffiti in the property, and I got him fired. The other individual had been demoted from supervisor to a regular guard.

Again, you know, this is not a -- this was not a professional outfit. These were not trained or people that came to the job with a particular military police or that sort of background.

Q Okay. All right. What we call -- not able do this in court, but I'm going to do some leading questions to get us going.

A All right, sir.

Q So it was your understanding that it was the Blue Mountain Group? Was that the local guard force?

A That is correct, sir.

Q So when you say "you," what was the issue with respect to vandalism? I mean, what concerned you such that he was fired?

A Well, sir, less than professional to be on duty and graffiti the place where you work at.

Q Okay. Was that his first offense, to your knowledge?

A No, it was not. He had fallen asleep before, he had been late, those sort of discipline problems.

Q Had -- in your career, had you worked with local guard forces before?

A Yes, I have, sir.

Q And based on your opinion, with respect to the Blue Mountain Group, what was their standard, in your opinion, showing up with respect to BMG?

A Very low standard.

Q When you communicated -- I should probably ask more questions about that, but let's get moving.

When you communicated sort of the -- when you got him fired, to whom did you communicate that? Who did you have to call? Or did you have the power to do that yourself?

A We communicated that to -- at the time, the company had a representative from the U.K. there who took care of that.

However, on matters of security, those type of matters like that one right there, we also had the power to fire them ourselves. Yeah.

Q Did you have to talk to the RSO in Tripoli? Did you need to talk to [redacted] or was it --

A I don't recall having to do that, sir, but I may be wrong. Perhaps I sent them a notification, an email, on it. But I know that the British company representative there took care of it on the spot.

Q And I'm just trying to think -- by any chance, was that person Pat Niles -- Nigel?

A No. Nigel was actually the owner --

Q Okay.

A -- of the company.

Q Okay.

A And he was on the ground for several days, but not during that timeframe.

Q Okay. And then the other individual who was with the Blue Mountain Group was demoted.

Was that during your tenure or --

A Yes, sir. In my tenure, I demoted him.

Q Okay. Do you have any knowledge of who handled some of the procurement process with respect to the local guard force?

A Because of the contract or because of the arrangements that we had with them, that was something that was supposed to be done through their company, procurement of uniforms, equipment, that sort of thing. By the time I left, they were finally getting in their uniforms and, you know, flashlights, that sort of thing.

Q I guess, when I mention procurement, I'm suggesting who was in charge of actually hiring the -- you know, the bid process of BMG? Were you -- did you have any visibility on which security company was coming in?

A No, sir. I did not. I am not sure who -- who made that determination. I would imagine that the RSO in Tripoli was involved in that process, but I do not know who did it.

Q Okay.

BY MS. JACKSON:

Q Did you make any recommendations while you were there that that contract ought to be terminated?

A I made recommendations for bettering the guard force that we had. Yes. I spent numerous hours trying to train them to do their job properly, and I sent out several emails that perhaps detailed the type of problems that we were having with them.

Q And were you aware that agents before you who had been the

acting RSOs and ARSOs had also tried to instill training on them?

A I am aware that there was other people that had had problems with them. I'm aware that we did not expect much from them, that we wanted them at least to be our eyes and ears and to press that alarm button when it was necessary. Our expectations were not very high on them.

BY MR. GRIDER:

Q Okay. In order to expedite our timing, I'm just going to direct your attention to some dates that I may or may not -- it's not -- you know, I may or not -- may or may not have accurate with respect to security incidents.

A Okay.

Q And I just want to see if you recall or, if not -- I mean, so these aren't set in stone here.

So direct your attention to March 8, 2012. Apparently, there was a loud explosion, a Fish bomb. You may have not even --

A Well, I would have been on the ground by then. I don't recall that incident, sir.

Q Okay. March 18, 2012, approximately six armed men wearing military fatigues robbed some teachers.

A I don't recall the incident, sir. It's very possible it happened.

Q Absolutely.

A So many things --

Q Okay. That's -- absolutely. That's fine.

March 22, 2012, there may have been some gunfire and militia wanted in on the compound, but later apologized.

A I do recall that, sir.

Q Can you give me just a brief overview of that.

A If I'm correct on the incident, sir, there was a guard that decided it was a good idea to make a fire in the compound to keep warm. The -- one of the militias -- and let me explain.

There was several armed groups in Benghazi that acted as the police. They patrolled the area and they enforced whatever laws they felt they wanted to enforce.

They saw the fire. They stopped. Although the fire was inside, they attempted to jump over the fence to come into the compound. And, yes, I recall making a big deal of it the next day with the militia.

BY MS. JACKSON:

Q At that time, were you the only agent on ground or were there -- was Mr. [redacted] still there?

Mr. [redacted]. Could you give me that date again.

Mr. Grider. Approximately March 22, 2012.

A I don't recall, ma'am. It's possible Mr. [redacted] was still there at the time.

BY MS. JACKSON:

Q You don't have any recollection of having any assistance that evening or conversations with any colleagues?

A You know what. Mr. [redacted] was there at the time. He -- he was. Yeah.

Q Okay.

BY MR. GRIDER:

Q Okay. Like I said, these are -- these are dates that I've picked up. So I'm not expecting you to recall.

On this March 23, 2012, soldiers and -- I got police protesters. Maybe a minor protest after that incident?

A We had a protest outside of our compound at some point. I don't know this is the one that you're referring to.

Q Sure. Sure.

A We had two protests outside of our compound. One was -- could have been that one. And we also had another one with local guard force, our guard force protesting.

Q Okay.

Ms. Jackson. Tell us about that.

BY MR. GRIDER:

Q Go ahead. As my colleague --

A Apparently, the company was -- they wanted to be paid in cash. The company tried to bring in cash, and the security personnel at the airport tried to take that cash. So the cash was not -- they were not being paid on time and payment was one week late and they wanted to be paid.

Q Just as a point of reference, do you think that happened after the April 6 incident or before?

A Before.

Q Okay. And when that protest occurred, were you the only

one -- DS agent or do you think there may have been you and others?

A I believe I was the only one there at that time.

BY MS. JACKSON:

Q Did you have any advance notice that they were going to protest that day?

A No. They got off duty, they finished their shift, and then they began their protest.

Q Okay. And did they have signs? Did they -- was it inside or outside the compound?

A It's outside the main entrance, but in the area where we search vehicles. It still could be considered within the -- within our grounds.

Q And it was 4 to 6 people? 6 to 10 people? Do you --

A More 6 to 10, because some guards that were off duty came in that day --

Q Okay.

A -- including the guard that I had fired.

Q Okay. Did you see any weapons on them in any way?

A Oh, no. No. No. No weapons.

Q Signs? Carry signs?

A I don't remember signs. No.

Q Okay. Did they just do a little protest circle?

A Yeah. They just gathered right there in the entrance and intervened with, you know, vehicles coming in and that sort of thing.

Q Sort of like a blockade-type thing?

A Well, I wouldn't call it a blockade, but they were definitely in the way.

Q Okay. And can you describe this other protest for us.

A You know, ma'am, I don't remember the details of it, but I do remember that there was some kind of gathering outside of the compound.

Q Again, at the main entrance?

A Yes.

Q Okay. Do you remember approximately how many?

A No, I don't. And it must have been a short one because -- or else we would have written more -- more on it -- or I would have written more on it.

Q Okay.

BY MR. GRIDER:

Q In your duties, did you come across cables? Would you have read cables?

A Normally, at a -- at a typical embassy, you would. But we were so busy that you had very little time to be in the office doing the typical duties that you have as an RSO.

I don't remember spending much time reading cables. However, it doesn't mean that the principal officer or the IMO did not have access to cables and were constantly reading them.

Q So if there was a cable sent -- on March 28, 2012, from the Ambassador sent to Secretary Clinton requesting security assets and the continued deployment of the mobile security detachment teams, would

you have seen that possible cable or --

A I probably would have heard of it. I probably would have maybe seen an email on it or had access to the cable. But, like I said, I just had very little time to spend in the office dealing with, you know, those sort of things.

Q So let's state that there was a cable.

Were you aware -- would you have been aware or do you recall hearing the Ambassador possibly asking for more security assets?

Ms. Sawyer. I -- in the vein of not objecting, but wanting to clarify the record, I mean, I do think, if there was such a document that you want to assert existed, then you need to show it to the witness and to us if you find it --

Mr. Grider. Sure. Okay.

Ms. Sawyer. -- without saying that it did actually exist.

Mr. Grider. Sure. Fair enough.

And we can talk more about it over the break. Okay. Is that fine?

Ms. Sawyer. Okay.

BY MR. GRIDER:

Q All right. Moving right along, April 2, 2012, are you familiar with a possible demonstration -- I think you mentioned this -- the British armored diplomatic vehicle attacked?

A Yes. And I spoke to the security personnel that were on duty that day, the British personnel. Apparently, there was a movement. They were either going to or coming from a meeting. There

was a demonstration, as they occurred all the time in Benghazi.

They ran into the demonstration because there was no other way for them to drive. The demonstrators, I understand, attacked the motorcade not with small-arm fires or anything like that, but with stones, perhaps, or sticks or something like that.

So there was an attack on a motorcade. The British did not believe that they targeted them because they were British. They just believed that they targeted them because they wanted to do damage to someone or something.

Q What, if anything, occurred after that attack on the British? Did the Brits do anything different?

A I don't recall what -- if they changed their security posture. I do know that they were more careful on their movements as to where they went to. That's all that I remember.

BY MS. JACKSON:

Q Did you undertake or recommend any changes in the security posture for the principal officer?

A Well, yes, ma'am. Well, I got to tell you that our principal officer was always very careful as to not -- and we were very careful as to not go anywhere where there was going to be a demonstration. Unfortunately, sometimes demonstrations started, you know, from one minute to the next. There was always many people out in the streets.

We continued doing what we were doing. We send our members of our QRF in advance to notify us to see if there is any demonstrations

taking place. But, yeah, it's something that I reported and it's something that we took seriously.

Q And how would you get reports of impending demonstrations when you could?

A Well, normally, you would talk to the local security forces and they would tell you about it. Obviously, there was two security forces -- two official security forces on the ground in Benghazi, but they did not always have the best of information.

Sometimes we would use someone like, for example, [redacted] that worked there to go through the Internet to see if there was any -- any planned demonstrations on a particular day. We would stay away from certain specific dates that meant something for Benghazi or for Libya.

And, more than anything, we send out members of our QRF to give us any advance notification or one of us, if we had the time, would actually drive out through the streets to see if there was any possible indicators of a demonstration.

Q So [redacted] monitored social media like Twitter and things like that to see if there was sort of a call to demonstration?

A She would.

Q Okay. And you said there were two main security forces, I believe you described them, in Benghazi?

A Al-Shorta is one of the police forces, and the other one was the Security -- Supreme Security Council.

Q What role did the 17th February Martyrs Brigade play, if they did, in overall security in Benghazi?

A It is a difficult question, ma'am, because there were several militias on the ground and it is difficult to -- for, let's say, Al-Shorta or the Supreme Security Council to tell them that they did not have the right to enforce laws or to be armed when these militias had more people, more personnel, and more weapons than the official security forces.

What was their role? It's difficult to tell. I know that they were supporting us with the QRF members. I knew that they supported us with extra security whenever we had an incident. But I don't know if constitutionally or by law they were given certain rights or certain powers.

Q To your knowledge, did the 17th Feb provide similar support to other countries, such as the Brits, the French, the -- to Turkey, to Italians?

A I remember having a conversation with one of the members of our militia, [redacted], and he told me that, prior to him being assigned to us, he had been assigned to the French.

So I know that 17th February at some point provided security to the French. I do not recall what militia the British had an agreement with.

Q But they had an agreement with a militia as opposed to the Supreme Security Council or the other quasi-official --

A Well, you see, the Supreme Security Council did not come into power until possibly during the time that I was there or right before I was there. Their leader was not named until I was there.

And I started -- you know, I met him then and I worked a certain relationship with him because of who he was, but this is a brand-new agency that was maybe in operation in other places around Libya, but not in Benghazi.

Q Okay. And would you -- I believe you also said that you would rely on the -- your QRF members to alert you when there were planned or possible protests.

A That is correct, ma'am. And there is particular streets, let's say, downtown Benghazi, where there was always people out at night, and we would try to avoid those places, you know, at certain times of the evening.

Q And was that known as Freedom Square?

A Freedom Square was one of the places where they gathered. Yes.

Q Okay. So there were defined areas where demonstrators or protesters would gather?

A That is correct, ma'am. However, they carried that demonstration from there to other places.

Q Okay. And was there a particular time of the day that they would usually occur, like end of the workday, over the lunch hour, first thing in the morning?

A Definitely not first thing in the morning, ma'am. I would say that it depending on -- it depended on the day. On Friday, you know, it could have been at any time. On the other days, it's normally in the afternoon and the evenings.

Q Okay. Would it be early evening or late evening?

A I've seen them both, ma'am; so, I don't know what was more common.

Q And was -- and why was Friday a common day?

A It was their day of rest.

Q So it was essentially their weekend?

A Correct, ma'am.

Ms. Jackson. Okay. Go ahead.

Mr. Grider. Thank you.

BY MR. GRIDER:

Q A few other. April 10, 2012, IED was thrown at a four-vehicle convoy.

A U.N.?

Q Yes. Correct.

A Yes, sir. I had a very close relationship with U.N. security, and they notified me minutes after it happened. I also went to the place where the attack took place, took pictures, did a -- somewhat of an investigation there.

It was right outside of the headquarters for the Supreme Security Council where this took place. And, yeah, this was a -- I wrote up a -- an investigation and report. I got pictures of the vehicle.

According to the security officials for the U.N., if that vehicle wouldn't have been armored, there would have been -- that's in -- because -- due to the attack.

And, as I understand, what was used was the same device that was

thrown over our wall. A "gelateena" is what they called it. And, yes, I'm aware of that security incident.

Q And what, if anything -- after that security incident, were there any changes that you made or --

A Well, sir, we took -- we exercised certain precautions that, in my mind, they did not. They parked right out in the street. They did not have a lead person that was there waiting for them.

They did not request assistance or did not instruct the Supreme Security Council as to how to receive them, how to provide a ring of security around the motorcade.

But, yeah, it made us more aware of the risks that were out there and that, you know, we could be a target at some given time.

Q Okay. I would like to direct your attention to April 11, 2012, possible gun battle, individuals trying to steal new vehicles.

A Yes. Right outside of the Al-Shorta headquarters, which was the police force that was in place during Qadhafi's time, there was an open lot that I don't know if Al-Shorta had taken possession of these new vehicles or who had, but the vehicles were stored out there.

As I understand it, one of the militias decided that those vehicles should belong to them and they got into a firefight with Al-Shorta to take possession of them.

What we did on situations like that, I activated our QRF. We stayed on high alert. We would provide -- we would basically occupy the fighting positions made of sandbags around the house where we stayed. And until the fire -- the fighting went down or died down,

we would then retreat for the night.

Q Okay. And then the last one that I have, April 12, 2012, armed clashes between militia. Maybe this is a spillover.

A And these are -- and, yes, it was a spillover. And it's amazing how many shots they fire and the next day you hear that -- you know, very few deaths or that sort of thing.

So a lot of it -- I'll tell you that the Libyans, although they fired at each other, they did not want to kill each other. So, yeah, there was a lot of that.

Like I said, we activated -- anytime we actually gave it, you know, importance, this was one of them --

Q Okay.

A -- because of the amount of weapons used, their lack of expertise in using them, and the amount of people involved.

And during those times, we shut down the compound. No one came in, no one went out, that sort of thing. And the principal officer was very supportive of those types of security policies.

Q Good.

So with this April 11 stealing of new vehicles and then this April 12, would those be considered security incidents?

A Yes. Yes. Because -- because of the number of people involved, because of the weapons being used, and because something like that can spill over into other parts of the city.

Q Fair enough.

A And, plus, not only that, we're talking 1 kilometer away,

maybe.

Q Right. Absolutely. Okay.

Just for the good of the order, I have probably two more chapters. One is just some emails that I think we talked about.

A Okay.

Q And then I have just some general -- some generic or general questions.

A Uh-huh.

Q I'll let you decide. Would you rather go to the emails or just let's get through the generic questions and we'll save the emails for last?

A However you'd like to do it, sir.

Q All right. Let's --

Ms. Jackson. Before we get there, may I ask --

Mr. Grider. Yes, please.

BY MS. JACKSON:

Q Was there any other security incident that comes to mind that was significant to you while you were in Benghazi that we haven't touched upon?

A Nothing specific comes to mind, ma'am. You know, you had your daily things where -- like, for example, we noticed that we were being followed on several occasions, that sort of thing. Obviously, we have the -- there is -- there is an incident that cannot be discussed here.

Q Uh-huh.

A And I wrote a report on it. And that's the only other one that comes to mind.

Q Okay. When you were in those incidents when you believed that you were following and you were being followed, would you be going anyplace in particular? Was it a general movement with the principal officer? Were you visiting with any other western countries or other U.S. Government persons?

A I remember one time specifically that we were either going to or coming back from the British compound.

Q And did you ask your QRF members to, you know, ask around, provide you with any intelligence over who was being responsible for following?

A We did that, ma'am. And I also came up with a plan. What I did is came up with a code and a certain thing that they would have to do with a -- what I would do is I'd call them on the radio, give them the code and give them one of three streets that we had in mind where they would go and set up a road stop.

I would drive by there and they would stop the second vehicle behind me. This way, they could, first of all, you know, get them off my tail and, third, be able to identify who's following us.

Q And what did you find out?

A Well, unfortunately, after we came up with that great plan, it never happened again.

Q Well, then, it obviously worked.

Ms. Jackson. All right.

BY MR. GRIDER:

Q Okay. Let's walk through some questions here.

With respect to intelligence reports -- and we touched on this before -- prior to coming to Benghazi, were there any intelligence reports that you reviewed or were given?

A You know, sir, I did do a lot of reading. I don't recall at this point if I did read any particular intelligence reports. I know I read on Benghazi, but I can't tell you whether --

Q While you were in Benghazi, did you receive any intelligence reports from the State Department?

A There was one -- well -- yes. There was -- there was some reports that I -- that I read. And I also wrote at least one report.

Q Did you have access to any other intelligence reports from any other agencies while you were there?

A Yes, I did.

Q And did you read the -- did you read those?

A I would -- yes, sir.

Q And do you recall if those reports were daily? Weekly?

A Well, I'm sure the reports were daily. I was not able to read them daily, but I -- I went to a place where I could once a week, maybe.

Q Can you just tell us what a SITREP is.

A Situation report.

Q That's correct.

Can you explain to us what --

Ms. Jackson. The purpose.

BY MR. GRIDER:

Q Purpose.

Mr. Grider. Thank you.

Mr. [redacted]. Well, it's -- it's a little bit like a Spot Report in the sense that you are -- you are reporting information taking place there. Perhaps it's not at that level of importance.

It's more routine stuff as to what has been taking place. Those you can write daily if you have the time to do so. I tried to provide one to my desk officer on a daily basis, but it didn't always happen that way.

BY MS. JACKSON:

Q So that's a DS product as opposed to a principal officer product?

A You know what. The principal officer might have something similar that she would report to the State Department. Mine went to DS.

Q Okay. And when we say EAC, do you -- what's an EAC?

A Could you --

Q Emergency Action Committee?

A Oh.

Q One of those.

A Yes. We -- I'm more familiar with an EAC, for example, at the Embassy where I'm at right here in -- not here -- [redacted].

Q Uh-huh.

A You have to see how many people we had in Benghazi and the size of that compound.

Q You could have an EAC daily in Benghazi, given the limited number of people there?

A Yes, you could.

Q Do you recall if you ever had a formal EAC while you were in Benghazi?

A Well, I do recall having formal meetings with the principal officer and the IMO when the three of us were the only ones there in which we discussed the security situation and we discussed, you know, what to do about the incidents that we were facing.

Q And these would be some of the incidents that we've talked about?

A That is correct, ma'am. Like I said, there was constant communications between myself and the principal officer. All that I knew about security was shared with her. And, as far as I know, the efforts that she was working on to better the situation were shared with me, too.

Q Was there ever occasions where you would have a formal meeting with other U.S. Government personnel in Benghazi regarding the security situation?

A That is correct, ma'am. But in order to give you any details, we would have to be in a different matter.

Q Right.

But they did occur?

A They did. They did.

Q Did they occur on a regular basis, like weekly or just as needed?

A Oh, no. We -- I think both. You know, we -- we had a somewhat close relationship.

Q Uh-huh. Okay.

BY MR. GRIDER:

Q Touch on briefly just the communication system. I know we've sort of talked about that.

Can you just sort of tell me, what were the different types of communication systems -- do you have enough water there? --

A I got it.

Q -- you know, landlines. Can you just sort of walk me through the different communication systems.

A Yes. We had landlines. We had some sat phones. We had cell phones. We had Motorola radios. We had access to unclassed Outlook email and, you know, classified communications, too. So yeah.

Q And, in your opinion, did those communication systems individually or corporately work satisfactorily?

A Well, sir, you know, they did. But Murphy is always going to be around. So anytime something can go wrong, something will go wrong.

So you know, from time to time we had problems. We only had one repeater in Benghazi located [redacted], I believe.

So it wasn't always the best, but, you know, make do with what you have.

Q All right. Let's turn to -- and we've touched on this, but I want to get it -- just clarity on sort of the physical layout. I know you talked about Villa A. So never been there.

So can you just sort of give us a brief understanding of the physical layout of the compound.

A Can I give you a map?

Q You have one on you?

Ms. Jackson. Sure.

BY MR. GRIDER:

Q Even better.

Ms. Jackson. We'll mark it.

Mr. [redacted]. This right here is the compound.

BY MS. JACKSON:

Q Okay. For the record, we are going to mark this as Exhibit 1.

[[redacted] Exhibit No. 1
Was marked for identification.]

Mr. [redacted]. Okay. All right. So --

BY MS. JACKSON:

Q Can we -- just one second. I am just going to show --

A Sure.

Q Just so you guys can get a physical look at it.

A And I'm showing you the map because it's so much easier for me to show it to you on paper than it is to try to explain it to you.

Q Uh-huh.

A Okay. So this is -- number 1 right here is where -- the villa where we all lived. Okay? This is where -- number 4 is where our QRF is. Okay? We have --

Q Did you refer to number 1 as "number 1" or did you call it something else?

A We called it several names. We called it "the villa." We called it "the American house." No. I just put it as number 1 just to be able to refer to it in the map.

Q Okay.

A We had three different gates in the compound. We had -- this was the main gain, which was Charlie 1 gate. We did refer to that as Charlie 1. Right across we had Charlie Three gate. Okay?

And on this side -- you see, these are two different villas that were united. Okay? On this side we have Bravo 1 gate. Okay? So that's the compound right there.

We have -- on this side, we had the American flag right here. Number 2 right here is where we had the chow hall, the dining facility, whatever you want to call it. They also had some TDY rooms here. And across from it we had the TOC.

Q So was number 2 -- the building marked as number 2, was that also known as the cantina?

A Well, I guess -- remember, we went through there quite a bit, different agents. Different agents called it different things. As a former marine, I called it the chow hall.

Q Chow hall. All right.

And is this a map that you were provided before you got there? When you got there?

A It's a map that I made as part of a report.

Q And would that have been the time when the IED was thrown over the wall?

A That is correct.

Q And is that depicted here on Exhibit 1 on the left side of the page?

A Right there.

Q Yes.

And that has the date of April 6, 2012, at 2238 hours?

A That is correct.

Q Okay. Which probably explains why you remembered that it was that hour. Okay.

So you made this map contemporaneous -- or shortly after the incident and submitted it as part of your report?

A That is correct.

Q Okay.

BY MR. GRIDER:

Q Were there vehicles that you kept close to the villa that resided in the evening hours, by any chance?

A When I was there, we had a plan -- an evasion plan. There was two different doors to the villa. One of the doors was right where I'm marking the X. Okay?

BY MS. JACKSON:

Q On Building 1?

A On Building 1.

The other door was approximately in the second X over here. So what I did is --

Q Would you actually put a double X there so that we can, for the record, know --

A What I did is I parked one of the vehicles facing outboard right here and one of my other vehicles approximately right here. This way, I had two plans of escape and evasion.

If they came in from -- from this side, I could come out here, jump in the vehicle and go out one of these two gates. If they came from this side, we could come out this door, go in one of the -- there was usually two to three vehicles parked right here -- go in one of these vehicles and go out this gate.

Q Okay. So just to summarize, if someone had come from the area of B1, you would go out -- go out of Building 1 -- I'm trying to -- which would be southwest?

A Well, it was a flexible plan, ma'am. Depending on where the threat came from, I would -- I would use the opposite exit to take out my principal officer. Also, you know, any plan changes. If I had bad guys on Charlie 3 or on Charlie 1, obviously, I would go out Bravo 1.

Q Okay.

A So depending on where the threat would come from.

Q Okay.

BY MR. GRIDER:

Q I think you may have touched on this.

REACT procedures or plans, was that the same thing?

A Yes, sir.

Q You have those, evac?

A Uh-huh.

Q Okay. Let's turn --

BY MS. JACKSON:

Q And how many different REACT plans did you have?

A Well, it was -- it was one with different modifications to it, ma'am, depending on where our principal officer would be.

Now, remember, in the TOC, in the number 3 over here, this is also where the principal officer has her office. Her office was more or less in this area.

If she is right there, we would use one of the vehicles right here. And depending on where the threat was coming from, we have three different gates to go out. So it would be something flexible that we would change, depending on what the situation on the ground was.

We also had the different fighting positions throughout the compound. One that comes to mind is this -- what I'm marking as a circle right here. We had sandbags right here. We also had them right here. We had them right here. And we had them right here.

So we would utilize those to either fight off the enemy or to protect our principal officer until we can get her inside one of the

vehicles.

We also used the vehicles as safe havens. They were armored vehicles. They were open so that anybody could jump in there. And that was the plan that we had during my time there.

Q Okay.

BY MR. GRIDER:

Q With respect to -- let's call them security upgrades.

A Uh-huh.

Q So when you landed on the ground, what, if anything, did you notice needed to be upgraded or was sort of deficient?

A Well, the walls. Some of the walls around the compound -- you have to see that these were homes. These were villa -- homes and villas. They were not made for the -- or with the security standards that we've gotten used to using around the world for a diplomatic compound.

So some of the walls were too low. Obviously, sometimes you felt that you were too close to the street. But what we started doing is upgrading those walls, bringing them up at a higher level. We've also incorporated fencing around the compound.

Things don't always happen as fast as you want them to. The money is not always available as fast as you want it to be available. So it's a slow process. But there was work going on at the time.

If you can see right here where the explosion took place, we were already working on making a higher fence around that whole area. So, you know, those were some of the upgrades that come to mind.

We also changed our camera systems around so that they would have a better -- better view of the compound, and we also incorporated vehicle gates on all three gates.

In the outside of gate Charlie, we put barricades around to protect vehicles as they're coming in. So we were -- we were making modifications at the time.

Q Did you make any specific request or had the request already been put in?

A Both -- [redacted], who is the one that initiated this process, had made a lot of those requests. However, during my time there, I became the person in charge of implementing them.

So the request had already been made. I was the one dealing with the -- with engineer, with the construction personnel that were implementing the changes.

Q I think you would agree there is physical security requirements for overseas posts in the State Department. Correct?

A I agree with that. Yes.

Q Do you believe that Benghazi -- the Benghazi compound met those requirements or were on the way to meeting those requirements at the time you were there?

A Sir, I'm no expert on those requirements and on these type of security upgrades. I know that Benghazi did not meet the requirements that I see now [redacted] or that I've seen at other embassies.

But I don't know what the specifics are as to how Benghazi

functioned, what type of diplomatic mission was it or if there's any requirements that are different for diplomatic missions than there are for consulates and embassies.

Q Okay. You had mentioned some of the budget issues.

Had you ever communicated or had [redacted] ever communicated to you about the funding issues? How did budget come up?

A The first time that budget came up was when I was supposed to go to Benghazi. I was supposed to go there on a 60-day TDY. I was told that I was being held back 2 weeks because they did not want an overlap of too many agents out there due to budget cuts or to budget issues. I was also told that the money for upgrades at the compound was not always available or was not readily available due to budget issues.

And those are the two incidents where I now recall that being mentioned. And, yes, it was mostly through [redacted] and also through a conversation that I had with the RSO, with Mr. [redacted], when he visited us to view what was taking place on the construction part of the compound.

Q Earlier you had mentioned --

Ms. Jackson. Can I ask a couple of followups on the budget question?

Mr. Grider. Yeah. I was going there.

Ms. Jackson. Oh. So were you going --

Mr. Grider. You can tell me --

Ms. Jackson. I thought you were changing topics.

Mr. Grider. No. No. No.

Ms. Jackson. Okay.

BY MR. GRIDER:

Q With respect to -- you had mentioned about DS agents having visa issues.

A Yes.

Q But you also mentioned that there may have been some communication about DS agents -- the timing of DS agents with respect to budget -- budget issues. Is that correct?

A Correct. I was never told that the agents that were supposed to assist me were being held for budget issues.

Q Right.

A What I was told was that they were being held for visa issues. I was told, however, that we did not have five agents and that I was being held back 2 weeks from going there because of budget issues.

BY MS. JACKSON:

Q Let me make sure I understand that.

So you were initially delayed because of the budget issues.

A Correct.

Q Is that correct?

A That is what my desk officer told me.

Q That would have been [redacted]?

A Correct.

Q And they didn't want too many agents there at one time?

A Correct.

Q Okay. And when you arrived, you became the fourth -- third or fourth agent?

A I was the fourth for approximately a week.

Q Okay. And just to make sure I understand, were you also saying that the reason that you never got five agents in Benghazi was because of budget issues?

A That's what I was told by my desk officer.

Q Again, Mr. [redacted]?

A Correct.

Q Okay. Did he indicate to you where he got that information?

A He specifically told me that he got it from Charlene Lamb.

Q And did he indicate to you in any way that -- at what level that decision had been made within the State Department?

A No. He -- he did not mention anybody else. He -- the highest level that made the decision at IP was Charlene Lamb. So, yeah, he mentioned that to me.

Q Were you aware that Benghazi was supposed to have five agents?

A I was -- I was told before I got there and I told -- and I was told when I got there that it was a five-man post.

Q Okay.

A There is a -- an EER that I have, an evaluation or perhaps an award that talks about, you know, it being a five-man post.

Q And you got an award because you were the only man standing there for awhile?

A Yes, ma'am.

Q Okay. I mean, in the write-up, did it say that?

A Somewhere -- somewhere it says that it was a five-man post.

Q Okay.

A Yeah.

Q And was it [redacted] or someone else who told you it was to be a five-man post before you arrived in Benghazi?

A [redacted] told me. The RSO at the time, [redacted], told me. Also, the RSO in Tripoli told me.

Q Mr. [redacted]?

A Correct.

Q Okay. And when you -- at the time that you were going into Benghazi, had you also been told that there was never going to be five men there -- or five agents there?

A Well, I don't recall someone, let's say, at headquarters telling me that. Just the situation on the ground told me that I wasn't going to see five men during the time I was there.

Q And that, you were told, was due to budget reasons?

A Well, like I said, ma'am, there's two issues right here that I was told. One was the visa issue, and the other one was the budgeting issue.

Q Was the visa issue a matter of timing in that the visas would come eventually, you just had to wait for them?

A That is correct, ma'am. That's what I was led to believe.

Q So at no time were you led to believe that there was a

moratorium or a ceasing of issuing any visas to Americans?

A The specifics that I was told, ma'am, was that we were not issuing a visa to the Libyan Ambassador to the U.S. and that he had -- or to his family and he had to keep his family in Canada, as I understand, and, because of that, he was not happy with us and then, therefore, not issuing visas to us.

That was -- that is what I was told specifically when I kept on insisting on why we were not getting visas. I don't know the truth of that. Again, that also came from my desk officer, [redacted].

Q Okay. Good.

Ms. Jackson. Go ahead. Because we have about 5 minutes.

Mr. Grider. Yeah. I know. We got to move.

BY MR. GRIDER:

Q Are you familiar with the term "turnover notes"?

A Uh-huh.

Q Okay. What, if anything, did [redacted] give you or communicate to you?

A Well, [redacted] did a fantastic job while he was over there. He's the one who started this whole security upgrades that were taking place in the compound.

You know, I spent -- I don't know -- 2 to 3 weeks with [redacted] before he left, and there was really not the need for him to turn over any -- any notes to me.

But what -- one thing he did convey to me was to make sure that the security upgrades kept on -- kept on taking place. It was a big

concern of his. And, you know, I made sure that they did.

BY MS. JACKSON:

Q And when -- then, when you were replaced, did you do the same thing? First of all, did you have overlaps so that it was verbal or did you do any write-up report?

A Yes, ma'am. I had an overlap where it was -- it was verbal. [redacted] took over as the RSO. She is a very experienced senior agent who had been an RSO before in Syria and several hot spots. But, yeah, she was very willing to listen to what I had to say, and we had that -- that overlap opportunity.

Q Okay. To your recollection, were there any write-ups that were done as to the security environment in Benghazi --

A Yes.

Q -- as to the things that had been requested and was in progress?

A Yes, ma'am. There was an overall write-up that one RSO turned over to the next. And, you know, that write-up was then modified by the next RSO.

Unfortunately, the TDYs were very short, in my opinion, should have been longer, and, you know, what was your plan and what was your strategy changed drastically because, you know, 45 days later a new agent takes over. So -- but, yeah, there was a -- there was always a write-up. Yeah.

Q Okay.

BY MR. GRIDER:

Q I would like to do some quick leading questions here.

Is it your opinion that Libyans had ready access to weapons and explosives and other types of items that can harm people?

A Yes, they did.

Q I think you communicated earlier that you did hear gunfire routinely.

A Almost on a daily basis, sir.

Q And could you distinguish between the handgun fire and AK-47?

A Yes, sir.

Q Obviously, there were -- were there anti-aircraft artillery?

A Yes, sir.

Q And what about RPGs?

A Yes, sir.

Q And with respect to tripwires -- are you familiar with that term?

A Yes, sir.

Q Can you explain briefly what a tripwire is.

A Well, if -- are you referring to tripwire as to an event that is indicative of something else to happen or what -- what exactly are you referring to?

Q I guess what is your understanding with respect to the State Department when they use the term "tripwire"?

A I cannot -- I'm no expert with State Department stuff, sir.

I can tell you what --

Q I'm sorry. DS. I apologize.

A No. No.

Q Well, you have experience -- it sounds like you have experience, and tripwires have been in more of your -- in your prior experience as well.

A Yes, sir.

Q And was that term used during the DS -- during your DS experience, has it been used?

A I think -- I think it has been used more on the policy side, sir. You know, us, as agents out there on the ground, we can -- we can only observe a particular incident.

For example, the attack on the U.N., the attack on the British Ambassador, that, to us, is indicative of, if it happens to them, it'll happen to us if we're not careful. So I guess we could use it like that. I don't know what our policymakers or supervisors here in D.C. use it as.

BY MS. JACKSON:

Q Well, let me ask you this: Did either of those events or any other events that occurred in Benghazi when you were there cause you to consider or recommend to the principal officer that you depart the country?

A No, ma'am. I think that's a decision that's way above my pay grade. My job is to go over there and make it as safe as I possibly can.

A lot of it -- you know, we operate around the world, ma'am, in very difficult places. That's what makes us different than, let's say, the Secret Service or another agency that operates in a sterile environment.

What I recommend is modifications to mitigate the risks. It is not up to me to decide whether, you know, we should be in a particular spot or not. So I never made such recommendations.

I did make recommendations such as, "No. We cannot go out tonight" or, "We cannot got to that place." And she was always very willing to listen to me on that.

Q Did the principal officer ever discuss with you the possibility of leaving the country because of the incidents?

A We always believed -- and this is in conversation with her and with other personnel -- that this was a temporary facility, that we would be in Benghazi temporarily. And they -- we always believed that, you know -- or the person before us believed that they were going to shut it down during their time.

But I never heard it from her saying, "Hey, we're going to leave next month" or, "We're going to shut this place down soon" or -- it was just a belief of something that we had.

Ms. Jackson. Okay. Are you done?

Mr. Grider. Do you have any idea -- any other --

Ms. Jackson. Just follow-up.

Mr. Grider. Go ahead.

Ms. Jackson. Okay.

BY MS. JACKSON:

Q You know that there was an Accountability Review Board --

A Yes, ma'am.

Q -- on this incident.

Did you ever speak to the ARB?

A I did not.

Q You did not.

Did you ask to?

A I did not.

Q Did you provide any documentation to the ARB?

A I provided documentation to the FBI's JTTF. I was interviewed by them. I also provided documentation to my supervisors at the [redacted] field office, and I'm not sure who they provided it to.

Q Okay. And when you provided information to your supervisors at the [redacted] field office, what was that in response to? Was it their request or did you get a request?

A No. I believe all of DS got a request to provide whatever documents you had from your time in Benghazi. I kept my emails. So I printed them all out, and I passed them on to them.

Q What about the report that you wrote?

A That was -- that was also supplied. Yes, ma'am.

Q That was part of an email?

A That was part of an email. Yeah.

After I came back -- I sent in several emails explaining what had

happened and everything. But after I came back that first week, I sat down and I organized all my emails, all the information, and put it together with the pictures that I had and the map of the compound. And, yes, I provided that.

Q So that would have -- you put it all together in April of 2012?

A Correct.

Q Okay. And so you had essentially a Benghazi file?

A Yes. Well, Benghazi report. Yes, ma'am.

Q Okay. Of this event or of your entire experience in Benghazi?

A Of this event.

Q Okay.

A And what I provided my supervisors were all the emails that I had on Benghazi.

Q Okay. And who was your supervisor at the time that received those?

A [redacted] was the SAC, special agent in charge, of the [redacted] field office, and I guess it went to him.

Q And that was in response to something that came out department-wide?

A Correct.

Q Okay.

Ms. Jackson. We are out of time.

Mr. Grider. Yeah. Let me check with -- counsel, I have 5 emails

that -- I think they are pretty -- you know, pretty quick. So we can --

Ms. Sawyer. Yeah. Well, do you guys need a break?

Mr. Evers. Why don't we take a quick break. Let's just take a quick break.

Ms. Jackson. The witness was saying no.

Mr. Evers. I could use a break.

Ms. Jackson. We'll go off the record.

Mr. Grider. Go off the record.

[Recess.]

Mr. Grider. We are ready to go back on the record.

Special Agent, I have given you some exhibits. We are going to go one by one, and I will identify each exhibit. We are going to start with -- I will call it government exhibit No. 2, document No. Charlie 05390467.

[[redacted] Exhibit No. 2

Was marked for identification.]

BY MR. GRIDER:

Q The best way that I have worked through this before is that -- and have you had a chance to sort of review this document?

A I did.

Q As I communicated to you before, obviously, we know that emails, there's a lot of context in emails. I think there's some specific areas that I just wanted to touch on and maybe you can sort of give us a little bit more context, and then we will move to the next one.

I'm going to let you just sort of identify just -- we are going to talk about some of the first two emails, and maybe you can read this email. First, can you say who is -- the date, you know, who it was -- who you sent it to, and then --

A Okay. The first email is on Friday, April 6. This is taking place at 4:26 a.m., which could be right. I'm sending it to

[redacted], which is my desk officer located here in Washington, D.C.

Basically, I'm probably answering one of his emails. He is -- I'm responding to him telling me that I'm going to have to be alone a few more days. I'm just reminding him that I have a flight back on the 16th, and that's it.

Q So let's go ahead and read the first, just the first email. [redacted]?

A [redacted], lots of work, but it's been a good experience thus far. No problem on the solo a few more days. I can do this until the 16th when I need to catch a bird home.

Q And just generally for the record, "solo" means?

A Alone.

Q That you were there --

A Alone.

Q Okay. And, in an earlier email, did [redacted] indicate that you are going to be flying solo a few additional days?

A That is correct.

Q And did he ask you, you know, let you know if you had any questions or concerns?

A Yes, he does.

Q And, just out of curiosity, you had stated here that you can do this until the 16th when you need to -- what did you have some other obligations, or --

A Yes, I was going to [redacted], and that was my obligation.

Q There you have it. Any other?

Mr. Grider. All right, let's move to government exhibit No. 3, document No. Charlie 05390489.

[[redacted] Exhibit No. 3

Was marked for identification.]

BY MR. GRIDER:

Q Can you walk us through this email and let's, you know, start with the first two, but let's start with the number one on top, who it is from, to whom, and the date, and then we can walk through it.

A This is an email from -- on the top, it says, [redacted], but it says it is from [redacted]. And it is addressed to me.

It says, [redacted], thanks for keeping us updated and excellent work over the weekend handling this by yourself. This has the front office's attention, so let us know about any developments. Regards, [redacted].

Q Let's -- can we move -- I'm going to come back to that, but can we move to the second email on Monday, April 9, 2012, at 9:54 a.m.?

A That's correct. It's addressed to [redacted], and --

Q Go ahead and read that one for us, please.

A Okay: Upon examination of all recordings from compound cameras, I found that it captured part of the flash of the explosion as well as the smoke. This confirms the statements by the guards of the location and force of the explosion. It did occur within the grounds of the mission, and it was a powerful blast. From what I can gather, the device must have exploded in the air prior to hitting the

ground. Not much out there to damage either.

Q Okay. And who is [redacted]?

A You know, sir, as I recall, he is part of IP. He is one of [redacted] supervisors. But I did not have much contact with them until this incident. So I don't know exactly what billet he had at IP.

Q And IP?

A International Posting, is it? International Programs?

Ms. Jackson. Something like that.

Mr. Grider. Okay, fair enough.

BY MR. GRIDER:

Q And was he located in -- or do you know where he was located?

A I knew he worked in the same building that [redacted] did.

Q More than likely in Washington, D.C., is that correct?

A Correct.

Q And what was your understanding of his statement, "This has the front office's attention"? What was your understanding of why he would say that about that particular --

A Well, I guess he is trying to convey to me the importance level that this incident had.

Q And what was your understanding -- "front office" -- that means?

A I have heard two different meanings to it. I have heard that it has the attention of the Director [redacted] or the attention of the Secretary of State.

Q Okay, and it's your understanding that [redacted], if I'm pronouncing his name correctly, was above [redacted], is that correct?

A Correct.

Ms. Jackson. Following this email, did you get any clarity on whether it meant -- the front office meant the director of DS or the Secretary of State?

Mr. [redacted]. I did not.

Ms. Jackson. Okay.

BY MR. GRIDER:

Q This email is referring to the April 6?

A It is referring to the bombing of the compound, yes.

Q And, at that time, you were there -- obviously, you were there flying -- you were there by yourself, is that correct?

A That is correct, sir.

Mr. Grider. Okay, let's turn to government exhibit No. 4, please, document No. Charlie 05390477.

[[redacted] Exhibit No. 4

Was marked for identification.]

Q If you can just walk us, you know, it's from you, the date, and then just give us a brief --

A Okay. This is from me to my desk officer [redacted], as you said, on April 7, at 5:51 a.m. In it, I'm advising him of the situation out there. And I wrote, Neither the RSO nor the local security forces in Benghazi have the capability to conduct a proper

post-blast investigation. The information below is only my initial assessment. The investigation is still underway, and the suspects are still under custody.

Q Okay. Well, let's walk through that one. Go ahead.

A Well, I named the two suspects, which had been erased from the email. And I state, you know, what their status were with the Blue Mountain Security Company, and then I move on to talk about the -- what I found on the IED that was used.

Q Okay, here you say it was -- point two, it says, It was compact enough to throw over a 10-foot high wall, but powerful enough to create a very loud blast.

What was the height of the wall at the time?

A It was approximately 10 foot.

Q Okay. Going back to the first paragraph, what was your -- what did you mean that neither the RSO nor the local security had the capability to conduct a proper post-blast investigation?

A Well, the local security forces did not have the expertise to investigate these type of events. In other words, they did not have the training or the equipment to be able to tell me what type of explosives were used or, you know, what fragmentation were used with them, that sort of thing.

I -- my knowledge of explosives is making them blow up, not investigating them. So I also did not have the expertise to do a proper investigation.

Q And this is 1 day after the April 6 incident that occurred.

And you were essentially conducting the investigation by yourself, is that correct?

A That is correct. I did take members of the investigative team later on to view the post-blast site, but I determined that they were not -- they did not have the capabilities.

Mr. Grider. Let's go ahead and turn to government exhibit No. 5, document No. Charlie 05392123.

[[redacted] Exhibit No. 5
Was marked for identification.]

BY MR. GRIDER:

Q Let's just -- we can focus our attention on the first section. If you can just walk us through the date, the time, who it is from, and your understanding.

A This is from [redacted], which was the RSO in Tripoli, on April 7, at 12:04 a.m. I have cc'd Principal Officer [redacted].

And it says, [redacted], will you give more details on the type, makeup of the IED. Please forward. I guess there's a reason walls are supposed to be 9-foot high. [redacted].

Q What's your understanding?

A Well, I think he is asking for more information on the IED. And he is also -- because we have walls in the compound that were not 9-foot high, he is also stating that, you know, there is a reason why the walls need to be higher.

Q Right. So, relating back to government exhibit 1, where

you were discussing with us sort of there was a building project of the walls going up?

A Yes.

Q I guess, you know, my question, was the wall at sort of the 9- or 10-foot height at the time, or was it in the process of being --

A Well, the wall that they threw the device over was 10-foot high, and that's the reason why I refer to that in my email. However, there were other walls around the compound that did not meet that height.

Q Okay. All right, let's turn to government exhibit No. 6, document No. Charlie 05392846. And I guess, prior to going over this, I guess -- going over this email, was there a process? I think we talked about the communications. Was there a process that you had been briefed on or communicated -- how to communicate via email, to your knowledge?

A Yes. However, this did not apply to us in Benghazi. And I will tell you why. We did not have the appropriate system in place to be able to do the spot reporting that other, you know, more established diplomatic posts do have. So, whereas, now, I would go into our Web site and it will allow me to conduct a -- or to do a Spot Report with a particular -- with particular settings, and I put in different parts of the Spot Report into this program; we did not have this in Benghazi. What we were doing is, we were taking a regular Word document, and we were -- we would write the Spot Report with a similar format, and then we would send it out to -- we were given a list of

people to send it out to. The previous Spot Report by the previous RSO had been sent to those same people because Outlook, the system that we use, you know, in the State Department, was not always operational in Libya. Some people -- and in this case one person -- had provided a Gmail account because it had been used in the past multiple times. I just cut and paste the same addresses it had been sent to, and those are the people that I sent this to.

Apparently, someone at headquarters saw that and, you know, realized that that was not proper. They corrected me. And I took that address out of there.

Q Can we just walk through who it is from, the date and --

A Sure. It is from [redacted], my desk officer. The date is April 2, 2012, at 4:40 p.m. It is a response to Benghazi RSO Spot Report: [redacted], excellent report. In the future, do not send these to Gmail accounts as they are considered SBU and should stay on our DOS open net system. I will send you additional information on the class net. FYI, no visas. I'm extremely doubtful about tomorrow. Not sure what is going on. Foils are here, but no visas yet. Regards, [redacted].

Q And SBU is sensitive but unclassified?

A Yes, exactly.

Q Okay, anything?

BY MS. JACKSON:

Q Who had you sent this to on a Gmail account?

A Someone at the Embassy in Tripoli, as I recall. One of the

personnel on the distro list instead of putting a State Department account, put down the Gmail account because they were having, I guess, similar problems that we were with no access to open net.

Q Okay. So because you were having electronic mail communication problems, you had set up -- these Gmail accounts had been set up prior to you getting there.

A Correct. And not by me, not by us. They were set up from Tripoli as I recall.

Q Okay. Do you recall the first, when we go down to the bottom of page 1 of exhibit 6, where it says, on the cc line, "Benghazi RSO," do you recall that that was also a Gmail account?

A Where is "Benghazi RSO" again?

Q On the bottom of the page 1, where it is an email from you, sent Monday, April 2, at 4:17 p.m. It has "to" line and then it has a cc line and the first one is a --

A Benghazi RSO.

Q Right. A truncated email address. Do you recall that that was also a Gmail account?

A I don't recall, but what I'm seeing here is the Tripoli TOC as well as the RSO Tripoli, they are both Gmail. They say Gmail, and I guess I would imagine Benghazi RSO would -- you know, what, I don't know.

Q Okay, all right. Fair enough. Thank you.

BY MR. GRIDER:

Q Okay, I just want to point out for the record, I think we

talked about, you know, going back through emails. On all of the emails from your colleague and supervisor on government exhibit No. 6, excellent, they say excellent report.

Government exhibit No. 3, they say, [redacted], thanks for keeping us updated. Excellent work over the weekend handling this by yourself.

And it looks like, once again, [redacted] in government exhibit No. 2 is thanking you for your hard work and being in a difficult situation over there by yourself.

So I want to point that out for the record. And, also, I believe you articulated that you received some level of commendation. Can you tell us about that?

A I believe it was a meritorious honor award that I received on that.

Q For your time in --

A In Benghazi.

Q -- in Benghazi. Those are all the questions I have. Just -- until we address a few other matters a little bit later, but I want to, on behalf of the majority and the committee, and uniquely -- how you were uniquely situated in a time period by yourself, and point out for the record how the commendations and also how your colleagues congratulated you and appreciated the good work that you did in a very tough situation. And so I want you, as I communicated off the record to you, to know that your professionalism, your hard work, and this is not an easy situation, and I want to thank you for your service, and really appreciate, you know, our dialogue here and

the information that you have given us.

A Thank you, sir.

Ms. Jackson. Thank you. Okay. Let's go off the record. It is 1:03.

[Recess.]

Mr. Desai. Let's go back on the record. The time is approximately 1:47. Special Agent [redacted], good afternoon. Let me just take this opportunity to introduce myself. I am Ronak Desai. I am one of the counsels with the minority staff of the committee. I'm joined by my colleagues this afternoon, Heather Sawyer, and Brent Woolfork.

And on behalf of the minority, both the staff and the members, we want to thank you for your appearance here today on such a beautiful afternoon, and I want to thank you for your longstanding and ongoing service to this country. So thank you so much.

EXAMINATION

BY MR. DESAI:

Q I'm just going to jump right into it so we can try to be efficiently -- get you out of here as possible.

So if I can redirect your attention to the April 6 IED attack. And the question I wanted to ask you is, did that attack trigger any changes to the mission security posture that you can recall?

A Well, we continued with requesting more personnel, and eventually, we did receive temporary additional personnel. I'm not sure what that did to speed up the visa process. We continued on with

what we were already working on, the fence line, and other than that, we were just even more extra careful in our movements, and we minimized, you know, the outside movements. Another thing is the Principal Officer used to run the perimeter line sometimes within the compound. She stopped doing that as I asked her to. And we were just at a higher alert.

Q Okay, and the additional personnel that you received, do you remember how soon after the attack you received that personnel?

A I do not remember how soon, no. It could have been 1 week later. What happened was is, eventually, the two people slotted to go to Benghazi, which was [redacted] and [redacted], arrived. In addition to that, we had a planned movement to Darnah, and I had requested -- I take this back. I just remembered.

The RSO and a reservist lieutenant colonel from Benghazi -- I'm sorry, from Tripoli, visited me in Benghazi. What I don't recall were the dates on that. But going back to what I was saying earlier, [redacted] and [redacted] did arrive in country. In addition to that, I had requested more people for a movement that I had to Darnah, and I received three Special Forces soldiers that were stationed in Tripoli at the time.

Q And if I can just ask you with respect to that incident on April 6 about, first, the adequacy of the LGF if we can start there. And one thing, during the last session, you were talking to my colleagues in the majority. So the device comes over the wall. There is an explosion, and then, after a certain period of time, you said

the duck-and-cover alarm is activated, the IDNS?

A Correct.

Q And if I recall correctly, it was one of the local guards that activated that alarm, is that correct?

A That is correct.

Q And I believe you had said that they finally activated that alarm. How much time passed from when you heard the explosions to when the alarm was activated?

A I'm estimating here, but it could have been 2 to 3 minutes, 2 minutes, maybe. I guess you expect it to go -- for them to press a button right away, but yeah. About 2 minutes.

Q And, in terms of their role in supporting the response to that incident, I know you had said that expectations for the LGF weren't particularly high?

A They were not.

Q But, with respect to this incident, did they perform as you would expect them to given what their role is supposed to be?

A No. What they basically did is, some of them went and hid. Others just stood by. I was -- you know, out of a professional guard force, you expect their support in manning their posts and searching, helping you search for any intruders, that sort of thing. But like I said, our expectations were low.

Q And let me turn to the QRF then. So there were a certain number of QRF that were already on the compound, is that correct?

A That is correct.

Q And what was the adequacy of their response if you had to describe it to me?

A You know, I am amazed at how loyal they were to certain Americans. I don't believe that they had this loyalty specifically to the United States, but they did have a loyalty to some of those agents that spent time with them, training them, working out with them, sharing a meal with them. And on all of the different situations that we had while I was there, they were always present.

I will tell you, they were not professionally trained. They had not gone through a military academy or anything like that. They had had different levels of experience as members of the militia that fought against Qadhafi, but one thing I could count on while I was there is that if I needed their help, they were going to be there. Perhaps, you know, they wouldn't use the tactics that you would expect a professional QRF to use or that sort of thing, but they were there.

Q So the alarm is activated. I think you had told us during the last session that some of these QRF members took defensive positions in the compound. Is that right?

A That is correct. We had -- I had trained them on the different positions I wanted them to take in a situation like this. And that is what two of them did. The third one at some point was told by the guards that there was a car outside, or he took it upon himself to go patrol the outside of the perimeter, but yeah, they all responded.

Q And you mentioned training. How, in your view, when you did train, whether it was either the LGF or the QRF, how responsive

were they to that training?

A The members of the QRF were very responsive. That varied at different levels with the Local Guard Force.

Q So QRF, the members take up defensive positions inside the compound, and I think you had also said that, outside the compound, there was already one of these QRF individuals waiting for you is that right?

A The individual outside of the compound reacted to a vehicle that was parked somewhat on the -- on one of the perimeter -- well, somewhere on one of the side streets. And, yeah, he apprehended the two individuals out there.

Q Okay, so if we can talk about those two individuals. So the QRF member apprehends these guys. You say they fired a warning shot?

A Two warning shots.

Q Two warning shots. And this was standard operating procedures amongst the Libyans, is that right?

A For the Libyans, yes. Not only in Libya, but in other countries, they still use warning shots.

Q Okay, and the two individuals that he had detained --

A Yes.

Q -- one was a former member of the LGF, is that right?

A Correct. One that had been fired for vandalism.

Q So one is an individual that you had fired a week before for vandalism?

A Yes.

Q And then the second one was a current member of the LGF, is that right?

A That is correct, one that had been demoted as a supervisor to a normal guard.

Q Okay. So one is a recently fired member, and one is, at that time, a currently demoted member of the LGF?

A Correct.

Q The question I want to ask you with respect to that then is, this IED comes over the wall and in terms of the motivation of that attack, from what it appears to be with these two individuals, these are suspects who are -- you know, allegedly have done this. This looks like an employment dispute to a certain extent -- right -- that they had -- one had been fired. One had been demoted. And, as a result, they decided to throw this device over the wall?

A Well, I look at it as a terrorist attack on a U.S. Government compound. Like I said, I was unable to question them myself. And I don't believe the locals did a very good job in doing so. I don't know what their affiliations might have been to other groups or other organizations. So what may look to us as a typical work dispute, could be something else, but I don't know that.

Q Do you have any information, or did you at that time -- again, you said you didn't have the ability to interrogate these suspects individually -- that would have made you think that this was motivated by terrorism, extremism, or something else based on the

information available to you at that time or even now?

A Well, regardless of whatever motives they were, to me, this was a terrorist act. But I have nothing that would point to me, or that is indicative that they were acting as part of another group or organization.

Q Okay. And we also talked about, I guess, the protest that had taken place before the IED attack. Is that right, where these guards after their shifts were over, one was sent to the vehicle clearing area --

A Correct.

Q -- and decided -- that was also, I think you had said, connected to the fact that they had not been paid, is that right?

A That is correct, yes.

Q Okay, and was there any other indication that you had at the time or now that that was linked to something else beyond the fact that they hadn't been paid by their employer?

A No. I went out there myself to try to investigate as to what was going on, taking place. And I asked them directly what the problem was, and they told me about it. The British supervisor that was in country at the time showed up. I asked him if there was any validity to what they were saying. He said yes. He told me the reason. And, yeah, that's -- as far as I know, that's the reason why they were protesting.

Q Do you remember that gentleman's name, the one that was from -- the representative from the U.K.?

A I do not.

Q And no problem?

A He would be in one of my emails or one of my reports, but I do not remember.

Q And after this protest had happened, I think you had said during the last session that a representative from Blue Mountain had gotten in touch with you, and you said he had taken care of it.

Do you remember what that entailed, and, you know, what those efforts were to address this situation?

A Well, it was the same -- same individual.

Q Okay, it was the same --

A Somehow they managed to get the money in earlier. Again, the guards wanted to be paid in cash, and you know, they had to fly in the money. And so, yes, somehow they got the money in their end, and they took care of it by the next day, I believe.

Q So they were generally responsive within a relatively short period of time?

A Yes.

Q Okay. After you communicated your concerns over what had happened?

A That's correct. I believe that they were embarrassed as to what happened.

Q Moving on from April 6 to April 10 -- oh, please.

BY MS. SAWYER:

Q I just had a couple of quick questions about that. First,

just the local guard force. You had indicated that they did not perform well on that particular night. So I was just -- you said that some hid, and others simply stood by.

A Yes, ma'am.

Q Did you attempt during the incident at all to provide them with direction, or did you have a chance to do that?

A Well, ma'am, as we moved throughout the compound, we would run into -- there was three gates being manned, and there was a -- at least two rovers, a supervisor and another rover. And you try to engage them as to, hey, do you see anything here, have you spotted any movement, that sort of thing. And, you know, what you find is that they either -- they froze, they don't want to talk or cooperate, or -- did I specifically tell someone at that point, you go over here, or you -- I don't recall. I imagine I could have. I don't know.

I was too concerned about clearing the compound. However, they had already had instructions as to, in an event like this, to secure their zone and to notify us, you know, of the status of it. And that is something that we did not get. We also did not get -- that explosion and that alarm shouldn't have been so far apart. As the explosion goes off, your finger is pushing that button.

Q Yes. And so did you have a chance then to raise some of these concerns with their supervisor or directly with them after the fact? Did you get that chance?

A Yes, ma'am. You know, I learned throughout the years, you use the carrot and the stick. And I tried it all. You know, I tried

to motivate them in many ways throughout my time there, and I also, you know, I fired one. I demoted another one. You know, I go around and check on them and, you know, make sure they are not sleeping at night, making fires, that sort of thing. So everything was always addressed. It's -- they needed to know when they did something right and when they did something -- something wrong. If you go through my emails, on several of them, I'm going to be talking about the guard force and about the different issues with them. I spent a lot of my own time training them on simple things, such as searching a vehicle, searching people as they come in, that sort of thing. So whatever it was that we did not agree as to what they did, they knew about it. And their supervisors knew about it.

Q And I think you had indicated with my colleagues that you felt their supervisor was pretty responsive, that at least the time when you raised the vandalism, I think the way you described it was he fired that person on the spot. Did you feel that the supervisors were responsive when you would raise other performance-related concerns?

A Yes, ma'am. I think that they were. But there is a problem when the supervisors are based in, let's say, the U.K., and the employees are there in Benghazi, and that is perhaps the reason why they felt compelled to send a representative. The initial supervisor that they sent out there was a retired British Army sergeant major who is now living in Thailand. But the problem is that this is a for-profit company, and they also don't want to waste a lot of time in their

training. So what they were doing is after every shift, they wanted to train them for a half-hour to an hour. And someone that has a background in training will tell you that when you do not have a trained force with that -- or with that background, half an hour or an hour a day after shift is not enough. And I think our complaints made it all the way to their top management, and that's probably the reason why one of the owners went out there to see what the situation was.

Q Yeah, I would just direct your attention briefly to exhibit 2, which I think I'm going to have to borrow back, which is -- which you discussed with one of my colleagues last hour. And some of what you were just discussing if you take a look, I will just direct your attention to page two of that, where you are talking about the guard force. And I think you have captured for us very nicely what some of the challenges you faced in a lot of the work you were doing. But it does indicate the issue you talked about the training --

A Yes, ma'am.

Q -- and it not being --

A Fifteen minutes.

Q Yeah, and it indicates there that it looks like they were sending out a new trainer. And it just says, I will just read to you. It says, We will meet this guy tomorrow and give you my take on him then.

So I was just wondering if you did have an opportunity to meet with him, what your view of him was, whether he helped with some of the issues around training up the local guard force or helping them

perform better?

A Well, ma'am, I can tell you that the first trainer that they sent out there, the gentleman that was there when this guard was fired, he was eventually removed by the owner because he was not -- the owner of the company was not happy with the changes taking place. Another trainer was sent there who did a much better job. But, again, I go back to -- perhaps it's not so much the trainer. Perhaps, it is the people that they have to work with. And in addition to that -- well, the people he has to work with that don't have that -- the discipline, or the background in something like this, and someone like that needs to go through a longer training phase than, you know, 1 day or 15 minutes or that sort of thing.

Q And you felt with regard to the QRF which -- at least the internal ones worked directly with you and the other DS agents -- did better in responding to the training that you would provide for them?

A Yes, ma'am. First of all, they had no training prior to that. They were your typical Libyan citizens living their life and then joined the revolution at some point, and that's what made them part of the militia. So I thought that it was important that they learn some basic, you know, security basic techniques, learn between lethal and nonlethal force, how to clear rooms, that sort of thing. So they responded very well to it. It was a way for us to build stronger bonds with them, and you know, if they are going to have your back, you need to spend time with, you know, sharing some of the knowledge or skills that you have.

Q And when you were talking to my colleague just a minute ago and you were talking about that April 6 incident, and you described it as a terrorist act because it had been an act of violence, a bomb thrown at a U.S. facility, and you said -- I think the way you described it was you didn't know of anything to indicate that the individuals, at least initially apprehended and suspected of being involved, were part of a terrorist organization.

A Well, ma'am, so I'm not sure I understand what the question is.

Q Yeah, I haven't asked one yet, but I thought maybe -- but that's okay. That was my preamble.

A Okay.

Q So did you at any time when you were there with regard to the QRF individuals you were working with on compound, did you come to have a suspicion that any of them were affiliated with a terrorist organization or an extremist organization?

A Any of the individuals working on the compound, is this QRF and local guard force, or --

Q Yes. Both, either.

A No, ma'am. We had no such information. If we would have, we definitely -- they wouldn't have been working there. As to, you know --

Q So let me just stop you there.

A Uh-huh.

Q They wouldn't have been working there because?

A We wouldn't have -- if we knew that someone was affiliated with a terrorist organization, they would not be employed by the U.S. Government, or at least not us.

Q And if you had had those suspicions, would you then have also reported them either to your colleagues -- you said earlier that you had a close relationship with the [redacted]. So would you, for example, have reported that to [redacted]?

A Yes, ma'am. There is a particular case that we will probably discuss later on that came close to that. And I reported it to my colleagues.

Q Okay. But with regard to any of the local guard force and the QRF, you did not report any suspicions?

A Well, I don't know if I -- if I might have written something that I'm just not recalling right now, ma'am, but I don't recall that.

Q Not to my knowledge. I'm not asking you based on -- I'm just asking you based on your recollection.

A No. If something like that would have taken place, ma'am, I definitely would have shared that information with them. I did not suspect anyone in particular that worked for us to belong to a terrorist organization or anything like that. But in a place like Libya, post revolution, with so many armed groups and our limited access to conduct the proper investigation, you just -- you just never know.

As to the attack that took place that day, ma'am, you know, I don't know what it's being categorized as, but me, on the ground, regardless of who did it and regardless of their affiliation to any organization,

I still considered it -- or I considered it then and I do now a terrorist attack.

Q Do you know if anyone ever was -- I don't know if we had covered it -- I know those two individuals were initially apprehended.

A Yes, ma'am.

Q Do you know if anyone was ever charged?

A And that's a point of frustration out there, ma'am. With a broken legal system, the only system in operation in Benghazi at the time was their legal -- I'm sorry, their military prosecutor's office. I worked very hard to get them to take this seriously because initially they tried to tell me that it was just, you know, celebratory bomb throwing, I guess you can call it. And although all of the elements of a terrorist act, of a crime of that sort, were there, they demanded -- what did they call it -- solid evidence. And to them, solid evidence was a piece of the device, and when it blows up, there's no pieces left.

So I, during the time that I was there, the case was still in process. I know that their family made a lot of demands for them to be released. We maintain a political pressure on them to hold them. To be honest with you, I doubt that they were eventually prosecuted. They even tried to come after the militia member that apprehended them with legal charges against him. But I don't know what became of it. Once I left Benghazi, I lost track as to what happened out there.

BY MR. DESAI:

Q And in terms of the QRF or LGF, what were the alternatives

on the ground as opposed to employing these folks?

A You know, sir, I will tell you, I think the alternatives were pretty narrow, pretty small. I guess, you know, former police members could have been an alternative, but then again, they worked under Qadhafi in that type of environment. So I don't know. Other people brought in other guards from overseas, I guess, but, you know, locals, very slim alternatives.

Q So moving to April 10th, and this is the attack on the U.N. Special Envoy, just briefly, you had mentioned that the U.S. Mission security posture did not change following this particular attack, and one reason that you advanced for that is because the U.S. Special Mission took precautions that the U.N. did not. And I think you gave us some examples of that. How would you compare the security posture of the U.S. Mission in Benghazi to the other, let's say, Western powers that had a presence in Benghazi during your time there?

A Well, if you compare our posture with the U.N., it was quite different. The U.N. basically went everywhere in Libya. They also had, you know, the white vehicles with the big U.N. and the big antennas. They saw them coming a mile away. They did have a much bigger compound with many more people. I would say that in comparison to the British, we had a bigger compound with more security features, such as cameras, more guards, fencing, that sort of thing. What they did have, though, is they had more British personnel. They had British contractor security personnel that did their security.

Q Do you recall that any of the others, the French or the

Italians --

A Yes, I also accompanied the principal officer to the French compound or to the French house. There was only two of them. [redacted] So, yeah. I also accompanied her to the Egyptians, [redacted]. So, in comparison, it was different and, in some ways, better.

Q So I'm going to switch gears a little bit. I think in the last session as well you had spoken with respect to staffing shortages about you were making a request for additional personnel you said almost on a pretty regular basis, is that right?

A That's right.

Q I think you described those efforts as forceful and strong, is that right?

A That's correct.

Q Did you ever feel when you were making these requests whether it was to Tripoli or to Washington, to anywhere, that you couldn't be totally forthcoming in your opinions and your requests about what you needed and what you wanted?

A I never -- never felt that, sir, but then, again, I'm talking to the RSO in Tripoli. And I'm talking to my desk officer. I'm not the politically correct fella type, so I told them as I saw it. So and no one at any point told me to stop voicing my request for my opinion.

BY MS. SAWYER:

Q And, again, your desk officer was Mr. [redacted]?

A Correct, ma'am, [redacted].

Q So most of these -- a lot of these conversations anyway were with Mr. [redacted]?

A That is correct, ma'am. I would say that 90 percent of my emails, it is either for -- addressed to him or he is cc'd on them, that sort of thing.

Q Did he ever indicate to you that you should kind of stop rocking the boat, stop making waves, not voicing your concerns in the most robust, I think as you put it, not politically correct manner?

A No, ma'am, I think he was frustrated himself from, you know, his conversations with me as to not being able to help more. But at no point did he ever tell me to stop bugging him with my request.

Q And did you ever feel, either, you know, from Mr. [redacted] or anyone else, that you might suffer retaliation or some other adverse job consequence by speaking your mind as to what your requests were?

A No, ma'am. At the time, I was an untenured FS-5, which is probably the lowest that you will be in DS, and it would have been so easy to retaliate against me, but it did not happen. And I was never told that that could happen.

Q And, in fact, I think it came up during the morning session, that you were actually commended --

A [redacted] put me in for an award, and yes, ma'am, I received it.

BY MR. DESAI:

Q If I can briefly go back to a document that you were shown during the first session. I think it is exhibit 2, the one that we just looked at. And if I can just focus your attention, just on the beginning portion of that document where you write to [redacted].

And it says here, [redacted], lots of work. It has been a good experience thus far. No problem on the solo a few more days. I can do this until the 16th when I need to catch a bird home. [redacted].

And I know we discussed this briefly with my colleagues during the last session, but when you write here, "no problem on the solo a few more days," what were you trying to convey there exactly?

A Well, he is basically telling me that it is going to take a few more days to get me more help out there. And he has already explained to me why he is having trouble getting me help out there. And I'm trying to convey to him that I can handle it. It doesn't mean that I don't want the additional people there. Of course, I want them, but also don't want them to think that, you know, things are going to come crashing down because I'm there alone.

Q And the first sentence: It has been a good experience thus far.

A Well, sir, I take pleasure in an assignment when you are given a certain amount of not only responsibility but the ability to make decisions and changes that you see necessary. And, you know, it -- Benghazi, for all it was during the 45 days that I was there, for as challenging as it was and it was no perfect environment, you know, it was an experience. It gave me the -- it allowed me to use

different skills that I had, and I was able to keep my principal officer safe and the compound safe during that time.

Q I think I recall in other documents you described it as rewarding as well, and do you still feel that's the case today, 3 years later?

A During the 45 days that I was there, yes, sir, the experience was rewarding. You know, it doesn't say that there were not problems or things that could have been better.

Q Sure.

A But I'm a security professional. If you send me to Paris and there's no challenges there on the professional side, I may not find that rewarding. You put me in a challenging position, and I'm able to make things work; that, on the professional side, is rewarding to me.

Q We spoke in the last session as well about the Accountability Review Board.

Ms. Sawyer. Can I ask a quick question?

Mr. Desai. Sure.

BY MS. SAWYER:

Q Before we jump to that, can I just ask you a quick question? Because it came up during the morning session during the time you were the sole DS agent.

A Yes, ma'am.

Q And you talked to us about the adjustments that that required you make to the workflow and you talked about the importance

of getting off compound, but that you limited those moves as much as possible?

A Yes, ma'am.

Q You did say that you did have to do some.

A Yes, ma'am.

Q And that during that time, in essence, I think you said the compound was shut down and that it didn't receive visitors, et cetera.

Just to clarify, you know, for the record so that we are perfectly clear, so when you were doing that particular adjustment and making those moves off compound, was there ever a security incident that occurred with you and the principal officer that you were off compound with?

A No, ma'am. Not that -- not one that I can recall. What we would do is our -- two to three members of the QRF stayed behind. They managed the gates to make sure no one would come in through there. The guards were instructed not to let any vehicles or personnel in or out. Our IMO would call us constantly, every 15 minutes, every half-hour, giving us a SITREP as to what was taking place, or I would call him, and I do not recall any incident during those times.

Mr. Desai. What about back at the compound, like while you guys were out and no incident occurred, was there ever an instance that something happened at the compound while you -- you know, once you closed it down?

Mr. [redacted]. I can't think of any. Possibility, you know, something might or could happen. I just don't recall.

BY MS. SAWYER:

Q And then when you were describing earlier the April 6, you had said that you made a call at one point to [redacted]?

A Yes.

Q And to ask them or to tell them or inform them that they should not come. And I think, as you described it, you said you wanted to make sure, you wanted them to hold off to prevent blue on blue -- a blue-on-blue incident?

A Yes, ma'am.

Q So can you explain, had you alerted them already that there was an incident?

A Yes, ma'am, I had.

Mr. Evers. We may want to talk about this --

Ms. Sawyer. Let's talk about the substance, but can you just explain in a generalized sense since we have you here --

Mr. [redacted]. There was constant communication, ma'am. Maybe there was at least three -- three or four communications, radio, and phone.

BY MS. SAWYER:

Q And when you said blue -- when you were describing to us you wanted to prevent a blue-on-blue, what does that mean?

A It's a law enforcement terminology for friendlies, unfriendlies. So as I mentioned before, you know, neither group know each other. So, in order to prevent something, friendly fire, I thought it was best at that time.

Q So that risk, the risk of friendly fire in certainly that incident or any incident, is a very real risk that has to be considered?

A Very real, ma'am. Especially, you know, when they don't speak the same language, when it's at night, when these people don't know each other. Yeah.

Q So you would have wanted to make sure that both your [redacted] and certainly anyone who was friendly at your compound were fully aware of what the situation was before they came -- would have come over to try to avoid that risk?

A Well, you know, with any decision, there is, you know, there's pros and cons. Some would say, Hey, why not get more people on board right away? Then, you know, there was my thinking that that could also create a problem. But I can go into more details in a different setting on this, ma'am.

Q Great. Thanks.

BY MR. DESAI:

Q So, turning to the ARB, I think we said in the last session you did not talk to the ARB, is that correct?

A I did not, sir.

Q Is there a particular reason you did not want to talk to them?

A Oh, I had no problem talking to anyone, sir. Just I just was never called.

Q And were you ever asked or ordered at any time not to provide information to the ARB?

A No, sir.

Q And were you ever asked or ordered to conceal or even destroy information from the ARB?

A No, sir.

Q If I can just turn to a couple of the findings and recommendations of the ARB, and I believe the report, which was issued in December of 2012, touches upon and discusses at length some of the issues that we talked about today, staffing shortages, and so on. Have you had an opportunity to read the ARB's report whether the classified or unclassified version?

A I have not.

Q One of the things that the ARB found was that staffing shortages were a chronic and persistent problem, and they enumerate several reasons why that was the case in their view. And they make a number of recommendations to address this issue. And of the things that they said was that the ARB endorsed the Department's request for increased Diplomatic Security personnel for high- and critical-threat posts, and for additional mobile security deployment teams as well as an increase in DS domestic staffing.

Do you think that recommendation would help and address some of the issues that you had while you were in Benghazi?

A Oh, most definitely.

Q One of the other things that the ARB recommended was increasing the TDY durations for folks that are coming into posts like this. And I think it says, 120 days for key policy, program, and

security personnel, a year for them and 120 days for less critical folks. Do you think that that is something that would also help this issue as well?

A Yes, sir.

Q So, in addition to the ARB, there had been a couple of other, like Independent Best Practices Panel -- the Independent Best Practices Panel for Management, there have been seven congressional investigations. And I think one of the purposes of this particular committee is to make sure that, hopefully, this is the last investigation into Benghazi and make this the definitive one, given all the work that has been done so far. And to assist us in reaching that goal, do you have any specific issues or questions that you still think need to be investigated that haven't been investigated thus far?

A No, I do not, but I have a suggestion.

Q Please.

A Let's use this information to ensure that it doesn't happen again. One of the things that I love about the Marine Corps is that when you make mistakes, you put it into training and that will prevent future generations from doing the same thing. Things happen, you know. They always do. Let's just not let it happen again. That's all.

Q So, Mr. [redacted], I'm going to shift focus. We are almost at the end, at least of this session. I want to ask you a series of questions about several allegations that have been made, public allegations related to the Benghazi attacks. And we understand that the committee is investigating all of these allegations, and as a

result, I have to ask you about every single one of them.

A Okay.

Q But by asking you about them, I do not want you to think that the minority staff or the members believe that there is any degree of merit into any of these allegations.

A Okay.

Q There are quite a few of them and what I will do is I will describe the allegation to you and then ask you if you have any information or evidence to support the allegation that is being advanced. And if you don't, I will just move on to the next one until we are finished.

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 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 in 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 Colonel Qadhafi to his own people in order to garner support for military operations in Libya in spring 2011. Do you have evidence that Secretary Clinton misrepresented or fabricated intelligence on the risks posed by Colonel 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 other countries. A bipartisan report issued by the House Permanent Select Committee on Intelligence found that 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 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. There have been a number of allegations about the cause 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?

A No.

Q Putting aside whether you personally agree with the decisions 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 The State Department officials were -- let's see, excuse me. 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 faithfully performed their duties 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 Morell altered the talking points to Congress for political reason?

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 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 crease 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 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 to U.S.

military 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 former chairman of the House Armed Services Committee, concluded a review of the attacks after which he stated, Given where the troops were, how quickly that things all happened, and how quickly it dissipated, we probably couldn't have done more than we did. Do you have any evidence to contradict Chairman 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, sir.

Q Any other questions from my colleagues?

Ms. Sawyer. I don't think so.

Mr. Desai. Thank you so much. We can go off the record.

[Whereupon, at 2:35 p.m.,the interview proceeded in classified session.]

1 BY MR. GRIDER:

2 Q This is Mark Grider, I am with the majority, it's
3 approximately 2:52 p.m. We are in a classified setting,
4 that's set at the secret level. We will be asking questions
5 again to Agent [redacted]. Special Agent, we would like
6 to touch on probably three issues that came in in the earlier
7 session. Let's first go to your relationship with another
8 agency.

9 A Yes, sir.

10 Q Can you tell us about which agency that was and we
11 will walk through your communications?

12 A Yes, sir. Aside from the diplomatic compound there
13 in Benghazi, there was also the Annex Building, which was a
14 compound run by the CIA.

15 Q You used the term, you had a relationship or you
16 communicated with them. Can you give us sort of a better
17 understanding of what was the basis of the relationship, how
18 did you communicate, how often?

19 A We had perhaps daily communication with them, sir.
20 We had one of their radios or several of their radios that we
21 used to communicate with them. We also had their phone
22 numbers. One of the agreements was that if they were ever
23 attacked, we would support them, and if we were attacked,
24 they would support us. We also shared information with them
25 and they shared information with us.

1 [redacted]
2 [redacted]
3 [redacted]
4 [redacted]
5 [redacted]
6 [redacted]
7 [redacted]
8 [redacted]
9 Q Okay. A few things. You mentioned support with
10 respect to attacks.
11 A Yes, sir.
12 Q Was that formal, was that in writing, that there
13 was going to be support if they were attacked? How did
14 you -- what was the understanding of that sort of support?
15 A I never saw it in writing, sir. I do not know if
16 there was some sort of MOU or something worked out between
17 the two agencies. I do know that that was a standing
18 agreement during the time that I was there. It was conveyed
19 to me by the previous RSO, and it is something that I passed
20 on to the RSO that took over after me. But yes, that's the
21 agreement that we had.
22 BY MS. JACKSON:
23 Q While you were there, did you have any discussion
24 with Annex personal regarding that understanding.
25 A Yes, I did, ma'am. As you probably know, they had

1 their own security personnel. Most of them were retired or
2 former military that did nothing but their security. And we
3 would discuss that from time to time as to what was expected.
4 Q And going back to the April 6 incident, if I
5 remember correctly from your testimony earlier today, that
6 when that incident occurred and you being the only DS agent
7 on the compound, you went to the Tactical Operations Center;
8 is that correct?
9 A That is correct, ma'am.
10 Q And again, the purpose of that was you wanted to
11 use the cameras to see what was happening on the compound?
12 A Two reasons, ma'am, I couldn't hear myself think
13 with the alarm throughout the compound, neither could the
14 principal officer and the IMO in the safe haven. So I turned
15 off the internal alarm system and I also used the camera
16 system to try to detect any intruders in our compound.
17 Q And did you see any intruders?
18 A I did not.
19 Q And again, what was the extent of the cameras in
20 your visibility into the recesses of the compound?
21 A Well, ma'am, there's always blind spots that you
22 don't foresee. However, we had a pretty good camera system
23 that could capture, I don't know, 80 percent of the compound.
24 Two of our cameras were also facing outside so you could see
25 any activities in the front of the compound.

1 Q Again, when you looked at those cameras and about
2 80 percent of the compound you saw no intruders?
3 A I did not, ma'am, but I will tell you I was
4 conducting a quick inspection, so -- but I did not see
5 anything, no.
6 Q And is not having any visible intruders on
7 compound, one of the reasons that you told [redacted] not to
8 respond?
9 A Well, yes, ma'am. Obviously, if I would have seen,
10 you know, an armed group or armed presence, I would have told
11 [redacted] I did not see
12 that. That's one of the reasons, yes.
13 Q And the other reasons?
14 A The other reason was to prevent a blue-on-blue or a
15 green-on-green situation. Neither [redacted] the members
16 of the 17th February Brigade, nor did they know -- nor did
17 [redacted] the members of the brigade. In addition to
18 that, it was at night, it is very easy for -- to have a
19 friendly-fire situation.
20 Q And if you had made the call [redacted] to
21 respond, did you expect that response to be immediate?
22 A Within 5 minutes, ma'am.
23 Q Thank you.
24 BY MR. GRIDER:
25 Q I just want to go back to our earlier question, you

1 had sort of laid out a few things. One, so the attack
2 support we addressed that. Information sharing, were there
3 intelligence reports that you're allowed to review or that
4 you were reviewing?
5 A Yes, sir. Both myself and the principal officer
6 when we would go to [redacted] we would read some of
7 their reporting made available to us.
8 Q [redacted]
9 [redacted]
10 [redacted]
11 A [redacted]
12 [redacted] -- [redacted]
13 [redacted] [redacted]
14 [redacted]
15 [redacted].
16 Q Absolutely. And what was the distance? How long
17 would it take you to drive?
18 A It was approximately 1 kilometer away, sir. It
19 would take us under 5 minutes to get over there.
20 Q I would like to direct your attention to, we
21 discussed, there was a report for a specific incident that
22 she had put together.
23 A That is correct, sir.
24 Q So can you tell us what that incident was and
25 explain the report?

1 A Well, I have -- you would have that report. Since
2 its classified, I don't have access to it, but what I can
3 tell you off the top of my head, going back on memory, is
4 that one of the QRF members, one of the members of the 17th
5 February Brigade, a fellow by the first name [redacted] -- I do
6 not recall his last name at this time -- at some point
7 reported to us that he was being pressured [redacted]
8 [redacted] to provide information on us. I
9 know that [redacted], who was the previous RSO, wrote
10 something on it. Eventually, he came back to me again and he
11 told me of an incident that had occurred the night before.
12 Q Okay, you are using pronouns, he as in [redacted]
13 [redacted]?
14 A [redacted]
15 Q So [redacted] came back to you?
16 A [redacted]
17 [redacted]
18 [redacted]
19 [redacted]
20 [redacted]
21 [redacted]
22 [redacted]
23 [redacted]
24 [redacted]
25 [redacted]

1 [redacted]

2 [redacted]

3 [redacted],

4 [redacted]

5 [redacted]

6 [redacted]

7 [redacted]

8 [redacted]

9 BY MS. JACKSON:

10 Q [redacted]

11 [redacted] or was he

12 not specific?

13 A He was not specific, ma'am. And to be honest with

14 you, neither [redacted] English is very good, nor is my

15 Arabic good. So there could be a lot missing here in this

16 story. [redacted]

17 [redacted]

18 [redacted]

19 [redacted]d

20 [redacted]

21 [redacted]

22 [redacted]

23 [redacted]

24 [redacted]

25 [redacted], [redacted]

1 [redacted]
2 [redacted]
3 [redacted]
4 [redacted]
5 [redacted]
6 [redacted] I went ahead after
7 having this meeting, I reported this up my command of command
8 to my desk officer. I also reported this to what I
9 considered at the time the [redacted]
10 Q [redacted]
11 A Exactly.
12 Q Not the Tripoli?
13 A [redacted]. [redacted]
14 [redacted] As I was told, they were going to
15 investigate this. [redacted] came back to me about a week
16 later telling me that they had an idea [redacted]
17 [redacted]. [redacted]
18 [redacted]
19 [redacted]
20 [redacted]
21 BY MR. GRIDER:
22 Q Was the PO informed of this as well?
23 A Yes, she was. She was informed of this immediately
24 after I found out. She was also cc'd on the reporting that I
25 wrote.

1 Q Just to try to get an idea of the timing, I think
2 we discussed the April 6 incident at length. Do you know IF
3 it was prior to that or after that, [redacted]
4 [redacted]?
5 A I believe it was prior to that. However, again, I
6 am going off memory here. If you have access to that report,
7 you will be able to find the dates right there.
8 Q I understand. And do you believe that at the time
9 you were the only DS agent on the ground?
10 A I do believe so. Let me take that back. When
11 [redacted] initially reported that he was being pressured by a
12 [redacted] for information, that was done during the
13 time that [redacted] was still there. [redacted]
14 [redacted]
15 [redacted]. That was
16 after I was there alone, as I recall.
17 BY MS. JACKSON:
18 Q Prior to your interview today, did you review any
19 of the emails that found or were sent to you?
20 A Last week, I had a small conversation with legal,
21 and I was shown some of the emails, briefly shown some of the
22 emails that had I sent to jog my memory. And other than
23 that, I haven't seen these emails since shortly after
24 Benghazi.
25 Q Was your classified reporting in there?

1 A Yes, it was. Yes, it was.

2 Q And when you say you were shown them by legal, who

3 did you mean?

4 A AFSA.

5 Q State Department legal as opposed to your personal

6 counsel.

7 A That is correct.

8 Mr. Evers. His personal counsel?

9 Mr. [redacted]. Oh, yes.

10 Ms. Badrich. I am sorry, I was present at that

11 briefing.

12 BY MS. JACKSON:

13 Q At any time did anyone [redacted] come back

14 with additional information after the first week or so had

15 passed?

16 A Yes, ma'am. The person that I believed to be the

17 equivalent of their supervisor, I guess in other settings

18 [redacted] He only went by a first name so I

19 can't even tell you what his name was, [redacted]

20 something like that. He was made aware of it and he came

21 back to me with information on --[redacted]

22 [redacted] and he told

23 me that they were still looking into it.

24 Q And so at the time that you departed Benghazi, it

25 had not been fully resolved?

1 A It had not. I was under the impression that these
2 type of investigations take time and that someone was working
3 on them, but no, it had not been resolved.
4 Q [redacted] had not told you about any other
5 incidents that had occurred or anyone else approaching him
6 while you were still there?
7 A No. I -- I had a very close, professional
8 relationship [redacted] I happen to believe that he was
9 the most motivated of those troops. And I believe that he
10 would have told me if something else would have happened. He
11 mentioned to me that he wanted to hurt this person. And I
12 basically advised him to -- if it happened again, to go along
13 with it, get whatever information he could get and come back
14 and report it to me.
15 BY MR. GRIDER:
16 Q During the April 6 incident, you indicated there
17 was an individual that may have detained two suspects, and
18 then possibly fired off two rounds. I believe that may
19 have -- [redacted]
20 A That is correct, we are talking about the same
21 person.
22 Q And so, that incident would have happened after [redacted]
23 [redacted]; is that
24 correct, to your knowledge?
25 A Yes, sir.

1 Q Just to be clear, was there another classified
2 incident that occurred, or anything relating to April 6, or
3 anything else, just looking back through my notes --
4 A I don't recall another classified incident other
5 than maybe a follow up to what we are talking about, to this
6 probe into our security posture. But then, again, I haven't
7 had access to my classified email, and haven't gone back to
8 look at that old reporting.
9 BY MS. JACKSON:
10 Q Do you recall if you had submitted a classified
11 report after the April 6 IED incident?
12 A I don't believe I did. But I apologize if my
13 memory is not helping me.
14 Q And was [redacted] still there when you left?
15 A Yes, he was, he was still.
16 Q Was he in any time of team leader, supervisory role
17 with respect to the QRF?
18 A No, he was not, he was not the team leader.
19 Q So he was rank and file QRF?
20 A That is correct.
21 Mr. Grider. Anything else? We can go off the record.
22 [Discussion off the record.]
23 BY MS. SAWYER:
24 Q Just a few follow-up questions about some of the
25 stuff that I think we have already touched on.

1 A Yes, ma'am.

2 Q When you were talking to my colleague, you were

3 indicating that there was -- I am going to describe it as

4 reciprocal agreement between the Annex and the mission to

5 respond as needed --

6 A Yes, ma'am.

7 Q -- if there were incidents at either facility.

8 A Uh-huh.

9 Q And you were asked for just a general sense of how

10 fast you felt the Annex would respond if you called upon

11 them. And I think you said you would expect a response

12 within 5 minutes?

13 A Yes, ma'am. And I guess I am basing it on the fact

14 that they always had people waiting to respond to an

15 incident. [redacted]

16 [redacted] they always had security people on standby. And given

17 the distance, I was guessing they had the capability to

18 respond within 5 minutes. It could have taken longer, but I

19 believe, given their capabilities, that they could have done

20 that, yes.

21 Q When you say "it could have taken longer," would

22 obstacles in between, you said the Annex was a kilometer,

23 approximately a kilometer away. But obstacles between one

24 facility and the other have possibly delayed?

25 A Yes, ma'am. I am giving you the best-case

1 information. Of course, any blockage of any of the streets,
2 any attack on their react force, anything like that could
3 have delayed a response, yes.
4 Q And based on just your experience, pretty extensive
5 experience, law enforcement and otherwise, would you have
6 expected to be reasonable had they been alerted to an attack
7 for them to have taken some period of time assess the
8 possibility of an ambush? The possibility of friendly fire?
9 The possibility of them running into some trouble between the
10 Annex and the mission compound?
11 A Yes, ma'am. I certainly would have expected
12 something like that, and that is a reason why I notified them
13 shortly after the explosion so that they could know of our
14 situation. When I notified them, I told them that I would
15 call them back if I needed them there. And that would
16 indicate to me that they would start doing their prep work to
17 be ready for a response.
18 Q You spoke a little bit about -- and I don't want to
19 use the wrong term, a CI investigation. Is that
20 counterintelligence or confidential informant?
21 A Counterintelligence.
22 Q Thank you. Counterintelligence investigation, that
23 came up during your time in Benghazi.
24 A Yes, ma'am.
25 Q And one of the things you had mentioned was in your

1 conversation with QRF who came forward, you tried to
2 understand him as best you could, but he don't -- he spoke
3 some English and you did not speech much Arabic. Do you
4 recall whether the principal officer was present when you
5 actually interviewed him?
6 A No, she was not present during the interview,
7 ma'am.
8 Q Okay. Would it surprise you if a report about the
9 incident had indicated that the member of the QRF asked to
10 speak to the RSO in the presence of the principal officers so
11 that she could translate and make sure there was no
12 misunderstanding?
13 A No, no. It wouldn't have -- and perhaps there was
14 further communications in front of her that I don't recall at
15 this time. But --
16 Q I know it was some time ago and I know you did
17 indicate you did an incident report. Is it possible that the
18 principal officer was there when you interviewed or when you
19 spoke to [redacted] at some point about the incident?
20 A It is possible, ma'am. It is possible. I know
21 that I had initially interviewed him alone. I remember that.
22 It is possible that there could have been more conversations
23 in front of her that I just don't recall at this time.
24 Q Do you recall kind of your assessment of the fact
25 that the member of the QRF had chosen to actually

1 affirmatively come forward, how you felt about that? And how
2 that reflected both on the information that you were being
3 provided and that person. Do you remember that at all, do
4 you remember reporting on that?
5 A No, I don't remember.
6 Q Do you remember how you felt about the fact that,
7 and what you have relayed about the fact that you had -- you
8 felt there was now some effort ongoing to gather intelligence
9 on the mission? Do you remember what you said about that
10 compared to other places throughout the world?
11 A I don't remember what I wrote on it. I don't
12 remember how I felt about it, but --
13 Q Let me ask you a more specific question. Do you
14 remember whether you compared it to whether or not it
15 happened to other places in the world and whether you thought
16 it was completely unique or commonplace worldwide?
17 A Ma'am, I spent about 12 years working as a Marine
18 CI HUMINT guy. Part of our mission is counterterrorism.
19 There are certain things that take place that happen that,
20 based on that experience, leads you to know that what the
21 incident is. I cannot -- if you allow me to see if that's
22 the report that I wrote, that can jog my memory. I cannot
23 tell you off the top of my head. I can't tell you exactly
24 what I wrote on it, maybe it will help me clarify too.
25 Q I think it probably would. Let's go off the

1 record.

2 [Discussion off the record.]

3 [[redacted] Exhibit No. 7

4 was marked for identification.]

5 BY MS. SAWYER:

6 Q So Mr. [redacted], I am showing what you has been

7 marked, for identification purposes, as Exhibit Number 7. It

8 just bears a cover sheet which is blank, and doesn't have a

9 document number, otherwise document number 05392790; it is a

10 total of 7 pages. I would just direct your attention to page

11 4 of the 7. About halfway down, there's a report of an

12 interview. Is that the report of the interview that you

13 conducted with the QRF member who recorded the incident?

14 A That is correct, yes, it is.

15 Q Besides this report that you're looking at now, do

16 you recall if you created any other reports?

17 A I don't recall creating another one, ma'am, but I

18 know that this raised other questions that might have been

19 answered on email. But I don't recall writing another CI

20 report.

21 Q And then a little further down in that chain, I

22 think just on the next page, there's another report. That is

23 a report that I think your note from the prior indicates is a

24 report by [redacted]. Do you see about halfway down the

25 page?

1 A That is correct, ma'am. And I attached it to the
2 bottom of my report to give the reader a better understanding
3 of the incident.
4 Q And remind us who was Mr. [redacted] at the time?
5 A Mr. [redacted] is also another DS agent who was the RSO
6 when I first arrived, and departed during the time that I was
7 there.
8 Q What is the time at which he's reporting?
9 A Well, I see a date right here and a number 3 that
10 says 3/17/2012.
11 Q And then flipping back to your report on page 4,
12 what is the date of that report?
13 A Mine is 2 days later, 3/19/2012. So I imagine that
14 Mr. [redacted] left probably around during that timeframe on the
15 18th or 19th.
16 Q Is it possible he was still there and hadn't left?
17 A It is possible that he was -- yeah, it's also
18 possible that he's packing out that day. I do recall that he
19 was not there the day I sent this, so -- or not available.
20 Q Okay. And so the two of you were reporting on, at
21 different points, incidents related to counterintelligence
22 gathering?
23 Do you recall reading Mr. [redacted] report as you were
24 forwarding it and sending it on?
25 A Well, I recall being present at the time that they

1 were discussing this [redacted] And I recall that the
2 report was written, but it's been some time since I read his
3 report.
4 Q So Mr. [redacted], in his report, which I know you
5 didn't write, but I am just going to ask your opinion of it,
6 down in paragraph 11 of his report, which I think would be on
7 page 6 of the document, he expresses kind of his sense of
8 [redacted] having come forward. I'll give you a moment just to
9 read that paragraph.
10 A Yes, ma'am.
11 Q I think he describes it, from his perspective, that
12 he was encouraged by the fact that that member of your local
13 QRF had indeed come forward with his information voluntarily.
14 Do you remember whether you discussed that with
15 Mr. [redacted]? Did you share that opinion that it was
16 encouraging that a member of the QRF, [redacted]
17 [redacted] had come forward to report this
18 information?
19 A I don't remember sharing that with Mr. [redacted], but
20 [redacted] was probably the best, in my opinion -- the best
21 member of the group.
22 Q And then the next paragraph, and, again, this is
23 Mr. [redacted] report, not yours, so I am just asking your
24 opinion. He remarks on the fact that this type of
25 intelligence gathering, and I think it is about halfway down

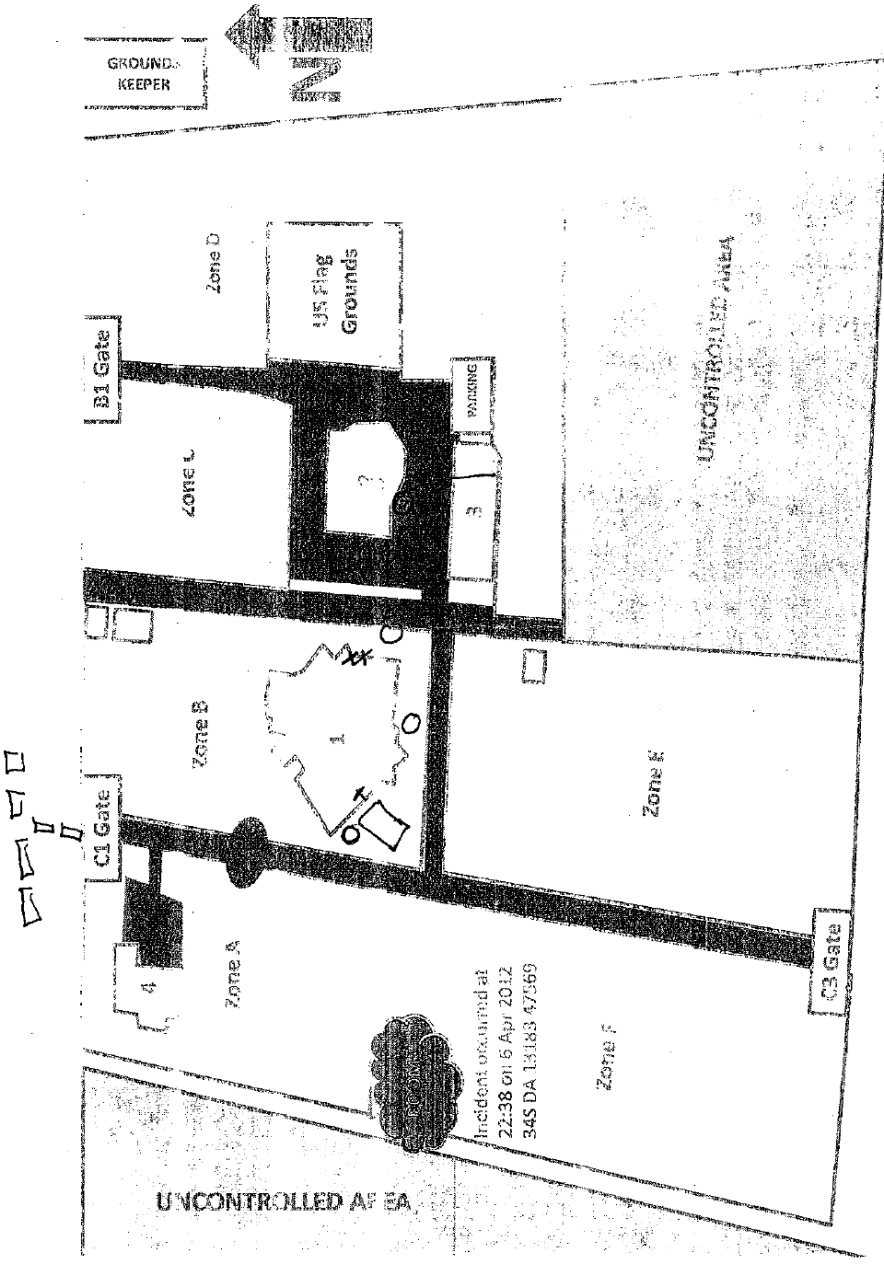
1 that paragraph, he says, he understands that this is
2 something that occurs. And I think he describes that kind of
3 intelligence gathering as commonplace worldwide. He
4 expresses some surprise that it is happening this quickly.
5 Again, it's Mr. [redacted]. But what is your sense and
6 experience as to whether or not the fact that intelligence
7 gathering on U.S. presence may be something that does occur,
8 and does occur worldwide?
9 A Well, ma'am, I cannot speak to what Mr. [redacted]
10 wrote or how he perceived this, but it's just troubling -- it
11 was troubling to me at the time [redacted]
12 [redacted]
13 [redacted]
14 [redacted] -- that, to me, was troubling.
15 Q And so the steps that you took, because whether or
16 not it's something that happens elsewhere, was troubling and
17 you wanted to take steps. Those steps were to report this to
18 [redacted] and up the chain as reflected in your --
19 A Well, I think the most important thing to know is
20 to figure out who is trying to gather intelligence on you, [redacted]
21 [redacted] [redacted]
22 [redacted]
23 [redacted]. I shared that information with
24 them, and I made what I had available to them, yes.
25 Q And I think you explained that kind of that

1 investigation was ongoing, and may not have concluded by the
2 time you left Benghazi?
3 A That is correct, ma'am.
4 Q Did you ever get a sense from anyone at [redacted]
5 and I think you said this was reported to the [redacted]
6 that they were not taking this incident seriously, not
7 investigating it adequately?
8 A No, ma'am, I never gathered that. I know that
9 these types of investigations take time, especially in a
10 country like Libya, [redacted]
11 [redacted]
12 [redacted]
13 [redacted]
14 [redacted] that they would take it seriously, no indications
15 otherwise.
16 Ma'am may I be clear on something?
17 Q Please, yes.
18 A I know I am taking more time and Austin is probably
19 going to get mad on me on this.
20 Mr. Evers. I absolutely will not.
21 Mr. [redacted]. When you read this, it may be confusing
22 because there's other emails right here that talk about
23 something different.
24 BY MS. SAWYER:
25 Q Yes.

1 A I just want to make sure that [redacted] the person
2 that reported this to us is not perceived as [redacted]
3 [redacted]
4 There was another former member of the QRF, a former
5 member of February 17, who was already gone by the time I got
6 here who had been given a job as a bodyguard in Tripoli.
7 [redacted]
8 [redacted]
9 [redacted]
10 One of these persons was this other individual that was
11 working in Tripoli.
12 So, when these emails talk about, [redacted]
13 [redacted]
14 [redacted], I
15 just want there to be no questions that we are also talking
16 about [redacted]
17 [redacted] That's all I needed to clarify.
18 Q And so to make sure the record is perfectly clear,
19 the email chain that begins on page 1, right?
20 A Yes.
21 Q And continues on to page 2 --
22 A Uh-huh.
23 Q -- is with regard to the other former Benghazi QRF
24 member who went to Tripoli for a period of time?
25 A That is correct. He went out there to do a course

1 on being a bodyguard, and he failed the course, so he was
2 never permanently employed.
3 Q So he was not -- he did not end up being
4 permanently employed in Tripoli?
5 A That is correct, ma'am.
6 Q Okay. Well, I think that is all of the questions
7 we have for you. We very much appreciate the time that you
8 spent with the committee today, and certainly your service.
9 Your career is quite impressive in terms of your time in the
10 Marines, your time in law enforcement. I, of course, when
11 you said NCIS thought of the TV shows I see sometimes, but we
12 very much appreciate your service and your ongoing service.
13 So thank you very much for that. And with that, unless my
14 colleagues have anything else, I think we are finished for
15 the day.
16 Ms. Jackson. I think we are good.
17 Mr. [redacted]. Thank you all very much.
18 [Whereupon, at 3:50 p.m., the interview was concluded.]
19
20
21
22
23
24
25

EXHIBIT 1



This slide depicts the basic layout of the compound.

EXHIBIT 2

REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

[redacted]

From: [redacted]
Sent: Friday, April 06, 2012 4:26 AM
To: [redacted]
Subject: RE: Benghazi sitrep

[redacted],

Lots of work but its been a good experience thus far.
No problem on the solo a few more days. I can do this until the 16th when I need to catch a bird home.

[redacted]

From: [redacted]
Sent: Thursday, April 05, 2012 12:54 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Benghazi sitrep

[redacted],

Thank you for the update. I hope Benghazi is treating you well. Looks like you are going to be flying solo a few days longer. Let us know if you have any questions or concerns.

Regards,

[redacted]
Desk Officer | DS/IP/NEA
Office Ph: 571.345.3475 | Mobile Ph: [redacted] | Fax: 571.345.3400
Email: [redacted]@state.gov

SBU
This email is UNCLASSIFIED.

From: [redacted]
Sent: Thursday, April 05, 2012 3:19 PM
To: [redacted]
Subject: Benghazi sitrep

[redacted],

Greetings and Salutations from the Eastern Front, where all is quiet.

A little update on daily activities in Benghazi:

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Guard Force:

1- The new BMG Trainer is in town but have yet to meet him. They rented a villa where they are conducting training (which started today). I am happy this is happening but it should have been done from the get go. In the past their project manager was holding guard mount and giving them 15 minutes of training each day (as you know, not the way to do training). Will meet this guy tomorrow and give you my take on him then.
2- I made space for the vehicle they wanted to keep in the compound.
3- Guards still have NO uniforms. BMG does NOT want to issue them until they complete training.
4- We had our very first little demonstration outside of the US Mission Compound. The guards were the demonstrators!
They were demanding their salaries and claim that their pay is 4 days late because before BMG, they received their salaries the last day of the month. The BMG Project Manager ([redacted]) said that with the new contract it is not that same arrangement, that their pay is only one day late and the cause is this is that the guards did not want to be paid in checks through a bank to avoid taxation. So he is having the money flown in today. It was 7 people, 5 active guards, the fired guard and someone else who accompanied him.
I went outside had my QRF take control of the gate had the BMG Project Manager try to explain the reason for the pay delay. He said it would arrive tonight so I had him guarantee that they would receive payment by tomorrow.
I then spoke to the guards, asked them why they didn't bring up the problem to my attention. Asked them why it escalated to a demonstration at the place that employs them to prevent that thing from happening. I then reminded them that we are functioning in a country that just went through a revolution where things don't function the way that they should. Where a police and a military force haven't been paid for 4 months not days. Basically shamed them for their actions and they later sent someone to apologize. I also warned the fired guard that he was barred from the premises, to collect his pay from BMG at a different location and that I would have him arrested if he presented himself again at US Mission Benghazi. I have noted the names of the guards who participated in the little demonstration and will meet with BMG Project Manager in the morning to discuss their future as employees in this compound.

Other:

1- Have a mechanic repairing the alternator in one of out LAV's
2- Waiting on the medical paperwork on a driver who passed my interview and testing.
3- Three movements today.
4- Training QRF
5- Had a very good and productive meeting with [redacted], the head of the Supreme Security Council (SSC), the new police force here in Benghazi. My third meeting with him, this time at our compound where I invited him for lunch.
-We spoke of the security situation in the city and the problems within the security forces.
-He will put me in contact with the security chief at the Benina Airport to discuss security there.
-He told me that his SSC men needed training and equipment and was concerned in their lack of skills in dealing with non lethal force situation like demonstrations. I then had my QRF guys give him a demonstration of the use of the PR-24, pressure point control tactics and takedown and escort techniques that I've been working them on. He was very impressed and expressed his desire to get such type of training for his police force (16,000 strong).
- I also got his assurance on working closely with DSS on notification of any arrest of or on any information of a crime committed against an American Citizen in Benghazi.
-He asked to be contacted directly if we need his assistance on any security/police related issue.
-I asked him for and he agreed to provide an Weapons Carry Permit from the SSC with his seal and signature. This will prevent problems when going through a checkpoint or facility guarded by the SSC. Bottom line, rapport and a relationship has been established that will help us better operate in this city.
-I will write something up on other information that he shared with me on a different email.

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Other than that just another beautiful beginning of the weekend here in Benghazi.

Cheers,

[redacted]

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EXHIBIT 3

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMM.
REVIEWED FOR SENSITIVE INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.
C05390489 Date: 10/20/2015

C05390489-MOU

[redacted]

From: [redacted]
Sent: Monday, April 09, 2012 9:59 AM
To: [redacted]
Cc: DS-IP-NEA; [redacted]; Nordstrom, Eric A; Larson, Jennifer A
Subject: RE: Benghazi RSO SPOT REPORT - 6 April 2012

Classification: UNCLASSIFIED
SMARTCategory: Working

[redacted]

Thanks for keeping us updated and excellent work over the weekend handling this by yourself. This has the Front office's attention, so let us know about any developments.

Regards, [redacted]

This email is UNCLASSIFIED.

From: [redacted]
Sent: Monday, April 09, 2012 9:54 AM
To: Philibin, John; [redacted]
Cc: DS-IP-NEA; [redacted]; Nordstrom, Eric A; Larson, Jennifer A
Subject: RE: Benghazi RSO SPOT REPORT - 6 April 2012

John,

[redacted]

Upon examination of all recording from the compound cameras, I found one that that captured part of the flash of the explosion as well as the smoke. This confirms the statements by the guards of the location and force of the explosion. It did occur within the grounds of the Mission and it was a powerful blast.

From what I can gather, the device must have exploded in the air prior to hitting the ground. Not much out there to damage either.

R/S

[redacted]

[redacted]

Regional Security Officer (Acting)
US Diplomatic Mission Benghazi, Libya
US Phone: (240)553-9328

C05390489 Date: 10/20/2015
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REVIEWED FOR SENSITIVE INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.
C05390489 Date: 10/20/2015

Libya Phone: 092-459-3390

From: Philibin, John
Sent: Monday, April 09, 2012 5:54 AM
To: [redacted]
Cc: DS-IP-NEA; [redacted] R; Nordstrom, Eric A
Subject: RE: Benghazi RSO SPOT REPORT - 6 April 2012

Thanks, Mark.

SBU
This email is UNCLASSIFIED.

From: Drobot, Mark D
Sent: Monday, April 09, 2012 8:49 AM
To: Philibin, John; [redacted]
Cc: DS-IP-NEA; [redacted]; Nordstrom, Eric A
Subject: RE: Benghazi RSO SPOT REPORT - 6 April 2012

John, here is [redacted] follow-up info. Mark

SBU
This email is UNCLASSIFIED.

From: Philibin, John
Sent: Monday, April 09, 2012 8:37 AM
To: [redacted]
Cc: DS-IP-NEA; [redacted]; Nordstrom, Eric A
Subject: RE: Benghazi RSO SPOT REPORT - 6 April 2012

Hi [redacted]

We've been asked to provide additional information/specificity regarding the IED. Can you please provide information regarding the fragments, why there was no damage, etc? What type of device do you think that it was? I think the questioning is coming from the fact that there is a report of a loud explosion, duck & cover procedures initiated, but we really don't have a lot beyond that regarding the device/damage/remnants.

Thanks,

John

SBU

C05390489 Date: 10/20/2015
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C05390489 Date: 10/20/2015

This email is UNCLASSIFIED.

From: [redacted]
Sent: Friday, April 06, 2012 10:42 PM
To: [redacted]
Cc: DS-IP-NEA; [redacted]; Nordstrom, Eric A
Subject: Re: Benghazi RSO SPOT REPORT - 6 April 2012

Tony,

Thank you for the report. Glad everyone is ok and that the suspects have been apprehended.

Please let us know if the 17 brigade provides any additional information.

In the morning please send us any bio data that you have access to either through BMG or the 17 brigade.

Excellent work.

Brian

From: [redacted]
Sent: Friday, April 06, 2012 07:11 PM
To: DS-IP-NEA
Cc: Benghazi RSO; DS Command Center; Nordstrom, Eric A; [redacted]
Subject: Benghazi RSO SPOT REPORT - 6 April 2012

All,

Below is text of Acting RSO Benghazi Spot Report submitted via RSO SMC. Because Benghazi is not an option, Tripoli was marked as the SR's originating post. For any questions/concerns please contact Acting RSO [redacted]

Summary:

At approximately 2250 hours (GMT+2) the U.S. Diplomatic Mission Benghazi, Libya Compound came under attack. An IED was thrown over the perimeter walls and exploded within the compound grounds. No one was injured and damage was not visible.

Narrative:

At approximately 2250 hours (GMT+2) the U.S. Diplomatic Mission Benghazi, Libya Compound came under attack. An IED was thrown over the perimeter walls and exploded within the compound grounds. No one was injured and damage was not visible.

After hearing the explosion RSO Benghazi directed US personnel away from windows into living quarter's safe haven area and had both safe haven and living quarters secured. Shortly after the explosion one of the 5 security guards on duty activated the "duck and cover alarm". RSO activated QRF and had two of them take

C05390489 Date: 10/20/2015
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C05390489 Date: 10/20/2015

defensive positions around the living quarters and a third one contact his unit the 17 February Martyrs Brigade for reinforcements.

RSO then cleared his way from living quarters into the TOC to deactivate alarm and attempt to detect any intruder through the camera system. Unable to detect any movement, RSO contacted [redacted] and to have them on standby for possible support. RSO then joined QRF in clearing the compound.

The QRF member tasked to phone his Brigade for reinforcements was waiting for them outside of the compound when he detected two suspects near one of the perimeter walls where the explosion came from. QRF member ordered them to stop, they did not follow instructions so he fired shots to gain compliance he then ordered them to the ground.

Reinforcements arrived shortly afterwards and took the two males into custody and transported them to the 17 February Martyrs Brigade Base for questioning. One of the suspects is a current employee of Blue Mountain Group (BMG) and a guard at the US Mission Compound, Benghazi, the other suspect is a former BMG employee who was fired as a guard at the US Mission Compound, Benghazi four (4) days ago for vandalism. RSO ordered the QRF Captain to go to the Brigade Base and find out any developments of the investigation to brief RSO.

RSO and remaining 3 QRF members completed a sweep of the compound and found what appear to be traces of a black powder near the area of the explosion. The compound was cleared at approximately 2350 hours (GMT+2). The guards on duty who ran for cover to "Charlie 1" post were ordered back to their posts, QRF members were ordered to remain on duty at the three compound gates and American personnel were advised of the all clear [redacted]

RSO will be debriefing QRF Captain upon his return and will be visiting the 17 February Martyrs Brigade base the morning of 4/7/2012 to be informed of the developments of the investigation. (NFI)

[redacted]
Regional Security Officer (Acting)
US Diplomatic Mission Benghazi, Libya
US Phone: (240)553-9328
Libya Phone: 092-459-3390

C05390489 Date: 10/20/2015
STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMM.
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EXHIBIT 4

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
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[redacted]

From: [redacted]
Sent: Saturday, April 07, 2012 5:51 AM
To: [redacted]
Cc: [redacted]
Subject: RE: Visa_Advisory - Libya

Neither the RSO nor the local security forces in Benghazi have the capability to conduct a proper post-blast investigation. The information bellow is only my initial assessment. The investigation is still underway and the suspects are still under custody.

The two suspects are:

1) **– who is employed by Blue Mountain as senior Guard** [redacted] **and**
2) **– a former employee of Blue Mountain who was dismissed from the company for gross misconduct (graffiti).**

The IED used:

1) **From what I can gather was either black powder or a similar type of explosive material. (TNT is readily available in the local market and used for fishing),**
2) **It was compact enough to throw over a 10ft high wall but powerful enough to create a very loud blast that could be heard a kilometer away** [redacted]
3) **The flash caused by the explosion was visible to the guards from all locations of the compound. No evidence of any shrapnel used with the device. The detonation area that consisted of grape trees, and fence and awall show no evidence of fragmentation.**
4) **I could not locate a triggering mechanism for the device. It is possible that the trigger could have been something as simple as a match fuse.**

R/S

[redacted]
Regional Security Officer (Acting)
US Diplomatic Mission Benghazi, Libya
US Phone: [redacted]
Libya Phone: [redacted]

From: [redacted]
Sent: Saturday, April 07, 2012 12:04 AM
To: [redacted]
Cc: [redacted]
Subject: RE: Visa_Advisory - Libya

[redacted]

When you get more details on the type/makeup of the IED please forward.

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I guess there is a reason walls are supposed to be 9 ft high.....

-[redacted]

From: [redacted]
Sent: Fri 4/6/2012 7:17 PM
To: [redacted]
Cc: DS-IP-NEA; [redacted] (Tripoli TDY); [redacted] (Tripoli); [redacted]@gmail.com; [redacted]; Cretz, Gene A; [redacted]
Subject: RE: Visa_Advisory - Libya

Check spot report on U.S. Mission Benghazi IED.

[redacted]
Regional Security Officer (Acting)
US Diplomatic Mission Benghazi, Libya
US Phone: [redacted]
Libya Phone: [redacted]

From: [redacted]
Sent: Friday, April 06, 2012 12:32 PM
To: [redacted]
Cc: DS-IP-NEA; [redacted] (Tripoli TDY); [redacted] (Tripoli); [redacted]@gmail.com; [redacted]; Cretz, Gene A; [redacted]
Subject: RE: Visa_Advisory - Libya

[redacted],

"The Consulate view is that their earlier letters were causing problems - and they are not going to issue more." Great.

Understood. Without the possibility of airport letters or visas until next week, this means that we are going to have to contract our security operations at post in the absence of personnel.

Since the Libyan Embassy appears to be incapable of fixing its issues, we are going to need to come up with a back up plan that involves other than waiting until tommorrow. Can we get a committment from the Libyan's to issue in Malta, Tunis, Istanbul, Rome?

We lose our 10th MSD agent on Sunday with no replacement unless MSD is prepared to freeze [redacted] in place until we have replacements (my recommendation).

We have 2 MSD pending, 5 DS for Tripoli, and 2 DS for Benghazi.

We have a VIP visit on Sunday, requiring 4 SST and 4 MSD, meaning that we can't support any other moves in town as that means don't have a QRF.

<u>What we will be able to staff on Monday, 4/9 - Thursday, :</u>

TRAINING: 3 DS agents / 4 SST (firearms for 2 weeks)
AMB: 2 DS agents / 1 SST (advance plus detail)

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QRF: [redacted] DS agents / [redacted] SST ([redacted])
TOC: [redacted] DS agents (will only be able to support toc from 0600 - 2200)
CMR: [redacted] SST and RSO

We have no DS agents available to and therefore :

We can NOTsupport airport arrivals or departures;
We can NOT support movements for PCS or TDYers who don't travel with FACT/SNOE trained passengers;
We can NOT support out of town trips;
We can NOT support DAO planned travel to Benghazi/eastern Libya (would require 6 SST in the absence of Tripoli and Benghazi DS agents. Unable to send 6 SST at this time).

The doing more with less game is getting old fast.

[redacted]
Regional Security Officer
U.S. Embassy
Tripoli, Libya
[redacted]
http://libya.usembassy.gov/

From: [redacted]
Sent: Thu 4/5/2012 2:20 PM
To: [redacted]
Cc: DS-IP-NEA; [redacted]
Subject: FW: Visa_Advisory - Libya

[redacted],

Things are not going smoothly on our end... We tried to get travel letters today, but were denied by the Libyans. We will be back again tomorrow in the AM.

[redacted]
Desk Officer | DS/IP/NEA
Office Ph: 571.345.3475 | Mobile Ph: [redacted] Fax: 571.345.3400
Email: [redacted]@state.gov

-----Original Message-----
From: [redacted]
Sent: Thursday, April 05, 2012 1:20 PM
To: [redacted]
Subject: RE: Visa_Advisory - Libya

Thanks for the update, [redacted]. We thought it was worth a shot but the Embassy is giving us a difficult time today. Unfortunately, I don't think [redacted] and the others will be issued before next week. The Libyan Ambassador is traveling, which is making an already difficult situation more complicated.

We'll get back to you when we know more.

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REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

Regards,
[redacted]

This email is UNCLASSIFIED

[redacted]
Libya Desk Officer
[redacted]@state.gov
[redacted]@state.sgov.gov
Office: 202-647-2581
Blackberry: [redacted]

-----Original Message-----
From: [redacted]
Sent: Thursday, April 05, 2012 12:54 PM
To: [redacted]
Subject: Visa_Advisory - Libya

Met with the consulate staff to discuss the application for Letters of Transit for [redacted] and [redacted].

The Consulate view is that their earlier letters were causing problems - and they are not going to issue more.

The IT problem may get fixed; but likely not. They are tangled up in visa design and file export issues. Not likely this will be resolved well or soon - without outside help.

The consulate indicated that they expected the IT system to be operational later this week or Monday.

Action Plan:

DS/IP: I will be back tomorrow at 11 am to ask if their system is up; and review their forecast for issuing visas.

NEA/MAG: The best interim solution is to negotiate an agreement with the Ambassador's office - to use current or replacement hand written labels - on a limited interim basis - rather than the complex printed visa labels.

NOTE: We also need to avoid a [redacted] - with every State Department and other federal agency office and individual contacting the consulate with their own priorities.

Regards
[redacted]

SBU
This email is UNCLASSIFIED

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EXHIBIT 5

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From: [redacted]
Sent: Saturday, April 07, 2012 12:04 AM
To: [redacted]
Cc: [redacted]
Subject: RE: Visa_Advisory - Libya

[redacted]

When you get more details on the type/makeup of the IED please forward.

I guess there is a reason walls are supposed to be 9 ft high.....

[redacted]

From: [redacted]
Sent: Fri 4/6/2012 7:17 PM
To: [redacted]
Cc: DS-IP-NEA; [redacted] (Tripoli TDY); [redacted] (Tripoli) [redacted]; Cretz, Gene A; [redacted]
Subject: RE: Visa_Advisory - Libya

Check spot report on U.S. Mission Benghazi IED.

[redacted]
Regional Security Officer (Acting)
US Diplomatic Mission Benghazi, Libya
US Phone: [redacted]
Libya Phone: [redacted]

From: [redacted]
Sent: Friday, April 06, 2012 12:32 PM
To: [redacted]
Cc: DS-IP-NEA; [redacted] (Tripoli TDY); [redacted] (Tripoli); [redacted]; Cretz, Gene A; [redacted]
Subject: RE: Visa_Advisory - Libya

[redacted]

"The Consulate view is that their earlier letters were causing problems - and they are not going to issue more." Great.

Understood. Without the possibility of airport letters or visas until next week, this means that we are going to have to contract our security operations at post in the absence of personnel.

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Since the Libyan Embassy appears to be incapable of fixing its issues, we are going to need to come up with a back up plan that involves other than waiting until tommorrow. Can we get a committment from the Libyan's to issue in Malta, Tunis, Istanbul, Rome?

We lose our 10th MSD agent on Sunday with no replacement unless MSD is prepared to freeze [redacted] in place until we have replacements (my recommendation).

We have 2 MSD pending, 5 DS for Tripoli, and 2 DS for Benghazi.

We have a VIP visit on Sunday, requiring 4 SST and 4 MSD, meaning that we can't support any other moves in town as that means don't have a QRF.

What we will be able to staff on Monday, 4/9 - Thursday, :

TRAINING: 3 DS agents / 4 SST (firearms for 2 weeks)
AMB: [redacted] DS agents / [redacted] SST ([redacted])
QRF: [redacted] DS agents / [redacted] SST ([redacted])
TOC: [redacted] DS agents (will only be able to support toc from 0600 - 2200)
CMR: [redacted] SST and RSO

~~We have no DS agents available to and therefore :~~

We can NOTsupport airport arrivals or departures;
We can NOT support movements for PCS or TDYers who don't travel with FACT/SNOE trained passengers;
We can NOT support out of town trips;
We can NOT support DAO planned travel to Benghazi/eastern Libya (would require 6 SST in the absence of Tripoli and Benghazi DS agents. Unable to send 6 SST at this time).

~~The doing more with less game is getting old fast.~~

[redacted]
Regional Security Officer
U.S. Embassy
Tripoli, Libya
[redacted]
http://libya.usembassy.gov/

From: [redacted]
Sent: Thu 4/5/2012 2:20 PM
To: [redacted]
Cc: DS-IP-NEA; [redacted]
Subject: FW: Visa_Advisory - Libya

[redacted],

Things are not going smoothly on our end... We tried to get travel letters today, but were denied by the Libyans. We will be back again tomorrow in the AM.

[redacted]
Desk Officer | DS/IP/NEA
Office Ph: 571.345.3475 | Mobile Ph: [redacted] | Fax: 571.345.3400
Email: [redacted]@state.gov

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-----Original Message-----
From: [redacted]
Sent: Thursday, April 05, 2012 1:20 PM
To: [redacted]
Subject: RE: Visa_Advisory - Libya

Thanks for the update, [redacted]. We thought it was worth a shot but the Embassy is giving us a difficult time today. Unfortunately, I don't think [redacted] and the others will be issued before next week. The Libyan Ambassador is traveling, which is making an already difficult situation more complicated.

We'll get back to you when we know more.

Regards,
[redacted]

This email is UNCLASSIFIED

[redacted]
Libya Desk Officer
[redacted]@state.gov
[redacted]@state.sgov.gov
Office: 202-647-2581
Blackberry: [redacted]

-----Original Message-----
From: [redacted]
Sent: Thursday, April 05, 2012 12:54 PM
To: [redacted]
Subject: Visa_Advisory - Libya

Met with the consulate staff to discuss the application for Letters of Transit for [redacted] and [redacted].

The Consulate view is that their earlier letters were causing problems - and they are not going to issue more.

The IT problem may get fixed; but likely not. They are tangled up in visa design and file export issues. Not likely this will be resolved well or soon - without outside help.

The consulate indicated that they expected the IT system to be operational later this week or Monday.

Action Plan:

DS/IP: I will be back tomorrow at 11 am to ask if their system is up; and review their forecast for issuing visas.

NEA/MAG: The best interim solution is to negotiate an agreement with the Ambassador's office - to use current or replacement hand written labels - on a limited interim basis - rather than the complex printed visa labels.

NOTE: We also need to avoid a [redacted] - with every State Department and other federal agency office and individual contacting the

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consulate with their own priorities.

Regards
[redacted]

SBU
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EXHIBIT 6

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[redacted]

From: [redacted]
Sent: Monday, April 02, 2012 4:40 PM
To: [redacted]
Subject: RE: Benghazi RSO SPOT REPORT - 2 April 2012

Classification: UNCLASSIFIED
SensitivityCode: Sensitive
SMARTCategory: Working

[redacted]

Excellent report. In the future do not send these to gmail accounts as they are considered SBU and should stay on our DoS opennet system. I will send you additional information on the class net.

FYI no visas I am extremely doubtful about tomorrow not sure what is going on foils are here but no visas yet.

Regards,

[redacted]
Desk Officer | DS/IP/NEA
Office Ph: 571.345.3475 | Mobile Ph: [redacted] | Fax: 571.345.3400
[redacted]@state.gov

SBU
This email is UNCLASSIFIED.

From: [redacted]
Sent: Monday, April 02, 2012 4:17 PM
To: DS-IP-NEA; [redacted]
Cc: Benghazi RSO; DS Command Center; [redacted]@gmail.com [redacted]@gmail.com; [redacted]
Subject: Benghazi RSO SPOT REPORT - 2 April 2012

All,

Below is text of Acting RSO Benghazi Spot Report submitted via RSO SMC. Because Benghazi is not an option, Tripoli was marked as the SR's originating post. For any questions/concerns please contact Acting RSO [redacted] at [redacted]@State.gov

Summary:

At approximately 1815 hours (GMT+2) one (1) British Diplomatic Mission FAV was attacked by a mob of demonstrators. The vehicle was damaged but the occupants escaped injury. The demonstrators who numbered between one hundred (100) and two hundred (200) were members of the Traffic Police Force known as

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"Murur". The Murur Policemen became involved in a clash with local militiamen that escalated into a shooting. The Internal Ministry deployed a third security force the "Al-Nayda" or "Al-Shorta" Police to quell the fighting.

Narrative:

At approximately 1815 hours (GMT+2) one (1) British Diplomatic Mission FAV was attacked by a mob as they travelled near a demonstration. The demonstrators that numbered somewhere between one hundred (100) and two hundred (200) men were members of the Traffic Police Force known as "Murur". The Murur Policemen who gathered outside of the Internal Ministry's Administrative Offices located near Benina Airport in Benghazi were demanding their salaries. Like most local security forces they haven't received payment in nearly four (4) months. During the protest a vehicle driven by an alleged intoxicated militiaman drove into the crowd. The militiaman was beaten by the protestors but escaped and later returned with a large group of more militiamen. The two groups of men clashed and the brawl eventually escalated into a shooting in which at least two of the protestors were shot by militiamen. It is unknown which militia the shooters are members of, however, 17 February Brigade deny that their men were involved in the incident. The closest militia operating in the area is the "Benghazi Security Militia" who runs the security of the Benina Airport.

After the shooting had taken place at approximately 1815 hours (GMT+2) two (2) British Diplomatic Mission vehicles drove near the site, they were unaware of the protest. A mob of protestors then attacked the lead vehicle which was a FAV, causing damage to the vehicle but not the occupants. The second vehicle a soft skin avoided the protestors. British security believes that the protestors may have mistaken their vehicle for a militia vehicle.

The Internal Ministry eventually deployed a third security force the "Al-Nayda" or "Al-Shorta" Police to quell the fighting between the Murur Policemen and the militiamen. More people were hurt but the fighting was stopped.

Acting RSO Benghazi verified this information with British Security Personnel, 17 February Martyrs Brigade, Murur Traffic Police, and Benghazi's Supreme Security Council (SSC) Chief.

Regional Security Officer (Acting)
U.S. Mission Benghazi, Libya

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EXHIBIT 7

C05392790-MOU

From:
Sent: Friday, April 13, 2012 3:20 PM
To:
Cc:
Subject: RE: Latest information on [redacted] US Diplomatic Mission Benghazi

Just so you know, I conducted employment interview and he never mentioned that he had his mother or any other family member living in Tripoli. He requested assistance from other Benghazi employees in trying to find an apartment in Tripoli because he had no one to live with there.

ARSO Benghazi

From:
Sent: Friday, April 13, 2012 11:00 AM
To:
Cc:
Subject: RE: Latest information on [redacted] ,US Diplomatic Mission Benghazi

Thanks. RSO Tripoli is aware of these issues as we have constituent responsibility for Benghazi.

At this time, is scheduled to graduate from a portion of LES close protection/bodyguard tra ig on/about 4/19. He will need to be recycled to attend, complete, and pass the portions of the trainin e missed. That will provide us time to:

1-Provide a briefing to ALL of our new LES close-protection team members;
2-Evaluate if
3-Has failed to turn in weapons belonging to the 17th Feb brigade;
4-RSO Tripoli can evaluate if he truly wanted to move to Tripoli

RSO
Tripoli, Libya

From:
Sent: Wednesday, April 11, 2012 5:38 PM
To:

Cc:
Subject: RE: Latest information on ,US Diplomatic Mission Benghazi

Thanks for passing this along. It sounds like you guys have this matter pretty well covered in Benghazi. Please continue to update us as events develop. Do you need DS/ICI/CI to reach out to RSO Tripoli ?

Special Agent
[redacted]

Diplomatic Security Service
U.S. Department of State

Office Phone: 571-345-7512

Sensitivity: Sensitive
Classification: ~~SECRET//NOFORN~~
Derived From: DSCG 05-1 (c), (d)
Declassify On: 2037/04/11

From:
Sent: Tuesday, April 10, 2012 6:41 AM
To:
Cc:
Subject: RE: Latest information on ,US Diplomatic Mission Benghazi

, head of the Revolutionary Gathering under which 17th February Brigades fall, also passed me a letter about 3 days ago that contains derogatory information. Obviously, I can't confirm if any of it is true. The letter says that still in possession of weapons belonging to the brigade and asks our assistance in getting them back, among other things.

From:
Sent: Monday, April 09, 2012 4:37 PM
To:
Cc:
Subject: Latest information on ,US Diplomatic Mission Benghazi

Ladies/Gents,

, please forward to anyone else who has a need to know on it. I have attached all previous reporting Please feel free to forward any questions.

[redacted]

Questions or comments about this report should be directed to Special Agent [redacted] Temporary Duty Regional Security Officer, US Diplomatic Mission Benghazi at [redacted]@state.sgov.gov. Post does not have SVOIP capability however, a Maryland-based unsecure landline is established [redacted]

R/S

[redacted]
Regional Security Officer
U.S. Mission Benghazi
Mobile Ph. [redacted]
Email: [redacted]

From: [redacted] **obtained by RSO on 4/6/2012**

~~SECRET/NOFORN~~
U.S. Only

[redacted]

U.S. Only
SECRET/NOFORN

From: [redacted] obtained by RSO on 3/30/2012

C06122229 IED U.S. Department of State Case No. O-2016-10902 Doc No. C06122229 Date: 12/07/2016

SECRET/NOFORN

U.S. Only
SECRET/NOFORN

~~SECRET/NOFORN~~
Memorandum Of Interview

UNCLASSIFIED U.S. Department of State Case No. O-2016-10902 Doc No. C06122229 Date: 12/07/2016

~~SECRET/NOFORN~~

SECRET//NOFORN

1. (U) RSO Benghazi does not possess SMART publication capabilities so please distribute accordingly. This electronic communication should be treated as a DS CHANNEL cable.

2. (S//NF) Summary:

End Summary.

3. (S//NF) Details:

4. (S//NF)

C06122229 IED U.S. Department of State Case No. O-2016-10902 Doc No. C06122229 Date: 12/07/2016

5. (S//NF)

6. (S//NF)

7. (S//NF)

8. (S//NF)

9. (S//NF)

10. (S//NF)

11. (S//NF) Observations and Comment:

12. (S//NF)

UNCLASSIFIED U.S. Department of State Case No. O-2016-10902 Doc No. C06122229 Date: 12/07/2016

13. Questions or comments about this report should be directed to Special Agent [redacted] Temporary Duty Regional Security Officer, US Diplomatic Mission Benghazi at [redacted] @state.sgov.gov . Post does not have SVOIP capability however, a Maryland-based unsecure landline is established [redacted]

INTERVIEW OF DIPLOMATIC SECURITY AGENT #8

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, APRIL 15, 2015

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

SHARON JACKSON, *Deputy Chief Counsel*
CRAIG MISSAKIAN, *Deputy Chief Counsel*
CARLTON DAVIS, *Counsel*
SARA BARRINEAU, *Investigator*
SHERIA CLARKE, *Counsel*
KIM BETZ, *Member Outreach Liaison and Counsel*
SUSANNE SACHSMAN GROOMS, *Minority Staff Director*
PETER KENNY, *Minority Senior Counsel*
RONAK DESAI, *Minority Counsel*
SHANNON GREEN, *Minority Counsel*

FOR THE U.S. DEPARTMENT OF STATE

AUSTIN EVERS, *Senior Advisor*

Ms. Betz. We'll go on the record. Good morning. This is a transcribed interview of [redacted] 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 H.Res. 567 of the 113th Congress and H.Res. 5 of the 114th.

Could the witness please state your name for the record?

Mr. [redacted]

Ms. Betz. The committee appreciates your appearance today at this interview. My name is Kim Betz with the committee's majority staff, and I'll take this opportunity to have everyone at the table introduce themselves as well as around the room.

Ms. Jackson. And I'm Sharon Jackson. I'm with the minority. I switched sides -- so, yeah, with the majority staff. Let me go back.

Mr. Desai. I'm Ronak Desai with minority staff.

Mr. Missakian. Craig Missakian with the majority staff.

Ms. Green. Shannon Green with the minority staff.

Mr. Kenny. Peter Kenny with the minority staff.

Ms. Sachsman Grooms. I'm Susanne Sachsman Grooms with the minority.

Mr. Davis. I'm Carlton Davis. I work for Chairman Gowdy.

Ms. Barrineau. I'm Sara Barrineau with majority staff.

Ms. Clarke. Sheria Clarke with the majority.

Mr. Evers. Austin Evers, State Department.

Ms. Betz. Before we begin, I would like to go over the ground

rules and explain how the interview will proceed. The way the questioning proceeds is that a member from the majority will ask questions for the first hour, and then the minority will have the opportunity to ask questions for an equal period of time if they choose. We will firmly adhere to the 1-hour time limit for each side.

Questions may be asked only by members of the committee or designated staff. We will rotate back and forth, 1 hour per side, until we are out of questions and the interview will be over. Unlike a testimony or a 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 can be required to return for a deposition or a hearing.

Members and staff of the committee, however, are not permitted to raise questions or objections when the other side is asking questions. This has not been an issue we've encountered in the past, but I wanted to make sure you were clear on the process.

This session is beginning as unclassified. If any question calls for a classified answer, please let us know, and we will reserve this answer until we move into a classified setting. You are welcome to confer with counsel at any time throughout the interview, but if something needs to be clarified, we ask that the witness make this known. If you need to discuss anything with your counsel, we will go off the record and stop the clock to provide you with this opportunity.

We'd like to take a break whenever it's convenient for you. This can be after each hour of questioning or after a couple of rounds, whichever you prefer. During your round of questioning, if you need anything, water, coffee, use the facilities, or confer with your counsel, just please let us know, and we will go off the record and stop the clock. We really want to make this process as easy and as comfortable for you.

As you can see, an official court reporter -- or 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 please feel free to jump in in case you do respond nonverbally. Do you understand this?

Mr. [redacted] Yes.

Ms. Betz. Also, we should both try to not talk over each other so that it's easier to get a clear record. We want you to answer our questions in the most complete and truthful manner possible, so we will take our time and repeat or clarify our questions, if necessary. If you have any questions or if you do not understand any of our questions, please let us know. We're happy to clarify or repeat the question.

If you honestly don't know the answer to a question or don't remember, it's best not to guess. Please give us your best recollection, and if there are things you do not know or can't remember, just say so and please let us know to who -- to whom, to the best of your knowledge, may be able to provide the information or a more

complete answer to a question.

You are required to answer truthfully from Congress. Do you understand that?

Mr. [redacted] Yes.

Ms. Betz. This also applies to questions posed by congressional staff in an interview. Do you understand this?

Mr. [redacted] Yes.

Ms. Betz. Witnesses that knowingly provide false testimony could be subject to criminal prosecution for perjury or for making false statements. Do you understand that?

Mr. [redacted] Yes.

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

Mr. [redacted] No.

Ms. Betz. Okay. That's the end of my preamble or bramble. Does the minority have anything they'd like to say or add?

Mr. Kenny. I would like to take the opportunity to thank the witness for appearing here today and thank you for your service and we look forward to your testimony.

Ms. Betz. So the clock now reads what 10:09, 10:10.

Ms. Jackson. 10:08.

Ms. Betz. Okay. 10:08. So we'll now begin with our first hour of questioning.

EXAMINATION

BY MS. BETZ:

Q What did you do prior to assuming your post in Benghazi? What's your experience or experiences?

A From when I started with the State Department?

Q Uh-huh.

A I joined State department in 2008, and I served 2 years in our [redacted] field, [redacted] I then did 2 years in [redacted] as the assistant regional security officer. During that time, I did a TDY to Yemen and also TDY to Benghazi. After that, I served a 1-year tour in Tripoli, Libya, and currently [redacted]

Q And did you do any or did you receive any type of training before assuming these posts such as high-threat training?

A Yes. Before going to [redacted], I completed the basic regional security officer course and then as well as the high-threat protection course.

Q And were these both required for assuming these posts?

A High-threat was not required for [redacted], but it was for Yemen and Libya.

Q Other than these two courses, were there other types of training or classes that you took such as firearms training?

A Separate than just the basic special agent course?

Q Uh-huh.

A Not in addition to the basic special agent course. There was some investigative courses I took, for instance, money laundering. I took two training sessions in that, but I don't know if that was really

relevant to what I was doing in [redacted] or Libya.

Q Right. And how did you first learn about the position, the TDY position in Benghazi?

A The desk officer for NEA contacted me and said, You did a good job in Yemen; would you like to go to Benghazi?

Q So they reached out to you?

A Yes, ma'am.

Q Did you know anyone that had previously served as the RSO in Benghazi?

A One of the other ARSOs in [redacted] with me had done a TDY to Benghazi as an ARSO there.

Q And were you -- given that the desk office reached out to you, so they knew you personally from previous positions?

A Yes, ma'am.

Q And do you know, were they looking for someone with specific experience to serve in this capacity or qualifications?

A I know they were looking for someone that had the high-threat training. I don't know what sort of other additional requirements they might have had.

Q Okay.

BY MS. JACKSON:

Q Did you have any prior military experience before becoming a DS agent or any other type of law enforcement experience before joining DS?

A No, ma'am.

Q And who was the desk officer who reached out to you?

A I believe it was [redacted].

Q Okay. And you said there was another agent from [redacted] that had served in Benghazi. Who was that?

A [redacted]

Q Okay.

BY MS. BETZ:

Q And he had served previously?

A In Benghazi?

Q In Benghazi.

A Yes, ma'am.

Q What sort of conversations then did you have before you left? Did you talk to [redacted]? Did you talk to [redacted] before you left about the position about?

A I'm sure I did.

Q About the environment?

A I remember at least talking to [redacted] about it, but I don't remember what was said.

Q Okay. Did you read any intelligence reports or threat assessments before you left either from the State Department, CIA, DOD?

A I was reading intelligence reporting, threat reporting weekly, if not daily. I can't -- I don't remember if there was something specific on Libya or Benghazi I was reading.

Q Did the previous RSO give you any turnover documents or any notes to help you when you came into the position?

A Yes, there is a turnover document.

Q And did it describe -- what did it describe?

A It described the resources that were available to the RSO, sort of our standard operating procedures, provided contact phone numbers, who to call for various scenarios, gave a readout on, you know, the guard program, the QRF force there, some of the other programs that were running there.

Q Okay. So it was a pretty comprehensive document, would you say?

A Yes.

Q When you -- when you left to travel, were you informed what to bring with you? Did you bring your own firearms? Was that something that was issued when you arrived at the compound or arrived in Benghazi?

A I could not bring my own firearm, so that was issued when I got there.

Q And what was issued to you?

A I had an M4 and a pistol.

Q And were those the only firearms that were on the compound? Were there others?

A Yes, there were other firearms.

Q Elaborate in a different setting?

Ms. Jackson. Just ask.

BY MS. BETZ:

Q Okay.

A The British who had left Benghazi left some of their firearms with us.

Q Okay.

A British security.

Q And were they similar in type?

A I never saw them. They were in the safe.

Q Okay.

A Which we didn't have access to.

Q Okay. Did you -- when you came into Benghazi, did you have any problems coming into the country, visa issues, any other issues?

A No.

Q You're laughing.

A It's always just hit or miss going in there.

Q Okay.

A At that time, it worked out great.

Q Did you travel alone, or did you travel with anybody else?

A Just by myself.

Q Just by yourself. And when you arrived at the airport, who were you -- who met you at the airport?

A I don't remember specifically. I would assume it was the other DS agents and some of the QRF members, but I can't say for certain who was there.

Q Okay. And did you have any conversations on the way back traveling to the post with those -- any conversations about the security environment? Were they concerned traveling from the airport

to post? Did you travel in a convoy or fully armored vehicle?

A I traveled in an armored vehicle, but I don't remember what the security package was, what sort of motorcade setup there was.

Q Okay. So when you left or in your conversations with [redacted], were you -- what was the reporting structure? Were you to report to [redacted]? Were you to report to Tripoli? Both in tandem?

A Both. If [redacted] was asking me something specific, I would respond to him and probably CC the RSO in Tripoli.

Q Uh-huh.

A As well as one of the other ARSOs in Tripoli. Otherwise, most of my reporting was directly to the RSO in Tripoli, oftentimes in consultation with the principal officer in Benghazi.

Q And did you have conversations with [redacted] daily? Would he ping you weekly? Daily?

A Weekly.

Q Weekly. And was he the only one that you were in contact with? Were there others?

A As far as stateside?

Q Stateside.

A [redacted] is the only one I can remember.

Q I want to shift gears a little bit. So when you arrived to the compound or at the compound, and you know, obviously you were aware of security issues. I want to talk a little bit about the reliance on Libyans for security, and specifically, was this something that was typical in your experiences for a post?

A Relying on host-nation nationals for security?

Q Uh-huh.

A In my experience, in [redacted], we had our guard force, there was about 200 of them, some of them armed and they were all third-country nationals, Sri Lankans, Indians, and Nepalese. And it worked well. We trusted them. They performed heroically in the attack [redacted]. In Yemen, also we had local Yemenis providing security, so it wasn't uncommon.

Q Okay. In the capacities that Libyans were asked to serve, is that different than -- was it different than in [redacted] and Yemen?

A No. They were serving sort of as a bodyguard capacity in Libya, which is also not uncommon. It's done at other posts. [redacted] comes to mind.

Q Was it your feeling that they were replacing American agents, DS agents?

A I can't answer that. I don't know.

Q Okay. The local guard force, what were they hired to do?

A Local guards provide access control essentially for visitors as well as us moving on and off the compound, and they also serve as the first line of defense in the event of an attack or some other sort of security incident would happened on the premise.

Q Were they armed?

A No.

Q So what did they -- how did they perform their work? So

you say they are the first line of defense. Would you elaborate a little bit more?

A Well, one is the first line of defense for who gets on to the compound.

Q Uh-huh.

A So they are checking badges, they are checking license plates, that sort of thing. They'll often itemize the vehicles to make sure there aren't explosives in the vehicles. If something were to happen, for instance, a mob or bomb or some sort of scenario like that, they have the IDNS pendants, which sound our alarm, and then they also have radios so they are instructed to call out a certain thing, DS agents, to alert us what type of attack it is and where they are.

Q Were there issues with radios, the LGF radios that you were aware of?

A I can't remember any specific issues. That doesn't mean there weren't. I just can't -- can't remember.

Q Problems getting radios into the country or other type of technical equipment into the country?

A I can't think of the example where that was an issue.

Q Okay. Were the LGF reliable? Were they trustworthy? Loyal?

A They were -- I would trust them to do the job that they were hired to do. I wouldn't trust them to put their lives on the line to defend us in an attack or something like that.

Q Is that something that would differ from -- I mean, from

having additional American sort of security agents on the ground?

A Well, I'm always going to trust an American more than I would a third country, you know, another national.

Q Right. Do you know how members of the LGF were selected?

A I do not, no.

Q So you weren't involved in hiring or selecting them?

A No. They were hired through Blue Mountain.

Q Okay.

A Which was the contractor.

Q Right.

A And I don't remember what sort of hiring process or vetting they did on the guards.

Q Okay.

Ms. Jackson. So did you see anybody vetting documents when you were there that vetting had occurred of the local guard force?

Mr. [redacted]. I don't remember seeing any. I know when I was hiring somebody, I vetted them through one of my contacts back in [redacted] to do name checks and that sort of stuff, but I don't know what the guards that were on compound, how they had been vetted.

BY MS. BETZ:

Q So you had done this on a previous capacity, worked and hired LGF?

A Yes. But not in Benghazi.

Q Not in Benghazi. Who was responsible for this in Benghazi, the LGF? I mean, Blue Mountain --

A Hiring them?

Q Yeah. Blue Mountain Group, but was there an ARSO or who sort of monitored Blue Mountain Group or worked with?

A I can't -- we divided the DS programs up amongst the ARSOs and the RSO, myself. I can't remember who specifically had the LGF program because they are in portfolios --

Ms. Jackson. But you did hire one local guard force while you were there?

Mr. [redacted]. Oh, it was a driver.

Ms. Jackson. It was a driver.

Ms. Betz. Okay. Okay. I'll come back to that.

BY MS. JACKSON:

Q Okay. Was the driver part of the local guard force or the QRF?

A No, no.

Q Okay. And is that the person that you described as you vetted through a contact in [redacted]?

A Yes.

Q Okay. And just walk us through how that worked. How is it that you can vet someone through [redacted] as opposed to contacts in Libya?

A This contact I have worked [redacted]. They have access to a lot of the systems we use when we conduct background checks or do vetting of employees, so I gave him a name and date of birth to run.

Ms. Betz. This particular.

Mr. [redacted] Particular person.

BY MS. JACKSON:

Q Was this person like dual U.S./Libyan national, or I guess I'm asking why -- how and why [redacted] would have information on a Libyan if the person was solely a Libyan national?

A Well, [redacted] has access to State Department records as well. So, in addition to any records they may generate [redacted] They would also have records that are generated by consular officers or either through lookouts or through information they glean during interviews of visa applicants or --

Q Were you able to vet this person through the normal checklist that you would vet a member of the host nation support?

A No.

Q And can you elaborate on what was different?

A Typically, if you're vetting a local national, you would go through various different agencies.

Q Such as?

A [redacted]

Q Would you do any local vetting normally --

A Yes.

Q -- like through the local law enforcement, financial institutions, and credit checks, things like that?

A I've never -- I'm not aware if we do credit checks and financial institution checks, but we do do local police checks.

Q Were you able to do any of that in Libya? In Benghazi, in

particular?

A I don't remember because we also had an assistant, Libyan assistant that was serving in sort of a management human resources capacity. I don't know -- I honestly can't remember if she submitted the names for local police checks.

Q And who was that person?

A I don't remember her name.

Q Does [redacted] sound --

A [redacted]

Ms. Jackson. Okay. Sorry.

Ms. Betz. No.

BY MS. BETZ:

Q Just sort of following up on that. So were you aware of any type of background check that the Blue Mountain Group was conducting on these individuals? Would they go through something similar or as rigorous as what you did, or what is the standard vetting process?

A I can't remember what their vetting process was.

Q Okay. Would the person -- would the ARSO who was monitoring or working with the Blue Mountain Group know that?

A I don't know. I mean, I feel like I would know this at some point, but I just don't. I don't remember.

Q Were you aware of the contract issues that the Blue Mountain Group was having at the time that you were in Benghazi --

A No.

Q -- with the Libyan partners?

A No.

Q So you wouldn't notice -- you didn't have -- weren't aware of any impact that the contract dispute was having on the performance of the LGF at the time?

A Not that I'm aware of.

BY MS. JACKSON:

Q So you don't recall any dispute between the Libyan BMG and the U.K. parent company?

A Not that I'm aware of.

Q Okay. All right. I have another question, but it escapes me. Go ahead. Oh, you know what, I do. We need to just establish. When were you in Benghazi?

A I was there the month of August 2012. I arrived July 30th and left September 1st.

Ms. Betz. So you weren't aware of the contract issues with D.C. Anybody else aware of contract issues or -- if you weren't aware, who would be aware of those contract issues?

Mr. Evers. Aware of -- who would be aware of things that he's not aware of?

Ms. Betz. Yeah. Well, I meant would D.C. know? I'm just trying to understand who would -- if he didn't know, does he have an idea of who may know a contract --

Ms. Jackson. Who was responsible?

Ms. Betz. Who was responsible for the contract. Would it have been the ARSO that was communicating about the contract dispute?

Mr. Evers. If you know.

BY MS. BETZ:

Q If you know.

A Typically a contracting officer is in charge of the contracts. I would have to assume that that person was strictly, but I don't know who is in charge of the contract.

Q Okay. So the QRF, the Quick Reaction Force, who were they?

A They were Libyan nationals who were members of the 17th February Brigade.

Q Were they -- were the members that were on the compound, were they loyal, trustworthy, did you believe them to be?

A I think loyal and trustworthy, I have to separate. That's two different things. Loyal, I believe that they weren't do anything to harm us and they would do their best to protect us, so they are loyal in that sense. Trustworthy, in that particular environment under the Qadhafi regime, counterintelligence issues are an issue, and we would have to assume that all Libyans would be pressured to provide information on us to the host nation.

Q Was the service that the QRF provided the post, was that something similar? Was it similarly provided to other Westerners or organizations in Benghazi?

A I could not speak about what sort of protection the other organizations had. I don't know if I ever saw it actually.

Q Was there precedent in your previous experiences for using a militia or brigade to serve in these capacities?

A Now that I'm aware of. There is precedent to use locals in a bodyguard capacity. I'm not -- I can't speak about all the other high threat posts around the world, whether they are using people that are attached to a militia or brigade for protection.

BY MS. JACKSON:

Q In [redacted] and in Yemen when you were there, who provided -- what were the QRFs in those countries? I mean, where did they come from? Were they a local police? Were they military? Can you compare and contrast what you had in Benghazi with what you experienced in [redacted] and Yemen when you were there?

A Sure. [redacted] has a competent security force of [redacted] that would respond to events. Our own personal Embassy QRF in [redacted] consisted of their country nationals [redacted]. In Yemen, our bodyguards, which we would consider a QRF, we also had a QRF element where Yemeni nationals, and they also have host nation security support on the perimeter that could respond. Benghazi does not -- did not have much of a security -- much security -- many security capabilities that I saw. You didn't typically see police. You didn't see military.

Ms. Betz. Were those typical security elements, did you envision -- did you rely on them as part of sort of this concentric ring of security? I mean, were they integral to your plan on paper?

Mr. [redacted] The QRF?

Ms. Betz. The QRF, the police.

Mr. Evers. And in which country?

BY MS. BETZ:

Q I'm sorry. Back into Libya.

A The QRF were certainly part of our security plan.

Q Okay.

A And you would say they are one of the rings of security.

Q Okay. Do you know how they were selected to serve on the compound?

A I don't know how the ones that were there were selected. I can only speak to when I was there, we -- they attempted to give us a new QRF member and I can only speak to how that person was selected.

Q How did that --

A One of our QRF members resigned, so we requested a new one from the 17th February, which they sent us, and we didn't accept him.

Q Do you know why the initial QRF member resigned?

A He was having personal issues with the QRF leader, [redacted]

Q Okay. And why was the initial replacement not acceptable to you?

A It was my understanding that he had already been a member of the QRF in Benghazi and he had been fired previously. I never got the full story on why he was fired, but it was either related to drug use or some counterintelligence issues.

BY MS. JACKSON:

Q So he had been previously a member of the QRF on the U.S. compound in Benghazi, not just a member of the militia? I just want to make sure I understand.

A Yes. I was told that he had been a member of the QRF and the compound in Benghazi, but I did not -- I wasn't there when he was a member.

Q But you were told that he had been a member of the QRF and had been previously terminated?

A Yes.

Q And then he came back for round two, but that was rejected?

A He was sent back to us for round two, yes.

Q Yes. Did you ever get a replacement for him, for the one who left?

A Not that I recall.

Q So how many QRF members did you have?

A Three.

Q At that time, after the one left?

A Yes. We had --

Q Were you at three and went down to two, or were you at four and went down to three?

A I can't say with certainty. I remember three specifically. I can't remember when I left if we were down to two or we had three. Maybe somebody else can.

Q And did that number include [redacted]?

A Yes.

Q Tell us about [redacted] What was his role?

A [redacted] was the QRF leader for the group that was on the compound. He -- I guess that describes him.

Q Okay.

A Or his role at least.

Q If you know, was he selected to -- and sent to you as the supervisor, or did you or prior agents have some say in who was going to act as the supervisor of the QRF?

A I do not know how he was selected, if that was done by us or if he was sent that way.

Ms. Betz. And did he play a role in the replacement coming back for round two? Do you know?

Mr. [redacted] I believe the replacement was related to him somehow.

Ms. Betz. Was related to [redacted]?

Mr. [redacted] Yes. I'm not positive, but I believe that I remembered that that was the case.

BY MS. JACKSON:

Q And why, again, was this person rejected?

A Like I said, I never got the full story, but there were rumors that it was related to drug use that he was released. The other rumor was that he was a CI concern, sharing information with host nation about us.

Q And who made the decision not to hire him?

A I did.

Q Okay.

BY MS. BETZ:

Q Would you have consulted [redacted] in the conversation -- or in

the decision to reject him? Was he aware?

A Yes.

Q So he was aware that you had made the decision not to hire --

A Yes.

Q -- this individual.

BY MS. JACKSON:

Q Were there any similar concerns with [redacted]?

A Similar concerns. Sorry, can you be more specific?

Q Either nonperformance because of drug use or counterintelligence concerns, or were there any concerns that were raised to you regarding [redacted]?

A Well, I have counterintelligence concerns over every Libyan employee I worked with both in Tripoli and there, but no concerns related to drug use, no.

Q Okay. Did anyone consult with you or confide in you that there were -- beyond your natural suspicions of local Libyans, that there were any concerns with [redacted] or any other member of the QRF?

A If I remember correctly, before [redacted] who was the QRF member that resigned when I spoke with him during his resignation, I believe he said that [redacted] was spreading rumors about him back at the Brigade, basically accusing him of being a spy for the Americans. That was all I remember really about that incident, I think.

Q Okay.

Ms. Betz. So, just to follow on your concerns about counterintelligence, I mean, did you have anything specific that you

were aware, or were these just speculations, just given your previous experiences?

Mr. Evers. This about [redacted] or --

BY MS. BETZ:

Q [redacted]. I'll --

A I just -- I think we, or at least I assumed that he was sharing information with Brigade about what he was doing on the compound and what we were doing. I can't think of a specific example of why I would have thought that.

Q Did you share these concerns with anybody?

A Yes. I shared them with the desk officer, [redacted] as well as the ARSO in Tripoli, maybe the RSO in Tripoli.

Q Would that be --

A [redacted]

Q [redacted] [redacted] So he was aware of these concerns with regard to --

A Yes.

Q -- [redacted] and counterintelligence?

A Yes.

Q So other Westerners and their interactions with Feb 17, did they share similar -- for example, the U.K., did they share similar concerns with the Feb 17th with you?

A I don't know if I ever talked to other Western groups about Feb 17.

Q Okay. Apart from [redacted], the other members that were on the

compound, how did they perform? Similarly?

A In my opinion, Feb 17 wasn't a particularly professional fighting unit like you would think of an American military unit. They struggled with even basic tasks.

Q Uh-huh.

A But they were attached to the largest brigade in the city. They served as a buffer, I guess, to some of other militias, so there was value in that.

Q Was the Ambassador concerned? Do you know if these concerns about Feb 17 were communicated to the Ambassador?

A I don't know if they were.

Q Was the PO at the time concerned?

A Yes. He shared the same concerns I did about CI issues.

Q And did --

Ms. Jackson. Who was the PO?

Ms. Betz. Who was the PO?

Mr. [redacted]

Ms. Jackson. And PO is principal officer?

Mr. [redacted] Yes, ma'am.

Ms. Jackson. Okay.

BY MS. BETZ:

Q And at the time, was there discussions about the contract with Feb 17 and keeping this relationship?

A Discussion between me and the PO or --

Q Or just general discussions. Do you know if the officer

was having conversations with the Ambassador as well about keeping the contract moving forward? Were you a part of this -- any of these discussions?

A I wasn't a part of any contract discussions. Contract, I guess, is a strange way to think about it.

Q MOA, a memorandum of agreement with --

A Okay. Yes --

Q -- the government?

A -- I was involved in drafting and working on the memorandum of agreement between us and Feb 17?

Q Was one ever executed while you were there?

A There had been one that had expired, and based on QRF's performance, some other issues, myself and one of the ARSOs drafted a new 1, a new MOA, and we presented it to the QRF on compound. I don't know if that got presented to the actual Brigade or the host nation, but we used it as an agreement between us and the QRF on the compound.

BY MS. JACKSON:

Q So they agreed to the terms?

A Reluctantly.

Q How did it differ from the initial agreement?

A I don't -- I don't recall what the initial agreement said. The agreement that we wrote up basically detailed what was expected of them as far as performance. We were having trouble getting them to work.

Q Show up at all or --

A They were showing up. They were just -- there was pushback when we'd ask them to go on moves with us, to serve in the follow car, or you know, where their static position should be around the perimeter providing security. So we drafted something up that clearly explained what was expected of them and what their duties were and that this is why they were getting their stipend of $35 maybe. I don't remember what it was.

Ms. Betz. So you gave them a list of work requirements?

Mr. [redacted] Yes, I believe so.

Ms. Betz. So we are going to mark this as exhibit 1.

[[redacted] Exhibit No. 1

Was marked for identification.]

Mr. Evers. When you're ready to go, can we read the doc number into the record whenever we're ready to go?

Ms. Betz. So, just for the record, the witness is looking at doc No. C05397229.

Mr. Evers. And the cover page?

Ms. Betz. Cover page, which is CO5397228.

Ms. Sachsman Grooms. And just for the record, it is unclear to me from the production that although it appears to be that this is the attachment to that email, I think, that all of the documents that follow in the production, document numbers of this exhibit, they are a little off, are the correct attachments to the email, so it would probably just be helpful if you could authenticate that.

Ms. Betz. Okay. So, moving to the second page, is this

something -- is this document -- the email that you sent or that [redacted] sent you which reflects the QRF work requirement, is this something that you were aware of? Were you involved in drafting -- drafting this document?

Mr. [redacted] I am aware of it. I don't know if I would have drafted any of this. I certainly would have reviewed it.

BY MS. JACKSON:

Q Were these the work requirements that you just referenced a little while ago regarding the new memorandum of agreement with the QRF in Benghazi?

A As far as I know they are, yes.

Q They look familiar to you?

A They look familiar, yes.

Q The cover page is an email from a [redacted] to you with others cc'd. Do you know who [redacted] is?

A Yes, he was an ARSO that I supervised.

Q Okay. So he was an ARSO in Benghazi?

A Yes, ma'am.

Q And on the cc line, are these other ARSOs who were also in Benghazi at the time you were there?

A Yes, ma'am.

Q Okay. So this is a document that was being sent around between the core group of the DS agents in Benghazi?

A Yes, ma'am.

Q Okay. So it's possible that Mr. [redacted] was the initial

drafter of this document?

A If I remember correctly, the QRF was his portfolio before it was [redacted], I believe, so, yes, it would seem likely that he drafted it.

Q Okay.

BY MS. BETZ:

Q And did you oversee the drafting, given your involvement in the contract or the MOA, in the drafting of the MOA?

A Well, I was the acting RSO at the time, so I would have been in charge of all the programs as well as supervising the agents there.

Q Okay.

BY MS. JACKSON:

Q Then do these requirements, to the best of your recollection, detail what the QRF was required to do once you entered into this new agreement?

A Yes, ma'am.

Q Okay. And, in particular, which of the 10 requirements here did they have any issues with that were brought to your attention?

A I'm not sure I can state specifically which one of these 10. I can tell you what their issues were. I don't know if I could narrow it down to one of these 10, though.

Q Okay. Could you just tell us again then what the issues were?

A Sure. They didn't want to do movements necessarily off the compound with us, particularly short-notice movement. They also did

not want to do essentially static positions at the front gate. I guess that would speak to number two.

Q Did they say why they didn't want to do movements with you, especially on short notice?

A No, they didn't. In my experience with Libyans, they were just a little bit lazy.

Q You didn't feel that it had a counterintelligence purpose or basis in any way?

A No, I did not.

Q Okay. Go ahead.

BY MS. BETZ:

Q And the reason for elaborating these work requirements was that they were having -- this was to give them a set of basically benchmarks or measures so that they knew specifically what their responsibilities were?

A That's correct.

Q And they were having trouble sort of defining what their responsibilities were?

A They're just a little bit sort of like petulant children that you have to give them guidelines and guidance, I guess.

Q And the guidance, was that, in your experience in previous posts, was something that was not necessary? For example, in [redacted] or Yemen, did you have to spell out work requirements for the QRF or any security that a host nation might provide?

A Well, as part of a disciplined security force, you always

have work requirements and guard statements, but in my other posts, we didn't have those statements and guard orders as a result of problems with the guards. Whereas, in Benghazi, we drafted these because we were having issues with QRF.

BY MS. JACKSON:

Q During the time that you were there in August of 2012, did the QRF continue to make movements with you after this agreement was reached?

A Yes.

Q Okay. So at any time at the -- towards the end of your tenure, had they refused to go on any movements with you?

A I think they complained about movements that we had asked them to go on, but I don't remember them ever outright refusing to go on a movement.

Q And did you have any conversations or discussions with the leadership of Feb 17th over this memorandum of agreement?

A I don't recall ever meeting anybody in leadership in Feb 17.

Q Okay. So you didn't try and get this agreement signed off on by anyone other than the guard force that was on compound?

A Correct, I believe so.

Q Okay.

BY MS. BETZ:

Q Was the leadership aware of these work requirements; do you know?

A I don't know.

Q So, shifting from the QRF, some of the other security forces that the post might have relied on might have been the SSC. Were you aware of the SSC?

A I knew it was an organization that existed. I don't recall ever seeing them.

Q And for the record, what is the SSC?

A It's the Supreme Security Council.

Q So they were not an integral part of your security plan?

A In the time that I was there, they were not a part of the security plan. My understanding was prior to my arrival, there were one or two SSC officers that were detailed to the mission, but they had not been paid, so they stopped showing up.

Q So they weren't reliable?

A No.

Q Did post have any interactions with the Libyan Shield?

A Not that I'm aware of.

Q And what about the local police? Were they of assistance in any -- at the post? Were they contemplated as part of the security plan?

A They were contemplated. I drafted a DIP note requesting daily 24/7-hour police support at the mission. We got that briefly, I believe, for a couple of hours one day. I instructed the guards that if they see a police car going past the mission, to just flag it down and I'll come out there and talk to them and try and cajole them and

sweet talk them into staying of they could, but that was sporadic at best.

Q Had they been reliable, what security would they have provided to the post?

A The only issue or incident I'm aware of where we requested local police support, I don't know if it was police or SSC, was an incident that happened a couple of days before my arrival, which was a possible hostile surveillance incident at the south gate. I can't remember if it was SSC or police investigated these people that were possibly conducting surveillance and did not have the authority to arrest them or -- and didn't seem to have any either desire or capabilities to further investigate.

Q So, not having authority or desire, that was pretty much standard among the police or the police force in your experience?

A Yes.

BY MS. JACKSON:

Q How did you want to compensate for that? You know, you go into a country and you want host-nation support, you want local law enforcement to be, you know, functional, and you don't have that, how -- in your opinion, how would you want to compensate for that?

A I have unlimited resources?

Q Or reasonable resources.

A Reasonable. Okay. Well, with the resources that we had, the best way that we could compensate for it was, one, increase training to our own QRF. We try and do some physical security upgrades to

increase the physical security of where we were at, [redacted]. In a world where perhaps we had more resources, I would always prefer to depend on American security, whether that be DS or the military or contractors.

Q Was there -- given the size of the compound and the number of Americans on the compound, was there a minimum number of agents that you thought were needed?

A I guess that would depend on what other Americans were there, like who we were charged with protecting. I don't know if I can give an answer about how many agents I would feel comfortable with as a minimum.

Q How many did you have? How many Americans did you have to protect on the compound while you were there in August?

A Two.

Q The principal officer and the IMO?

A Yes.

Q Okay. And did you feel like you had the minimum number of agents you needed for the protection of those two persons, the other agents that were there, given the size of the compound?

A Based on the threat reporting at the time [redacted], I felt it was appropriate. The only time I wished we had more people was when we were doing off -- more Americans -- is when we were doing off-compound moves. So we would have, for instance, the DS agent is always going to [redacted] We probably prefer [redacted]

[redacted].

Q And you didn't have that when you were there?

A No, ma'am.

Q Now, you said that, given the resources [redacted] you felt like you had enough to secure the compound. [redacted]

A I don't know if I would say that I felt we had enough to secure the compound. I don't know if I ever felt that we could secure the compound, [redacted]

BY MS. BETZ:

Q What were your initial impressions of the compound?

A It did not appear -- it was not like the other compounds that I had seen. It appeared to be more of a low-profile building, lower footprint than your typical embassy or consulate. It didn't have the signs up saying "U.S. Embassy" or "Consulate." It didn't have some of the physical security features you would typically see at an embassy or consulate, such as Delta barriers or chicane. There wasn't the host-nation police presence, the military presence that you would find at your typical embassy or consulate.

So my impression was, it was a lower -- or a lower profile mission, and it would be difficult to defend it in the event of a coordinated attack based on our resources there.

Q Was the lower profile, as you describe it, is that something that was communicated to you before you arrived, or these are your first impressions of the compound?

A These would have been my first impressions of the compound when I saw it.

Q Were you aware of the physical security deficiencies when you arrived? Were there some of the observations that you made upon your arrival?

A I don't know if I was aware of any of the deficiencies. Like I said, one of the other agents that was in [redacted] had been there, and he might have mentioned to me some deficiencies that were deficiencies in his opinion. Most of the deficiencies, in my opinion, that I saw, were generated through my own experience.

Q What were some of them?

A There wasn't a lot of setback between the main road on the south and our walls. Our walls were not constructed in the same manner that you would see at other embassies. The gates were -- did not appear to be reinforced and did not seem that you could easily get in and out of them with some of them. There wasn't a Delta barrier. There was vegetation growing over the walls.

So we didn't have any sort of host-nation security support on the perimeter. There was only one true wall around the compound, so you don't -- you didn't have a complete interior wall or at least C-wire on the inside to prevent people from coming over the -- where the fence is and advancing, so to speak.

Ms. Jackson. Is that concertina wire?

Mr. [redacted] Yes.

Ms. Jackson. C-wire. Razor wire, as I would call it.

Mr. [redacted] Razor wire.

Ms. Betz. Did you communicate these concerns to Tripoli, to D.C.?

Mr. [redacted] I told the desk officer in D.C. as well as the RSO in Tripoli that I didn't think we could defend it, the compound, and then the RSO asked for a wish list of security upgrades, which I provided to him at some point during my time there.

Ms. Betz. Okay. I'm going to enter in exhibit No. 2.

[[redacted] Exhibit No. 2

Was marked for identification.]

Ms. Jackson. Why don't we go off the record because this is rather lengthy, and it might take awhile to go through it. Take your time.

Mr. [redacted] Okay.

Ms. Jackson. We can take a break.

[Recess.]

Ms. Jackson. We'll go back on the record. It is about 11:23.

[[redacted] Exhibit No. 3

Was marked for identification.]

[[redacted] Exhibit No. 4

Was marked for identification.]

MS. JACKSON:

Q [redacted], you have before you now three exhibits marked 2, 3, and 4.

And, for the record, exhibit 2 is State Department document No. C05474918. And it is, at the top, an email from [redacted] dated August 29, 2012, sent to [redacted], and the subject is "Fwd: RSO Turnover Docs."

Exhibit 3 is a series of pages from State Department document No. C05578292, and it is a series of pages, at the top dated 8/22/2012, and has a heading of "Security Requests for U.S. Mission Benghazi." It's followed by some photographs and then a page marked "Equipment Requests" and then some -- appears to be spreadsheets of names of agents and perhaps a diplomatic note in Arabic. And then it appears that all the pages have been repeated again.

And then exhibit 4 is State Department document No. C05391853, a document entitled "Regional Security Officer Turnover" notes, bearing a date of August 28, 2012.

Agent [redacted], are you familiar with these documents?

A Yes.

Q Okay.

The email, I read the heading at the top, but it has embedded in it an email that appears to be from you to [redacted] on August 27, where you reference that you are attaching four documents to assist in the turnover.

Are exhibits 2 and 3 comprising what you recall to the best of your ability the documents that you attached or a version thereof? I'm sorry, 3 and 4.

A Yes, they are.

Q Okay.

And when you say in your email to [redacted] on exhibit 2, "You will find four documents to hopefully assist in the turnover," why were you sending them to [redacted]?

A He was the acting RSO that was replacing me.

Q Okay. So he was coming in in early September.

A Yes.

Q Okay.

And so did you prepare any of these documents or assist in preparing any of these documents?

A Yes. All of them.

Q All of them? Okay. And so these would have been the information that you were conveying to [redacted] as he was going to resume the position of the acting RSO.

A Yes, ma'am.

Q Okay.

Ms. Jackson. I think that's all the questions I have on these documents. Our time is now up at the end of 1 hour, so we're going to turn the questioning over to the minority. Why don't we just go off the record as we change seats.

[Recess.]

Mr. Kenny. We'll go back on the record. I note the time is 11:28.

Agent [redacted], I just want to thank you again for appearing today. On behalf of the Select Committee's minority staff, I just want to thank you again for both your service and for appearing here today.

I'll just take a moment to reintroduce myself. My name is Peter Kenny. I'm a counsel with the Select Committee minority staff. I'm joined here by some of my colleagues. To my right is our staff director, Suzanne Sachsman Grooms.

And I just would like to say at the outset here, we understand that appearing before Congress can seem to be a daunting experience, so we want to assure you that we'll work with you to make this experience as straightforward and as simple as possible for you.

We also do understand and want to acknowledge again at the outset that you and your colleagues lost friends and fellow patriots on the night of the attacks. So, again, just thank you for your service, and thank you for being here.

EXAMINATION

BY MR. KENNY:

Q I'd like to begin briefly returning to the beginning of the discussion at the last hour. We were talking about your background, your experiences.

You had indicated that you were contacted by the desk officer for the position in Benghazi. And I would just like to ask, you were offered a role in Benghazi, and it sounds like you accepted that role. Can you just explain for us why you accepted the TDY in Benghazi? What did you hope to gain through your experience?

A I don't know if there was anything I necessarily hoped to gain professionally from the experience, but I do enjoy seeing new cultures, new environments. Benghazi or Libya in itself at that time was an interesting place based on the revolution. So I can't really specifically think of a reason why I really wanted to go there, but I did, and I went.

Q Okay.

You had also mentioned that you had served in a TDY capacity in Yemen. I'd just like to ask you, where specifically were you posted in Yemen?

A Sana'a, the capital.

Q And how long was that TDY for, roughly?

A Two and a half months, I think.

Q Okay. And did that TDY precede your time in Benghazi?

A Yes.

Q Okay. Do you recall about what the sequence or the timing

was between the two?

A I think there would have been about a year in between, but I can't remember the exact dates.

Q Okay. That's fine.

And you had mentioned that the desk officer had contacted you specifically because of your TDY posting to Yemen. Is that correct?

A Yes.

Q And what was it about that experience, to your understanding, that would have been helpful for the Benghazi posting?

A Well, Yemen was going through the Arab Spring. They just were in the process of going through a revolution. It was a dangerous environment with a terrorist presence and threat there and also Arab-speaking, so I would assume that there were some similarities in Yemen to what had happened or was happening in Libya, Benghazi.

Q Okay. And based on the description of your assignment in Benghazi, also based on your previous experience, did you feel up to the task at that time?

A Yes.

Q Okay.

And just, again, a foundational question. I don't recall if this was asked of you in the last hour. But what specifically was your role and your responsibilities in Benghazi?

A In Benghazi, I was the acting RSO, so you're in charge of the security for the mission and the people in Benghazi. You would advise the political officer on security issues and then also report

intelligence and security issues to Tripoli. Either they would report it to Washington or, occasionally, I would report things to the desk officer in Washington.

Q Okay. Thank you. That's very helpful.

I'd like to shift now and pick a specific point in time. You mentioned as part of your role as acting RSO that you would report on the security environment. Are you familiar with the term "emergency action committees"?

A Yes.

Q Okay. And what is an emergency action committee?

A The Emergency Action Committee consists of members of the embassy community. When there is an emergency or security incident, the committee will convene and discuss the incident as well as steps forward either to mitigate the incident or resolve the incident.

Q Okay. And do you recall participating in any Emergency Action Committee meetings, or EACs -- we'll use the abbreviation "EAC" -- meetings while you were in Benghazi?

A Yes. I participated in one.

Q Okay. And when did that particular EAC occur, to the best of your recollection?

A Mid-August, I believe, to -- somewhere between mid-August and the end of August.

Q Okay. And do you recall who participated in that particular EAC?

A It was myself, the principal officer, [redacted]

[redacted]

Q Okay. Did any of the other ARSOs participate in the EAC, do you recall?

A I don't believe so, but I don't know for certain.

Q Okay. So you recall an EAC in the mid-August timeframe. Does the date August 15, does that sound about right to you?

A I honestly can't remember. It could be. I don't remember the specific date, though.

Q Okay. In the run-up to that EAC, was there a specific incident or a catalyst that caused post to hold that EAC?

A I had reviewed the tripwires we had at post and made some comments on tripwires I believe we had broached, and I forwarded that document to the RSO in Tripoli, who shared it with the front office. I believe the Ambassador then requested that we hold an EAC as a result of that document.

Q Okay. So you mentioned the front office. By "front office," do you mean the front office in Tripoli?

A Front office in Tripoli.

Q Okay. Who would that include?

A It would be the DCM and the Ambassador. I don't know if it was shared with both of them. I just remember it was the front office.

Q Okay. Thank you. That's helpful.

I think at this point it makes sense to go ahead and enter into the record exhibit 5.

[[redacted] Exhibit No. 5

Was marked for identification.]

BY MR. KENNY:

Q And for the record, I'll just note that this is an email from you to [redacted], dated August 14, 2012. Subject reads, quote, "Tripwires," close quote. The document ID is doc No. C05578623. I'll give you a moment to review this document.

Do you recall this particular document?

A Yes.

Q Okay.

And I'll just also note for the record, I had read from the header of the email. The email indicates that there is an attachment, quote, "Benghazi assessment of tripwires broached as of August 13.docx," close quote.

This was produced as part of the same document, so it appears that the document here is the attachment to this email. Do you agree? Does this look familiar to you?

A Yeah, it still looks familiar.

Q Okay.

So, within the attachment, which is where I'll focus, there appears to be a list of tripwires. And under certain tripwires, there appear to be comments.

And a moment ago you just referred to both the tripwires and the comments. I just would like to ask, do you see that in this document? I know the copy is not the best, so I just want to make sure that you're

able to discern the comments from the tripwires.

A Yes, I think I can do that.

Q Okay. And we can help you, as well, here as we work through this, and I can direct you to some specific portions.

A Your version looks easier to read than mine.

Q When we walk you through it, I'll point out specific portions for you.

But, first, I'd like take a step back here, because you were describing a sequence of events that led up to the mid-August Emergency Action Committee meeting. You had indicated that you had prepared a set of tripwires and an assessment that was then forwarded on and that that somehow led to Embassy Tripoli requesting that post hold an EAC.

Is this the set of tripwires and the assessments that you prepared that led to those events, or led to the EAC?

A They are. But I would clarify that I did not prepare all these tripwires. We already had this tripwire document. At some point, I modified the tripwires, in consultation with the PO, to better reflect the environment at the time. But I definitely wrote the comments that are highlighted.

Q Okay. So that's helpful. So there was a previous set of tripwires that was in place, to the best of your recollection?

A Yes.

Q There were. And you mentioned that you had modified -- we'll just focus on the tripwires for now before moving to the comments -- that you had modified some of those tripwires. Do

you just generally recall what categories or maybe specific tripwires that you modified and perhaps why you made those modifications?

A Some of them were not relevant to the current either political or security environment. For instance, they might have made reference to, like, a congress or something that was not in formation anymore. They weren't substantive revisions. They were revisions just to reflect the current political and security situation.

[Discussion off the record.]

BY MR. KENNY:

Q So we'll note here at the top that this appears to be the assessment of tripwires broached as of August 13, 2012. When you refer to modifying the tripwires, were some of the modifications that you just recalled for us, did those appear to be reflected in this document?

A I can't remember if these modifications were in this document or a document that we modified after the EAC.

Q Okay. That's fair.

In making the modifications, whether before or after -- you mentioned you can't recall -- is there some sort of best practices that guides you to developing them? Do you just use your judgment as an RSO, in this instance, to do that?

A Well, I consulted with the principal officer, because typically your creation of tripwires is something that is done more on the political side of the house as opposed to the security side of the house. But in reviewing and modifying these tripwires, I was drawing upon experience with tripwires I had looked at in Yemen, when

we held EACs there, as well as in [redacted].

Q Okay.

And I guess, at this point, it would be helpful just to take a step back again and just ask what tripwires are, what their role is.

A Okay. Tripwires are lines that are helpful in guiding decisionmakers to determine if it's appropriate to change, one, the security posture in country or, two, the footprint of the U.S. Mission in that country.

Q Okay.

You mentioned a moment ago that you couldn't recall if this particular set of tripwires reflected modifications that you made. Looking at these tripwires now, do you think that these tripwires were tailored to reflect the current conditions in Benghazi at that time?

Let me ask it this way. Do you feel that this set of tripwires was appropriate for Benghazi?

A Yes.

Q Okay. Why do you feel that way?

A Well, substantively, these are similar tripwires that you would see at other places in the world that we use. They're referencing actions that you may want to take if you have restricted freedom of movement, if there are disruptions to infrastructure, if there are weaknesses or deficiencies in the police or security services in the country. I don't see anything on here that seems out of place.

Q Did you feel that this specific set of tripwires captured the range of relevant security concerns that one could face in Benghazi?

A Yes.

Q Okay.

The tripwires -- we'll refer to the document now -- appear to be organized in three categories. The first one is, quote, "events triggering a heightened security posture," close quote; the second one, quote, "events triggering consideration of authorized departure," close quote; and, third, quote, "events triggering consideration of ordered departure," close quote.

Can you just explain the meaning of each of those categories?

A "Heightened security posture" would mean that you would not -- American personnel under chief of mission authority would not be leaving the country, but you may increase your security posture. For instance, perhaps you restrict movements or creates guard presence or police presence.

"Authorized departure" would be voluntary departure for certain noncritical members of the embassy community.

And "ordered departure" would be mandatory departure for noncritical members of the embassy community.

Q Okay. And could you just elaborate further on what is meant by "critical" versus "noncritical"?

A Critical members of the embassy community would be your security personnel, your front office, your political section. Typically, your consular section is critical. Your communications is critical, the management officer. I'm sure I'm forgetting others, but that's the ones I can remember.

Q Sure. Is it fair to say that the three of these categories here, that they fall along a continuum from less serious to more serious?

A Yes.

Q Okay.

The latter two categories, both refer and use the term "consideration." So they say, events triggering consideration of either authorized or ordered departure. Can you explain for us what your understanding of that term is in this context?

A Well, the EAC will convene, and they will consider the tripwires and which tripwires may have been broached. And then that is presented to the front office, who, in coordination with headquarters, determines whether or not to go on authorized departure or ordered departure, for example.

So it's a consideration that post isn't making the specific decision whether or not to go on one of these departures but is providing that information to decisionmakers in headquarters, in consultation with the Ambassador, about the appropriate step to take.

Q And would that decisionmaking process, would that include input from the RSO?

A Yes.

Q Okay.

We'll refer now to some of the specific comments in here. So these are underneath -- the best of our understanding is there are going to be dashes on the left side, and then, where there's text below, it

appears to be a comment. And there is some highlighting, but, again, the copying and the way the documents were produced, it's a little bit of a challenge to discern.

I'd just like to refer you -- we'll go under, first, the "authorized departure" section, the very last tick. There's a quote there that reads, quote, "Security forces appear unable/unwilling to proactively address U.S. Mission Benghazi security needs. SSC members have not been paid and have ceased showing up at the U.S. Mission. RSO requests for a police presence outside the mission have gone unanswered thus far. Host-nation security does not appear to have the ability/desire to prevent/mitigate threats against the mission," close quote.

And I'll just note that that comment appears to be repeated in various places throughout this document. I'd just like to ask you, these repeated references to the willingness and the capacity of the host-nation security forces to assist the mission, is that a topic that you closely tracked?

A Yes. I mean, I wrote this statement that you just read.

Q Okay. So you were generally aware of --

A Yes.

Q Okay. And can you just explain for us what steps you were taking or others at the mission were taking to address those concerns?

A I had tried to get a contact within the Libyan security apparatus that I could liaise with, which is typical for RSOs wherever they're posted around the world, and I had been unable to do that. I

had requested police presence through a diplomatic note, but that had gone unanswered. I was resorting to, you know, flagging police cars down and talking to them to try and get them to stay, and that didn't seem to work.

There wasn't any sort of information-sharing, which is typical, or at least in my experience has been typical, at other embassies or consulates. Where, you know, we provide law enforcement security information to the host nation, they would then, in return, supply us information.

And then just the incident -- the fact that the prior incident we had with the gelatina or alleged gelatina bomb at the mission had not been resolved, and it did not appear that local law enforcement was actively pursuing investigation of that, as well as their inability to pursue the possible hostile surveillance incident that was outside our south gate.

All those things I just mentioned led me to believe that they didn't have the ability/desire to prevent/mitigate threats.

Q Okay.

And you mentioned in the last hour, I think, some of the steps that you were taking to mitigate the lack of the capacity or the willingness. Could you explain further what steps the mission took to address specifically those concerns?

A Well, because we couldn't count on the host-nation security to provide us any sort of security support, we were forced to look inward, to depend on ourselves. So we increased our training with the

QRF as well as the guard force.

We took some creative steps as far as physical security went -- for instance, erecting a, sort of, makeshift chicane outside the north gates or at least the main gate.

[redacted]

Q Thank you. That's helpful.

I'll refer you to, real quickly as we move through this document, the middle of the first page of the assessments. There is a tripwire that reads, quote, "armed attacks on political candidates or election commission offices," close quote. Then underneath it says, quote --

Ms. Sachsman Grooms. We're in the "events triggering a heightened security posture" section.

Mr. [redacted] Oh, okay. I see it.

BY MR. KENNY:

Q And it reads, quote, "There have been a spate of attacks/assassinations/kidnappings on former Qadhafi loyalists in the past month," close quote.

Regarding attacks, assassinations, kidnappings, that's another theme that seems to run throughout this document. What can you tell us about those events?

A I would say that, according to my memory, it was almost a daily occurrence, or at least a couple times a week, where there was an attack, assassination attempt, or kidnapping attempt on various Libyans within the Benghazi area.

Q Was your sense that that particular string of events was

targeting mostly Libyan nationals at that time?

A No. There were kidnappings of non-Libyans, I believe the Red Crescent. There were some Iranians that were kidnapped. And I believe there was an American, maybe a dual-national, lady that was kidnapped at one point.

Also, I can't state for certain that this happened while I was there or just prior to when I got there. I would have to look at a list of the incidents.

Q Okay.

So you mentioned a kidnapping of some Iranian ICRC members as well as possibly a dual-national. Were any of those kidnappings, that violence -- to the best of your recollection, were any of those events being directed towards Westerners because of their Western affiliation?

A Not that I know of, no.

Q Okay.

Just flipping back to the cover email here, you indicate in the body of this email, quote, "My comments are in yellow in the attached document. Perhaps we can use some of these as talking points in the EAC," close quote.

And, again, you are writing to the principal officer here --

A Uh-huh.

Q -- when you said that.

The "EAC," again, refers to the Emergency Action Committee meeting. And you mentioned that you personally attended that EAC

meeting. Was this document used in the EAC?

A I can't say for certain. I most likely would have brought this with me, but I can't say for certain that we used it.

Q Okay.

A I can say we certainly touched upon themes within this document.

Q Okay. Do you recall specifically discussing whether any tripwires had been broached or crossed in the EAC?

A I don't remember, no.

Q Okay. Do you recall if the EAC determined that any specific tripwires had in fact been broached or crossed?

A I don't remember.

Q Okay.

What was your role in the EAC as the acting RSO?

A My role was to share some of the security concerns I had with the embassy community, as small as it was, and see if there were others that were sharing those concerns or if they had ways that we could perhaps mitigate some of those concerns.

Q And you mentioned a few moments ago some of the participants in the EAC. Is it fair to say that the EAC brings together the relevant security experts and decisionmakers at posts to make decisions?

A Yes.

Q Okay.

To the best of your recollection, did the EAC discuss the security situation in Benghazi?

A Yes.

Q Okay. How carefully or closely did the EAC consider the security situation in Benghazi?

A Very carefully.

Q All right. Do you recall sharing specific concerns in the EAC?

A Yes.

Q What were those?

A I recall being concerned that I didn't have a host-nation security contact that I could liaise with. I was concerned that we would not be able to defend our compound, the Embassy compound, for a variety of reasons.

I was concerned that it was becoming more dangerous in Benghazi, and, although we weren't specifically being targeted, I was worried we might be in the wrong place at the wrong time, so to speak, and be a victim of violence.

Q Okay. When you say "wrong place at the wrong time," are you referring to off-compound moves?

A Yes.

Q Okay.

Can you just share with us generally -- you had raised these concerns. Was there a discussion about the concerns?

A Yes, there was discussion about the concerns.

Q How would you characterize that?

A A robust discussion about the concerns.

Q And they sound like they were serious concerns that you raised.

A Yes, they were serious.

One of the other members of the EAC said they didn't -- if I remember correctly, they said they didn't think it was likely that I would be able to find a host-nation security liaison.

Q And why was that?

A Either there wasn't one or they wouldn't have had the ability to or the power to do anything in that fractured environment even if I had wanted them to.

Q And when you say "host-nation liaison," are you referring to a specific subcomponent of the government -- the Ministry of the Interior, the Ministry of Foreign Affairs? You referred to some other elements earlier, such as the Supreme Security Committee.

A Uh-huh.

Q Did you have contacts with any of those entities?

A I didn't have any contacts with any of them.

Q Okay.

So there was a discussion, a robust discussion, to use your term, within the EAC. Did the EAC discuss what potential course of action the mission should take with respect to its security?

A There was a discussion that, if we thought the security situation trended negatively enough, [redacted]

Q Okay. And I think we'll flesh that out in a few moments, but were there any specific recommendations that came out of the EAC, do you recall?

A I believe that we determined that we would send some of our physical security recommendations to Embassy Tripoli.

Also, could I clarify the previous question?

Q Uh-huh.

A I didn't have a direct contact with host-nation security, but through February 17, they were our liaison to the February 17 militia leader, brigade commander.

Q That's a helpful clarification. I think you also mentioned that there were some locally employed staff on the compound, as well. Did they also help facilitate your contacts with --

A I mean, they tried, but they didn't get an answer.

Q Okay. Is that just because you didn't hear anything specific in response from the staff, or they told you specifically they couldn't find anybody to contact, for instance?

A No. They submitted our DIP notes; they just didn't get a response.

Q Okay. You did mention, though, at one point, that there was a DIP note that was submitted and there was some response to that, though. Is that correct?

A I don't know if I could say that that police presence that showed up was a response to that DIP note.

Q Okay. But did the timing of it suggest that it was somehow

a response? Did you submit a response one day and the next day a police unit showed up?

A I don't remember, but I don't think it was the next day that it would've showed up, no. And when it did show up, it certainly didn't show up in the capacity that we asked for, which was 24/7 support.

Q I'd like to go ahead and mark exhibit 6.

[[redacted] Exhibit No. 6

Was marked for identification.]

BY MR. KENNY:

Q And I'll give you a moment to review that. As I do, I'm just going to read a brief description of this into the record.

This is an email from you to [redacted], dated August 15, 2012. The subject is, quote, "Re: 8/15 update," close quote. Document No. is C05578627.

There is an email embedded within exhibit 6 at the bottom. It's from [redacted] to Gregory Hicks and [redacted]. It appears to be forwarded from Gregory Hicks to [redacted] and then on to you.

Do you recall this email exchange?

A Yes.

Q Okay. And in case we haven't already touched on it, who is [redacted]?

A He is the RSO -- was the RSO in Tripoli.

Q Okay. And [redacted] is the principal officer in Benghazi?

A Yes.

Q And who is [redacted]?

A I can't remember her specific title, but she was a high-ranking person, I believe, in D.C. that [redacted] asked me to occasionally send emails to.

Q So, in this underlying email, I'll just quote from a portion of it. And I'm on the second page. Here the principal officer appears to summarize the Emergency Action Committee meeting that appears to have been held in the mid-August time period. He states the following: Quote, "We convened the EAC today, including all USG elements present, to review the situation and security posture. Will write up the minutes on the high side, but, briefly, we: agreed to review/revise the existing tripwires which date to before the elections to reflect present concerns; concluded the situation merits concern and prudent risk management, particularly in light of recent incidents involving internationals as well as locals advocating priority issues such as human rights and women's participation; recommended continued heightened security measures now in place," close quote.

And then, dropping down to the next bullet, it says, quote, "recommended expansion of some precautionary measures," close quote. The next bullet, quote, "agreed to request a number of specific items/actions which we will spell out in the cable; and agreed to meet at least weekly in the future in light of the pace of developments on the ground," close quote.

The Tripoli RSO writes to you, quote -- this is farther up in the chain -- "Did you see this email? Do you concur? I don't see any RSO

comments," close quote.

You then responded, quote, "I'm actually writing the EAC cable today, although the computer problems here are frustrating our efforts of completing it in a timely manner. I do agree with the comments [redacted] highlighted in this email," close quote.

I would just like to first ask, recognizing the EAC documents off the cable is classified, as for this unclassified email, the principal officer's descriptions that I read to you of the recommendations that came out of that EAC, is that accurate?

A Yes.

Q Okay. And so his descriptions of decisions that were made and some of the materials discussed in the EAC is accurate?

A Yes.

Q Okay.

We were talking a moment ago about some of the recommendations that came out of the EAC. You had mentioned -- sending physical security requests to Tripoli was one of the examples you gave.

We would like to ask you, did the EAC recommend that posts should be closed or evacuated?

A Not that I recall, no.

Q Okay. And do you recall why that recommendation wasn't made?

A I remember there was discussion that we couldn't draw down any more than we were, or else the post would no longer be operationally effective.

Q Okay. And can you just elaborate a little further on that remark?

A Uh-huh. Well, if you withdrew the political officer, there would be no reason for us to be there, because they're the ones doing the reporting and the actual diplomacy.

If you started to take away some of the DS personnel, which are actually, you know, considered critical members of the mission, then you would have -- I would always have some security concerns moving about the city.

If you withdraw the IMO, or the management officer, you lose some of your administrative abilities. Or you don't lose them; they become much harder.

Q Okay.

A So I would say we were operating at a barebones --

Q Uh-huh. So that there couldn't be a further drawdown, for instance.

A Not in my opinion.

Q Okay.

And was the recommendation, was this recommendation, the other recommendations of the EAC, was that unanimous among the participants there?

A Yes. I don't remember anyone having any disagreements with these recommendations.

Q Okay.

The summary prepared by the principal officer discussed -- and

I read through, there were six bullets there, including, you know, the situation merits concern and prudent risk management. There's a recommendation for continued heightened security as well as an expansion of some of the precautionary measures.

Can you just walk us through, to the best of your recollection, what each of those mean?

A Each one of these bullets?

Q So we could focus -- because I believe we already talked -- the first refers to tripwires.

A Uh-huh.

Q So maybe with the second, third, and fourth.

A Well, the second one is talking about risk management and monitoring the situation, which was not something that we needed to change. We were already doing that pretty aggressively.

The third one recommended continued heightened security measures. That's almost sort of a boilerplate statement that you would recommend after any sort of EAC, which doesn't mean that we weren't doing it. We were.

Expanding some of the precautionary measures, [redacted]. Reduction of classified materials was already minimum. [redacted] And we did map areas of particular concern within Benghazi.

The next bullet, agreeing to request specific items, actions --

Q And you --

A Go ahead.

Q No, please continue.

A Oh. We did send requests for security upgrades or security recommendations by separate cover, I believe, from that cable. So we did that one.

And agreed to meet at least weekly, depending on what was happening on the ground. We had a close relationship with , and we were, at the very least, meeting weekly with them.

Q Okay. Thank you. That's very helpful.

At some point down the road, we may return to revisit the discussion [redacted] in Benghazi.

A Uh-huh.

Q You mentioned just a moment ago that one of the specific activities was mapping areas of concern. Can you just explain why you did that? Was that, for instance, to assist your off-compound moves to avoid certain problematic areas?

A Yes. In general, there were certain areas that we were concerned with, based on who was occupying those areas, and so we obviously did not want to be driving near or around those areas. I can speak more in detail in a classified setting.

Q Okay.

On that point, I'll just note, back to the top of exhibit 6, you do state, quote, "I would caution that this is just a small part of what was discussed at the EAC today and arguably not the most meaty parts. I think you'll find the EAC draft cable I'm writing will present a more robust view of the security situation here as well as the next

steps," close quote.

I assume when you refer to the more "meaty parts," did you mean you were going to provide more detail regarding some of the security specifics in a classified EAC cable?

A I think what I meant is that political officers will look at an EAC from a political standpoint, and security officers would look at it from a security standpoint. So what I would consider meaty would be more of the security issues, which is what was included in my side cable -- my thoughts on the security situation, our abilities to mitigate those threats, and then what those specific threats were.

Q Okay. And when you say "political," do you mean some of the undercurrents or underlying causes of those security incidents?

A Yes. Well, I mean, a political officer, an economic officer is looking at a situation from one particular lens. It's not the right or wrong lens, it's just that's the lens they look at it through, where a security officer is looking at it through a security lens. And they may just -- you know, I don't want to say disagree, but, I guess, disagree over what the most important part of the message was, I guess.

Q Okay. And do you recall whether a cable was ultimately written --

A Yes --

Q -- on this?

A -- I wrote it.

Q Okay, you wrote that. Did you clear that with the principal

officer?

A Yes.

Q Okay. So when you mentioned that there may be different perspectives at the table, did that cable reflect a consensus view of both the security concerns, security issues, as well as the recommendations of the EAC?

A Yes, as well as it reflected the, sort of, political situation on the ground.

Mr. Kenny. Okay. And just to be clear, did it reflect your views?

Mr. [redacted] Yes.

Mr. Kenny. On the ground. You mentioned you drafted the cable.

Mr. [redacted] Yes, it did reflect my views.

Mr. Kenny. Moving on, I'd like to mark exhibit 7.

[[redacted] Exhibit No. 7

Was marked for identification.]

BY MR. KENNY:

Q This is an email from you to [redacted]. It's dated August 16, 2012. The subject is, quote, "RE: EAC cable," close quote. The document No. is C05397233. It is marked unclassified. Give you a moment to review it.

So I would just like to start from the bottom of the email and read up. In an earlier email in this thread, you write to [redacted] and stated the following, quote, "Boss, I just forwarded the draft EAC cable to you on the high side," close quote.

The Tripoli RSO then responded to you, quote, "Thank you for doing that. It was well done. The DCM responded with some questions," close quote.

And, finally, you replied, quote, "We have revised some of the wording in response to their questions, and I believe Tripoli will make

the revisions to push it out. And there's a parenthetical, if this is not the case, please let me know so I can make the revisions," close quote.

Do you recall this email exchange?

A Yes.

Q Okay. And just can you help us understand, you mentioned here that you submitted a draft of the EAC cable to Tripoli RSO; was that requested of you? Was that standard practice? Why did you send it to the Tripoli RSO?

A Well, we were drafting the cable, but for the cable to go out, it needs the approval of various other people. The RSO is one of them, but ultimately the front office has to sign off on it before it can go out. As to why they were sending it out, we didn't have the SMART cable system in Benghazi that would enable us to send it out, so we had to send a draft cable to them.

Q Okay. And, again, when you refer to "front office," you're referring to certain individuals at Embassy Tripoli?

A Yes. The front office is the DCM and the Ambassador.

Q Okay. The RSO's response to you, the RSO in Tripoli's response to you indicated that the DCM had responded with some questions. When he refers to the DCM, who is that referring to? Who was the DCM at the time?

A I believe it was Gregory Hicks.

Q Okay. And, again, here it indicates that the DCM responded with some questions. Do you recall what questions DCM Greg Hicks posed

for you?

A I remember one of the questions. I don't remember if it was the DCM or Ambassador who posed the question, but I do remember one of the questions.

Q Okay. And what was that question that you remember?

A We should probably speak about that in classified --

Q Okay.

A -- I think.

Q Maybe this will help facilitate our discussion.

So, before we move on, just a minor bit of housekeeping, a follow-up question in our discussion of what occurred or transpired in the EAC. You had mentioned that there was not a specific recommendation for post, for the special mission to close or be evacuated. Is that correct?

A That's correct.

Q Did anyone make that recommendation at the EAC?

A No. I don't believe so.

Q Okay. So when the EAC did not make a recommendation that post should be evacuated or closed, did you agree with the omission of that recommendation?

A The -- in my experience, the RSO typically doesn't make the decision whether or not we stay or leave a post or why we're even at that post in the first place. We do what D.C. and the Ambassador tell us to do and, you know, make the best of whatever situation we have.

Q But certainly if the security situation had degraded to such

a point, would the RSO have been empowered to make such a recommendation?

A Certainly.

Q Okay. And, in this instance, did the RSO or anyone in the RSO shop make that recommendation?

A I don't know if the RSO made that recommendation. On previous conversations with me, he said that he was not happy that we were in Benghazi. Whether or not he shared that with the front office, I couldn't say.

Q Okay.

BY MS. SACHSMAN GROOMS:

Q But you didn't?

A I did not, no.

Q And did you feel that the security situation in Benghazi had gotten so bad that you needed to leave?

A No. I wouldn't put it that way.

Q Did you feel that the recommended next steps that came out of that EAC, did you agree with those?

A Yes, I agreed with them.

Q And you thought that those would mitigate the danger?

A They would certainly make our situation safer, in my opinion. I don't know if they ultimately would have changed anything, any of the outcomes that happened there.

Mr. Kenny. I see we have a few moments left. I'd like to move forward and introduce, this will be exhibit 8, into the record.

[[redacted] Exhibit No. 8

Was marked for identification.]

Mr. Kenny. We can go off the record for a moment.

[Discussion off the record.]

BY MR. KENNY:

Q This is exhibit 8. It is marked unclassified at the top and appears to have gone through some sort of review process. It does have redactions. It is marked unclassified/noforn, so we will note that for the record.

The top of the email is from Christopher Stevens, it's to you, Gregory Hicks and [redacted]. Doc No. Is C05391814. We'd just like to read a brief portion of this and ask for your response. This appears to be an outgrowth of the thread we just read in exhibit 7. You can see the email below. Well, I apologize. Actually, this is a new thread. This is similar to other documents.

Here Gregory Hicks writes to you at the bottom, "Thanks, [redacted]. I had a couple of questions and a couple of suggested edits. Looping in the Ambassador," close quote.

And then the Ambassador responds and says, "Good cable."

And a little bit below that, "concur in Greg's question re the term 'terrorist organizations,'" close quote.

A little bit above that, there's an email from you to Chris Stevens, Greg Hicks, [redacted]. And it reads, In lieu of terrorist organizations, what if we try to capture the spectrum of actors here with criminal elements, Islamist militias, and violent extremists.

And then it is marked [redacted] there.

And then, finally, there's a response from Christopher Stevens that reads, quote, "perfect," close quote.

We were briefly talking about how you would send a draft cable to Tripoli for their review, their approval. This appears to be some specific feedback that you received from Tripoli from the Deputy Chief of Mission. And I would just -- does this help refresh your recollection of what the specific edit that the Deputy Chief of Mission made to your draft EAC?

A Yes.

Q Okay. And what was that edit?

A The major point, as I understood it, was I had referred to a certain group as a terrorist organization, and the front office didn't necessarily agree that that was the correct classification for that organization.

Q And, again, when you say, "front office," where are you referring to?

A The DCM and the Ambassador.

Q Okay. And so there was a disagreement over whether "terrorist organizations" was the appropriate term to use in the EAC cable. Is that correct?

A Yes.

Q Okay. All right. Do you know the basis for that concern?

A Can -- could you ask that a different way, maybe?

Q Yeah. And perhaps we can reserve some of this for later

this afternoon, but I guess we can just fast forward and ask, do you recall if that specific edit was made to the EAC cable?

A Yes, it was.

Q Okay.

BY MS. SACHSMAN GROOMS:

Q Was the concern with using the term "terrorist organization" that that specific group was not a designated terrorist organization?

A Yes.

Q And who are terrorist organizations designated by?

A The Department of State.

Q Okay. So there's some specific list of groups, and that group was not on it?

A That was my understanding, yes.

Q Okay. And so, in lieu of using the term "terrorist organization," they went with criminal elements, Islamist militias, and violent extremists? Is that accurate?

A Yes. And maybe the final cable has slightly different wording than that, but it would be that sense.

Q And that would have described fundamentally the same -- the same thing?

A Yes.

Q Okay. Is there, in your view, a significant difference between describing it as a terrorist organization or a violent extremist, Islamist militia?

A Not in -- not in my opinion, not from a security standpoint.

Mr. Kenny. And, just finally, I see we are running low on time, the second email here ends, [redacted], though it appears to have been sent from your email alias. It says [redacted] above. Do you recall why or what that means?

Mr. [redacted] Can we do one off the record?

Mr. Kenny. Sure. We can go off the record.

[Discussion off the record.]

Mr. Kenny. We will go back on the record. And just to reiterate, the question had been posed about what appears to be initials, [redacted], at the bottom of an email sent from your email account. And we've asked what your understanding of what that was or why that came to be.

Mr. [redacted] So we had one classified laptop in Benghazi. And I was logged in and writing -- or reading the responses from the front office. And I had asked [redacted] to read it as well for his insight and then I asked him to -- since he was assisting me with it, to respond since it was from the Ambassador, and I thought it would be more appropriate for the principal officer to respond to the Ambassador.

Ms. Sachsman Grooms. Did you -- I mean, did you read it at the time?

Mr. [redacted] I was sitting in the -- right there with him.

Ms. Sachsman Grooms. Okay. And did you agree with it?

Mr. [redacted] Yes.

Ms. Sachsman Grooms. Okay.

Mr. Kenny. Thank you. That concludes our hour. We'll go off

the record.

[Recess.]

Ms. Betz. The time is 1:31. Glad you're back with us.

BY MS. BETZ:

Q In the last hour, we discussed tripwires, and I was curious as to whether or not D.C., whether it was [redacted] or somebody at NEA, was aware of possible tripwires being crossed and the need to have them reviewed?

A I'm almost positive that that tripwire document with my revisions on it went to the -- went to [redacted].

Q Do you know of any discussions about drawdown occurring in D.C. around that time?

A Drawdown in Benghazi or in Tripoli?

Q Benghazi.

A I do not know.

Q In the last hour --

Ms. Jackson. What about Tripoli?

BY MS. BETZ:

Q Oh. Tripoli.

A I don't know that.

Q No. Go ahead.

A I was just saying because we had established that it would be difficult to drawdown anymore in Benghazi, I don't perceive that being a discussion.

Q In the last hour, you also talked about tripwires being

politically driven versus more security driven. I just wanted you to elaborate more on that. Doesn't it seem sort of contrary to the point of tripwires, which seem more security driven?

A I don't know if I would say that they're more politically driven, but -- and there are certain -- certainly tripwires that are security related or provided by the security people at post, so a lot of the tripwires relate to the political environment where, you know, other members, including the security people at post, just wouldn't have the same sort of in-depth background that the political officers would have.

Q And when you talk about political environment for Benghazi, would that be the benefits of being in Benghazi?

A I'm sorry. Say it again one more time.

Q So, in terms of being politically driven and being concerned about the political environment, for Benghazi, would that political lens be focused more on the benefits of being in Benghazi, the need to be in Benghazi?

A I'm sorry. Is there a way you could ask it a different way?

Q Sure. Was, for example, the PO, [redacted] -- I mean, his purpose in being there was to really communicate what was going on sort of politically, economically in Benghazi, the point -- the benefits of being in Benghazi.

A I don't know if he was communicating the benefits of being in Benghazi. I don't remember seeing anything like that. But he's certainly communicating, you know, the security situation, the

political situation, basic, you know, diplomatic programs that we would run there back to Washington and Tripoli.

Ms. Jackson. So when you say "political environment," are you referring to the civility of the Libyan government or are you talking about the need for U.S. diplomacy in that area, or some combination thereof of the two of them?

Mr. [redacted]. Some --

Mr. Evers. Are we still talking about tripwires?

Ms. Jackson. Yes.

Ms. Betz. Yes.

Mr. Evers. Okay.

Ms. Jackson. Yes.

Mr. Evers. I just wanted to make sure.

Mr. [redacted]. The -- in answer to your question, he would have been saying, one, yes, what was the political situation in Tripoli -- or, sorry -- in Benghazi, in the country, and also what are some of the benefits of us being in Benghazi? He would have reported on that and his opinions on that. I don't necessarily know if those are reflected in the tripwires.

Ms. Jackson. Okay.

BY MS. BETZ:

Q So going back to -- staying sort of on the tripwire theme, going back to exhibit 5 --

A Okay.

Q -- the document, I believe, that you edited. Correct? Was

it your opinion that specific tripwires had been crossed?

A Yes.

Q And in your -- let me ask it this way. In your opinion, what should happen when tripwires are crossed?

A You should hold an EAC meeting, and then the results of that discussion should be forwarded to the front office, who -- as also as well as D.C. through a cable, and they make a decision based on your recommendations and what was the information you provided to them, to the EAC.

Ms. Betz. So I'm going to hand you now what will be exhibit 9.

[[redacted] Exhibit No. 9

Was marked for identification.]

Ms. Betz. And for the record, the document that the witness is reviewing is State Department document No. C05397236. And it is titled "Mission Libya Tripwires, updated as of August 13, 2012." And I'll give you a moment to review it.

BY MS. BETZ:

Q So this document differs than the previous tripwire document that we discussed in that it has certain measures to consider under each of the sort of the categories of different security postures or positions. Were these measures to consider preexisting your tenure?

A I believe they were, but I would have taken them out, because the purpose of my email was just to alert those that needed to know that I thought we'd crossed some of the tripwires, and they didn't

necessarily need to know what measures to consider.

Q On the bottom of page 3, there is a paragraph or a bullet, and it says, consideration of, quote, "suspended operations," and it reads, "U.S. mission Benghazi is staffed solely with mission critical personnel and as such cannot draw down further while remaining operational. Therefore, post has added a suspended operations category to the tripwire matrix. Under this scenario, post would stop all movement outside the mission. Meetings with host nation could continue, but must be conducted at the mission only."

Was this a category or a measure to consider that was part of the EAC discussion, or was it an outcome of the EAC?

A It -- I could say it was certainly an outcome of the EAC. I don't remember if it was discussed in the EAC.

Q Could you clarify?

A When I say "outcome," I don't know if this was brought up, this suspended operations category, was brought up in the EAC or [redacted] would have brought it up after the EAC in discussion with the front office in Tripoli.

Q So was this a measure that you were aware of or had discussed with --

A Yes.

Q Okay. And you agreed with the consensus -- or the addition of a suspended operations?

A Yes.

Q How would the suspended operations be any different

than -- let's say, for example, with previous incidents either in Benghazi or Tripoli, the compound went sort of, I don't want to say lockdown, but for lack of a better way to describe it, off-campus or off-compound movements were curtailed. Would this be the same type of procedure, or how does this differ than what typically would happen if there were incidents in which caused the compound to limit its off-campus -- or off-compound movement?

A Typically when you go on what you would label as lockdown, you know, that's for --

Q Sorry. It's fresh in mind because we just went on lockdown, or the Capitol did.

A It would be for a finite period of time --

Q Okay.

A -- so maybe a couple hours or maybe a couple days, something like that. Typically, the authorized -- these categories, the authorized departure and ordered departure are for, like, 30-day periods. So my assumption would be if we were to do suspended operations, that would mean more than just 2 hours or a day, and maybe a 30-day chunk of time.

Q So for an extended period of time?

A Yes.

Q Okay.

Ms. Jackson. And was this term, "suspended operations," something that you had encountered prior to Benghazi in the course of your Diplomatic Security career?

Mr. [redacted] No, it was not.

Ms. Jackson. Okay. Had you ever -- during your training as an agent or in your high-threat training, had this concept been discussed? What I'm getting at, was this new and novel, or had you been trained to consider this?

Mr. [redacted] It wasn't new and novel in that I think it was [redacted] explained to me they had done something similar to this, I believe when they had the previous gelatina bomb incident at the front gate and they had labeled it as suspended operations, but, no, in my training and experience, I had not seen a suspended operations category before.

BY MS. BETZ:

Q Would it be something that you contemplated?

A I'm sorry. Would what be --

Q In your previous positions, I mean, is this suspended operations something that you would have contemplated?

A Well, we -- I had been to places where we had done lockdown, so to speak, for a set period of time, and this seems like a logical outflow of that idea.

Q So staying with the EAC, in the last hour, one of the items that you had mentioned that was discussed [redacted]. Was that something that was immediate, that could happen immediately?

A Yes. [redacted] if we felt the security situation warranted it.

Q You also discussed briefly that the RSO in Tripoli, [redacted], was unhappy about being in Benghazi. Do you remember having

that conversation with him about evacuation?

A At one point I forwarded our -- the copy of our evacuation plan, and I believe it was to him and he had asked for it.

Q Did he review the plan, then?

A I don't know.

Q Did you review it?

A Yes.

Q And what were your thoughts on the plan?

A It seemed like it was a logical plan. I've never -- I mean, any time you do an evacuation, it's probably not going to go down just how it is laid out in the plan, but the basic plan, the ideas, the strategy in that plan seemed sound.

Q Were you concerned about a strike at the airport so that there was only really one sort of viable plan at the time? Was a plan B being contemplated?

A Let me break that up into two sections. So, first, yes, we're always concerned with any sort of airport closure or rumor of an airport closure because it affects your freedom of movement, obviously. In this case, I don't know if we ever got confirmation that the airport was closed or it was just rumors at that point. I don't recall the airport closing and affecting our airport operations.

The second question -- oh, the second part of that is if the airport was closed, we would still have multiple options for getting out of the country, including an overland route to Egypt, water route out of the port, or flying in either military aid, we could also

charter -- well, I think there's only one airport in Benghazi, so we wouldn't be able to charter, but flying in military assistance or, you know, the full-blown MEU, if it was necessitated, with Marines.

Q For the record purposes, what does MEU standpoint?

A Marine Expeditionary Unit.

Q Okay.

Ms. Jackson. And that's an exfiltration plan?

Mr. [redacted] Yes.

Ms. Jackson. They basically drop in, scoop you up and get you out of there?

Mr. [redacted] They drop in, cut a swath to the Embassy, and then cut a swath back out.

BY MS. BETZ:

Q Were you aware of a memorandum that was being drafted for the secretary at the time regarding security incidents in Libya?

A I don't believe so, no.

Q So you weren't asked to -- you weren't asked for your input from an on-the-ground perspective as to what was going on?

A Can you -- I don't think so, but are there any more details that you have about this memo?

Q So there was a memo that was being drafted and --

Ms. Jackson. Well, you know what? Let's mark it and ask him if he ever saw it. Oh, never mind.

Ms. Betz. Yeah.

Ms. Jackson. Next session.

Ms. Betz. I can elaborate later. So I just generally wanted to ask about your awareness?

Ms. Jackson. See, mine's not so good.

Mr. [redacted] Well, generally, then, I am not aware. Maybe if there were more specifics, I would be aware.

Ms. Betz. Okay. And we can do that in a different setting.

I think this is a good opportunity to segue into or to restart our discussions, you had mentioned in the EAC issues about the compound not being able to defend itself. We ended during our last hour talking about physical security vulnerabilities of the compound, and we had asked -- or put into the record a document that I believe that you had put together.

Mr. Evers. Exhibits 2 and 3?

Ms. Betz. Exhibits 2 and 3, yes.

Ms. Jackson. Two, 3 and 4.

Ms. Betz. Two, 3 and 4, yes. I'm looking at exhibit 3 right now. Thank you.

BY MS. BETZ:

Q And just to refresh our memory, we had talked a little bit previously about the physical security vulnerabilities of the compound, one being its vastness, 13 acres, issues with the fence and the wall, among others. I don't know if you want to elaborate again.

A Not if I don't have to.

Q Okay. That's fine. That's fine.

So you had drafted a list of physical security upgrades. To whom

were those submitted?

A They were sent to the RSO in Tripoli and also to [redacted], who was my replacement in Benghazi.

Q And was it your opinion that had all of these security upgrades occurred, would the post would have been OBO compliant?

A I definitely wouldn't be able to answer that. There's a lot that goes into OBO compliance.

Q Well, let me ask you another. Would it have met minimum security standards?

Mr. Evers. What minimum security standards?

Ms. Betz. Just vis-à-vis other posts that he has --

Mr. Evers. I don't know if you're referring -- you just referred to specific OBO standards, and I don't know if you're meaning to refer to specific standards by when you say "minimum standards."

Ms. Betz. Well, let me rephrase.

BY MS. BETZ:

Q Would those have made -- would -- if all of these upgrades occurred, would that have made the compound able to withstand -- defend itself, to use your words?

A I think it would have made -- it would have been safer, but I can't say for certain that if all these upgrades were in, the results would not have been the same.

Q And to your knowledge, what -- were you aware of any of these upgrades occurring or being contemplated while you were there or while you were leaving?

A Are you talking about just the physical security or all of them?

Q Well, I mean, I was going to get to some of the technical upgrades as well. We can go down the list. I can ask you if certain things had been approved or not approved.

A The only -- I -- the only thing that I know that we had -- we were working on actively, because it was something we could actually do at post, was the creation of sort of this safe haven office villa, which is under the physical security section, bullet nine, and also under equipment requests, bullet one, Tripoli had sent us -- Embassy Tripoli had sent us an engineer, who was attempting to fix some of these power issues for us. But the rest are things that I had requested, and I don't know which ones might have been forwarded on from Tripoli for action.

Q And why do you believe there were some of these vulnerabilities? Why, in your opinion, would D.C. or whomever not employ or install these features initially at the facility?

A I don't know if I can answer why they weren't installed initially. I would have to assume that a decision was made that it was important that we were in Benghazi at that particular time, and that outweighed having some of the maybe traditional security features we would find at other embassies and consulates.

Why we continued to not have them, I wouldn't -- I wouldn't be able to answer that. I don't know.

Q Was funding an issue? Were you aware of cost concerns?

A In a limited capacity, I was -- I was aware of cost concerns. We had difficulty, I believe, getting funding for some things, and we were going off of a $500 limit for petty cash funds, I believe, to do some of our projects, but as far as a larger funding issue, I don't know.

Q Did anyone ever suggest that you should temper your expectations as to requests made of D.C.?

A Yes. I remember hearing that. I don't remember how I heard that, maybe where I read it, but for whatever reason, I had the understanding that we -- that post had an uncertain future, maybe would be closing soon, and therefore, we may not get expensive security upgrades. I don't know if that's because I was told that or because I had read something where previous RSOs or DS agents had tried to get those things and it was declined.

Q So there was an unspoken or -- thought amongst many that the facility was temporary in nature and/or would not support upgrades?

Mr. Evers. Is that what you meant to say?

BY MS. BETZ:

Q Is that what you meant to say?

A I can't say amongst many. I can say for me, and I don't -- I don't remember why I thought this, but that it was a temporary facility and that requests for funding for security upgrades may not be forthcoming due to the nature of the temporary facility.

Q Okay. Just going back to the technical equipment and some of the vulnerabilities there, were you aware of requests made by ARSO

[redacted] as to the need to upgrade the IDNS systems, issues with old pendants for the IDNS, replacement camera, monitors?

A Yes.

Q Yes. And were those requests fulfilled?

A I know we had new cameras that we had received. They weren't installed yet, at least at the time of me leaving. I don't know if -- I can't remember if those were in response to him asking for these cameras or something separate.

Q Okay. And we --

BY MS. JACKSON:

Q What was the issue with the IDNS pendants?

A I believe it was typically when your IDNS is pushed, if you have the proper panel, it'll tell you which pendant pushed it so you know where on the compound the threat is coming from. And if I remember correctly, in this instant, the alarm would go off, we would know there was a threat, but we couldn't identify specifically which pendant had triggered it.

Q Did you have -- so you had more than one pendant?

A Yes.

Q Okay. Do you recall how many you had?

A I believe we had two.

Q Okay.

A Or I should say two posts had a pendant.

Q I'm sorry. What was that answer?

A I can say -- I can say that we had two posts, two positions

with a pendant.

Q Okay. You may have had more on compound, but two were being used?

A Yes.

Q Do you recall whether others were not operational?

A I can't say for certain, but typically each one of your guard positions would have a pendant, have IDNS, so my assumption would be some of them were not working. I can't remember for sure.

Q Okay.

BY MS. BETZ:

Q And just to talk about the camera, elaborate a little bit more on the cameras, were all the cameras functional at the time, monitors?

A Boy.

Q Sorry.

A I wish you'd asked me this, like, 2 years ago. I honest -- I don't remember.

Q Okay. Was the TOC door fixed? I understand that there were issues with the door, the TOC door. Was that something that was addressed by D.C.?

A I don't -- I don't know that it was addressed by D.C. per se, but we were trying to create a safe haven door on the TOC, and we would have had to send some sort of notification or memo to Tripoli reporting to them that we were doing that, and we were in the process of modifying that door to be more like a safe haven door when I left. I don't know

if it ever got installed, though.

Q Just shifting a little bit away from the physical security issues to talk a little bit, we talked -- alluded --

Ms. Jackson. Before we leave that --

Ms. Betz. Okay.

BY MS. JACKSON:

Q -- I just noticed one thing. On the equipment requests on exhibit 3, the sixth bullet point down is, belt-fed, crew-served weapon, 240 Bravo or 249 with bipod.

Not being a firearms encyclopedia, could you tell us what that is?

A Sure. It's a machine gun that has the capacity to shoot many more bullets essentially than your typical handheld M4 machine gun.

Q And why did you make that request? Well, first of all, is that a weapon that is typically found at a high threat post?

A Yes.

Q But Benghazi did not have one?

A No.

Q Do you know if Tripoli had one?

A When I was in Tripoli, we had multiple ones of these. At that time, I don't know if they had one at Tripoli.

Q Okay. Because you were in Tripoli after the attack in Benghazi?

A Yes.

Q And, in fact, when were you in Tripoli?

A [redacted], I believe, approximately.

Q Okay. Did you have belt-fed or machine guns when you were in [redacted], when you did your TDY there?

A No. DS did not, but we had a fairly large contingent of marines there that had those types of weapons, as well as other military units that had those capabilities.

Q What about [redacted]?

A No, but [redacted] also not classified as high threat.

Q High threat. Okay. And you obviously had no marines in Benghazi?

A No.

Q Okay.

Ms. Betz. Was this something that members of the MSD might have?

Mr. [redacted]. Yes.

BY MS. JACKSON:

Q And why is it that you asked for this weapon?

A In the event that you had to engage multiple targets, many targets, it, in my opinion, would have been the most efficient weapon to resolve the threat.

Q Does it have a deterrent value just by its -- just by seeing it?

A If someone was to see it, it would -- I believe it would have deterrent value.

Q And what was your plan for this weapon?

A I would have liked to have put it in our safe haven in the residential villa near the window, where it could have been taken up to the roof facing the main gate.

Ms. Betz. And to that point, so it actually would help secure sort of the perimeter or -- it would cover a lot -- a greater area than specific individuals with sort of isolated weapons could address?

Mr. [redacted] Yes. You would have been able to essentially kill many more people much quicker.

Ms. Betz. Okay. And you may not know the answer to this, so I'll preface it that way. [redacted]

Mr. Evers. If you can answer it.

BY MS. BETZ:

Q If you can answer it. I --

A [redacted] I just don't recall.

Q So now going back to where I was going to go before that conversation, just revisiting the staffing issue in Benghazi during your time there, how many DS agents were there when you arrived?

A Two.

Q Two. In addition to yourself?

A Yes. So three total with me.

Q So three total with you. So three consistent throughout your time there?

A At a minimum, we would have had three. At the -- my last day or two there, [redacted] had come down, so we would have had four.

Q Did you make requests for additional agents?

A The only time I think that I would have made requests was there was talk of the Ambassador coming down for a visit, and I would have requested additional resources for that visit.

Q To that point, when the -- if and when the Ambassador would travel to Benghazi, did you have an expectation that there would be certain agents or groups accompanying him?

A I remember emailing the RSO in Tripoli at one point and asking if MSD or additional DS agents would be accompanying the Ambassador when he came. I'm certain he would have had more with him, but what those numbers were or who they were, I don't -- I don't know.

Q Do you remember his response back to you?

A I don't.

Q Okay.

A No.

Q Do you -- in that same conversation, do you remember talking about security being in-house, having to be conducted in-house during his trip to Benghazi?

A Yes.

Q Okay. And what did you mean by that?

A I would have meant that we -- we wouldn't be able to depend on host nation supplemental security, and therefore, all security would have had to have been provided by the Embassy.

Q Okay. And just to elaborate, were you concerned about QRF, were you concerned -- the ability of QRF, local guard force, to do their job?

A I wasn't -- I wasn't concerned with the LGF, their ability to do their job, but once again, their job was not to defend in the event of attack. QRF, I wasn't -- I also wasn't necessarily worried about their ability to do their job, but the same -- same thing. There was only three of them, and so I don't know -- they would be limited in what they could do in response to an attack.

BY MS. JACKSON:

Q Were you aware of whether the QRF, as part of the compound's security plan, that the QRF was to call on the larger February 17th to augment them in security for the compound?

A Yes, that was the plan.

Q That was the plan?

A Yes.

Q Did you have confidence in that plan?

A I had never had to put the plan into action, but I -- having talked with the desk officer, I was told in the past that that plan had worked, that they had responded, the larger brigade, meaning they had responded.

Q Okay. Were you aware of any changes in the either leadership or the capability of 17 Feb over the time? Had any of that been communicated to you that they were better than they were, worse than they were, about the same, or no conversations regarding that?

A No conversations regarding that.

Ms. Betz. So just to follow up, do you believe that the compound was equipped staff-wise to handle the Ambassador's trip?

Mr. [redacted]. Personnel-wise, we would need assistance. We would need supplemental personnel from Tripoli if the Ambassador were to visit.

Ms. Betz. Just --

Ms. Jackson. Are you moving on to a new topic?

Ms. Betz. I'm going to stay sort of in the topic. You go. Go.

BY MS. JACKSON:

Q I have one follow-up question on the issue of the machine gun. Were you aware that there had been a prior request for a belt-fed machine gun?

A No.

Q You were not?

A No.

Q Okay.

BY MS. BETZ:

Q So I want to turn back to what is now exhibit 4. Do you need time to review it? No?

Is this a document that you prepared?

A Yes. I mean, this document was prepared -- was originally written by somebody else, but I edited it before I sent it to [redacted] so it would be up-to-date.

Q So, in terms of substantive revisions, more just to reflect

your experiences?

A That's -- I would say that's mostly accurate. There was a couple things I did in here that maybe would be considered substantive. I think some of the discussion about the QRF would be considered substantive. I think somewhere in here I mentioned the incident chart and the recent EAC cable. I would say the information in there was substantive, that that was mentioned in there.

Q So it's a document you would say transcended RSO's --

A That was my understanding.

Q -- in Benghazi? On page 3, I just want to draw your attention to sort of below the printing line, where it says, "Protection (PRS) and Auxiliary Security Support." And in it you reference that the PRS is one of the smoothest running programs because it's one program that has remained consistent. Would you elaborate on that?

A I didn't write this part, but I understand what the writer was saying. DS agents are trained to be interchangeable pieces in a protection detail, and so someone if -- no matter where they were coming from, they would have an understanding of where they would fit into a protection detail.

Q Was this impacted at all by the few number of agents that would be on the ground? Does it contemplate a certain number of agents being present for it to run smoothly?

A It would certainly be different than maybe what they've done in other environments or maybe the textbook way that they had learned in the training school, but I don't think it would have been completely

foreign to anyone, any DS agent.

Q Would you have to change it because of the low number of agents on the ground? I guess let me rephrase. Would it -- would two agents impact how the system would work, or the program would work?

A You would certainly want more agents, given that type of environment, but there are other protection details we do where it is just one agent or maybe just two agents, depending on the VIP that you're protecting, their ranking. So, once again, I don't think it would have been foreign. We may have wanted more people, but we -- we could have -- we made it work with what we had.

BY MS. JACKSON:

Q You had mentioned just a minute ago textbook training, that reality often differs than textbook training. In your -- I assume you had protection training in your high-threat course. Is that correct?

A Yes.

Q Okay. When you were making a movement with an ambassador or principal officer in a high threat -- according to your high-threat training, what was -- what was your textbook training on that? And this is really like a pop quiz.

A We would have been using a full motorcade for the movement, whether it was high-threat training or just our basic special agent training. [redacted] So --

Q And the AIC would have been with --

A [redacted], I think. And the AIC, yes,

would have been with the protectee.

Q And that's both in your basic training and in the high-threat training was the textbook model of how to make a movement in a high threat environment?

A I don't know if I would say it's the textbook model for how to make a movement in a high threat environment. It's -- it's the -- one of the preferred ways to do things if you have that many resources. For instance, in other places we'll run low profile movements because it doesn't draw as much attention to the protectee, so maybe not a full motorcade, maybe not using black Suburbans; you know, low pro car, less -- less agents involved.

Q [redacted]

A I think for me to answer that, I would need to know who the protectee was. [redacted]

BY MS. BETZ:

Q So, to follow on those questions, the modifications that you had to make at post, were those based on experience, based on any other type of training? Given that this is sort of the benchmark that you learned, was there -- were there any benchmarks or any other -- was

there any other training that you took to make these modifications to ensure the security of those that you were guarding, the compound?

A Well, I mean, I've done what we would call escort details, [redacted] in the United States. And I'd also done movements in [redacted] and Yemen, where it was just the follow car that we had and just a follow car that consisted of local nationals.

Q Okay.

A So it wasn't a foreign concept to me. There are certain, you know, ideas that you're -- you know, that you can't lose sight of regardless of how many resources you're using, security ideas. And I think, you know, we try and cover those, make sure they're covered.

Q In those -- in that training, would it also include how to guard the compound? So, for example, would you discuss or simulate with two agents how to divide up the compound between the two of you or with the QRF? Is that something that you would have discussed in this type of program?

A I remember in some of the scenarios in our high-threat training, we were certainly protecting buildings in a compound while the VIP was inside. Most of my experience in protecting a compound came from protecting the compound at Yemen and [redacted] and what we were doing there, and then trying to apply that to Benghazi.

Q Moving away from exhibit 4 --

A Okay.

Q -- and shifting gears a little bit. I want to talk a little

bit about the security environment and the change that I think was evident from the time that you arrived to the time that you left. Were you aware of the deteriorating environment when you arrived?

Mr. Evers. You just asked about the deterioration during his presence and then asked about whether it had deteriorated before.

BY MS. BETZ:

Q Yes. So I think there were -- my understanding is that there were conversations when you arrived about how the incidents had changed even from the previous month. So, one, were you aware of those conversations? And then, two, you know, wanting to get your observations on the changes that occurred in the month while you were there. So really looking at a 2-month span.

A I was aware of the prior incidents, because we had a log of them, and during my time there, there were certainly many more incidents, so I would classify the security situation as deteriorating.

Q How did you typically receive your intelligence or updates regarding security incidents?

A There were a variety of methods. Some was open source reporting, so incidents mentioned on Facebook or in the local news or Twitter. We had contacts, Libyan contacts, that would report either maybe through 17th February Brigade or something, or, you know, [redacted], who worked with us, might report something. [redacted] would give us information, and then we had, for instance, like, a contact at the U.N., and maybe some organizations that would share information with us.

We weren't -- we weren't in downtown Benghazi, and some of our

other contacts were, so they were helpful in giving us visibility of what was going on within the city.

Q Okay.

BY MS. JACKSON:

Q I want to backtrack just a minute, because when you mentioned [redacted], it triggered something in my head. When you were talking earlier today about reaching out to the local police, the Supreme Security Council and others, for additional host-nation support, I believe you said that you had relied on Libyan nationals that worked for you to assist in that effort. And was one of those individuals [redacted]?

A Yes.

Q Okay. Was there any other Libyan national who was employed at the compound that assisted you in that endeavor?

A Yes.

Q Male or female?

A It was a male. I want to say his name starts with a [redacted].

Q Does the name [redacted] --

A Yes, [redacted].

Q Okay. Did he go by [redacted] or [redacted] or something like that?

A I called him [redacted].

Q Okay.

A [redacted].

Ms. Betz. Did you interact with him while you were in Benghazi?

Mr. [redacted] Yes. Maybe a handful of times.

BY MS. JACKSON:

Q What role did he play in tying to increase the security assets for the compound?

A If I remember correctly, he had various contacts within the Libyan Government, whatever the government may have been at that point, and was trying to work through those means to get us additional security.

Q Would he also be a source of information for you and the other agents regarding security incidents that were occurring in and around Benghazi?

A Yes, he would have. I don't remember any specific things he would have told us, but he -- I certainly would have listened to him if he had told me a security incident.

BY MS. BETZ:

Q Was he reliable?

A Reliable in was his information accurate?

Q Uh-huh.

A Once again, I don't remember any information that he gave us, but any sort of information we got from any source, we would have tried to vet against another source.

Q Such as?

A So, for instance, if we heard that there was a -- if the U.N. had told us that there was an IED found at the Tibesti Hotel, we would have contacted -- you know, we would have asked [redacted] or somebody in 17 February to see if he knew any security people at the hotel that

could have confirmed it. We would have -- well, we certainly would have alerted [redacted], seeing if they could have corroborated it.

Q But it's, I think, safe to say, to your point, that a lot of -- most of your conversations went through Feb 17th, [redacted]?

A Conversations about what?

Q In terms of contacts into Libyan society or into the city per se.

Let me ask -- let me rephrase it. So rather than directly contacting organizations or individuals, you would work through -- you primarily worked through Feb 17th to make these contacts to obtain the information?

A If they were Libyan organizations, but most of our, you know, incident reporting and threat reporting was coming through either the other Western organizations in Benghazi [redacted].

Ms. Betz. I'm going to show you now what will be exhibit 10.

[redacted] Exhibit No. 10

Was marked for identification.]

Ms. Betz. And just for the record, this is State Department document C05396416, and it's titled "Benghazi Security Environment and Threat Assessment, updated 8/14/2012."

Mr. [redacted] I hope you're not going to tell me that I wrote this one.

Ms. Betz. No.

Ms. Jackson. That was going to be the first question. Did you?

Ms. Betz. Did you -- did you write this assessment?

Mr. [redacted]. I don't remember this document, no.

Ms. Betz. Okay. So were you aware of the document or this type of security environment, threat assessment being drafted?

Mr. [redacted]. This document really doesn't ring a bell to me, so, no, I can't say that I was aware of this.

Ms. Jackson. As you peruse this document and have had an opportunity to review it, in your opinion, does it accurately summarize the security environment that you experienced in Benghazi when you were there in August of 2012.

Mr. Evers. Do you want to go off the record and let him read it, and then I think we will spend a couple minutes before we start talking about it?

Ms. Jackson. Sure.

Ms. Betz. Sure?

Ms. Jackson. Okay. Let's go off the record.

Ms. Betz. We'll go off the record.

[Recess.]

Ms. Betz. So looking at exhibit 10, I want to draw your attention to the "Look Ahead" section --

Mr. [redacted]. Okay.

Ms. Betz. -- and specifically the second paragraph that discusses AQIM, Al Qaeda and the Islamic Maghreb smuggling weapons and explosives out of Libya to neighboring countries, AQIM and other transnational terrorist groups could try to take advantage of a deteriorating security environment in Benghazi or a post-Qadhafi power

vacuum in Tripoli.

Were you aware of this type of intelligence when you arrived to Benghazi?

Mr. [redacted] I -- I don't -- I don't remember. I was reading threat reporting, intelligence reports at least weekly while I was in [redacted], and I don't know if I was aware of this before I arrived. I may have been, you know.

Ms. Jackson. As of the date of this document, August 14, 2012, you agree with this sentence and assessment in here in the Look Ahead?

Mr. [redacted] As of what date?

Ms. Betz. August 14.

Mr. [redacted] I don't know if I can say by that specific date, but, yes, certainly some -- at some point within my time in Libya, I would agree with this.

Ms. Jackson. Okay.

Mr. [redacted] I was aware of this.

Ms. Betz. Okay.

Do you believe this type of intelligence could be one of the reasons that the Ambassador had canceled his trip in early August?

Mr. [redacted] I -- I can't -- I couldn't -- I wouldn't even know why he canceled his trip.

Ms. Betz. For security reasons?

Mr. [redacted] I -- I don't know why he canceled the trip. At least I don't remember why he canceled the trip.

Ms. Betz. So I'm going to show you what is now --

A Okay.

Ms. Betz. -- exhibit No. 11.

[[redacted] Exhibit No. 11

Was marked for identification.]

Ms. Betz. So, for the record, the witness is looking at State Department document C05390855, and it is an email in which the witness is not copied but in which security issues are discussed.

Ms. Jackson. And the date.

Ms. Betz. I'm sorry. And it's dated August 2, 2012.

BY MS. BETZ:

Q Have you had a chance to look at it?

So, in the email, after your -- after you've read -- had a chance to read the email, does this bring back some recollection of the ambassador canceling his trip?

A No. I know that he had wanted to come, but I -- I don't remember ever learning a reason why he did not come.

Q So Mr. [redacted] didn't discuss with you any security reasons why the Ambassador may not have wanted to travel during the time that he had anticipated coming?

A He very well may have, but once again, I just don't remember why the Ambassador didn't come, what that decision was based off of.

Q Just one quick question. In regards to the declining or deteriorating security environment, were you communicating these incidents back to D.C. in addition to Tripoli?

A I cannot remember if they -- we had been creating an

incident chart. I don't know if -- I can't remember if the desk would have been copied on that at any point.

Q Do you believe -- or would you -- would it not be out of the realm of possibility for [redacted] to forward the incidents to D.C.? Would he have communicated with [redacted] about the security incidents?

A He very well may have. It's entirely possible.

Q Did you communicate those events to him or incidents to him?

A To --

Q To [redacted]

A Yes.

Q Daily?

A I think I would -- it's fair to say, any time we had a significant security incident, I would have informed the RSO in Tripoli.

Q Okay. So you're not aware of any inquiries by Jake Sullivan to the Ambassador regarding any specific incident?

A I don't think I know who Jake Sullivan is.

Q With the secretary's office.

A I don't -- I don't know who that is.

Ms. Betz. So now that the witness is looking at what is now exhibit 12 --

[[redacted] Exhibit No. 12

Was marked for identification.]

Ms. Betz. And for the record, it is State Department document

C05396005, and it is an email from [redacted] to [redacted].

Ms. Jackson. And it also has on it an attachment called an incident chart, which pages 2 and 3 of this document have the sequential -- the next sequential document number ending in 006. And so our first question for the witness will be whether he believes that the pages 2 and 3 are the attachment to the email.

Mr. [redacted] Yes, I believe so.

Ms. Betz. And is this an email that you would have drafted to [redacted] copying [redacted]?

Mr. [redacted] Yes.

BY MS. JACKSON:

Q And is this the incident chart that you referenced just a few minutes ago?

A Yes.

Q Okay. So this is an internal document that you and other DS agents kept in Benghazi.

A Yes. At least during my time in Benghazi.

Q Okay.

BY MS. BETZ:

Q And you updated this chart daily to -- or when necessary to update or reflect the incidents that were occurring in Benghazi?

A Yes. But I had delegated this particular portfolio to one of the other ARSOs. But, yes, in consultation with me, they updated it regularly.

Q And it's a reflection of, at that point, to date, as of August 21, it was a reflection of the incidents that you were aware of and/or that occurred during your time there?

A Yes.

Q Okay.

Ms. Betz. We can go off the record.

[Recess.]

Mr. Kenny. We'll go back on the record. I'll note the time is

2:53. We'll hopefully do better this time.

Agent [redacted], I'd just like to thank you again. Appreciate your patience and your indulgence here with us today.

BY MR. KENNY:

Q I would like to pick up and continue our conversation about the physical security platform in Benghazi during the time that you were aware, or that you were there, and continue our discussion about some of the security requests that were made by post to improve the physical security at the Special Mission Compound.

I would like to begin by referring back to exhibit 4. This is the "RSO Turnover" document. You said you prepared it. And I would like to direct your attention to page 5. And at the top there, you can see there is a section on physical security. And if you want to reread that, I'm going to focus on the second point and the fourth point under this section.

A Which two? The second and the fourth?

Q That's correct, sir. So "Safe Haven" and "Fighting/REACT Positions."

A Okay. I read that.

Q Okay. Great.

So I'll just read a brief portion of this into the record. Under "Physical Security," there is a section here that's entitled "Safe Haven Gate/Day Cage." It reads, quote, "The 'safe haven' in the villa is closed and locked every night and serves as the hold room in the event of attack. Recently we have attempted to create a safe haven

in the office villa as well," close quote.

The reference here to the safe haven, can you explain for us just generally the importance of a safe haven and how that relates overall to a post's security plan?

A A safe haven is an area you could go to that would provide protection from bullets, fire, mobs, attackers. It typically has a variety of features in it, to include some sort of communication, typically radios. It will usually have a bathroom. It will have an egress route. It's basically designed as a place you can hunker down and await further help.

Q Okay.

And I'll note here that this paragraph from which I just read, it mentions that there was, in fact, one safe haven and there was also one that was under consideration.

The safe haven in the villa here, does that refer to the safe haven in Villa C?

A The residential villa, yes.

Q The residential villa. So, to the best your understanding, is that what is referred to elsewhere as Villa C?

A Yes.

Q Okay. All right.

Was that safe haven formally part of the post's security plan in the event of an attack, for instance?

A Yes. But, once again, I would caveat that "safe haven" is in quotation marks here when referencing that one.

Q Okay. And perhaps you could elaborate on that. I think you'd mentioned that, for instance, there are certain features of a safe haven.

A Right.

Q So perhaps you could just walk us through this particular safe haven.

A I wouldn't classify this as the same type of safe haven or, at least, a safe haven in the traditional sense. One, the type of door it had on it was not a typical safe-haven door. It had a gate on it.

Two, it had access to a lot of other rooms with windows in it. And, typically, a safe haven would be somewhere on the interior of a building. You wouldn't be able to access it from the outside.

Q Uh-huh.

A I guess those were the two main differences I would see between what we were calling that particular room and a traditional safe haven.

Q Okay. No, that's helpful.

And is there any reason why in this particular document, which was the turnover document you would be providing to the incoming RSO, that you didn't include, for instance, that description of the safe haven?

A Your typical DS agent with overseas experience would understand the difference between what we were using and what a traditional safe haven looked like.

Q Okay.

During the time you were in Benghazi, was there ever a time that a plan to initiate the use of the safe haven, that that was ever activated, do you recall?

A Yes. We used the safe haven -- in addition to some drills we did, there was one incident close to the end of when I left Benghazi where we used the safe haven.

Q Okay. And what can you tell us about that incident?

A I believe there had been some small-arms fire outside, and then there was an explosion that shook the walls of the villa. We instituted our REACT plan and went to the safe haven, or at least the non-DS agents went to the safe haven. I believe one of the DS agents was in the safe haven, and the rest of us responded per the REACT plan.

Q And so those specific responses were part of at least one of post's REACT plans?

A Yes.

Q Okay. And, in that instance, the REACT plan called for personnel, non-Diplomatic Security personnel, to be sheltered in the safe haven; is that right?

A Yes.

Q Okay.

And you mentioned that post would run drills from time to time related to the safe haven? Can you just elaborate on that for us?

A We would do at least weekly drills with the local guard force and the QRF simulating various types of emergency situations, either bombs or attacks. And we would also do drills with the entire embassy,

or the entire mission.

Q Uh-huh.

A I remember we did one towards the end of my time there that I believe was simulating an attack, if I remember correctly.

Q Okay.

And I'll just note, if you drop down under "Emergency Action Planning," there is a sentence here that reads, quote -- this is the end of the first paragraph -- quote, "We routinely conduct drills and held a post-wide drill last week," close quote.

So can you just describe for us about how often these types of drills would be held on the compound while you were there?

A We were conducting drills with the guards at least a couple times a week, different types of drills. And I don't know how many we would've done with the entire embassy. [redacted] I couldn't say with certainty if we did other ones.

Q And you mentioned one of those drills was held to simulate some sort of attack or some type of attack or assault on the compound; is that right?

A Yes. I remember we used smoke grenades as part of that simulation, so it would've been some form of an attack.

Q Okay. And, to the best of your recollection, would that have been the post-wide drill that was held the week prior?

A Yes.

Q Okay. And why would you have done some sort of role-play

or simulation for that type of event?

A Specifically for an attack?

Q Uh-huh.

A In that environment we were in, it seemed most likely that the types of emergencies that we would deal with would either be a bomb or an attack. And a typical bomb drill would involve more of the LGF unit as opposed to the entire mission, and an attack scenario would involve the entire mission.

Q Okay. And would that have been fairly common, for a post to undertake different types of drills, for instance, whether it is an IED, bomb-type attack or some sort of assault?

A Yes. You are required to hold X amount of drills in a certain timeframe addressing various scenarios at any embassy you're at.

Q Okay.

Just moving quickly along here, there is a section that's "Fighting/REACT Positions."

A Uh-huh.

Q And it reads, quote, "We recently removed many sandbag positions as the sandbags had disintegrated. We purchased new sandbags and constructed three new fighting positions," close quote.

Do you recall this specific action?

A Yes.

Q Okay. And can you just briefly describe for us the importance of having some sort of hardened fighting position at post?

A Yes. If there is an attack, there needs to be a position where you can return fire from that offers some sort of form of protection. And so, in addition to some of our positions on the buildings, we also had sandbag positions that would allow us to return fire and also offer some form of protection.

Q Okay. And would that have been for the Diplomatic Security staff, or was that for the QRF on the compound? Do you recall?

A It was for both.

Q It was for both. Okay.

And do you recall if there were more fighting positions at one point in time and that number was reduced, or were the three --

A There were more sandbag positions. I don't remember exactly how many. Almost all the sandbag positions had disintegrated, so we put in three -- or three new positions or replaced three positions.

The reason that we only replaced three positions was, one, we were operating with that $500 petty cash limit so that there was only so much that we could get, and, two, with the limited amount of personnel that we had on post, I was concerned that we couldn't man all the positions, and we would essentially then been creating fighting positions for the enemy were they to invade the compound.

Q Okay.

There was a brief discussion earlier about this concept referred to as concentric rings of security. Can you just describe for us how either the fighting positions or the safe haven, how that fits within the concentric rings of security?

A There is certainly a -- at least the safe haven is certainly a part of the concentric rings of security.

So on the outside or outer ring would be typically host-nation police or security, which we did not have there. So the next ring would be our guards, then the wall, then the QRF, then typically the safe haven -- or backup QRF, then DS agents, then the safe haven. Then the final ring of security would be whichever DS agent was left with protecting the safe haven.

Q Are each of these rings -- is part of the purpose of that to increase the amount of time it would take for an attacker, for instance, under that scenario to reach a protectee or some protected part of the compound?

A That's certainly one of the benefits of that.

Q Okay. And so how would the local guard force, for instance, fit into that?

A The local guard force would be essentially an early-warning signal. So they would alert the rest of the mission to the fact that there was an emergency, an attack or a bomb or something.

Q Okay. And in the absence of the local guard force, was there any other early-warning detection system? Or was that the primary system?

A That was the primary system. I mean, QRF had a rover position, as well, as someone that was supposed to be out at the front gate. So, in the absence of the guards, QRF could have also provided the same sort of information.

Q Okay.

You had mentioned, in the rings of security there, you had mentioned the wall. And I would like to ask, because I recall you saying in a prior round that you had concerns about setback of at least one section of the wall from the street.

And perhaps you could just help us understand, since we are not familiar with all the physical security standards, the concept of setback, does that relate to the property itself? Does it relate to the wall? Does it relate to the buildings that are on the compound?

A It relates to the buildings that are on the compound, depending on an OVO classification.

Q Okay. And did you have any concerns about the location of the buildings on the Special Mission Compound with respect to setback?

A Yes.

Q Okay. And what were those concerns?

A My main concern was the office building was very close to the south wall, and you could drive a vehicle right up to the south wall, and given a large enough explosion, you could certainly tear through the wall and hit the compound, or the office villa.

Q The office villa. Okay.

I would like to direct your attention to the first page of the document. There was a brief discussion about this in the last hour, but I wanted to draw your attention to some specific language in here.

The bottom of the third paragraph reads, quote, "The RSO should be aware that requests for expensive security upgrades may be difficult

to obtain, as headquarters is hesitant to allocate money to a post that may be closing in a few months," close quote.

And I know we touched on this in the last round. I would like to first ask just, is this your language that you inserted in this memo?

A Yes.

Q Okay. And why did you insert it?

A Once again, I don't know where I read that or who told that to me or where I got that idea, but, at the time, I would have believed that to be true, and that's why I would've written it in there.

Q Okay.

Do you have any specific examples of any security upgrades that were considered to be too expensive and that were not funded?

A The only one I can think of off the top of my head was the sandbags.

Q The sandbags were too expensive?

A Yes.

Q Okay.

A I remember asking -- I don't remember what we asked for, but it was very difficult to get the funding for that, and so we ended up using the petty cash. There was a reason that we were using that $500 petty cash limit --

Q Uh-huh.

A -- and it was because we were having difficulty getting more funding than that. I don't remember why that we were --

Q So when you say "difficulty getting funding," where would

the funding come from? Where were you seeking the funding?

A It would've had to come from the budget in D.C.

Q I'm sorry? "In D.C." you said?

A Funding approvals, you know, are granted from D.C. in coordination with post. You know, you have your budget. So they would've either approved or declined our funding request.

Q And the sandbag request that you recall as the one example of something that was considered too expensive, do you recall about how much was being requested for that project?

A I don't. I remember requesting it, and then we were getting some pushback from Tripoli, I believe, asking -- I think they asked if we thought we were still in a war zone or something.

Q Tripoli asked you if you thought you were still in a war zone?

A Yeah.

Q Do you recall who asked you that?

A I don't remember.

Q Was it somebody -- the RSO? Was it --

A No.

Q -- a management officer?

A Yeah, management officer or somebody in that section.

Q Okay.

A I don't know specifically who.

Q So you received some pushback, to use your word, from Embassy Tripoli, specifically the management office, regarding a

request for sandbags.

A Yes.

Q Okay.

A But management office is a large position. That can include, you know, financial management, includes the GSO, includes facilities. I mean, there's a lot that falls under that, so I don't remember which specifically it was.

Q So, just tying back to our discussion, did anybody in D.C. tell you that the sandbags were too expensive, or was that relayed to you by the management officer in Tripoli?

A My understanding is that our budget was controlled and would've gone through Tripoli, Embassy Tripoli.

Q Okay.

Did there seem to be some sort of disconnect between your experience on the ground in Benghazi, your understanding of the security environment, and the management officer or whoever posed the question to you, whether or not you thought you were still in a war zone?

A Certainly, in that specific example, yes, there was a disconnect, it would seem.

Q Okay. Do you recall following up at all with that? Did you follow up with the RSO in Tripoli? Did you communicate to the management officer that you needed this request?

A I don't remember what the followup was.

Q Okay.

A I can't remember. I know that I must have gotten frustrated and used the $500 in petty cash. I remember the sand truck showed up and the employees got in a fight, so we had to kick them out, and then we just loaded all the sandbags and built the positions ourselves.

Q I'm sorry, the employee unrelated to --

A The people that drive the sand truck that were there to put the sand in the bags and stack them --

Q Uh-huh.

A -- they somehow got in a fight with each other, and --

Q Okay.

A -- so we just did it.

Q The challenges of operating and working in --

A It's just Libya.

Q But you found the petty cash sufficient, though, to fund the three fighting positions that you referred to earlier that you --

A Yes.

Q -- thought were sufficient?

A Uh-huh.

Q Okay. Yes? Is that your answer?

A Yes. I can't remember if I would've wanted one or two more fighting positions, but we made do with the three positions we had.

Q Okay.

And just to tie this back to the turnover memo, because here it specifically refers to headquarters being hesitant to allocate that money, in this one example that you recall, did you have any information

that headquarters had denied that request?

A No, I didn't. "Headquarters" may have not been the most appropriate term there. I don't know who the appropriate organization would have been to put there, but I think "headquarters" was just an easy term --

Q Okay.

A -- and sort of a generic term to use.

Q Could that have also, then, referred to the front office at Embassy Tripoli, in your mind?

A I don't know if I would say the front office. They typically aren't involved in the, sort of, funding issues. But maybe the management section in Tripoli.

Q Okay.

I would like to move to page 6. And, again, there was a brief discussion of this in the last hour. At the bottom of the page, there's a section entitled, "Engineering Security Office."

And this section reads, quote, "You may seek the assistance of the ESO in Cairo to come out and perform ESO work. He is tentatively scheduled to arrive at the mission September 16-20. SA [redacted] has a list of projects for him. We recently received cameras and monitors, and the installation of these is a priority. Time permitting, we would also like him to repair the itemizer, reprogram the IDNS, as well as a variety of other small projects," close quote.

And just for the record, what is the ESO, or who is that entity?

A The ESO is the engineering security officer. And they

perform technical tasks, technical security tasks, for the RSO.

Q Okay. And, according to this, it sounds like there was a visit that was planned for them to come to post to provide some type of physical security assistance. Is that correct?

A That's what I wrote, so I believe it to be true, yes.

Q Okay. Okay. That's fair.

All right. We'll go ahead and mark -- this will be exhibit 13.

[[redacted] Exhibit No. 13

Was marked for identification.]

Mr. Kenny. For the record, exhibit 13 is an email that's dated August 7, 2012, from [redacted] to [redacted] It cc's Benghazi RSO. The subject is, quote, "Re: Wish List of Equipment for RSO Benghazi," close quote.

And I'll just provide you the opportunity to read that.

Mr. Evers. Can we go off the record for just a quick second?

Mr. Kenny. We can go off the record.

[Discussion off the record.]

Mr. Kenny. We'll go back on the record.

BY MR. KENNY:

Q Again, referring to exhibit 13, the doc ID, just for the record, C05390265.

I'll note that your name does not appear in the thread, but the email alias "Benghazi RSO" does.

A Uh-huh.

Q And we'll ask you about that just in a moment, but I would

like to first read from the first email in this thread, where [redacted] [redacted] writes to [redacted] and states the following: Quote, "Hey [redacted], hope all is well. Here's the wish list for new and upgraded equipment that we discussed. Give me a call and let me know if you have any questions or concerns," close quote.

The email then proceeds to list several items. You can see here there's a new IDNS system listed there, replacement camera monitors, old pendants for the current IDNS systems, camera/monitor sets for the TOC and villa safe haven, additional cameras with visibility outside the compound walls, upgrading critical cameras for night vision, and louder IDNS alarms and hardening of the TOC door.

In the email following this in the string, [redacted] responds with certain comments. And, in the final email, [redacted] replies with additional information in response to Mr. [redacted] questions and states, quote, "Thanks again for all of the help man, we all appreciate it out here," close quote.

Before just getting into the specifics of this request, I'd like to ask who -- I don't recall if this was asked in the previous hour -- who was [redacted]?

A He was one of the ARSOs there that I supervised.

Q Okay. And who is [redacted]?

A He is the ESO.

Q Okay. So the engineering security officer?

A Yes.

Q Okay. And where was he based?

A Cairo.

Q In Cairo. Okay.

And when we see the alias here, "Benghazi RSO," what is your understanding of who would receive those emails?

A It would have been a group email that would have included the DS agents in Benghazi and possibly [redacted] in Tripoli, but I'm not sure.

Q Okay. And would you have been included on that list?

A Yes.

Q Okay. Do you recall this email exchange?

A No.

Q Okay.

You see here that there is a list of requests, the original wish list that ARSO [redacted] submitted. Do you recall at all whether these are listed in order of importance? Is there any priority as to how these requests are listed?

A I don't know.

Q Okay.

Do you know how this document was created? For instance, was there a discussion about it? Did you review previous security requests? Was there some sort of formal site survey done?

A Is there a date on this first document?

Q It's at the bottom here.

A Oh, okay.

No. [redacted] very tech-savvy and would've been keen on identifying

issues we might have had with some of our technical security features. And I have no doubt that what he was identifying and was asking for here would have been appropriate and necessary security upgrades.

Q Okay. And when he uses the term "wish list," did you understand that to mean that that was everything that post thought it needed at that time?

A It was everything that -- yes, I would say that's everything we needed for that particular compound setup.

Q Okay.

Was your sense that the requests that were submitted here to the ESO in Cairo -- during your time there, did you have a sense that these specific requests were being worked on?

A I can't remember ever having a sense that these were being worked on and that there was any followup to this.

Q Okay.

Perhaps to refresh your recollection, we can refer back to exhibit 4 on page 6, where it refers to a trip that the ESO had planned.

A Uh-huh.

Q What did you know about that trip?

A Based on these documents, I would say that he was planning a trip, and I would assume that he was going to address some of the issues that are raised here.

Q Okay. For instance, you mentioned in a previous round that there were cameras that had been delivered --

A Yes.

Q -- to post. Would the RSOs have been able to install those themselves, or would that have required some sort of technical expertise?

A It would have required some sort of technical expertise.

Q Okay. And was it your understanding that the ESO office, that they possessed that --

A Yes.

Q -- expertise? Okay.

A That's something they typically do at post.

Q And was your understanding of the trip that had been planned for the ESO to, among other things, install those cameras?

A Logically, I would make that assumption, but I can't say he was coming for that specific reason. I would say there's a good chance he was, but I don't know that for a fact.

Q Okay.

And, again, just to reread from the turnover memo -- which I can give you a moment -- it's page 6, where it says, quote, "We received cameras and monitors, and the installation of these is a priority," close quote.

A Uh-huh.

Q Looking at this now, does that help refresh your recollection?

A I would agree that they were a priority. Whether or not that was something that he was going to be able to complete in his time here, I don't know, or I cannot remember what the task was he was going

to perform when he got to post.

Typically, ESOs, in my experience, when they have come to post, we have a lot of tasks for them, and they just don't get to all of them, so they prioritize them with what they can do. I would imagine, in this case, the cameras, he would've worked on that. But I just don't want to say certainly that's what he was coming here for.

Q And the last request that's listed in [redacted] request is the hardening of the TOC door. I believe you were asked about this in a previous round, but, to the best of your recollection, did that occur or had that happened before you left?

A No. We had gotten the approval to spend $500, maybe a little bit more than that, on the door. We had the person that was constructing the door come in and take measurements. But when I left September 1, it had not been completed.

Q Okay. But it was in the process of being completed?

A Yes.

Q Okay. Did you have any reason to think it wouldn't be completed?

A Well, it's Libya. I mean --

Q Fair enough. Okay.

A Who knows what's going to happen there.

Q What I would like to do now is I will introduce exhibit 14.

[[redacted] Exhibit No. 14

Was marked for identification.]

BY MR. KENNY:

Q This is a short one. It's just a one-pager. Ready?

A Uh-huh.

Q Okay.

Just for the record, exhibit 14 is an email that's dated August 23. It's from you to [redacted], with the subject, quote, "Re: Reports to system," close quote. The document number is C05B391883.

Do you recall this email?

A Yes.

Q Okay.

I would like to note that in the attachment field it says that this email contained an attachment. The attachment was securityrequests.docx. Do you see that?

A Yes.

Q Okay. Do you recall what that document was?

A I think it's the same one that you showed me earlier.

Q Does it look like exhibit 3?

A Yes, that one.

Q Okay. And I can give you a moment if you would like to -- and I apologize that we've inundated you with paper here.

A Sure. Yes, 3.

Q Okay.

So, just to be clear, I think we established earlier that this -- you thought that this document also was attached to exhibit 2.

Does it look like this, which is exhibit 3 we're looking at, which is the security requests for Mission Benghazi, was also the attachment to exhibit 14?

A Yes.

Q Okay.

And I think you had described a little bit earlier about the basis for creating this document. But, specifically, was this a spinoff from the EAC, do you recall, the security requests document?

A I drafted this because RSO [redacted] had asked me to draft a, for lack of a better term, wish list of what I thought we needed. And I don't remember if that was a result of the EAC that he had asked for that or he had asked for that separate of the EAC.

Q Okay. And when he asked you to do that, do you recall how you went about doing it? For instance, did you, again, review previous equipment requests? Did you consult with the other ARSOs at post?

A I consulted with the other ARSOs at post. I drew on other information I would've had. So, for instance, some of these pictures I didn't take; I would've had to pull them from other documents. But quite a bit of this is information I would have generated on my own.

Q So without the input from the ARSOs?

A I think I generated, if I remember correctly, the majority of this and then gave it to the ARSOs and asked for their input and if there was anything else that they would like or that they thought was critical that was missing.

Q Do you recall if they had any specific requests to add or

remove certain content?

A I don't remember, no.

Q Okay.

Same question I'd like to ask you about this document I asked you about the [redacted] wish list. Were these requests in any particular order? Were they listed in order of priority?

A No.

Q Okay.

And I would just like to note that the requests here do appear to be different from the requests that were generated out of the August 6 document, which was also referred to as a wish list. And I'd just like to ask for your understanding of why that was the case.

A Exhibit 3 is the turnover document. Do you have the one that was generated out of the EAC?

Q So, I'm asking for your help, and this is exhibit 3 that we're in --

A Uh-huh.

Q -- and comparing that with exhibit 13, which is the wish list from [redacted].

A Oh, okay.

I would say that the items in exhibit 13 are technical security upgrades, and, although that was a focus of our equipment request, I was focused more on some of the physical security upgrades, manpower requests, various other equipment requests.

Q Okay. Is that because --

A And, additionally, [redacted] was not at post anymore.

Q Okay. So it sounds like there were some other considerations at play, and, also, you created this document, and another ARSO created the other document. That's fair?

A Yes.

Q To the extent that the scope of this document is slightly different from the other document, was that in part due to the request that RSO [redacted] made of you? What were his instructions to you?

A As I remember it, his instructions were, draft a wish list of what you would like there for security requests. I remember asking, can I put anything on there? For instance, can I request, you know, Marine support? He was like, well, no; try and make it, you know, reasonable.

So I think I probably would have had an understanding or at least something in the back of my head saying, put down what you think is most critical on this list. And perhaps that's why some of these other items, although important, maybe I didn't view as critical --

Q Okay.

A -- as what made the final cut in exhibit 3.

Q Okay. That's helpful.

Do you recall whether the request that RSO [redacted] made to you to prepare this wish list, was that connected in any way to discussions about the long-term presence in Benghazi?

A I don't believe it was.

Q Okay. So, knowing that, what was your expectation when you

sent this list of requests in as to whether they could or would be met?

A My expectation was he would forward this or discuss this back with DS headquarters and some, perhaps all, of the recommendations would be approved.

Q Okay. Do you recall whether he did, in fact, or did you ever learn that he did, in fact, submit this request back to anyone in Washington or at main State?

A I never found out. I never followed up.

Q In the -- well, actually, before we move on, in exhibit 3, the list of requests, on page -- we don't have page numbers here, but the last page of the request, which talks about equipment request, there was a discussion in the last hour about the belt-fed, crew-served weapon, which you referred to as a machine gun. I would like to ask you about that.

In the discussion of who added which component, do you recall, was this your suggestion or was this another ARSO's suggestion?

A It was, I want to say, [redacted] suggestion, but it could've been [redacted].

Q Okay. But it wasn't your suggestion.

A I did not come up with it, but I agreed with it.

Q Okay. That's fair.

You've mentioned your intent to put a machine gun if this request were to be granted, I believe you said, in a window in one of the buildings. Which building?

A I would have put it in the residential villa, C Villa --

Q Okay.

A -- where it could be transported to the roof if need be.

Q Okay. Was Villa C, was that clearly visible from outside the compound, beyond the walls?

A It was certainly visible from the wedding hall across the street. And it would be the first villa that you would come in contact with, as well as the QRF villa, when you come through the front gate.

Q Okay. And the window that you were proposing putting the machine gun in, which direction was that facing?

A I wouldn't put it in a window. I would put it on the roof of that villa. But it would be facing the main gate.

Q Okay. So that wouldn't necessarily have been visible from outside the compound, beyond the wall.

A The actual machine gun? I doubt you'd be able to see it out there.

Q Okay.

BY MS. SACHSMAN GROOMS:

Q And you would have left it inside of the building to be transported to the roof if there was an emergency? Is that the idea?

A Yes.

Q And about how long would it take someone to do that, to move it from the inside to the roof?

A Not very long. I mean, it's heavy, but it can be carried by one person. I mean, it would take a minute to go out the window and up the ladder to the roof.

BY MR. KENNY:

Q I would like to refer you back to exhibit 14. This as an email from you to [redacted], August 23.

And, again, this email, you had mentioned to us, included the security requests document. I'll just read you right here a quote. "Our Internet just came back up, so I have attached the security/manpower/equipment requests. Some of them are long shots, but it doesn't hurt to ask," close quote.

You had mentioned a moment ago some of your expectations about whether requests would be fulfilled or not, and I just would like to ask you what you meant when you said some of those requests were long shots.

A A belt-fed weapon I would say was a long shot.

Q Why? Why do you think that?

A I'm trying to remember why. I believe it was with the desk officer I mentioned that, the possibility of getting that, and I think I was told that it was unlikely because of the residential area we were in. That sort of weapon could do a lot of damage to surrounding houses, people, cars. So that seemed like it would have been a long shot.

Some of these, based on the time it takes to construct and the cost -- for instance, building a man trap, I thought that might have been a long shot.

I mean, I don't know if you want me to go through each one of these and say -- or is that enough -- what I think could have been a long shot.

Q I mean, if there are more that you thought were long shots in the list.

And maybe just understand, when you send the request in, why caveat that some are, some aren't and not identify which ones are or aren't? Did you have some sort of understanding that RSO [redacted] would know what you meant by that?

A I think probably any DS agent that served overseas that looked at this list would recognize that some of them are easy fixes and some of them take either a little bit more effort or a little bit more money. So, for instance, a Delta barrier is really expensive, and any DS agent would look at that and know that that's an expensive item, whereas shatter-resistant film on the windows is not particularly expensive.

Q And, again, just to clarify, you recall only sending this security requests list to the Tripoli RSO, is that correct, in this timeframe?

A Yes.

Q Okay. And did the RSO ever respond to any of these requests directly?

A I don't remember a response, no.

Q Okay. And did you ever take any steps, or any of the other ARSOs on the compound, to follow up on the status of any of these requests?

A I didn't. I did not. All I remember is attaching it with the email I sent [redacted] for the turnover document, and I don't know if

he followed up either.

Q And, to your knowledge, did you forward it or send it to anyone at main State?

A I don't believe I did, but I don't know for sure.

Q Okay.

I'd like to turn our attention now to the discussion about the February 17 Martyrs Brigade and the QRF. We had an extended conversation about your opinions, your thoughts about the QRF, the Brigade, and some of the individual members. And we're harking back now to the first hour, so I appreciate your indulgence here as we walk through some of these things, but I just would like to clarify or clear up a few matters related to your opinions about the QRF.

You had mentioned that you'd heard rumors of a counterintelligence concern related to one of the members of 17 February Martyrs Brigade; is that correct?

A Yes.

Q Okay. Do you recall if that rumor or that concern was substantiated during your time there?

A It was not substantiated, no.

Q Okay. And just for the purposes of having as clean of a record as possible, who was that person? Was that a QRF member who was on the compound at any point in time?

A To my knowledge, he had previously served as a QRF member on the compound.

Q Okay. But was that during your time in Benghazi?

A No.

Q Okay. And it was --

A They tried to send him back during my time, but I refused him.

Q Okay. That was going to be my followup question.

You'd also, in that discussion, talked about some general concerns you had -- I don't want to mischaracterize what you say, so please correct me if I'm wrong, but that you had perhaps some generalized concerns just about any Libyans on the compound. Is that a fair summary of your concerns?

A I would have CI concerns about any Libyans that were on the compound. And that's based on the CI environment and the prior environment under Qadhafi regime, where Libyans were almost forced to report information to the host government out of fear, you know, for their life or their family's safety.

Q And were those concerns, were they generalized concerns? Were they specific concerns based on specific incidents or reporting?

A At other posts I had been to, I had seen plenty of these CI concerns that were justified, turned out to be true, and it seemed likely that I should take the same precautions related to the Libyan employees we had.

Later on, when I served in Tripoli, many of my concerns were justified with Libyan counterintelligence issues on the compound there.

Q And when you say "counterintelligence," can you just

explain for us what that means, a counterintelligence risk or concern?

A That would be Libyans reporting on us and our activities [redacted]

Q Okay. And would that have been related -- why was that a concern?

A Part of the concern is [redacted] knowing information about us and what we're doing makes us vulnerable, the Americans vulnerable to intelligence pitches, for lack of a better word, [redacted]. It can also lead to security vulnerabilities if they're providing that information to people that maybe do not like the United States or wish to do us harm.

Q Okay.

BY MS. SACHSMAN GROOMS:

Q You said that you had CI concerns, counterintelligence concerns, also with foreign nationals from other countries; is that right?

A Yes.

Q So that's common and generalized for foreign nationals, period? Is that sort of an accurate way of understanding that?

A For me, there would only be a handful of countries in the world where I would not have counterintelligence concerns with the local nationals.

Q And you said you had some specific ones when you were in Tripoli well after the attacks and some specific ones in other countries.

A Yes.

Q Did you ever have a specific one for someone who was on the compound when you worked in Benghazi?

A Well, I had a CI concern about the QRF member they tried to provide us. And I had a concern in a similar vein with [redacted], that he wasn't necessarily being forthright with information with us. That's different than spying on us or reporting on us, but I felt it was somewhat in the same vein.

Q And what do you mean by "he wasn't being forthright with information"?

A In the interview I had with [redacted], who was the member of the QRF that resigned, I believe he had mentioned that [redacted] perhaps knew more information about the prior attack on the U.S. Mission and was not sharing it with us.

Q And so that created suspicion that maybe that was accurate?

A It created suspicion that, if he's withholding that information from us, it led me to question why he was holding that information from us and what else might he be withholding from us.

Q And did you ever have any evidence or any sort of -- anything ever happen to sort of prove your suspicions correct, I guess?

A No.

Q And you said in light of these generalized and sometimes specific concerns about foreign nationals, you take precautions. What are those precautions?

A If it's a specific person I have a concern with, I would

offer [redacted] to see if they have similar concerns and ask them to run various checks on that person.

I would also -- I believe in this case I had instructed the other people on the compound, the other Americans on the compound, to just be careful about what sort of information we were discussing when we were around the QRF.

Q So you took some specific precautions here. One of them was instructing the other Americans to keep your information away from the QRF. Is that right?

A Yes.

Q [redacted]

A I'm almost positive I did. I can't say for certain, but fairly positive that I discussed this with them.

Q [redacted]

A I can't remember. I know I've discussed 17 February with them. I'm almost positive I would've discussed both of these incidents you said, but I can't say for certain.

Q Did you report both of those to Tripoli?

A I reported some of my concerns I had with CI issues with the QRF to the desk officer, because I thought he would have more institutional knowledge about the QRF. And I most likely would have cc'd maybe [redacted] in Tripoli or somebody, but I don't know for sure.

BY MR. KENNY:

Q Do you recall ever recommending to [redacted] that Embassy

Tripoli hire a member of the QRF for their bodyguard program?

A Yes.

Q Okay. What can --

A [redacted].

Q -- you tell us about that?

A When [redacted] resigned, or was telling me he was resigning, he was asking if there was a position, a bodyguard position, for him at U.S. Embassy Tripoli. And I asked [redacted] if they had an opening, and, as I recall, [redacted] said they did.

Q And did you make a specific recommendation that they bring or hire a former member of the 17 February Martyrs Brigade in Tripoli?

A I probably would have said something to the extent that he was one of the more capable QRF members and, you know, a good guy, somebody that we, you know, trusted probably more than the other ones.

Q So, just to differentiate at the individual level, it sounds like you had at least some confidence in some of the QRF members. Is that fair?

A I had the most confidence in [redacted]. The others I didn't have much confidence in.

Q Do you recall -- you mentioned that you reached out to the desk officer -- is that at DS/IP/NEA? Would that be [redacted]?

A Yes.

Q Okay -- to ask whether he had any institutional knowledge about this. Do you recall what he told you?

A I don't recall, no.

Q Do you recall in your discussion with [redacted] whether you also inquired with him about the future relationship with the 17 February Martyrs Brigade?

A I remember suggesting that DS vet, hire, and train the people that we wanted, that we had chosen, as opposed to 17 February just providing us people that we were basically forced to take. I thought that would be the better plan if we were going to use local security. And I don't remember what the response was.

Q So was that a proposal you made?

A Yes.

Q Okay. Do you recall who you made that proposal to?

A [redacted], I believe.

Q Okay.

I would like to just real quickly here -- and I appreciate the indulgence. We'll enter into the record exhibit 15.

[[redacted] Exhibit No. 15
Was marked for identification.]

BY MR. KENNY:

Q And just in the interest of time, I'll go ahead and read some of the description. So this is an email dated August 6, 2012. It's from you to [redacted]. The subject is, quote, "Re: Bodyguard position," close quote. Doc number is C05396698.

All set?

A Uh-huh.

Q So I'd just like to begin at the bottom. In an earlier

email, you wrote to [redacted], quote, "[redacted], we're having some issues with our QRF here, and at some point someone is going to have to make some difficult decisions. In the meantime, though, one of our QRF members" -- redacted -- "recently quit and would like to work as a bodyguard at Embassy Tripoli. I told him I would ask if there were any available positions or if you needed him for anything. He was our best QRF member tactically, was the only one who reportedly fought in the revolution, and speaks fairly good English. He would be a good asset if you have a spot for him," close quote.

[redacted] responds, quote, "Actually, [redacted], I would hire him almost immediately. We just upped our Bodyguard detail to 35 members, and we need 20 bodies. All the help we can get here will be appreciative.

"On another note, keep in mind that Benghazi is not a traditional Consular nor Embassy post. The QRF there has helped keep security in place for almost a year now. And Benghazi will not be closing down anytime soon. Be as flexile" -- should be "flexible" -- "and as patient as possible with the personnel there," close quote.

And we'll start just with that first chain. This seems to be a continuation of the discussion we were just having, where you recommended one of the members of the QRF. Does this refresh your --

A Yes.

Q -- recollection of that event? Okay.

And so, in that email, you had raised -- you mentioned that there were issues. You were having some issues with the QRF and you might

have to make some difficult decisions.

Were the difficult decisions you're referring to, is that in reference to whether -- can you just explain what you meant by the difficult decision?

A The difficult decision would have been whether or not we were going to keep using this militia as our QRF. And, at some point, I thought we were going to need to make the decision to go another route.

Q Okay.

A Training other people.

Q And [redacted] response to you, he tells you to, quote, "be as flexible and as patient as possible with the personnel there," close quote.

Did ARSO [redacted], to your understanding, did he also have specific knowledge of the 17 February Martyrs Brigade, for instance? Had he served in Benghazi?

A Yes, I believe he had.

Q Okay. And what did you interpret that line to mean when he wrote that to you?

A I interpreted it as his opinion. I've disagreed with him before on his opinion as it relates to Libyan bodyguard personnel. I don't know what else I can say about that. I disagreed with it, but that was his opinion.

BY MS. SACHSMAN GROOMS:

Q Was there another group, other than 17 Feb, at the time that you could've gone to for this kind of QRF support in Libya?

A There may have been, but not that I'm aware of.

Q So if you had decided to -- if you had actually moved forward with the recommendation to, sort of, stop using this QRF support, what would you have been recommending to do?

A I think we could have done something similar to what Tripoli had done, which is where your direct hire, Libyan nationals, and then vetting them and training them through DS trainers. I think there's some advantages to doing it that way as opposed to how we did it.

Q Did you ever communicate that to somebody at the time?

A I wrote it to [redacted] in a previous -- oh.

Thanks.

In the equipment requests, or under "manpower requests" in exhibit --

Mr. Evers. I think it's exhibit 3.

Mr. [redacted] -- exhibit 3.

It says, "The use of a brigade QRF is not desirable for many reasons. Request a minimum of four local bodyguards trained by DS to use on movements as well as QRF duties."

BY MR. KENNY:

Q Do you what RSO [redacted] position was on this matter?

A I don't know what his position was then.

Q With this email, were you seeking to initiate a discussion about the QRF? Were you making a specific recommendation? Were you seeking Embassy Tripoli's blessing or approval for a different course of action? We're in exhibit 15.

A I think I would classify that as I was putting out feelers to see if they had some of the same issues or if they would be amenable to choosing a different course of action resulting in QRF.

Q Did you ever feel any pressure from Embassy Tripoli not to report on problems about the QRF to them?

A No.

Ms. Sachsman Grooms. How about from headquarters? Did you ever feel any pressure from them not to report about problems?

Mr. [redacted] No.

Ms. Sachsman Grooms. Can we just go off the record for a second?

[Discussion off the record.]

Mr. Kenny. We'll go back on the record.

BY MR. KENNY:

Q Just one final line of questioning before we hopefully move to our next setting.

You had mentioned -- again, we're harking back here to the first round, but I wrote that you felt that that there was pushback from certain members of the February 17th QRF on the compound in regard to supporting moves off the compound. Do you recall that discussion?

A Yes.

Q Okay. But do you recall or were you aware of whether there were any discussions between those members and their parent command about whether the scope of their work for the mission would include off-compound moves? For instance, did you ever hear, did the parent command ever express concerns about increased risks to their members

in supporting off-compound moves?

A I don't remember that, no.

Q Okay.

And just to close that out, as a part of that discussion, of whether they were supporting the moves -- and you mentioned or we talked about the work requirements that were created for them -- was there a worry or concern that they would not fulfill their internal defense role at that time?

A My concerns were they were not competent or professional enough to fulfill their internal defense role. They may have tried to do it, but I don't know how -- I didn't have the confidence that they would be effective in doing it.

Q Okay.

BY MS. SACHSMAN GROOMS:

Q I just want to catch up on a couple things that came up during the interview today. One of them was back to the Emergency Action Committee in mid-August. I think, coming out of that, one of the options that was discussed was [redacted] if there is a dangerous situation; is that right?

A Yes.

Q Did you ever recommend, during the time you were in Benghazi, [redacted] due to some kind of an emergency? And I mean that in terms of, like, that kind of a [redacted] instead of, like, a long-term-view sort of --

A Right, like a short-term.

Q Yeah.

A I think we had discussed it regarding maybe one of the Qadhafi anniversaries one of my last few days in country, but we didn't do it. I don't remember why we decided not to do it, but we didn't.

Q And if you felt that the situation had become dangerous enough that you needed to do it, would you have recommended doing it?

A Yes.

Q Okay. And so, during the time that you were there, is it fair to say it was never dangerous enough that you would have decided to do it, [redacted]?

A I never felt that there was a -- it was certainly very dangerous. I never felt that there was a specific enough threat to us that would necessitate us moving to the compound.

Q That's helpful.

I think also during the interview you said what I think is the same thing in two different ways, but I want to make sure that I'm not misunderstanding.

One of things that you said, and tell me if I'm just misstating this, but one of the things I believe that you said is that you didn't think that you could defend the compound. And, in other instances, you said you didn't think you could defend the compound against a coordinated attack.

Is that essentially the same thing?

A It is. I was qualifying it. I think we probably could have defended the compound if we were encountering one or two attackers,

but in the event of a large-scale, coordinated attack, it would've been difficult.

Q And did you have a specific warning that there was going to be a coordinated attack against the compound in Benghazi?

A No.

Q Did you have reason to believe that a coordinated attack was likely on the compound while you were there?

A No.

Q And if you had thought that it was likely or that the risk level of a coordinated attack was going up, would you have recommended taking steps at that point, such as [redacted] or evacuation or something?

A Yes, certainly. I would've most likely recommended that we leave Benghazi.

Q Okay.

I think in another instance, I think a couple of times, you sort of described the recommended security requests, the physical security requests that you made, and you said that you didn't think that if you had gotten all of those things that it necessarily would have made a difference in the particular attack that happened on September 11. Is that accurate?

A Yes. I can't say for certainty whether it would have made a difference. We've been attacked at various posts around the world with even more security than what I was asking for, and it didn't make a difference. So, like I said, I think it would have been safer. I

can't say that it would have changed the end result.

Q And, while you were there, is it fair to say that you and the people that you worked with worked very hard to try and make it a safer place?

A Yes. That's a fair statement.

Q And would that include the people that you were working with in Tripoli? Were they also trying to make the Benghazi compound a safer place?

A Yes.

Q And would that include the people you were working with in headquarters? Were they also trying to make the Benghazi compound a safer place?

A I can't say for certain what they were doing in headquarters, but I would say that the person I talked to, the desk officer, was concerned with our safety.

Q That's [redacted]?

A Right. Yes.

BY MR. KENNY:

Q So, at this point, we'll just shift gears. And I'll try to do this as expeditiously as possible, but I have a list of allegations that have been publicly made about Benghazi. I'd just like to walk through some of those allegations with you and ask whether you have any evidence to substantiate any of these.

It has been alleged that the Secretary of State, Hillary Clinton, intentionally blocked military action on the night of the attacks. One

Congressman speculated that, quote, "Secretary Clinton told Leon Panetta to stand down," close 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, quote, "stand down," close quote, 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's also 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 Secretary Clinton personally signed an April 2012 cable denying security resources in 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

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 also 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," close quote, and they found, quote, "no support for this allegation," close 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.

Q Do you have any evidence that 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 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 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 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 also 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 also 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 also been alleged that the President of the United States was, quote, "virtually AWOL as Commander in Chief," close quote, 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, quote, "virtually AWOL as Commander in Chief," close quote, or, quote, "missing in action," close quote, on the night of attacks?

A No.

Q It has also 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, quote, "remain in place," close quote, in Tripoli to provide security and medical assistance at that 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," 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," close quote?

A No.

Q It has also 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, 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," 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.

Mr. Kenny. Thank you.

And that concludes our interview. We'll go off the record.

[Whereupon, at 4:15 p.m., the interview was concluded.]

1 Ms. Betz. So it is now 4:35, and we'll go back on the
2 record.
3 Ms. Jackson. We are now in a classified setting. We
4 believe that we will be going to the Secret level only.
5 Everyone here in the room is cleared to a higher level than
6 that.
7 And, Agent [redacted] we would ask, if you believe any of
8 your answers are going to go higher than the Secret level, to
9 the best of your ability just alert us to that fact. But
10 everybody in here is at least at the TS level, and I believe
11 everybody is at TS/SCI. So you can go higher, but, to the
12 best of your ability, if you can alert us to the fact if
13 you're going higher than Secret. But we believe that this
14 will be at the Secret level.
15 [[redacted] Exhibit No. 16
16 was marked for identification.]
17 [[redacted] Exhibit No. 17
18 was marked for identification.]
19 BY MS. BETZ:
20 Q And, with that, you have in front of you two
21 documents: exhibit 16, which reads State Department document
22 C05578211, and it is an email from you, Agent [redacted], to
23 Gregory Hicks, [redacted], and you copy yourself.
24 A Uh-huh.
25 Q The second document is State Department document

1 C05261905, and it is a cable dated August 16, 2012.
2 And have you had a chance to review the documents?
3 A Yes, ma'am.
4 Q Okay.
5 Ms. Sachsman Grooms. It's 16 and 17?
6 Ms. Betz. Sixteen and 17, 16 being that email.
7 BY MS. BETZ:
8 Q So, Agent [redacted], I want to refer you to the
9 email which you drafted and sent to Gregory Hicks and [redacted]
10 [redacted] and [redacted], which is at the top of the page
11 of exhibit 16. Is this an email that you drafted?
12 A No, it is not. This is similar to what we had
13 discussed before. I was responding to the DCM, and [redacted]
14 [redacted] was assisting me with that. So we were working in
15 coordination on this. So he actually wrote the email, but we
16 only had one --
17 Q Okay.
18 A -- classified computer at Benghazi.
19 Q But you're aware of the text of the --
20 A Yes.
21 Q -- email, what was included.
22 A Yes.
23 Q And the email reads, "We've seen incidents here on
24 a daily basis." Blank "said at the EAC, 'Something is
25 happening every day, and something will keep happening every

1 day.' In the absence of deterrence, I think that pattern
2 will continue. There is certainly no reason for it to stop
3 and no force to stop it. The NGO rep I met with yesterday
4 agreed, commenting that 'for the first time since the
5 revolution, I am afraid.'"
6 Could you elaborate on that quote by that NGO rep?
7 A I can't elaborate on the quote by the NGO because I
8 wasn't in the meeting and I don't know who said that to him.
9 Q Would it have been a Libyan who was aware or had
10 experience in the revolution?
11 A It could've been a Libyan; it could've been a
12 Westerner that was attached to an NGO there.
13 Q Okay. Okay.
14 BY MS. JACKSON:
15 Q What does "NGO" generally stand for?
16 A Nongovernment organization.
17 Q Okay. And does that usually include nationals of
18 the country, or does it generally refer to someone from
19 another U.S. Government agency or some other third-party
20 country?
21 A In my experience, it refers to somebody that is
22 from a Western country or another government or
23 quasi-government organization.
24 Q Such as the U.N. or the U.K. or the French or
25 somebody like that?

1 A Yes, or a humanitarian organization.
2 Q And in your copy, where it is redacted at the top,
3 do you know who made that comment?
4 A I do not.
5 Q Okay. If another copy of this document --
6 unredacted copy of this document said [redacted] at the
7 EAC, [redacted] a person or entity who would have been at the
8 EAC?
9 A It is an entity that would've been at the EAC.
10 Q [redacted]
11 A [redacted]
12 Q Okay. And that would be [redacted]
13 A Yes.
14 Q Okay.
15 BY MS. BETZ:
16 Q I just have one additional question. Do you know
17 why Mr. [redacted] would have included that quote in the email?
18 A The quote from the NGO or the first quote?
19 Q From the NGO, yes.
20 A I think it highlights that something has changed in
21 the atmospherics of Benghazi.
22 Q And he wanted to convey that change to those
23 individuals?
24 A I believe that was his intention.
25 Q Okay. Thanks.

1 So turning now to exhibit 17 -- I want to go back to
2 exhibit 8, because that referenced exhibit 17. And I'll give
3 you a moment to look at the document.
4 And, just for the record, exhibit 8 is an email that was
5 initiated by Gregory Hicks, who was the DCM in Tripoli,
6 writing to you and [redacted] regarding exhibit 17 and the
7 cable, the draft cable, of which exhibit 17 was the final.
8 So, in his question, DCM -- so, Agent [redacted], would
9 you agree that exhibit 17 is the final version of the EAC
10 cable?
11 A Yes.
12 Q Okay. And that exhibit 8 is referencing a draft
13 cable that ultimately came in the form of exhibit 17?
14 A Yes.
15 Q And, going back, DCM Hicks had emailed you
16 regarding a couple of questions and suggested edits, correct?
17 A Yes.
18 Q Okay. And, subsequent to this email, the
19 Ambassador chimes in with you and others, suggesting a change
20 in terminology, specifically change from "terrorist
21 organization" to something else.
22 Why, in your initial drafting of the EAC cable, did you
23 use the term "terrorist organization"?
24 A It seemed to me that Ansar al-Sharia was a
25 terrorist organization. But I wasn't familiar with, sort of,

1 the nuances of the "terrorist" label. So, technically, they
2 weren't classified by the Department of State as a terrorist
3 organization. But, in my opinion, they had many of the
4 similar characteristics of a terrorist organization.
5 Q In essence, they were a de facto terrorist
6 organization in feel, activities, that sort of thing. The
7 only formality was they were not, sort of, technically
8 characterized by the State Department as a terrorist
9 organization. Is that accurate?
10 A That would be my opinion. I don't know what
11 specific nuances or details would have kept them on or off
12 that terrorist organization list.
13 Q Did you feel that the change to the terms "criminal
14 element," "Islamist militia," and "violent extremists,"
15 adequately captured "terrorist organization"?
16 A Yes.
17 Q You did.
18 A Yes.
19 Q So, going to exhibit 17, if you look at paragraph 2
20 and, I'll say, sort of, fourth line down, you'll see the
21 phrase, "such as criminal elements and Islamist militias,"
22 leaving out "violent extremists." Do you know why "violent
23 extremists" was left out?
24 A I don't, no.
25 Q And do you believe what the final version contains

1 adequately represents your initial suggestion that "terrorist
2 organizations" be used?
3 A I'm sorry. Ask the question one more time, please.
4 Q So if you look at paragraph 2, fourth line down,
5 the final version of the EAC cable references only "such as
6 criminal elements and Islamist militias."
7 A Uh-huh.
8 Q It actually leaves out the term, or phrase,
9 "violent extremists," which was captured in exhibit 8.
10 A Uh-huh.
11 Q Does that limitation, or that exclusion of "violent
12 extremists," does that still capture what you had initially
13 included in your EAC cable -- draft cable?
14 A To someone that has studied the Middle East or is
15 familiar with the Middle East, I think the phrase "Islamist
16 militia" would convey the idea of violent extremism. For
17 someone that maybe wasn't as familiar with that, I don't
18 believe it would have conveyed that, no.
19 Q Okay.
20 BY MS. JACKSON:
21 Q You had mentioned earlier that you were trying to
22 capture the concern that Ansar al-Sharia was a threat to you
23 in Benghazi. Is that correct?
24 A I would say that they were a threat. I didn't have
25 specific reasons -- or reasons to believe they were

1 specifically targeting us.

2 Q Okay. But they were a threat in the area.

3 A I would classify them as an anti-Western militia,

4 and, therefore, they were a threat.

5 Q And that was going to be my followup question. You

6 would consider them to be a militia?

7 A I don't know if I'm saying that because of

8 information I know after the fact of what happened from my

9 time in Tripoli. I shouldn't say "militia." I should say

10 "an organization."

11 Q More of a violent extremist organization?

12 A I would certainly classify them as that now, yes.

13 Q To your knowledge, did they fight in the Libyan

14 revolution?

15 A I don't know if they did.

16 Q Okay. All right.

17 [redacted] Exhibit No. 18

18 was marked for identification.]

19 BY MS. JACKSON:

20 Q And, finally, if we could direct your attention to

21 what we've put before you and marked as exhibit 18, which

22 bears, for the record, document No. C05390124. It is marked

23 "Confidential." It bears the date of August 17, 2012, and

24 it's an information memo for the Secretary. And the subject

25 line is "Security Situation in Libya: A Spike in Violence or

1 a New Normal?"

2 Agent [redacted] have you ever seen this document before?

3 A I have not.

4 Q Okay. We've asked you to review it before. Did

5 you ever see a draft of this document?

6 A No.

7 Q Okay. So you were never asked to review any

8 information in here for accuracy or tone?

9 A I don't believe so.

10 Q Okay. And you were the acting RSO in August of

11 2012 in Benghazi?

12 A Yes, I was.

13 Q Thank you.

14 Ms. Jackson. That's all the questions I have for this.

15 And we are then done with our -- oh, wait.

16 Ms. Betz. There's a couple more.

17 Ms. Jackson. Okay. We are not done.

18 Go ahead.

19 BY MS. BETZ:

20 Q Were you aware toward the end of your time of the

21 issuance of the state of maximum alert in Libya?

22 A Yes, but we did not know what that meant, that the

23 Libyan Government had allegedly issued that state of alert.

24 And I don't remember that we actually confirmed that that

25 alert had been issued.

1 Q Okay. So did it mean for you any heightened
2 security posture, any additional requests going to Tripoli
3 and/or D.C. regarding this maximum state of alert?
4 A No. I think we investigated it or we did due
5 diligence but couldn't find an answer. And we didn't really
6 have the ability to go on any more heightened of an alert
7 than what we were already on.
8 Q Okay. Did it play into the travel warning that was
9 issued for Americans traveling to Libya?
10 A I don't know.
11 Q Okay.
12 Were you aware during your time there of the MANPADS
13 program that was being operated?
14 A I was somewhat familiar with it. I vaguely
15 remember that an organization was trying to confiscate
16 MANPADS, maybe to destroy them at a later date.
17 Q So you weren't aware of contractors going in and
18 out of the compound or any departure that they may have had
19 in regard to the security environment?
20 A There was a group that left Benghazi that we were
21 unaware that they were there, and I never determined who they
22 actually were. That could be the same group, but I don't
23 know.
24 Q Okay.
25 BY MS. JACKSON:

1 Q And this was a group of Americans?
2 A I don't know if they were Americans.
3 Q Do you know whether they were contracted by the
4 State Department?
5 A [redacted], I believe, had told me that they
6 were State Department contractors, but that's all the
7 information I had on them.
8 Q Would it be a fair assessment to say that the first
9 that Mr. [redacted] and you were aware that these State
10 Department contractors were in country was when they were
11 departing or had departed?
12 A Yes.
13 Q Okay. Do you know approximately how many were in
14 the country?
15 A No.
16 Q Okay.
17 Were you aware of any other weapons-abatement program
18 going on in the country?
19 A No.
20 Ms. Jackson. Then those are all the questions we have
21 for this session, and we'll turn it over to the minority.
22 I think the court reporter might be able to pick you all
23 up from where you are, but we'll be happy to change seats.
24 Mr. Kenny. Why don't we go off the record just for 1
25 minute.

1 Ms. Jackson. Okay.

2 [Discussion off the record.]

3 Ms. Jackson. We're sorry. We have a couple of omitted

4 questions.

5 Mr. Kenny. Oh, sure. Please.

6 BY MS. BETZ:

7 Q You had made an appearance before the

8 Accountability Review Board; is that correct?

9 A Yes.

10 Q Okay. And did they solicit your input, or did you

11 go to them?

12 A They asked me to participate.

13 Q And have you seen a copy of your notes or testimony

14 to the ARB?

15 A No.

16 BY MS. JACKSON:

17 Q How did you appear? Were you in a group of people,

18 or did they interview you individually?

19 A It was a videoconference. I was [redacted]

20 and they were in D.C.

21 Q And approximately how many people participated from

22 the D.C. portion?

23 A Approximately 15 to 20 that I could see on the

24 screen.

25 Q Quite a group.

1 Had you provided any documents to the Accountability
2 Review Board prior to appearing before them?
3 A Yes.
4 Q Okay. And how did you go about collecting those
5 documents?
6 A We received an email from somebody in the State
7 Department asking that we turn over all documents related to
8 Benghazi. And so I went through all my emails and turned
9 over the Benghazi ones to whoever had asked for them. I
10 forget the person.
11 Q Did you receive any subsequent requests for
12 documents related to Benghazi from any other group -- a
13 congressional inquiry, FBI, anything like that?
14 A No.
15 Q Were you interviewed by the FBI?
16 A No.
17 Q Okay. Have you been interviewed by anyone other
18 than the ARB prior to today?
19 A I had people call me that worked for the State
20 Department after the attack and ask questions, but I wouldn't
21 say it was a detailed interview.
22 Q Okay. And who were those people?
23 A [redacted] contacted me a couple of times. Eric
24 Boswell contacted me. And there was maybe one or two other
25 people that I don't remember who they were that worked for

1 the State Department.
2 Q Did it seem to you that it was a somewhat formal
3 interview over the telephone? Did it appear that there was,
4 like, a list of questions or a chronology to the questions
5 that you were being asked by either of those individuals?
6 A No.
7 Q Okay. And how soon after the attack did they
8 contact you?
9 A Approximately a month after.
10 BY MS. BETZ:
11 Q Had they reached out to anybody else that you know
12 of?
13 A I don't know if they did.
14 Q Okay.
15 Did the Best Practices Panel reach out to you? Did
16 you --
17 A I'm not aware of that panel.
18 Q Okay.
19 Is there anything else that you want to tell us that we
20 didn't ask during today's questioning?
21 A No.
22 Q Okay.
23 BY MS. JACKSON:
24 Q Anything you thought we would ask about but did
25 not?

1 A No.

2 Q And my colleagues may say this, but, you know, we

3 are charged with writing the definitive report on Benghazi.

4 Is there anything that you think we ought to include, any

5 recommendation for the State Department, for Congress, for DS

6 agents in particular?

7 A I would recommend that we do our best to try and

8 apprehend and kill the people that were responsible for this.

9 Q Okay.

10 Ms. Jackson. With that, we will turn it over to our

11 colleagues on the minority.

12 BY MR. KENNY:

13 Q I would just like to pick up real briefly on the

14 discussion about what you had learned were contractors

15 operating in and around the vicinity of Benghazi. You'd

16 mentioned that the principal officer had informed you that

17 they may or may not have been State Department contractors.

18 When you learned of their presence, did you inquire

19 further about the identity of the contractors, the number of

20 contractors, what their affiliation or their mission was?

21 A I don't believe I did, because I think, if I

22 remember correctly, [redacted] was trying to confirm those answers.

23 Q Okay. And did the principal officer ever come back

24 to you with any additional information on that topic?

25 A I don't believe so.

1 Q Do you recall if he made inquiries with Embassy
2 Tripoli, for instance, for more information about the
3 contractors?
4 A I don't remember.
5 Q As a general matter, would you have been
6 responsible for the security of U.S. Government contractors
7 in or around Benghazi?
8 A Most likely not, because they wouldn't have fallen
9 under chief of mission personnel.
10 Q Okay.
11 There was a discussion at some point today about other
12 like-minded individuals, other Western security contacts, in
13 Benghazi. Do you recall us discussing that?
14 A Yes.
15 Q Okay. Do you recall whether those individuals
16 would provide information, threat information, for instance,
17 to the RSO shop in Benghazi?
18 A Yes, they would.
19 Q Okay. Did you find that information to be helpful
20 in any way?
21 A Yes.
22 Q Okay. And who were those individuals, just
23 generally?
24 A I remember having multiple conversations with, I
25 believe his name was [redacted] and he worked for the U.N. We

1 certainly talked to the Brits, I believe the French. And
2 that's all I can remember off the top of my head.
3 Q That's fine.
4 Do you recall any information being relayed to you from
5 private security contacts -- in other words, not affiliated
6 with any government formally?
7 A I believe we got some information through [redacted]
8 who was the guard force contractor, which he was getting
9 through his contacts that were Libyans. I don't know what
10 sort of function they served in the government or what they
11 did, but occasionally we would get information from him.
12 Q Do you recall any information being relayed by a
13 firm, a Swiss firm, called CrossTech? Does that sound
14 familiar to you?
15 A There was an organization that was putting out, I
16 want to say, daily security briefs. I don't remember if that
17 was the name of it, though, CrossTech.
18 Q Okay. What was your understanding of who those
19 individuals were, those security contacts?
20 A My sense was that they were something similar to --
21 or maybe, like, an OSAC equivalent, but they were a private
22 organization with, I don't know, some sort of security
23 background or knowledge.
24 Q And did you receive those reports throughout your
25 entire time?

1 A I received quite a few of them. I don't know if I
2 got them every day, though.
3 Q Okay.
4 Do you know if any of those security contacts or any of
5 the people on that list were associated with contractors
6 associated with WRA in or around Benghazi?
7 A What is "WRA"?
8 Q Weapons abatement.
9 A Oh. I don't, no.
10 Q Okay.
11 I'd like to return to our discussion of the draft EAC
12 and, with that, refer you back to both exhibit 8 and exhibit
13 16. So what I'd like to do is walk through -- we'll start
14 with exhibit 16.
15 A Uh-huh.
16 Q So, in this, there is an email that you write to
17 [redacted] on August 15, where you write, "Attached is the
18 EAC cable that I drafted. PO [redacted] has cleared for
19 Tripoli's review."
20 Above that, the deputy chief of mission, Gregory Hicks,
21 writes back to you, suggesting that he has, quote, "a couple
22 of questions and a couple of suggested edits," close quote.
23 And I'd like to go into the document so that -- on the
24 second page, we were focused on the second paragraph there.
25 And there are two comments there. I'd like to begin with the

1 first comment, which is -- understandably, it's difficult
2 with the copying to read, but I'll do my best here. We read
3 this to say, quote, "Is there evidence of this? I haven't
4 seen any reporting along this line, and none was mentioned in
5 this morning's meeting, close quote.
6 That comment is attached to the word "organizations" as
7 part of "terrorist organizations." And you had mentioned in
8 the last round that that phrase had been struck from the
9 final EAC. And I just would like to understand or clarify
10 for the record, did you understand that this comment had been
11 submitted to you by Deputy Chief of Mission Greg Hicks?
12 A Yes. But I also would have brought in [redacted] to look
13 at it.
14 Q Okay. But who drafted this comment?
15 A I did. Or -- I don't know who drafted the comment.
16 I believe that would have been the DCM.
17 Q Okay.
18 And you suggested earlier that you thought he had raised
19 this question about "terrorist organizations" because a
20 particular organization had not yet received formal
21 designation by the State Department.
22 I was just wondering if you could reconcile that
23 statement, that belief, with the actual comment here and what
24 you thought the deputy chief of mission was saying when he
25 asked, is there any evidence of there being a terrorist

1 organization. "I haven't seen any reporting along this
2 line."
3 A I don't know why he hadn't seen reporting along
4 that line. I think when I was writing "terrorist
5 organization," that particular phrase, I was thinking more of
6 AQ, which -- we had received information [redacted]
7 saying that there were AQ camps around Benghazi. So that's
8 most likely what I was referring to when I said "terrorist
9 organization." Why the DCM was not aware of that information
10 or had not seen that same reporting, I do not know.
11 Q So when he refers to "reporting" here, you think
12 he's referring to some of the -- he hadn't seen in his
13 intelligence reporting that there was an AQ presence in
14 Eastern Libya?
15 A That's what it sounds like here.
16 Q Okay.
17 Did you have any discussions with Embassy Tripoli about
18 this specific phrase, or was it all conducted over email?
19 A It almost certainly would've had to have been all
20 over email since I don't think we had a high-side phone.
21 Q Okay.
22 And I guess maybe I'm a little confused now, because you
23 say that you included "terrorist organizations" because of
24 reporting you had rather seen about the presence of AQ in or
25 around Benghazi, but earlier you were referring to Ansar

1 al-Sharia --

2 A Uh-huh.

3 Q -- and we had talked about your understanding of

4 that militia and what that was. Can you just help us

5 understand which of those two you did mean when you were

6 referring to "terrorist organizations"?

7 A I think I meant both AQ and Ansar al-Sharia, but,

8 for whatever reason, I think [redacted] must have explained to me

9 the issue with Ansar al-Sharia not being designated a

10 terrorist organization, and he thought that that was the

11 issue that the DCM had with that particular phrase. And I

12 may not have remarked, fine, but that also doesn't eliminate

13 -- that accounts for one organization, but it doesn't account

14 for the fact that AQ is an organization.

15 Q Okay.

16 BY MS. SACHSMAN GROOMS:

17 Q Wait. When you say [redacted] may have explained to you

18 that it wasn't a designated organization, are you talking

19 about [redacted]?

20 A Yes.

21 Q So you're sitting in Benghazi, you receive this

22 comment in from Greg Hicks, and then you and [redacted] are

23 interpreting it. Does that sound right?

24 A Yes.

25 BY MR. KENNY:

1 Q So, to your knowledge, did [redacted] have the
2 conversation -- did the principal officer have the
3 conversation with the deputy chief of mission about what he
4 meant here?
5 A I don't know if he had that conversation or if this
6 was something that he had, you know, previously discussed.
7 Q Did he tell you that he had a conversation with
8 him?
9 A I don't remember if he told me that he had this
10 conversation. I just know that I would not have known about
11 that nuance with Ansar al-Sharia not being on the specific
12 list and he would've been the only one that could've told me
13 that.
14 Q Okay.
15 And this phrase, "terrorist organizations," that was
16 ultimately struck from the draft memo to the final EAC; is
17 that correct?
18 A Yes.
19 Q Okay.
20 And it appears from the context of exhibit 16, although
21 your name appears on the email, the initials there, and what
22 you told us about who wrote this, that the principal officer
23 made that change at the deputy chief of mission's request.
24 Is that correct?
25 A Made what specific change, from "terrorist

1 organization" to --
2 Q The deletion of that phrase.
3 A I would think that would be accurate, yes.
4 Q Okay.
5 And, at the top of exhibit 16, the principal officer
6 provides some more context in a very specific response to the
7 second comment in the draft EAC referring to the daily
8 pattern of violence.
9 And I'd just like to ask, why did neither you nor the
10 principal officer also provide that information or some sort
11 of clarifying remark in response to the question about the
12 "terrorist organizations"?
13 A I don't know.
14 BY MS. SACHSMAN GROOMS:
15 Q So it looks like, from my read, at least -- tell me
16 if I'm wrong -- when Mr. Hicks suggested an edit to the term
17 "terrorist organizations," that was something that
18 Mr. [redacted] accepted and tried to in this email explain,
19 what if we tried to capture the spectrum of actors with --
20 A Uh-huh.
21 Q -- different language, and they came to some
22 agreement on, and then Stevens emails back, "Perfect," that
23 that was an agreed-upon -- the final language there was
24 agreed upon. That sounds about right?
25 A Yes.

1 Q Okay. But that, in the second instance, when Mr.
2 Hicks sent a comment about the term "daily," which is in the
3 sentence, "The PO opined that this daily pattern of violence"
4 -- and the comment reads, "Is it really daily? Previous
5 Benghazi reporting indicated a lack of a pattern other than
6 violent acts to embarrass political rivals or settle scores
7 with military officers with ties to the old regime," that the
8 principal officer actually pushed back on that --
9 A Uh-huh.
10 Q -- and said -- with this email in exhibit 16, he
11 says, "We've seen incidents here on a daily basis." Is that
12 accurate?
13 A Yes.
14 Q Okay.
15 And taking that to the final exhibit, which is exhibit
16 17, it appears that when the principal officer, Mr. [redacted],
17 pushed back on the changing of the term "daily," that the
18 term "daily" was not changed from the final cable. The final
19 cable reads the same as it did in the original version, "The
20 PO opined that this daily pattern of violence" -- is that
21 accurate?
22 A Yes.
23 Q So is my understanding fair, which is that it
24 appears that, when Mr. [redacted] agreed with the change, it
25 got made on the "terrorism" issue, and when he didn't agree

1 with the change and pushed back, it did not get made? Is
2 that accurate?
3 A I believe that's accurate. The only reason I'm
4 hesitating is because, once again, we didn't have the SMART
5 system that can generate the cable. So whoever sent the
6 actual cable out in Tripoli could have made an edit to this
7 and I wouldn't have seen it and I wouldn't have known why
8 they did it or what the discussion was around it.
9 Q Okay. But I thought exhibit 17 was the cable that
10 went out?
11 A It is, but we can only send a draft like a Word
12 document, for example. We can't actually put it in this
13 form. So it would have to get cut and pasted into this other
14 template, and, during that time, somebody there could change
15 whatever they wanted. And there could have been additional
16 discussion that I wasn't privy to.
17 Q Okay. There could have been, but, in that
18 sentence, "The PO opined that this daily pattern of violence
19 would be the 'new normal,'" that reads the same on exhibit
20 16, which is the draft, and exhibit 17, which is the final,
21 right?
22 A Yes.
23 BY MR. KENNY:
24 Q You had mentioned in the last round that you were
25 contacted at one point by the desk officer, [redacted], as

1 well as then-Assistant Secretary Eric Boswell shortly after
2 the attacks. I think you mentioned it was a month after the
3 attack. Is that your recollection?
4 A Approximately. It could've been more than that.
5 Q Okay. What was your understanding at that time of
6 why they were reaching out to you?
7 A They were asking very specific questions. For
8 instance, did we have fire extinguishers in the safe haven,
9 was there classified material on the compound, when did you
10 last perform a drill, were some of the questions I remember
11 answering.
12 Q Okay. Did they tell you the reason that they were
13 seeking answers to those types of questions?
14 A No.
15 Q Okay. In the course of those conversations, did
16 they ever instruct you in any way not to provide information,
17 for instance, to the Accountability Review Board or to
18 Congress?
19 A No.
20 Ms. Sachsman Grooms. Did they or any of the other -- I
21 believe you said there were a couple other people from the
22 State Department who reached out to you. So did [redacted]
23 or Eric Boswell or any of the others who reached out to you
24 from the State Department to talk to you about your time in
25 Benghazi discourage you from speaking to the ARB or to

1 Congress?

2 Mr. [redacted] No.

3 BY MR. KENNY:

4 Q So you mentioned that you appeared before a video

5 teleconference before the ARB. During that teleconference,

6 were you provided the opportunity to provide any information

7 that you thought was pertinent?

8 A Yes.

9 Q Okay. And did you provide all information that you

10 determined to be pertinent?

11 A Yes.

12 Q Okay. Were you ever asked or ordered by anyone not

13 to provide information to the ARB?

14 A No.

15 Q Were you ever asked or ordered to conceal or

16 destroy any information from the ARB?

17 A No.

18 Q Okay. Have you had the opportunity to read the

19 ARB, the unclassified?

20 A I've read the unclassified version.

21 Q Okay. Do you have any general thoughts as far as

22 what is captured in that document in terms of its

23 thoroughness, its focus?

24 A I honestly don't even remember what was in there.

25 Q Okay.

1 So, with that, to help refresh your recollection, we'll
2 go ahead and enter an unclassified copy of the ARB into the
3 record. And this will be exhibit 19.
4 [redacted] Exhibit No. 19
5 was marked for identification.]
6 Ms. Jackson. I have the stickers. Would you like me to
7 put a 19 on this?
8 Ms. Sachsman Grooms. That would be nice.
9 Ms. Jackson. Austin, do you care for yet another copy
10 of the --
11 Mr. Evers. I'm good.
12 Mr. Kenny. So I'm not going to ask you to re-review the
13 entire document.
14 Mr. [redacted] Thank you.
15 Mr. Kenny. But I'd like to ask you -- and I'm going to
16 direct your attention to a portion of the findings on pages 4
17 and 5, as well as the recommendations which begin on page 7,
18 and we can walk through a few of those through page 12.
19 So if you want to take a moment to review those.
20 Mr. Evers. What pages of the recommendation did you
21 want him to read? Or do you want to focus him on particular
22 recommendations?
23 Ms. Jackson. Do you want us to be off the record?
24 Ms. Sachsman Grooms. No.
25 Mr. Kenny. So page 10, number 12, number 13, primarily.

1 BY MR. KENNY:
2 Q You all set?
3 A Yes.
4 Q So what I'd like to do first is I'll begin on page
5 5 and read a brief portion here.
6 In the second paragraph down on page 5, it reads, quote,
7 "The insufficient Special Mission security platform was at
8 variance with the appropriate Overseas Security Policy Board
9 standards with respect to perimeter and interior security.
10 Benghazi was also severely under-resourced with regard to
11 certain needed security equipment, although DS funded and
12 installed in 2012 a number of physical security upgrades.
13 These included heightening the outer perimeter wall, safety
14 grills on safe area egress windows, concrete jersey barriers,
15 manual drop-arm vehicle barriers, a steel gate for the Villa
16 C safe area, some locally manufactured steel doors, sandbag
17 fortifications, security cameras, some additional security
18 lighting, guard booths, and an Internal Defense Notification
19 System.
20 "Special Mission Benghazi's uncertain future after 2012
21 and its 'non-status' as a temporary, residential facility
22 made allocation of resources for security and personnel more
23 difficult and left responsibility to meet security standards
24 to the working-level in the field, with very limited
25 resources," close quote.

1 The reason I bring this to your attention -- throughout
2 today, we've touched on your thoughts and views and talked
3 extensively on the physical security platform in Benghazi.
4 I'd just like to ask you, reading this now, this language, do
5 you agree with what the ARB found here?
6 A I do.
7 Q Okay.
8 Is there anything else that you think the Select
9 Committee should be investigating with respect to physical
10 security of the compound?
11 A No.
12 Q So we'll turn to the recommendations section now.
13 And page 10, recommendation number 12 reads, quote, "The
14 Board strongly endorses the Department's request for
15 increased DS personnel for high- and critical-threat posts
16 and for additional Mobile Security Deployment teams, as well
17 as an increase in DS domestic staffing in support of such
18 action," close quote.
19 Do you agree with this particular recommendation that
20 the ARB made?
21 A Yes.
22 Q Okay.
23 The next recommendation reads, quote, "The Department
24 should assign key policy, program, and security personnel at
25 high-risk, high-threat posts for a minimum of 1 year," close

1 quote. And there's some additional information there, as
2 well.
3 Do you agree with this recommendation from the ARB?
4 A I agree with -- I think what they're getting at
5 here is that we should have experienced personnel at these
6 posts. I don't know if 1 year is an appropriate time, but I
7 do agree that they should be there for a longer period of
8 time.
9 Q Okay.
10 I would also just like to ask -- you were in Tripoli a
11 period of time after the attacks. You said that you arrived
12 there around April of 2013. Have you seen evidence of some
13 of these recommendations that you've been reviewing just a
14 few moments ago, some of those recommendations being
15 implemented? Was it your sense that security was improving?
16 A Yes. I know that we had to install various
17 recommendations by the ARB, but I can't remember specifically
18 what they were.
19 Q Okay.
20 I would just like to follow up a conversation we had in
21 the unclassified setting. We were talking about some of your
22 concerns about the February 17th Martyrs Brigade. You had
23 mentioned that you had relayed some of those concerns [redacted]
24 [redacted] I would just like to follow up with that line of
25 questioning and ask what those conversations were and was

1 there a response, ever a response.

2 A I don't remember specifically what the response

3 was, but, in our EAC meeting, I believe they shared some of

4 the same concerns as I did but said, essentially, we don't

5 have a better option here, and their positives may outweigh

6 their negatives at this point.

7 Q Okay. And when you say "we don't have a better

8 option," you're referring -- that was their assessment?

9 A Yeah. And I believe they said that they would

10 serve as a buffer against some of the more anti-Western

11 militias in Benghazi, because they were the -- well, Feb 17

12 was the largest militia.

13 Q Okay. And so you had relayed your concerns about

14 the militia before the EAC?

15 A Yes.

16 Q Okay. And so at the EAC you discussed those

17 concerns with [redacted] and it sounds like they

18 indicated to you that there weren't many other options

19 available.

20 A Yes.

21 Q Okay.

22 Just to close this out, was there ever any

23 recommendation in the EAC that the relationship with the

24 February Martyrs Brigade should be terminated?

25 A No.

1 Q If you had had serious concerns about the QRF,
2 would you have felt comfortable raising those in the EAC?
3 A Yes.
4 Q I would just like to ask -- and we'll respect the
5 fact that we don't necessarily want to disclose security
6 arrangements at posts, although the U.S. Government no longer
7 has a formal presence in Tripoli.
8 But, during your time there, you'd mentioned that there
9 were a series of improvements that were made, but you
10 couldn't recall any specific examples. Were there serious
11 security concerns in Tripoli during the time that you were
12 there?
13 A Yes.
14 Q And were those based, as well, on some of the
15 physical attributes or characteristics of the Embassy
16 compound, or compounds, in Tripoli?
17 A I would say our concerns were more based on some of
18 the external factors in Tripoli, to include more violent
19 anti-Western militias as well as a lack of a security
20 apparatus in the city to, one, rein the violence in and, two,
21 provide protection to us.
22 Q Okay. And those sound like some of the same
23 concerns that you shared with us about the Special Mission
24 Compound in Benghazi. Is that correct?
25 A That's correct. The difference was, in Tripoli, we

1 had about [redacted] Marines on compound; we had adequate walls; we
2 had many more security personnel; our technical systems, our
3 cameras, our alarms, our things were functioning; we had
4 adequate setback. I mean --
5 Q And were some of those security enhancements, were
6 you aware of whether those were new to posts, those were also
7 during your time in Benghazi, the posts enjoyed those same,
8 for instance, the Marine Security Guards?
9 A No. Some of them were new to post, the Marines,
10 for example; as well as we were constructing new -- I don't
11 want to call them safe havens -- variations on the safe
12 haven, bomb shelters and the like, which I think was a result
13 of the ARB, from my understanding.
14 Q Okay.
15 Mr. Kenny. That concludes our round. We'll go off the
16 record.
17 Ms. Jackson. Well, we have just -- we're trying. We're
18 trying. Just a few.
19 BY MS. JACKSON:
20 Q When you talked earlier about you conferred with
21 [redacted] and it was their recommendation that
22 there was no better option than February 17th for your QRF or
23 any other militia, were you aware of whether [redacted]
24 [redacted] were associated or affiliated with any of the
25 militias in and around Benghazi?

1 A No.
2 Q Okay. Do you recall, did they have a relationship
3 with Feb 17?
4 A I don't recall.
5 Q Okay.
6 And then, going back to exhibit 17, the EAC cable that
7 went out in August of 2012, I'd like to direct your attention
8 to paragraph 4 that has the subtitle of "Increase in Hostile
9 Militias."
10 Does that paragraph outline your concerns regarding Al
11 Qaeda and Ansar al-Sharia?
12 A Yes.
13 Q Okay. So it's not like it was completely
14 eliminated from this cable. It was just eliminated from
15 paragraph 2, where it was the overall assessment of the
16 security situation.
17 A Yes.
18 Q The reference to terrorist organization or violent
19 extremists.
20 A Yes, that's correct. I forgot it was referenced in
21 paragraph 4 earlier.
22 Q Okay. And so were you concerned at all, though,
23 that it wasn't in, sort of, what I would characterize as the
24 summary paragraph, that it was one of the reasons for the
25 deteriorating security situation?

1 A No, because AQ was referenced in paragraph 4; I
2 thought that covered my intent.
3 Q Okay. So it was a give on your part.
4 A Most likely, yes.
5 Q Okay.
6 BY MS. BETZ:
7 Q But just to clarify, the presence or the reference
8 to AQ and Ansar al-Sharia in 4, I mean, it was your desire to
9 incorporate them in paragraph 2 for a reason, their
10 contributions to a declining or deteriorating security
11 environment, correct?
12 A Yes.
13 Q Yes. So, while it is referenced in 4, their
14 contributions to the environment, it was your intention, like
15 I said, to capture it in paragraph 2, and it's probably not
16 adequately presented in number 4. I think there's a
17 difference -- what I'm trying to do is distinguish
18 contributions --
19 Mr. Evers. Are you testifying? I'm sorry.
20 Ms. Betz. No. I'm just trying here --
21 Ms. Sachsman Grooms. You have been leading him for a
22 while, and I think he's tired and he's just started saying
23 "yes," and now he's a little bit contradicting what he said
24 in the last round.
25 Ms. Betz. No --

1 Ms. Sachsman Grooms. So, I mean, it's fine, but,
2 like --
3 Ms. Betz. -- I'm not leading him.
4 Ms. Jackson. I don't think the witness has contradicted
5 himself.
6 Mr. Evers. Well, he hasn't testified about what was not
7 a question yet.
8 Ms. Jackson. Okay.
9 Mr. Evers. But he has testified extensively about what
10 he meant in the original draft of paragraph 2, the final
11 draft of paragraph 2.
12 Ms. Jackson. Okay.
13 Mr. Evers. He's testified about paragraph 4. And it's
14 now at least the fourth session --
15 Ms. Jackson. That's fine.
16 Mr. Evers. -- that we've talked about the EAC and
17 the --
18 Ms. Jackson. And you're pushing your limits, Austin.
19 BY MS. JACKSON:
20 Q A couple more just quick questions about your
21 appearance before the ARB.
22 Do you recall whether that was on regular VTC or a
23 SVTCS, a secure VTC?
24 A I believe it was regular.
25 Q Regular VTC?

1 A Yes.

2 Q Did you have the capability for secure?

3 A I don't believe so, no.

4 Q Okay.

5 In the aftermath of the ARB report coming out, have you

6 experienced any change in how tripwires are handled within

7 being at an overseas post?

8 A No, not that I'm aware of.

9 Q They are still handled in the same manner?

10 A I haven't had occasion to review tripwires at a

11 post since Benghazi, so I wouldn't know if they're handled

12 differently.

13 Q Okay.

14 Ms. Jackson. All right. Thank you. That's all I have.

15 Okay. I think we're done. Thank you very much.

16 And we'll go off the record.

17 [Whereupon, at 5:36 p.m., the interview was concluded.]

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EXHIBIT 1

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

[redacted]

From: [redacted]
Sent: Sunday, August 12, 2012 7:07 AM
To: [redacted]
Cc: [redacted]
Subject: QRF Work Requirements
Attachments: Quick Reaction Force.docx

ALCON,

Attached are the updated QRF work requirements.

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

Quick Reaction Force (QRF) Work Requirements

1. A contingent of no less than three QRF members will be on the compound when the Principal Officer is present.
2. One QRF member will be at the front gate (Charlie One) daily from 0800 until 0000.
3. One QRF member will be on roving patrol daily between the hours of 0000 until 0800
4. One QRF member will accompany an agent to and from the airport for all Chief of Mission (COM) designated staff arrivals and departures.
5. At minimum two QRF will provide PRS support on all movements outside of the compound that are deemed critical by the Regional Security Officer (RSO).
6. All QRF staff will participate in weekly training sessions designated by the RSO.
7. Weekly meetings will be held on Tuesday at 1530 with the RSO and are mandatory for an English speaker to attend.
8. Regular work hours are 0800 until 2000 but may be adjusted by RSO.
9. Mission critical business may be conducted at all hours of the day or night. The RSO shall notify all QRF personnel as soon as practical to prepare for any movement taking place outside of regular work hours.
10. RSO determines movement plans, mission security procedures and training operations.

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
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EXHIBIT 2

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

[redacted]

From: [redacted]
Sent: Wednesday, August 29, 2012 11:20 AM
To: [redacted]
Subject: FW: RSO Turnover Docs
Attachments: RSO Turnover Sept 2012.docx; securityrequests Aug2012.docx; RSO Benghazi Portfolios.xlsx; National security (via MFA).docx

FYI: for your approval

Should the Security Requests section be passed to the relevant offices/personnel here and in DC? These seem like reasonable requests.

Cheers,

[redacted]

[redacted]
Assistant Regional Security Officer / Special Agent
Diplomatic Security Service
US Embassy Tripoli

[redacted]@state.gov
In Libya: [redacted]
From the US: [redacted]

From: [redacted] (Jeddah)
Sent: Monday, August 27, 2012 11:49 AM
To: [redacted]
Cc: [redacted]
Subject: RSO Turnover Docs

[redacted] attached you will find four documents to hopefully assist in the turnover. The turnover document is an overview. The security request document details some security projects we are working on/would like to work on. The portfolio spreadsheet will show you who is managing what programs here. The national security document is the dip note you may need to resubmit if the police are not showing up to the mission. If you have not read the high-side Benghazi EAC cable released last week, that is a good source of information as well.

After two weeks of wrangling a police car to come to our mission and provide a daily 24/7 presence, one finally showed up last night. I am not confident it will stay around, but it's something to stay on top of. I have cc'd [redacted] and [redacted] the other two ARSOs here, who are squared away and eager to assist you in any way after I leave.

We look forward to your arrival, feel free to contact me with any questions.

[redacted]

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
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EXHIBIT 3

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Security Requests for US Mission Benghazi

08/22/2012

Physical Security

There are four villas on the current compound: a living-quarters villa, an office villa, a QRF villa, and a cafeteria/dining area villa. The 13 acre compound is surrounded by a cinder block wall topped with c-wire that was constructed in piecemeal format when the original larger compound was partitioned into the current, smaller compound. There are three gates, two on the north side and one on the south side. The main gate has a make-shift vehicle chute constructed out of T-walls and two [redacted] drop-arms. The service gate has no outer security measures, but does have a [redacted] drop arm on the inside. The south gate is not used and opens onto a busy commercial road with minimal outer security measures. The compound is also home to a large vineyard, an orchard, gardens, and many large trees.

- Purchase enough C-wire to line the ground inside the entire fence perimeter.
- Purchase two moveable tire killers, one for each end of the road which services the main gate and service gate.
- Create a man trap for the main gate and service gate (similar to what OBO constructed at the Sheraton hotel in Sanaa)
- Install a delta barrier at the main gate.
- Extend the T-walls at the main gate to cover the entire north wall and service gate, thus creating more set-back between the road and the compound wall.
- There is an empty lot south of the office villa that although walled, borders 4th Ring Rd and has an unmanned, weak gate that would allow a vehicle to drive within 15 feet of the office villa. (RSO does not know if this lot is part of the compound or owned by another entity. Suggest reinforcing this gate or removing it altogether).
- The perimeter wall is made out of hollow cinder blocks, which does not afford much blast protection and turned into shrapnel when the mission was attacked.
- Reinforce/repair the vehicle gates. They are a thin metal that has peeled away from the frame in places.
- Request a vault to be used as COMS office and safe-haven in the office villa. In lieu of the vault, a substantial safe haven would be required as currently there is no safe haven.
- Shatter resistant window film for the villas
- It is virtually impossible to clear the compound grounds due to the large orchard and vineyard, particularly at night. Reducing the amount of vineyards, bushes, trees (particularly those hanging over the fence) would increase visibility on the compound.

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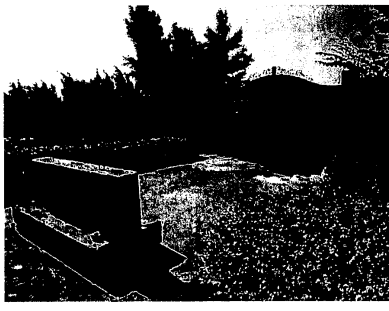
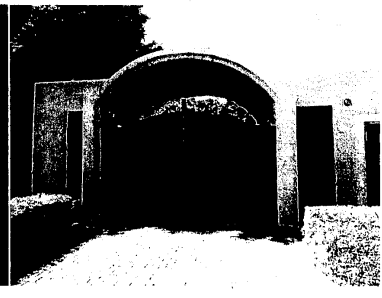


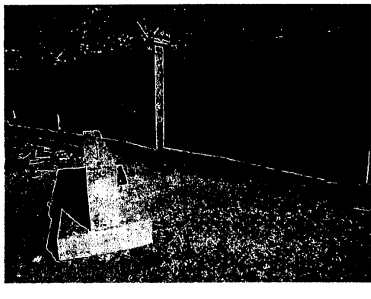
Outside South gate facing 4th Ring Road

Inside South gate (access to 4th Ring Road)

Entrance to main gate from road



Inside main gate



Outside service gate

Road to service gate and main gate

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Typical portion of perimeter wall (now topped with C-wire)

Trees/vegetation growing over fence

Road bordering south wall (4th Ring Rd)

Road bordering west wall

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Equipment Requests

- There are frequent power outages on compound due to faulty engineering, poor materials, or overloading the system's capacity. When the power fails, the generator supplies power to three of the villas, but we lose all exterior lights, power at the gates, and power to the QRF villa. RSO is not qualified to determine what is required to fix this issue.
- Our IDNS pendant system is not compatible with the IDNS panel in the TOC, therefore we do not know what pendant tripped the alarm. We have new IDNS pendants but will need a new panel. Currently only two guards have an IDNS pendant.
- Request a weapons safe/cabinet. Currently the long guns are in a cabinet that we cannot lock and does not have racks.
- Better [redacted] software
- Disintegrator if post increases its footprint.
- Belt-fed, crew-served weapon [redacted]
- CS gas canisters
- Badging machine; currently we are printing badges from Microsoft PowerPoint and laminating them.
- Computer program (WebPass) to make access requests, and computer at the guard house to view the approved access requests.
- An additional itemizer
- Currently, one agent sleeps in the bedroom next to the TOC in the office villa. If this bedroom is converted into an office in the future, an alarm system for the office villa would be desirable.

Manpower requests

- Request an additional guard rover at night.
- Request two additional guards to man the tire killers if tire killers are approved.
- The use of a brigade QRF is not desirable for many reasons. Request a minimum of four local bodyguards trained by DS to use on movements as well as QRF duties.
- Request a minimum of four DS agents at post.

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EXHIBIT 4

C05391853

Department of State – United States of America
U.S. Mission Benghazi, Libya

August 28, 2012

REGIONAL SECURITY OFFICER TURNOVER

Introduction:

US Mission Benghazi is a small, but strategically important post on the forefront of "expeditionary diplomacy". During the Libyan revolution, and while fighting raged across the country, Benghazi served as the return point and base of operations for the U.S. Special Envoy to Libya. When the Qaddafi regime fell, and the seat of government transferred to Tripoli, taking the U.S. Ambassador with it, US Mission Benghazi began the difficult transition from a "base of operations" to a post with a more traditional mission/consulate scope.

This transition has not been easy, and there is nothing traditional about this post. Operating in a high threat environment where kidnappings, assassinations, and bombings are weekly, if not daily, occurrences, post enjoys neither the resources nor the host nation security support one would find at a similarly rated post. DS Agents, for all intensive purposes then, are on their own and protect both the mission and the officers here with the knowledge that outside assistance is not readily available. Additionally, as US Mission Benghazi has no GSO or MGT Officer, DS agents find themselves not only managing their own security programs, but also programs that fall outside their scope, such as motor pool, human resources, and housing.

US Mission Benghazi has an uncertain future; Post is scheduled to close December 31, 2012. Various alternatives are being proposed, including collocating with the Annex. The RSO should be aware that requests for expensive security upgrades may be difficult to obtain as headquarters is hesitant to allocate money to a post that may be closing in a few months.

Security Environment:

Benghazi has been described as a semi-permissive environment. You have freedom of movement throughout the city; however the constant presence of armed militias and the lack of host nation security support is an area for concern. There are numerous brigades/militias in Benghazi, some friendly towards America, and some vehemently anti-American. Additional information can be shared upon your arrival. There have been notable anti-western incidents in Benghazi during the past three months. There was a rocket attack on the Red Cross, a bomb attack on the US Mission, and an RPG attack on the UK Ambassador's Motorcade. Ramadan (August) was a particularly violent month with kidnappings, bombings, and assassinations

commonplace. Please consult the Benghazi Incident Chart and map in the TOC for details on locations and types of attacks.

Security Support

As the RSO you are devoid of the traditional security support you would find at most diplomatic facilities. Your main point of security will likely remain the 17th February Martyrs Brigade (17 FMB), headed by [redacted] The 17 FMB is the largest militia and was supposedly instrumental in defending Benghazi and Eastern Libya during the revolution. Their headquarters is approximately two kilometers away from the mission and they have been quick to respond to prior security events at the mission.

The Benghazi police have yet to exert control over the city. Occasionally they can be spotted conducting traffic, but expect little in the way of mission assistance. I have requested a marked unit outside the mission with 24/7 coverage from both MFA and Police Headquarters, and have attached the diplomatic note for your convenience. On August 26, at approximately 2000 hours one marked unit and four police officers showed up at the mission. They said they would be at the mission 24/7, but were gone the following morning. Approximately three hours later they returned. This is a positive sign but I am unsure if it will last, and certainly bears close watch by the RSO.

In the past, the security umbrella organization called the SSC detailed two "soldiers" to the mission. When these soldiers stopped receiving pay they stopped showing up at the mission. They have not been seen in over four weeks, and it seems unlikely they will return.

Local Security Points of Contact:

UN Mission to Benghazi
[redacted]
Regional head of Security
Phone: [redacted]
Email: @usa.net

UK Mission in Benghazi – Has recently departed, the UK RSO equivalent in Tripoli:
[redacted]
Regional Overseas Security Manager Libya & Malta
British Embassy Tripoli
Email: @fco.gov.uk
Cell: [redacted]

17th February Martyrs Brigade Commander –
[redacted] civilian – (40 field commands under his charge)
He has been unresponsive in dealing with our QRF – it's much easier to deal directly with the QRF on the ground.

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Phone: [redacted]

Chairman, Supreme Security Council (SSC) for Security in Benghazi
[redacted] – newly appointed internal security chief for Benghazi (His scope and power seems limited)
Phone: [redacted]

17th February Martyrs Brigade, Special VIP Unit Commander
(check with to make sure this is still the case)
Phone: [redacted]

Benghazi Chief of Police
[redacted]
Phone: [redacted]

Local Guard Force (LGF), Blue Mountain Group –
Project Manager

Phone: [redacted]
Email: [redacted]@bluemountaingroup.co.uk

Phone: [redacted]
rotate, but will be on compound six days a week to oversee the LGF)

We have uploaded the most up to date security contacts list on the shared drive. We have a handful of like-minded, predominantly Western, security contacts living in Benghazi that share information with us. ARSO [redacted] is in charge of this portfolio and can brief you upon arrival.

Protection (PRS) and Auxiliary Security Support:

PRS is the smoothest running program because it is the one program that has remained consistent. As such, new agents can easily assimilate to it. See the PRS turnover binder for specific details regarding the ARSO management of the program. We also have updated medical survey documents in the shared drive.

17th February Martyrs Brigade, Special VIP Unit

Currently, you have 3 local militia members from the 17 February Martyr's Brigade living in a house on the compound. (We are in the process of "hiring" a fourth.) The "soldiers" all claim to have fought in the revolution, performing various infantry related tasks. Referred to as the "QRF", they have enjoyed a close relationship with agents in the past and have benefitted from hours of recent PRS and small-unit tactics training. Despite the many hours of training, they are not a professional unit and struggle with even basic tasks, such as loading their weapons. With

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the dwindling number of agents in Benghazi though, we have relied on their support to perform agent-related tasks. They will often drive the follow car and have occasionally conducted advances. For all airport moves, the QRF serve as a liaison at the airport and know the procedures well. We have allotted them one of our older White Toyota Land Cruisers for QRF response purposes.

We have organized a regular training schedule for them, [redacted] At one point a Memorandum of Agreement was created detailing the relationship with the 17 February Brigade and the US Mission, but it appears to have expired. We therefore created work requirements for the team as they have become somewhat complacent/lazy. Unfortunately, as they are not technically employed by us, we have no real control over them.

Recently, we increased the QRF stipend to $35 per day, which is the only steady form of income they receive. It is expected that at the end of Ramadan, all members of the Mission's QRF will take 10 days of unpaid, staggered leave to be designated by [redacted] During this expected absence, [redacted] will bring on a paid temporary replacement for 40 days. Proper vetting and training must be done of the candidates whom [redacted] puts forth.

SA [redacted] is the POC for all QRF related matters. He or I can brief you regarding QRF concerns, of which there are many.

Local Guard Force:

In February we solicited guard contracts, awarding our contract to a UK firm, Blue Mountain Group (BMG). [redacted] serve as the project manager and live in a local villa approximately 10 minutes from the mission. SA [redacted] is the POC for all LGF related matters.

You have 3 posts (Charlie 1, Charlie 3, Bravo 1): [redacted] is the Local Guard Force Commander. There is a sheet on the wall behind the RSO desk with the pictures and manes of the LGF Commander and the Supervisors. The guards are frequently drilled on intruder, suspicious package, and bomb threats. They have been instructed to call out "ATTACK" for any groups/mobs/attacks at our gates and "BOMB" for any suspicious packages. They have also been drilled to use the IDNS buttons initially, then follow up on the radios with basic warning; 1. IDNS, 2. Type ("attack" or "bomb"), 3. Location (Charlie 1, Charlie 3, Bravo 1). ARSO [redacted] can conduct a drill walkthrough with you.

The BMG Manager is very active and will be at the mission most every day checking on the LGF. He understands that the RSO ultimately runs the guard program and is willing to make any changes you suggest.

Physical Security:

Fence
The $38,000 fence project has recently been completed. I am unsure of the purpose of this fence.

Safe Haven Gate/Day Cage
The "safe haven" in the villa is closed and locked every night and serves as the hold room in the event of attack. Recently we have attempted to create a safe haven in the office villa as well. SA [redacted] can brief you on all physical security projects, including the creation of the office safe haven.

Jersey Barriers and Drop Arms
We have jersey barriers at the Main Gate (C1), with drop arms. We also have additional jersey barriers at the other gates (C3 and B1). We park the white Toyota Land Cruisers on the interiors of C3 and B1 as further barriers. Both are used regularly though by the LES drivers for running errands. The keys are [redacted] of the respective vehicles, in case of an emergency. We have also recently erected chicanes on the main road. So far, neither host nation nor the neighbors have complained about this.

We have used a truck/crane operator (2 for 1 service) at the cost of 150 LYD per day to move our jersey barriers. Contact [redacted] to arrange for the driver/crane operator.

Fighting/REACT positions
We recently removed many sandbag positions as the sandbags had disintegrated. We purchased new sandbags and constructed three new fighting positions.

Emergency Action Planning:

Post Evacuation and REACT plans were drafted in January 2012 and updated in June of 2012. Please review the plan and make the necessary changes/edits to incorporate for the number of DS personnel. We routinely conduct drills and held a post-wide drill last week.

We have a Personnel Recovery plan for post; asking newly arriving personnel to fill out the ISOPREP form in the event of an isolated person event. In addition to the ISPOREP form, all arriving agents should read the Use of Force Policy, sign the acknowledgement form, and load it into the SPE folder on the shared drive.

Access Control:

Access control has been recently reviewed and uploaded into the share-drive. The administrative assistance, [redacted] submits access requests for the PO and IMO. We ask for 24 hour notice; however we have been accepting them on the same day as well. We make a copy to keep in the RSO office and hand the other to the LGF.

Vehicles:

Vehicles
We have four FAV Toyotas Land Cruisers which are road-worthy outside of Benghazi. In addition, we have two FAV Mercedes SUVs which have experienced a variety of mechanical issues. Both vehicles are parked outside the office villa and serve as barriers for the egress route out the window. The lead vehicle works, although it does not have power steering. The latter of the two FAV Mercedes SUVs, does not work, has over $8,000 worth of mechanical damage and should probably be returned to GSO Tripoli. Of additional note, these Mercedes-type vehicles were only driven by high ranking Qaddafi loyalists in the past, and therefore draw unwanted attention when taken outside the compound.

Drivers
RSO manages the vehicle program and driver schedules. You are budgeted for two drivers although we recently fired one. The remaining driver, [redacted] has been working since April 2012, has limited English proficiency, but is very knowledgeable in getting around the city and possesses good driving skills. He is also a hard worker. He was sent to Tripoli for training with MSD on 10-14 June. We are in the final stages of hiring another driver, and with any luck, he will be on board by the time of your arrival.

[redacted]

[redacted]

Budget:

The IMO/MOT Officer currently disperses the monies allocated from DS, through Tripoli. Please see the spreadsheet titled *Physical Security Upgrades* in the binder and in soft copy in the Physical Security folder on the RSO shared drive. It should provide you with an accounting for all the money that may still exist after the completion of each project. In addition, I have attached a physical security upgrade "wish list" that you can consult if desired.

Engineering Security Office:

You may seek the assistance of the ESO in Cairo to come out and perform ESO work. He is tentatively scheduled to arrive at the mission September 16-20. SA [redacted] has a list of projects for him. We recently received cameras and monitors, and the installation of these is a priority. Time permitting, we would also like him to repair the itemizer, reprogram the IDNS, as well as a variety of other small projects.

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Miscellaneous Issues:

Due to the deteriorating security situation in Benghazi we try to only conduct mission essential movements. The PO attempts to hold meetings on compound, vice attending meetings in town. Nonetheless, it is impossible to remain behind the walls the entire time and movements outside the compound are left to your discretion.

Meals are provided by a life services contract. Although the cooks try hard, the food is atrocious, borderline inedible, and has left us sick and eating MREs on more than one occasion. Over the past week, the [redacted] There has been some improvement, but you should not expect to gain any weight while here.

Celebratory fire is a nightly occurrence (small arms mixed with Dishkas). Typically there is an explosion every night although it is virtually impossible to determine if it is a "celebratory" bomb or an actual attack until the following morning. Fireworks are also common, and recently there has been a nightly show north of the mission around 2200 hours.

C05391853

Security Requests for US Mission Benghazi

08/22/2012

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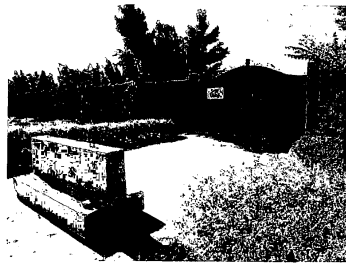
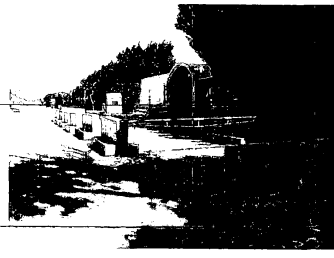
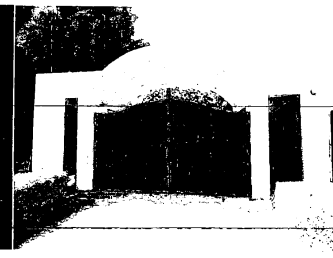


Outside South gate facing 4th Ring Road

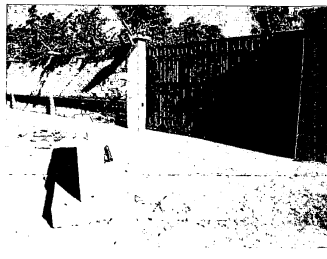
Inside South gate (access to 4th Ring Road)



Entrance to main gate from road



Inside main gate



Outside service gate

Road to service gate and main gate

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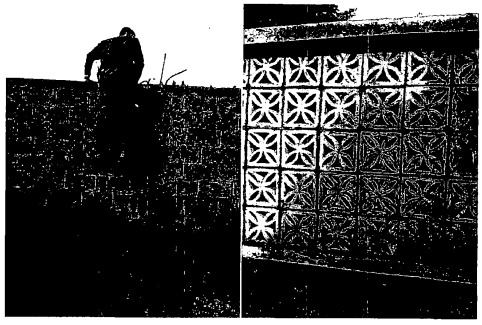
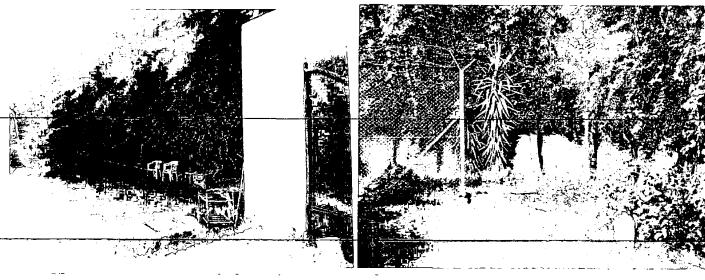


Typical portion of perimeter wall (now topped with C-wire)



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- Request a minimum of four DS agents at post.

Primary	Secondary	Area of Responsibility
[redacted]		Badge Program
		Local Guard Program
		RSO Vehicle Program
		Security Briefing Program
		[redacted]
		LES Drivers
		SSC Liason
		Overseas Protective Security Details (VIP / DVs)
		Investigations
		Chem Bio Program / First Responder Program
		Mission Drill Program
		QRF
		PSD
		Special Protective Equipment (SPE)
		Emergency Action Plan
		Physical Security Program / Projects
		React Plan
		TOC Operations
		Emergency Action Committee (PO & MGMT)
		RSO Security Program
		UN, NGO, Other Mission Liaison
		RSO Budget Program
		Private Security Liaison
		[redacted]
		Inventory Control
		Personnel Recovery

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Primary	Secondary	Area of Responsibility
[redacted]		Emergency Action Committee (PO & MGMT)
		RSO Security Program
		UN, NGO, Other Mission Liaison
		RSO Budget Program
		Private Security Liaison
		[redacted]
		Inventory Control
		Personnel Recovery

C05391853

Primary	Secondary	Area of Responsibility
[redacted]	[redacted]	Badge Program
		Local Guard Program
		RSO Vehicle Program
		Security Briefing Program
		[redacted]
		LES Drivers

C05391853

Primary	Secondary	Area of Responsibility
[redacted]	[redacted]	Special Protective Equipment (SPE)
		Emergency Action Plan
		Embassy Physical Security Program / Projects
		React Plan
		TOC Operations

C05391853

Primary	Secondary	Area of Responsibility
[redacted]		SSC Liason
		Overseas Protective Security Details (VIP / DVs)
		Investigations
		Chem Bio Program / First Responder Program
		Mission Drill Program
		QRF
		PSD

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PRIMARY	PROGRAM
ALL	PSD
ALL	Overseas Protective Security Details (VIP / DVs)
N/A	[redacted]
[redacted]	Local Guard Program
	RSO Vehicle Program and LES Drivers
	Mission Drill Program
	UN, NGO, Other Mission Liaison
	Medical Supplies/Training
RSO	Investigations
RSO	Emergency Action Plan
RSO	React Plan
RSO	Emergency Action Committee (PO & MGMT)
RSO	RSO Budget Program
RSO	[redacted]
RSO	Personnel Recovery
[redacted]	Security Briefing Program
	Chem Bio Program / First Responder Program
	Special Protective Equipment (SPE)
	Inventory Control
	Badge Program
	SSC Liason
	QRF
	Physical Security Program / Projects
	TOC Operations

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PRIMARY	PROGRAM
ALL	PSD
ALL	Overseas Protective Security Details (VIP / DVs)
N/A	[redacted]
RSO	Investigations
RSO	Emergency Action Plan
RSO	React Plan
RSO	Emergency Action Committee (PO & MGMT)
RSO	RSO Budget Program
RSO	[redacted]
RSO	Personnel Recovery
[redacted]	Local Guard Program
	Mission Drill Program
	UN, NGO, Other Mission Liaison
	Medical Supplies/Training
	Security Briefing Program
	Chem Bio Program / First Responder Program
	Special Protective Equipment (SPE)
	Inventory Control
	RSO Vehicle Program and LES Drivers
	Badge Program
	SSC Liason
	QRF
	Physical Security Program / Projects
	Airport Liason
	TOC Operations

EXHIBIT 5

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
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From: [redacted]([redacted])
Sent: 8/14/2012 2:12:24 PM
To: [redacted]
Subject: tripwires
Attachments: Benghazi assessment of tripwires broached as of August 13.docx

My comments are in yellow in the attached document. Perhaps we can use some of these as talking points in the EAC. [redacted]

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Benghazi assessment of tripwires broached as of August 13, 2012.

Events triggering a heightened security posture:

- Scattered protests regarding the process to draft the Libyan Constitution.
- Significant delays in the formulation of the Constitution, resulting in public protests.
- Significant delays in the new congress' ability to appoint a new cabinet, resulting in widespread, public protests and a halt in government decision-making or services.
  While we have not seen widespread protests, protests do occur in Benghazi. Most recently, veterans of the revolution took over the Tibesti Hotel, and currently occupy the hotel. The Tibesti Hotel was, until recently, the living quarters and office space of many members of the international community including the United Nations, private sector business, and government delegations, as well as visiting American VIPs. It now stands abandoned, as all guests and staff have left, and the protestors are apparently "squatting" there until their demands are met.
- A sustained pattern of GOL public statements and/or sermons, media content, demonstrations that are anti-American or anti-western in nature.
- Embassy personnel and other members of the expatriate community report strains in relations with members of the local community.
- Confirmed reports of an increased role in Libya of groups with links to Al-Qaeda.
- Sustained increase in the number of checkpoints in/around major urban areas, particularly in daylight hours.
- Armed attacks on political candidates or election commission offices.
  There has been a spate of attacks/assassinations/kidnappings on former Qaddafi loyalists in the past month. A militia claims to have a kill list with a significant number of names on it they are targeting. Ref. GRPO report.
- An increase in the number and credibility of threats by terrorist groups or former regime loyalists.
- Abrupt replacement, detention or arrest of key Libyan government officials.
- Credible, specific and non-counterable information of a planned attack against U.S. interests.
- Attack on U.S. facilities or personnel, resulting in no injuries.
  An IED was detonated at the front gate of US Mission Benghazi in June 2012, no injuries.
- Attack on a western diplomatic facility in Tripoli or Benghazi.
  Grenade thrown at UN motorcade in April 2012. RPG attack on British Ambassador's motorcade resulting in injury in June 2012. Additionally, there have been multiple IEDs (June 2011, July 2012) planted at the Tibesti Hotel, former home to the United Nations. The Red Cross HQ, near the US Mission, was attacked twice (RPG and drive by shooting, respectively) in May 2012.

Events triggering consideration of authorized departure:

- Demonstrations and incidents of social unrest, including protests related to the election, become large-scale and widespread, with the greater likelihood of violence.
- Sustained fighting among various militias, tribes or factions, particularly in major urban areas.
- Use of armed force by separatist elements against the central government.
- A dramatic increase in violent crime, including looting and home invasions.
  Benghazi has seen a marked rise in car-jackings of late. The Sudanese Consul General, a victim of car-jacking himself, stated a stolen car market has appeared next to their mission. Anecdotally, sources report levels of violent crime are much higher than before.

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- Small-scale attacks by Qadhafi loyalists, militias, or terrorist elements in or around Tripoli, Benghazi, and major urban areas.
  Certain militias have become more brazen of late and appear to be acting with little fear of government reprisal. There is a strong sense, based on various reports, that many of the bombings, kidnappings, and assassinations in the past month are linked to conservative militias in Benghazi.
- Major international carriers halt service to Libya.
- Sustained disruption of airport services, inability to land USG flights at Tripoli International or Mitiga Airports.
- Sustained disruption of overland evacuation routes to Tunisia and Egypt.
- Severe shortages of fuel, food and/or a disruption of city water supplies (or any combination of these three factors) due to conflict or sabotage.
  Power shortages and blackouts (4-8 hours) have been commonplace the last week and a half. Benghazi power station was victim of an RPG attack last week.
- Attempted violent overthrow of the transitional government.
- Assassination of a leading political figure.
- Attack on U.S. facilities or personnel, resulting in injuries.
- Inability or unwillingness of central government/security forces to respond to Embassy emergencies or security needs.
  Security forces appear unable/unwilling to proactively address US Mission Benghazi security needs. SSC members have not been paid and have ceased showing up at the US Mission. RSO requests for a police presence outside the mission have gone unanswered thus far. Host nation security does not appear to have the ability/desire to prevent/mitigate threats against the mission.

Events triggering consideration of ordered departure:

- Armed coup and/or violent overthrow of the transitional government.
- Significant terrorist attack, resulting in mass casualties.
- Outbreak of nationwide hostilities among factions, including hostilities focused on the results of the election or a declaration of secession by one of Libya's three main regions.
- Large-scale, organized attacks by Qadhafi loyalists.
- Hostage-taking of Americans or westerners becomes prevalent in Libya.
  Hostage-takings/kidnappings/detainments have recently included multiple Libyan nationals (including an Army Colonel), an American NGO worker, and members of the Iranian Red Cross.
- Natural disaster with extensive loss of life, habitable property and collapse of key public infrastructure.
- Inability or unwillingness of central government /security services or militias aligned with the central government to maintain public order or respond to threats/disturbances posed by individual militias.
  The security services/SSC seem unwilling/unable to curb the recent violence attributed to the militias.
- Response by Libyan security forces to acts of violence, threats of violence, or active surveillance against American or western interests indicates a denial of the seriousness of the threat.
  Mission opinion is that Libyan security forces are indifferent to the safety or needs of the US Mission. In a recent (likely hostile) surveillance incident outside the mission gate SSC personnel attempted to question the suspects, but had no power to detain them. The subjects left and

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there doesn't appear to be any attempt by security forces to aggressively investigate this incident or the prior attack on the mission. At the very least, information has not been shared with the mission regarding these incidents or other threat information. RSO does not have a host nation security contact to liaise with.

- Election of a government that is hostile to the United States and supports the use of violence against U.S. interests.
- Aggressive attacks against oil infrastructure, resulting in significant curtailment of oil production.

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EXHIBIT 6

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From: [redacted]
To: [redacted]
Subject: RE: 8/15 update
Date: Wednesday, August 15, 2012 10:18:01 AM

I'm actually writing the EAC cable today, although the computer problems here are frustrating our efforts of completing it in a timely manner. I do agree with the comments [redacted] highlighted in this email. I would caution that this is just a small part of what was discussed at the EAC today, and arguably not the most "meaty" parts. I think you'll find the EAC draft cable I'm writing will present a more robust view of the security situation here, as well as next steps. I will make sure you're included on the email when it is pushed out for Tripoli's review and release.

[redacted]

If

From: [redacted]
Sent: Wednesday, August 15, 2012 2:49 PM
To: [redacted]
Subject: FW: 8/15 update

Did you see this e-mail. Do you concur? I don't see any RSO comments.

[redacted]

This email is UNCLASSIFIED.

From: Hicks, Gregory N
Sent: Wednesday, August 15, 2012 2:17 PM
To: Stevens, John C
Cc: [redacted]
Subject: FW: 8/15 update

FYI. I asked [redacted] to send us the draft for review, approval, and release. Greg.

SBU
This email is UNCLASSIFIED.

From: [redacted]
Sent: Wednesday, August 15, 2012 2:12 PM
To: Hicks, Gregory N; [redacted]
Subject: 8/15 update

Sorry about that, folks. The power outages here are knocking our satellite connectivity out and we

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spend much of our time rebooting.

Anyway, we had one reported incident last night of a bomb attack on another Army colonel here in Benghazi. We are working to confirm. The staff at one of the local hospitals has also gone on strike to protest the lack of security.

We convened the EAC today, [redacted] to review the situation and our security posture. We'll write up the minutes on the high side, but briefly we:

- Agreed to review/revise the existing tripwires, which date to before the elections, to reflect present concerns;

- Concluded that the situation merits concern and prudent risk management, particularly in light of recent incidents involving internationals as well as locals advocating priority issues such as human rights and women's participation;

- Recommended continued heightened security measures now in place (essential movement, review of all incoming visitors, attempts to get a better handle on the number of USG contractors in Benghazi etc.) ;

- Recommended expansion of some precautionary measures (drills, reduction of any classified materials to a bare minimum, [redacted] mapping of areas of particular concern, etc.);

- Agreed to request a number of specific items/actions which we will spell out in the cable; and,

- Agreed to meet at least weekly in the future in light of the pace of developments on the ground.

Given our small size, there is really no distinction between authorized and ordered departure from Benghazi: if we lose one more person we will be ineffective. With that in mind, we'll try to lay out tripwires which would lead to specific adjustment of our operations in case of contingencies, but I think we are already at a skeleton crew.

[redacted]

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EXHIBIT 7

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[redacted]

From: [redacted]
Sent: Thursday, August 16, 2012 5:20 AM
To: [redacted]
Subject: RE: EAC cable
Attachments: TOC Door Memo-[redacted]-08-14-12(signed).pdf

We have revised some of the wording in response to their questions, and I believe Tripoli will make the revisions to push it out. (If this is not the case, please let me know so I can make the revisions)

We are trying to get a safe haven door here, and I will forward the memo request to Tripoli MO. I have attached the memo in case someone there asks you about it. I don't think it will be that expensive, but it will certainly be more than the $500 limit we've been working with here.

There are rumors that the Benghazi airport workers will strike because they're not getting paid. These are only rumors at this point, and our airport contact said he hadn't heard of a strike. He did confirm though that he wasn't being paid. Something to keep in mind for your plans to visit here.

[redacted]

From: [redacted]
Sent: Thursday, August 16, 2012 10:48 AM
To: [redacted]
Subject: RE: EAC cable

Thank you for doing that. It was well done. The DCM responded with some questions.

This email is UNCLASSIFIED.

From: [redacted]
Sent: Wednesday, August 15, 2012 7:32 PM
To: [redacted]
Subject: EAC cable

Boss – I just forwarded the draft EAC cable to you on the high-side.

[redacted]

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EXHIBIT 8

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C05391814 Date: 10/20/2015

C05391814-MOU

RE US Mission Benghazi draft EAC cable 2.txt

From: Stevens, J. Christopher
Sent: Thursday, August 16, 2012 11:55 AM
To: [redacted] Hicks, Gregory N; [redacted]
Cc: Gaudiosi, Eric V
Subject: RE: US Mission Benghazi draft EAC cable

Perfect

Sensitive
This email is UNCLASSIFIED//NOFORN.

From: [redacted]
Sent: Thursday, August 16, 2012 11:45 AM
To: Stevens, J. Christopher; Hicks, Gregory N; [redacted]
Cc: Gaudiosi, Eric V
Subject: RE: US Mission Benghazi draft EAC cable

In lieu of "terrorist organizations," what if we try to capture the spectrum of actors
here with "criminal elements, Islamist militias, and violent extremists"?

EVG

From: Stevens, J. Christopher
Sent: Thursday, August 16, 2012 3:49 AM
To: Hicks, Gregory N; Anderson, Jeremy P; Martinec, John B
Cc: Gaudiosi, Eric V
Subject: RE: US Mission Benghazi draft EAC cable

~~Good cable. I like the "suspend ops" option for tripwires. Also like the note~~ about
mapping routes to avoid dangerous militias/areas of concern. Concur in Greg's question re the term "terrorist organizations" and towards the end I believe it should
read "collocation with [redacted] vice [redacted]? We can send it out from here once all edits are incorporated, hopefully today. Thanks a lot, C

Sensitive
This email is UNCLASSIFIED//NOFORN.

From: Hicks, Gregory N
Sent: Wednesday, August 15, 2012 8:50 PM
To: [redacted]
Cc: Gaudiosi, Eric V; Stevens, J. Christopher
Subject: RE: US Mission Benghazi draft EAC cable

Thanks [redacted]: I had a couple of questions and a couple of suggested edits.

Looping in the Ambassador.

Regards, Greg

This document is UNCLASSIFIED//NOFORN when separated from SECRET//NOFORN attachment(s).
Classification:
SECRET//NOFORN
Classified by:
Gregory N. Hicks, Deputy Chief of Mission
Reason:
~~1.4(c), (d)~~
Declassify On:

C05391814 Date: 10/20/2015
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C05391814 Date: 10/20/2015

From: [redacted]
Sent: Wednesday, August 15, 2012 8:26 PM
To: [redacted]
Cc: Hicks, Gregory N; Gaudiosi, Eric V
Subject: US Mission Benghazi draft EAC cable

Sir,

Attached is the EAC cable I drafted. PO Gaudiosi has cleared for Tripoli's review.

Regards,
[redacted]

C05391814 Date: 10/20/2015
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EXHIBIT 9

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Mission Libya Tripwires – Updated as of August 13 2012

Events triggering a heightened security posture:

- Scattered protests regarding the process to draft the Libyan Constitution.
- Significant delays in the formulation of the Constitution, resulting in public protests.
- Significant delays in the new congress' ability to appoint a new cabinet, resulting in widespread, public protests and a halt in government decision-making or services.
- A sustained pattern of GOL public statements and/or sermons, media content, demonstrations that are anti-American or anti-western in nature.
- Embassy personnel and other members of the expatriate community report strains in relations with members of the local community.
- Confirmed reports of an increased role in Libya of groups with links to Al-Qaeda.
- Sustained increase in the number of checkpoints in/around major urban areas, particularly in daylight hours.
- Armed attacks on political candidates or election commission offices.
- An increase in the number and credibility of threats by terrorist groups or former regime loyalists.
- Abrupt replacement, detention or arrest of key Libyan government officials.
- Credible, specific and non-counterable information of a planned attack against U.S. interests.
- Attack on U.S. facilities or personnel, resulting in no injuries.
- Attack on a western diplomatic facility in Tripoli or Benghazi.

Measures to Consider:

- Hold an EAC to review post's security posture.
- Review/update warden system and F-77 report.
- Review and update drawdown lists.
- Send a warden message regarding particular incidents/overall security trends; consider changes to the Travel Warning.
- Limit trips outside major urban areas.
- Limit the number of TDY personnel at post.
- Return to use of armed close protection for all USDH staff.
- Develop and test alternate communications systems.
- Consider reductions in the number of staff at post through the use of R&R's.
- Reduce or vary operating hours for USG facilities.
- Update post personnel information for quick preparation of travel orders in the event of a drawdown.
- Hold an evacuation planning session for all personnel at post.
- Hold an OSAC meeting, and town hall meeting with the private American citizen community.
- Meet with local authorities to seek increased host government protection of USG facilities.
- Ensure Embassy residences and office space have sufficient provisions to shelter-in-place if needed.
- Update contact information for all personnel at post; share this information with the Department.
- Maintain an accurate, daily list of all personnel present at post.

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Events triggering consideration of authorized departure:

- Demonstrations and incidents of social unrest, including protests related to the election, become large-scale and widespread, with the greater likelihood of violence.
- Sustained fighting among various militias, tribes or factions, particularly in major urban areas.
- Use of armed force by separatist elements against the central government.
- A dramatic increase in violent crime, including looting and home invasions.
- Small-scale attacks by Qadhafi loyalists, militias, or terrorist elements in or around Tripoli, Benghazi, and major urban areas.
- Major international carriers halt service to Libya.
- Sustained disruption of airport services, inability to land USG flights at Tripoli International or Mitiga Airports.
- Sustained disruption of overland evacuation routes to Tunisia and Egypt.
- Severe shortages of fuel, food and/or a disruption of city water supplies (or any combination of these three factors) due to conflict or sabotage.
- Attempted violent overthrow of the government.
- Assassination of a leading political figure.
- Attack on U.S. facilities or personnel, resulting in injuries.
- Inability or unwillingness of central government/security forces to respond to Embassy emergencies or security needs.

Measures to consider:

All measures listed in conjunction with a heightened security posture, plus:

- Hold an EAC to consider authorized departure
- Cancel all but mission-essential TDY visits
- Temporarily suspend non-emergency public services
- Cancel all travel outside of Tripoli and Benghazi
- Limit movements to mission-essential work only
- Meet with USG funded implementing partners to review their security posture, encourage drawdown of their staff if appropriate (particularly if Embassy is drawing down via authorized departure status)
- Establish 24-hour command post at the Embassy to monitor and report on the ongoing situation, including Consular, security, public diplomacy and USAID elements as appropriate.
- Set up a regular reporting schedule with Washington (either via telephone or written reports) and ensure that headquarters officials from all agencies respect that reporting timeline.
- Establish a duty schedule to ensure staff have adequate rest time.
- Prepare evacuation paperwork.
- Convene a conference call with NEA/EX, Crisis Management, Consular Affairs, appropriate military authorities to consider contingency measures for the evacuation of private American citizens.
- Consult friendly embassies on possible evacuation plans.
- Request additional Diplomatic Security TDY personnel.
- Review and reduce classified holdings.

Events triggering consideration of ordered departure:

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- Armed coup and/or violent overthrow of the government.
- Significant terrorist attack, resulting in mass casualties.
- Outbreak of nationwide hostilities among factions, including hostilities focused on the results of the election or a declaration of secession by one of Libya's three main regions.
- Large-scale, organized attacks by Qadhafi loyalists.
- Hostage-taking of Americans or westerners becomes prevalent in Libya.
- Natural disaster with extensive loss of life, habitable property and collapse of key public infrastructure.
- Inability or unwillingness of central government /security services or militias aligned with the central government to maintain public order or respond to threats/disturbances posed by individual militias.
- Response by Libyan security forces to acts of violence, threats of violence, or active surveillance against American or western interests indicates a denial of the seriousness of the threat.
- Election of a government that is hostile to the United States and supports the use of violence against U.S. interests.
- Aggressive attacks against oil infrastructure, resulting in significant curtailment of oil production.

Measures to consider:

All measures listed in conjunction with authorized departure, plus:

- Hold an EAC to consider ordered departure
- Cancel all but emergency support TDY visits.
- Activate arrangements for USG-managed evacuation (commercial, charter or military) of private Amcit community, if necessary.
- Meet with USG funded implementing partners to review their security posture, ensuring drawdown of their staff.
- Review contingency planning for military-assisted Noncombatant Evacuation Operation (NEO) and consult with the Department regarding coordination with U.S. military on evacuation assistance.
- Bring in consular fly-away team and DS Security Support Team.
- For a terrorist attack against U.S. persons or interests (to include hostage-taking), request deployment of a Foreign Emergency Support Team (FEST).
- Develop a list of minimal, emergency staffing should further staff draw-downs be required beyond the initial ordered departure
- Develop and approve tripwires for suspension of operations.

Consideration of "suspended operations":

- US Mission Benghazi is staffed solely with mission critical personnel and as such cannot draw down further while remaining operational. Therefore, Post has added a *suspended operations* category to the tripwire matrix. Under this scenario, Post would stop all movement outside the mission. Meetings with host nation could continue but must be conducted at the mission only.

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Benghazi assessment of tripwires breached as of August 13, 2012.

Events triggering a heightened security posture:

- Scattered protests regarding the process to draft the Libyan Constitution.
- Significant delays in the formulation of the Constitution, resulting in public protests.
- Significant delays in the new congress' ability to appoint a new cabinet, resulting in widespread, public protests and a halt in government decision-making or services.
  While we have not seen widespread protests, protests do occur in Benghazi. Most recently, veterans of the revolution took over the Tibesti Hotel, and currently occupy the hotel. The Tibesti Hotel was, until recently, the living quarters and office space of many members of the international community including the United Nations, private sector business, and government delegations, as well as visiting American VIPs. It now stands abandoned, as all guests and staff have left, and the protestors are apparently "squatting" there until their demands are met.
- A sustained pattern of GOL public statements and/or sermons, media content, demonstrations that are anti-American or anti-western in nature.
- Embassy personnel and other members of the expatriate community report strains in relations with members of the local community.
- Confirmed reports of an increased role in Libya of groups with links to Al-Qaeda.
- Sustained increase in the number of checkpoints in/around major urban areas, particularly in daylight hours.
- Armed attacks on elected officials or government offices.
  There has been a spate of attacks/assassinations/kidnappings on former Qaddafi loyalists in the past month. A militia claims to have a kill list with a significant number of names on it they are targeting. Ref. GRPO report.
- An increase in the number and credibility of threats by terrorist groups or former regime loyalists.
- Abrupt replacement, detention or arrest of key Libyan government officials.
- Credible, specific and non-counterable information of a planned attack against U.S. interests.
- Attack on U.S. facilities or personnel, resulting in no injuries.
  An IED was detonated at the front gate of US Mission Benghazi in June 2012, no injuries.
- Attack on a western diplomatic facility in Tripoli or Benghazi.
  Grenade thrown at UN motorcade in April 2012. RPG attack on British Ambassador's motorcade resulting in injury in June 2012. Additionally, there have been multiple IEDs (June 2011, July 2012) planted at the Tibesti Hotel, former home to the United Nations. The Red Cross HQ, near the US Mission, was attacked twice (RPG and drive by shooting, respectively) in May 2012.

Events triggering consideration of authorized departure:

- Demonstrations and incidents of social unrest, including protests related to the new government and/or the Constitutions, become large-scale and widespread, with the greater likelihood of violence.
- Sustained fighting among various militias, tribes or factions, particularly in major urban areas.
- Use of armed force by separatist elements against the central government.
- A dramatic increase in violent crime, including looting and home invasions.

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Benghazi has seen a marked rise in car-jackings of late. The Sudanese Consul General, a victim of car-jacking himself, stated a stolen car market has appeared next to their mission. Anecdotally, sources report levels of violent crime are much higher than before.

- Small-scale attacks by Qadhafi loyalists, militias, or terrorist elements in or around Tripoli, Benghazi, and major urban areas.
  Certain militias have become more brazen of late and appear to be acting with little fear of government reprisal. There is a strong sense, based on various reports, that many of the bombings, kidnappings, and assassinations in the past month are linked to conservative militias in Benghazi.
- Major international carriers halt service to Libya.
- Sustained disruption of airport services, inability to land USG flights at Tripoli International or Mitiga Airports.
- Sustained disruption of overland evacuation routes to Tunisia and Egypt.
- Severe shortages of fuel, food and/or a disruption of city water supplies (or any combination of these three factors) due to conflict or sabotage.
  Power shortages and blackouts (4-8 hours) have been commonplace the last week and a half. Benghazi power station was victim of an RPG attack last week.
- Attempted violent overthrow of the government.
- Assassination of a leading political figure.
- Attack on U.S. facilities or personnel, resulting in injuries.
- Inability or unwillingness of central government/security forces to respond to Embassy emergencies or security needs.
  Security forces appear unable/unwilling to proactively address US Mission Benghazi security needs. SSC members have not been paid and have ceased showing up at the US Mission. RSO requests for a police presence outside the mission have gone unanswered thus far. Host nation security does not appear to have the ability/desire to prevent/mitigate threats against the mission.

Events triggering consideration of ordered departure:

- Armed coup and/or violent overthrow of the government.
- Significant terrorist attack, resulting in mass casualties.
- Outbreak of nationwide hostilities among factions, including hostilities focused on the Constitution or a declaration of secession by one of Libya's three main regions.
- Large-scale, organized attacks by Qadhafi loyalists.
- Hostage-taking of Americans or westerners becomes prevalent in Libya.
  Hostage-takings/kidnappings/detainments have recently included multiple Libyan nationals (including an Army Colonel), an American NGO worker, and members of the Iranian Red Crescent.
- Natural disaster with extensive loss of life, habitable property and collapse of key public infrastructure.
- Inability or unwillingness of central government /security services or militias aligned with the central government to maintain public order or respond to threats/disturbances posed by individual militias.
  The security services/SSC seem unwilling/unable to curb the recent violence attributed to the militias.

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- Response by Libyan security forces to acts of violence, threats of violence, or active surveillance against American or western interests indicates a denial of the seriousness of the threat. Mission opinion is that Libyan security forces are indifferent to the safety or needs of the US Mission. In a recent (likely hostile) surveillance incident outside the mission gate SSC personnel attempted to question the suspects, but had no power to detain them. The subjects left and there doesn't appear to be any attempt by security forces to aggressively investigate this incident or the prior attack on the mission. At the very least, information has not been shared with the mission regarding these incidents or other threat information. RSO does not have a host nation security contact to liaise with.
- Election of a government that is hostile to the United States and supports the use of violence against U.S. interests.
- Aggressive attacks against oil infrastructure, resulting in significant curtailment of oil production.

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EXHIBIT 10

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Benghazi: Security Environment & Threat Assessment

Updated 8/14/2012

Summary:

The security environment in Benghazi can be described as semi-permissive. Libya remains a high threat area with skirmishes taking place between militias, bombing retaliations against old Qadhafi loyalists, attacks on infrastructure facilities, and NGO's (i.e. ICRC, UN). In recent weeks attacks have escalated on Diplomatic Missions (UK, and US), along with targeted kidnappings on both US and Libyan nationals. Benghazi is controlled by the Government of Libya, but lacks basic services and has no centralized security structure. The proliferation of weapons and explosives presents additional hazards. Movement in and around the city is feasible but has been restricted to critical movements only. Due to the fluid security environment and limited resources at Post, USG personnel should be prepared for a drawdown and/or an evacuation on short notice.

Background:

On April 5, 2011, the Office of U.S. Envoy commenced operations in Benghazi, Libya. Current staffing includes the Principal Officer, IMO, and three DS agents. Generally, Transitional National Council (TNC) officials and Benghazi residents support the humanitarian efforts being carried out by the international community. Nevertheless, Qadhafi loyalists and sympathizers maintain a low profile presence in Benghazi and are capable of carrying out attacks; for example, loyalists set off improvised explosive devices (IEDs) in Freedom Square on May 3, 2011, and in front of the Tibesti Hotel on June 1, 2011. There also were clashes between Qadhafi loyalists and TNC security forces on July 31, 2011. On October 20, 2011 - Qadhafi was killed. Refer to the incident report in the RSO folder for most current information.

Security Environment:

Once Qadhafi's forces were driven out of Benghazi in March 2011, more than 40 independent "security" units or militias took control of the city. Checkpoints were established and vehicles and passengers are subject to search. Armed militia members lack training and are unfamiliar with basic weapons safety. The number of checkpoints increases after dark. During a checkpoint altercation between a group of French private security contractors and local militia members, a contractor was shot in the back while the remaining contractors were arrested and later deported after spending five days in custody. To mitigate problems associated with checkpoints, DS agents carry on their person a letter issued by the MFA (in English and Arabic). The letter states that U.S. security personnel are present at the request of the MFA [redacted] Additionally, DS agents carry MFA-issued ID cards. Finally, the Mission has official vehicle placards with the MFA seal for easy identification.

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As a result of the "17 Feb" uprising, a large segment of the population is now armed but not trained in weapons handling and safety. This lack of training poses a significant risk and unexplained gunfire is common in Benghazi. In many cases, the gunfire is considered celebratory and should be expected during rallies, weddings, or the announcement of significant political or military news. Weapons include pistols, rifles, medium and heavy machine guns, and dynamite (commonly used for fishing). Mission personnel should be prepared for "celebratory" fire and take cover as necessary. Other explanations for gunfire include: crime-related violence and self-defense; rebel weapons training centers; and police action against criminals and/or regime loyalists.

Dynamite is commonly used for fishing in Libya and is often used as a celebratory expression. It has also been used as a weapon. The June 1, 2011 bombing at the Tibesti Hotel was reportedly carried out using dynamite or a hand grenade placed underneath or inside a parked car. The explosion ignited the fuel tank amplifying the blast effects. Another bombing occurred near the courthouse at Freedom Square on May 3rd. At least two people were wounded in the attack. Freedom Square remains the symbol of the rebel movement and many believe the attack was conducted by loyalist forces.

On January 17, 2012, the PO and RSO met with a former Preventive Security officer who mentioned that petty crime and car-jacking incidents are on the rise in the greater Benghazi area. Evidently, the Egyptian black market has a strong desire (paying top money) for 4x4 vehicles with an emphasis on the common Toyota Hilux. A car-jacking of a local took place within the Fwayhat District (the same district as Mission Benghazi) on January 22, 2012. During a meeting in February, Benghazi's new police chief confirmed that crime remains a problem and noted that approximately 140 serious criminals freed during the revolution remain at large with access to weapons.

One of the constant demonstrations turned violent on January 21 when protestors stormed TNC Headquarters in Benghazi. Contacts in Benghazi and Tripoli told us that the protests were likely a culmination of popular frustration with the Council's lack of transparency and lack of progress on Libya's most important issues. They explained that the protestors – and those who empathize with them – were upset by the lack of support for the war wounded and families of martyrs, limited public input in the election law, and the TNC's overall unresponsiveness to the Libyan "street." As an example of the last point, contacts noted the demands of Benghazi's Shajara Square protestors calling for greater transparency and accountability from both Benghazi's TNC members, as well as its local council – a sentiment shared by frequent protests in Tripoli's Algeria Square and in Misrata. . Some speculated that a January 19 attack against TNC Vice Chair Ghoga (an incident in which he was slapped and roughed up by university students after he insisted on attending an event at which he was not welcome) may have emboldened the protestors to use violence in breaching the TNC headquarters.

Movement Security:

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Mission staff is required to travel in armored vehicles with DS escort. All motorcade movements are low-profile: no more than two vehicles traveling together; no blocking or aggressive maneuvering; move with the flow of traffic; observe traffic laws; no counter flow movements; weapons and personal protective equipment remains concealed. Checkpoints are common throughout the city and are potential areas of concern. The following procedures should be followed:

- Coordinate movement/routes with RSO before departure
- Slow down as you approach; be prepared to come to a full stop
- Display vehicle placards; be prepared to show ID
- Keep doors closed and locked
- Wait for clearance before moving through checkpoint
- Do not take photos or videos
- Avoid travel at night to the extent possible

Traffic laws are rarely enforced and defensive driving is essential. All passengers (including AIC) should wear seatbelts. Numerous roundabouts, high-speed merges, pedestrians, and intersections require constant vigilance. In the event of an accident, crowds may gather. Drivers should carry mobile and sat phones, and pre-identify safe havens and competent medical facilities along the route of travel.

Residential Security:

The mission is located on a residential compound in the western Fwayhat district. The French, UK, and UN delegations are in close proximity. Primary HLZ and medical facility are less than 5 minutes away. Existing footprint is a combination of two compounds (Villa B and Villa C) approx. 9 acres. The compound has three vehicle/pedestrian access points – north and south. Primary access point is the north gate. Two gates are blocked by using armored vehicles. Local Police guards and unarmed contracted LGF provide perimeter security; DS agents and QRF are responsible for internal defense.

Both compounds are connected via internal access points and provide office and bed space for up to 24 persons. Compounds are surrounded by a perimeter wall and all residential and office buildings have window grills. Structures are solid masonry with some setback. Each structure has a designated safe haven stocked with MREs/bottled water. The safe havens are unhardened and do not have doors capable of withstanding even a simple assault. All of the vehicle/pedestrian access points are blocked off; visitors and deliveries are channeled to one screening area (see Mission Access Control policy for more details).

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Technical security equipment has been installed and includes perimeter cameras, monitors, walk through metal detectors (WMD) and IDNS. Cameras are controlled and monitored via the RSO TOC. Physical security upgrades include the placement of "jersey barriers" at the newly identified main access control point Charlie One.

RSO staffing has been approved by U/S Kennedy: five DS personnel (agents and Security Protective Specialists). Due to the limited number of staff, Villa C is the designated residence for all personnel..

Venue Security:

MFA Facilities: Most lack setback and/or concentric rings of security. Armed guards maintain static positions; vehicle gates are normally left unsecure. MFA senior officials and facilities remain a likely target for Qadhafi loyalists.

Freedom Square: The square is a symbol of the revolution and a desirable venue for visiting VIPs. Protective security can be arranged through the MFA. Large crowds can be expected and should be factored in during emergency response planning. One "exhibit" in the square is comprised of spent munitions used by regime forces against the local population. A sweep of the munitions is recommended prior to a VIP visit. Several narrow streets surround the square and should be avoided.

Hotels: Main hotels include the Al-Fadeel, Tibesti, and Ouzo. MFA and international delegations frequently conduct business at these hotels. Hotels lack setback and access control/physical security is inconsistent. There is a general threat against hotels and MFA buildings. Security forces rendered safe a VBIED at the Tibesti on July 4, 2011, and Qadhafi loyalists may be planning similar attacks.

U.S. Mission Benghazi's responsibilities include travel to other parts of eastern Libya. Numerous Islamic extremists, including dozens with experience fighting coalition forces in Iraq and Afghanistan, are in the area and have ready access to arms. Islamic groups have recently carried out small arms and RPG attacks against both the police station and jail in Derna. The area around Kufra, in southern Libya, is unstable and lawless as competing militias vye for control of the cross-border smuggling routes.

Look Ahead:

As illustrated by recent violent events the security environment remains fragile. More than 40 independent militias operate in and around Benghazi and tribal rivalries persist. To date, there have been no anti-U.S. demonstrations in Benghazi.

There are reports of Al-Qaeda in the Islamic Maghreb (AQIM) smuggling weapons and explosives out of Libya to neighboring countries. AQIM and other transnational terrorist groups could try to take advantage of a deteriorating security environment in Benghazi or a post-Qadhafi power vacuum in Tripoli.

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EXHIBIT 11

C05390855

C05390855-MOU

[redacted]

From: [redacted]
Sent: Thursday, August 02, 2012 11:10 AM
To: Stevens, John C
Subject: RE: Foiled again!

We will dry our tears somehow and look forward to a visit later in the month.

I suspect that the week of the 26th would work well. Would this be a quick stop or a longer visit with the University and American Corner included?

Try me on [redacted] or on my US blackberry at [redacted]

[redacted]

From: Stevens, John C
Sent: Thursday, August 02, 2012 2:45 PM
To: [redacted]
Subject: Foiled again!

Regrettably, after further consultation, we've decided to postpone my trip east yet again, primarily for Ramadan/security reasons. So we're back to a post-Eid scenario. If I can get out there before you leave, that would be great. Curious to know when Benghazinos will be ready to meet foreigners – by the 26th? Thanks and sorry for any inconvenience. – C

PS, What's the best number to reach you on? I've tried a couple of numbers over the past weeks but always give up when I don't get through.

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EXHIBIT 12

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[redacted]

From: [redacted]
Sent: Tuesday, August 21, 2012 4:06 AM
To: [redacted]
Cc: [redacted]
Subject: Updated Benghazi incident chart
Attachments: Incident Chart Updated 8-21.xlsx

An updated incident list for you. We are also adding them into the website to track as well. We will likely meet with 17 February today about the detained American. Last night the 17 February commander confirmed that they did have him in custody and further more they were going to publicize it on their webpage today, with some sort of propaganda aim. I'll keep you posted.

Libya Herald 20 August 2012
A small bomb hit the vehicle of an Egyptian diplomat in Benghazi today, Monday, in the latest sign of unrest in the eastern city. The diplomat, First Secretary Abdelhamid Rifai, was reported to have been at home at the time. Nobody was hurt in the blast. Maged Al-Urfi, a Benghazi internal security spokesman, said the device contained only a small quantity of explosives, not enough to injure passangers. "This is meant to send a message, not hurt", he said, refusing to give further details. The vehicle was parked outside of the Egyptian consulate in Fwyhat, one of Benghazi's wealthier districts, home to a number of foreign diplomats. In recent months Benghazi has been hit by a number of attacks on foreign diplomats, including attacks on the Tunisian consulate, the American consulate and a vehicle carrying the British Ambassador. The city has also been plagued by a spate of assassinations directed at high-profile former Qaddafi officers, with 14 having been killed so far this year. It is not known who is behind the latest incident or what their motivations were.

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[redacted]

From: [redacted]
Sent: Tuesday, August 07, 2012 4:26 AM
To: [redacted]
Cc: Benghazi RSO
Subject: RE: Wish List of Equipment for RSO Benghazi

Thanks for the info, much appreciated. Here are some additional comments for some of the listed items..

Monitors – Correct, 10" dual rack mounted. One of the 4 is not functioning, and we'll also have to fix the feed to the guard booth at the gate. There's a problem between the TOC and the booth, and when we plug the feed cable back into the output of the monitor, the monitor stops working correctly.

Safe Haven cameras – We're looking to mount cameras outside the TOC and outside the safe haven so people inside these locations can see the area immediately outside the door. These don't need to be monitored anywhere else, they're simply a precaution for people inside so they can see what's happening just outside the door.

TOC Door- we'll work on finding a more substantial door on the local market, and if we get approval we'll line up the install for your next visit.

All of our cameras are having difficulty at night, perhaps it's due to the lighting conditions with the flood lights on the compound. I'll take a closer look and get you a list of the ones that are critical to remedy.

Thanks again for all of the help man, we all appreciate it out here.

[redacted]

From: [redacted]
Sent: Monday, August 06, 2012 4:32 PM
To: [redacted]
Cc: Benghazi RSO; [redacted]
Subject: RE: Wish List of Equipment for RSO Benghazi

Hi [redacted] –

See comments below in red.

[redacted]

[redacted]
Engineering Services Center Cairo
[redacted]@state.gov
Office: (+20) 2 2797 3525
Cairo's work week is Sunday - Thursday

This email is UNCLASSIFIED.

From: [redacted]
Sent: Monday, August 06, 2012 2:58 PM

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To: [redacted]
Cc: Benghazi RSO; [redacted]
Subject: Wish List of Equipment for RSO Benghazi

Hey [redacted], hope all is well. Here's the wish list for new and upgraded equipment that we discussed. Give me a call and let me know if you have any questions or concerns. Thanks!

[redacted]

Wish List for Equipment

New IDNS system – Working on it. We're unable to place orders in our logistics system until August 20.
Old pendants for current IDNS system - Also working on it. Unfortunately since these are so old it's hard to find spares.
Replacement camera monitors – What kind? The dual 10" rack-mounted units?
Camera/monitor sets for TOC and Villa Safe Haven (to see outside of TOC and safe haven doors from inside) - We'll put what we need for this onto the next order. Note that the current CCTV matrix cannot support any more monitors, so these monitors will only be visible inside the TOC and inside the safe haven (i.e. you won't be able to see inside the safehaven from the TOC).
Additional cameras with visibility outside compound walls This is something we talked about with RSO [redacted] when he was there – material should be enroute, but given the shipping issues we have between Tripoli and Benghazi I am not sure what the order's status is at this time.
Upgrade critical cameras for night vision Can you give me a count of how many PTZs and how many fixed cameras don't seem to be switching over to night mode?
Louder IDNS alarms (very low inside buildings) - No problem.
Harden TOC door, add slide lock and viewer (currently a flimsy internal door) A new door should be procured locally. We can schedule a trip to coincide with the installation of the new door so the locking hardware can go on all at once. The replacement door should be a solid wood core.

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EXHIBIT 14

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From: [redacted]
To: [redacted]
Subject: RE: Reports to system
Date: Thursday, August 23, 2012 2:44:13 PM
Attachments: securityrequests.docx

No problem, I will pass this on. Our internet just came back up, so I have attached the security/manpower/equipment requests. Some of them are long shots, but it doesn't hurt to ask.
[redacted]

From: [redacted]
Sent: Thursday, August 23, 2012 2:32 PM
To: [redacted]
Subject: Reports to system

[redacted]

Thank you for putting all the information into the system for me. That is outstanding. I am in the process of approving them. If possible, when you put in the reports, could you write out the facts, omitting names especially Americans. Also, avoid phrases like, yesterday and just put the date it happened. The last thing, in the date section you could put the date of the incident so it is in the correct order. I know I am being picky but this goes out to a wide audience and we want to avoid any issues.

Again, that you VERY much for doing this. It is a huge help to me here and is saving me a ton of time.

[redacted]

[redacted]

Special Agent, Diplomatic Security Service
Regional Security Officer
US Embassy, Tripoli
Mobile [redacted]

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From: [redacted]
Sent: 8/6/2012 4:29:45 AM
To: [redacted]
Cc: [redacted]
Subject: RE: Bodyguard position

Good news then, will be happy to hear that. Please let me know who he should contact to apply for this position.

On a side note, did Tripoli change its security posture after the EAC this morning?

Regards,
[redacted]

From: [redacted]
Sent: Monday, August 06, 2012 10:24 AM
To: [redacted]
Cc: [redacted]
Subject: RE: Bodyguard position

Actually, [redacted], I would hire him almost immediately. We just upped our Bodyguard detail to 35 member and we need 20 bodies. All the help we can get here will be appreciative.

On another note, keep in mind that Benghazi is not a traditional Consular nor Embassy post. The QRF there has helped keep security in place for almost a year now. And Benghazi will not be closing down anytime soon. Be as flexile and as patient as possible with the personnel there. Tripoli is losing all the American security personnel in place and we will be heavily dependent on Libyan assets.

I will try to get to Benghazi as soon as I can but from my understanding any trips out there from her are on hold until after Ramadan.

Please keep me informed about the situation on the ground as it continues to evolve.

Regards,

[redacted]

ARSO [redacted]

Regional Security Office

US Embassy Tripoli
Walee Al-Ahad Street
Airport Road District
Tripoli, Libya

[redacted] (M)

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From: [redacted]
Sent: Monday, August 06, 2012 8:46 AM
To: [redacted]
Cc: [redacted]
Subject: Bodyguard position

[redacted]

We're having some issues with our QRF here and at some point someone is going to have to make some difficult decisions. In the meantime though, one of our QRF members, recently quit and would like to work as a bodyguard at Embassy Tripoli. I told him I would ask if there were any available positions or if you needed him for anything. He was our best QRF member tactically, was the only one who reportedly fought in the revolution, and speaks fairly good English. He would be a good asset if you have a spot for him. If not, I'll tell him there's no availability right now, but we'll keep him in mind.

[redacted]

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C05578211 Date: 10/20/2015

Woods, Olivia M

From: Anderson, Jeremy P
Sent: Thursday, August 16, 2012 3:11 AM
To: Hicks, Gregory N; Martinec, John B; Anderson, Jeremy P
Subject: FW: US Mission Benghazi draft EAC cable
Attachments: EAC 082012.docx

We've seen incidents here on a daily basis. [redacted] said at the EAC, "something is happening every day and something will keep happening every day." In the absence of deterrence, I think that pattern will continue. There is certainly no reason for it to stop, and no force to stop it. The NGO rep I met with yesterday agreed, commenting that "for the first time since the Revolution I am afraid."

EVG

From: Hicks, Gregory N
Sent: Wednesday, August 15, 2012 1:50 PM
To: Anderson, Jeremy P; Martinec, John B
Cc: Gaudiosi, Eric V; Stevens, J. Christopher
Subject: RE: US Mission Benghazi draft EAC cable

Thanks Jeremy: I had a couple of questions and a couple of suggested edits.

Looping in the Ambassador.

Regards, Greg

This document is UNCLASSIFIED//NOFORN when separated from SECRET//NOFORN attachment(s).

Classification: **SECRET//NOFORN**
Classified by: Gregory N. Hicks, Deputy Chief of Mission
Reason: 1.4(c), (d)
Declassify On: 2022/08/15

From: Anderson, Jeremy P
Sent: Wednesday, August 15, 2012 8:26 PM
To: Martinec, John B
Cc: Hicks, Gregory N; Gaudiosi, Eric V
Subject: US Mission Benghazi draft EAC cable

Sir,

Attached is the EAC cable I drafted. PO Gaudiosi has cleared for Tripoli's review.

Regards,
Jeremy

C05578211 Date: 10/20/2015
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C05578211 Date: 10/20/2015

1. (U) SUMMARY: On August 15, 2012, the U.S. Mission Benghazi Principal Officer (PO) convened the Emergency Action Committee (EAC) to evaluate Post's tripwires in light of the deteriorating security situation in Benghazi. The EAC discussed: (1) the increase in violent incidents in Benghazi, (2) the departure of private and public sector organizations, (3) the rise of potentially anti-western militias, and (4) host nation security capabilities in response to these issues. The EAC resolved to: (1) update and modify the tripwire matrix to include a "suspension of operations" section, (2) integrate [redacted] and DS REACT/EAP plans and conduct cooperative drills, and (3) submit additional equipment/manpower needs to US Embassy Tripoli for review. The EAC was chaired by the PO and attended by RSO, [redacted] and

2. (U) DETERIORATING SECURITY SITUATION: The PO remarked that the security situation in Benghazi was "trending negatively" and post was witnessing a variety of other groups attempting to fill the security vacuum created by the absence of professional security forces under the control of the central government. Some of these groups, to include the police force and Western-friendly militias, have attempted to rein in the violence, while others, such as criminal elements, terrorist organizations, and ~~fundamentalist~~Islamist militias, are instigating, if not perpetrating, this violence. The PO opined that this daily pattern of violence would be the "new normal" for the foreseeable future, particularly given the minimal capabilities of organizations such as the Supreme Security Council and local police.

Comment [T1]: Did there evidence of this? If so, haven't seen any reporting along this line and nothing was mentioned in the morning meeting.

Comment [T2]: It's really daily reporting out of Benghazi reporting indicated a lack of a pattern of other than violent acts to embarrass political rivals or settle scores with military officers with ties to the old regime.

3. (U) DEPARTURE OF ORGANIZATIONS FROM BENGHAZI: RSO remarked that various organizations had either recently reduced their staffing levels or left Benghazi due to the security environment, most notably the International Red Cross and a USG contractor (demobilizing prior to contract termination on9/20). Also, official organizations (United Nations, Government of Qatar) and private businesses (Blue Mountain Libya) that operated out of the Tibesti Hotel have moved to other locations in the city due to a combination of bombings targeting the hotel and protestors taking over the facility. PO stated that while Post has seen some departures from Benghazi , it is important to note that other organizations, such as the British Mission, appear to be returning to Benghazi. Furthermore, some local organizations and human rights groups appear to be increasing their visibility within town, including efforts to oppose the recent violence. A broad range of contacts continue to attach great symbolic and practical importance to a continued USG presence here.

4. (S/NF) INCREASE IN HOSTILE MILITIAS: [redacted] RSO noted that the Benghazi militias have become more brazen in their actions and have little fear of reprisal from the GoL. (RSO note: RSO has mapped the location of the militias to assist in route planning of essential movements)

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5. (S/NF) HOST NATION SECURITY SUPPORT: RSO and PO expressed concerns with the lack of host nation security support to the US Mission. The SSC no longer provides an armed presence at the mission, and RSO requests to provide a daily police presence have gone unanswered. RSO expressed concerns with Post's relationship with the 17 February Brigade, particularly in light of some of the actions taken by the brigade's subsidiary members.

6. (C) TRIPWIRE REVISIONS: PO will revise Post's tripwires to better reflect current concerns. The Mission will also maintain its heightened security posture, to include restrictions on non-essential movements and careful review of all travel requests. In addition, as Post is staffed solely with mission critical personnel, and cannot draw down further while remaining operational, PO suggested the tripwire matrix include a "suspended operations" option. Under this option, all movements would be curtailed, and Post would conduct business only from the compound. There is precedent for this option; post went to a "suspended operations" posture after the June 2012 attack on the mission.

7. (S/NF) CLOSER COLLABORATION WITH RSO expressed concerns with the ability to defend Post in the event of a coordinated attack due to limited manpower, security measures, weapons capabilities, host nation support, and the overall size of the compound. RSO and will observe drills to better understand each group's operational plans and capabilities. RSO and will meet at a later date to discuss Emergency Action Plans and address areas of collaboration. Post and agreed to formal weekly meetings to discuss the security environment.

8. (U) SECURITY REQUESTS FOR EMBASSY REVIEW: In light of the uncertain security environment, US Mission Benghazi will submit specific requests to US Embassy Tripoli for additional physical security upgrades and staffing needs by separate cover.

9. (U) Point of contact is RSO Jeremy Anderson who can be reached at andersonjp@state.sgov.gov., or local cell 092 819 3981.

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6. (C) TRIPWIRE REVISIONS: PO will revise Post's tripwires to better reflect current concerns. In addition, as Post is staffed solely with mission critical personnel, and cannot draw down further even if ordered departure was effected, PO suggested the tripwire matrix include a "suspended operations" option. Under this option, all movements would be curtailed, and Post would host meetings on compound. There is precedent for this option; post went to a "suspended operations" posture after the June 2012 attack on the mission.

7. (S/NF) CLOSER COLLABORATION WITH RSO expressed concerns with the ability to defend Post in the event of a coordinated attack due to limited manpower, security measures, weapons capabilities, host nation support, and the overall size of the compound. RSO and will observe drills to better understand each group's operational plans and capabilities. RSO and will meet at a later date to discuss Emergency Action Plans and address areas of collaboration suggested that Mission personnel could co-locate to the Annex if the security environment degraded suddenly. Post and agreed to formal weekly meetings to discuss the security environment.

8. (U) SECURITY REQUESTS FOR EMBASSY REVIEW: In light of the uncertain security environment, US Mission Benghazi will submit requests to US Embassy Tripoli for additional physical security upgrades and staffing needs.

9. (U) Point of contact is who can be reached at

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C05578211-MOU

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2. (U) DETERIORATING SECURITY SITUATION: The PO remarked that the security situation in Benghazi was "trending negatively" and post was witnessing a variety of other groups attempting to fill the security vacuum created by the fecklessness of the SSC. Some of these groups, to include the police force and Western-friendly militias, have attempted to reign in the violence, while others, such as criminal elements, terrorist organizations, and fundamental militias, are instigating, if not perpetrating, this violence. The PO opined that this daily pattern of violence would be the "new normal" for the foreseeable future.

3. (U) DEPARTURE OF ORGANIZATIONS FROM BENGHAZI: RSO remarked that various organizations had either recently reduced their staffing levels or left Benghazi due to the security environment, most notably the International Red Cross and a USG contractor. Also, official organizations (United Nations, Government of Qatar) and private businesses (Blue Mountain Libya) that operated out of the Tibesti Hotel moved to other locations in the city due to a combination of bombings targeting the hotel and protestors taking over the hotel. PO stated that while Post has seen some departures from Benghazi it is important to note that other organizations, such as the British Mission, appear to be returning to Benghazi. Furthermore, local organizations and human rights groups appear to be increasing their visibility within town.

4. (S/NF) INCREASE IN HOSTILE MILITIAS: [redacted] RSO noted that the Benghazi militias have become more brazen in their actions and have little fear of reprisal from the GoL. (RSO note: RSO has mapped the location of the militias to assist in route planning of official movements)

5. (S/NF) HOST NATION SECURITY SUPPORT: RSO and PO expressed concerns with the lack of host nation security support to the US Mission. The SSC no longer provides an armed presence at the

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EXHIBIT 17

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CLASSIFICATION: SECRET
Page 1 of 2

RELEASE IN PART
1.4(G),1.4(D), FOIA B6

From:
Sent: 8/16/2012 11:01:07 AM
To: svcSMARTHBTSPOP6
Subject: US MISSION BENGHAZI EMERGENCY ACTION COMMITTEE- AUGUST 16, 2012

SECRET//NOFORN
Sensitive

Classified by DAS, A/GIS, DoS on 09/05/2014 ~ Class: SECRET ~
Reason: 1.4(D), 1.4(G) ~ Declassify on: 08/16/2037

MRN:	12 TRIPOLI 55
Date/DTG:	Aug 16, 2012 / 161501Z AUG 12
From:	AMEMBASSY TRIPOLI
Action:	WASHDC, SECSTATE*ROUTINE*
E.O.:	13526
TAGS:	ASEC, LY
Captions:	SENSITIVE, SIPDIS, NOFORN
Subject:	US MISSION BENGHAZI EMERGENCY ACTION COMMITTEE- AUGUST 16, 2012

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4. (S/NF) INCREASE IN HOSTILE MILITIAS: [redacted] 1.4(D)

REVIEW AUTHORITY: Charles Daris, Senior Reviewer

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7. (S/NF) [redacted] 1.4(D) 1.4(G)

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9. (U) Point of contact is RSO Jeremy Anderson who can be reached at andersonjp@state.sgov.gov, or local cell [redacted] FOIA B6

Signature:	Stevens
Classified By:	
Derived From:	DSCG 11-01
Declassify On:	2037/08/16
Drafted By:	
Cleared By:	
Approved By:	Embassy Tripoli:Stevens, J. Christopher
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EXHIBIT 18

UNCLASSIFIED U.S. Department of State Case No. O-2015-15055 Doc No. C05390124 Date: 10/13/2015
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201214940 Rev. 1
United States Department of State

Washington, D.C. 20520

CONFIDENTIAL
DECL: 08/16/2022

RELEASE IN FULL August 17, 2012

INFORMATION MEMO FOR THE SECRETARY

FROM: NEA – Beth Jones, Acting

SUBJECT: (C) Security Situation in Libya: A Spike in Violence or a New Normal?

Overall Security Situation

(C) Libya has experienced an upward trend in violence – primarily but not exclusively in the east – since May. It is not yet clear if this trend will reverse itself as earlier ones have over the past year or if, in eastern Libya at least, it constitutes a new normal. The ongoing presence of militias is a complicating factor, both providing security in many areas where the national government cannot, and undercutting it in others. Militias were seen as a constructive force during the July 7 elections for the General National Congress. The central security services are still being reconstituted and do not have the capacity to force the militias under a national authority. While unpredictable security conditions restrict the movement of U.S. government personnel, they have not limited our assistance work. The violence has not targeted the oil and gas infrastructure.

Uptick in Violence, Primarily in Eastern Libya

(SBU) Since May, there has been a spike in violent incidents, including bombings, abductions, assassinations, and car-jackings. The attachment lists the major events, which include a June 6 bombing at the U.S. Mission in Benghazi and an August 6 attempted car-jacking of embassy personnel in Tripoli. Recently, foreign residents of Benghazi have expressed concern about the risks of living and working there. In response to five attacks since May, the International Committee of the Red Cross (ICRC) withdrew its personnel from Benghazi and Misrata in early August, but continued work in the rest of Libya. The ICRC country director believes international organizations in Libya have underestimated the recent rise in violence out of a shared sense of optimism.

REVIEW AUTHORITY: Charles Daris, Senior Reviewer

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Classified by: NEA Assistant Secretary Beth Jones, Acting
E.O. 13526, Reasons: 1.4 (b) and (d)

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Emboldened but Random

(C) The variety of the violence points to the overall lack of effective security institutions, particularly in the east. Local contacts blame pro-Qadhafi element efforts to destabilize the government, militia vigilante action, extremist Islamist groups settling scores, and criminally motivated thugs for most of the incidents. The distance from the already weak central security services, feelings of marginalization from the central government, and a history of Islamist extremism in some eastern towns all seem to contribute to a permissive environment where disparate motivations for violence have found fertile ground in which to germinate. The national Supreme Security Council – a post-revolutionary coalition of militia elements cobbled into a single force and designed to provide interim security in Benghazi – has had limited success as a stabilizing force.

(C) The government seems largely unable to gather intelligence in advance of attacks and central security services appear intimidated by the local militias, in some cases tacitly ceding their authority to them. Some actors see the weak response from the government and feel they can act with increasing impunity. The sense of lawlessness encourages spoilers, predators, and other disruptive players to escalate their actions.

The Transition Requires Security

(C) Benghazi was once palpably safer than Tripoli, but in the absence of a national political consensus on fundamental issues, lawlessness is increasing. The newly seated General National Congress should address the security situation directly to reassert control. Despite the urgency, however, the government's response is likely to continue to be hesitant and tentative, as it focuses on maintaining momentum and cohesion for the challenging political transition it is undertaking. Efforts to rebuild the national military and police forces (including the incorporation of some militias into the national forces) will need to proceed in step with efforts to create the right package of educational, vocational, and monetary incentives to demobilize, disarm, and reintegrate the revolutionary fighters into civilian life. We are working to assist the Libyans through advice on disarmament, demobilization, and reintegration and reconstituting elements of their national security forces through capacity building for counterterrorism and border security activities through classroom and field training.

(C) Despite the worrisome aspects of this increase in violence, there is no coordinated organization behind the incidents. Ethnic, sectarian, and tribal differences have not been major factors in causing or exacerbating the violence; in fact, there is some evidence that traditional tribal structures are helping to contain

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it. Nonetheless, the likelihood of more widespread violence is strong if Libya's political leaders are unable to demobilize militias and strengthen the government's security institutions.

Attachment:
List of Recent Violence in Libya

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EXHIBIT 19

UNCLASSIFIED

"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.

EXECUTIVE OVERVIEW

A series of terrorist attacks in Benghazi, Libya, on September 11-12, 2012, resulted in the deaths of four U.S. government personnel, Ambassador Chris Stevens, Sean Smith, Tyrone Woods, and Glen Doherty; seriously wounded two other U.S. personnel and injured three Libyan contract guards; and resulted in the destruction and abandonment of the U.S. Special Mission compound and Annex.

FINDINGS

In examining the circumstances of these attacks, the Accountability Review Board for Benghazi determined that:

1. The attacks were security related, involving arson, small arms and machine gun fire, and the use of RPGs, grenades, and mortars against U.S. personnel at two separate facilities – the SMC and the Annex – and en route between them. Responsibility for the tragic loss of life, injuries, and damage to U.S. facilities and property rests solely and completely with the terrorists who perpetrated the attacks. The Board concluded that there was no protest prior to the attacks, which were unanticipated in their scale and intensity.

2. Systemic failures and leadership and management deficiencies at senior levels within two bureaus of the State Department (the "Department") resulted in a Special Mission security posture that was inadequate for Benghazi and grossly inadequate to deal with the attack that took place.

   Security in Benghazi was not recognized and implemented as a "shared responsibility" by the bureaus in Washington charged with supporting the post, resulting in stove-piped discussions and decisions on policy and security. That said, Embassy Tripoli did not demonstrate strong and sustained advocacy with Washington for increased security for Special Mission Benghazi.

   The short-term, transitory nature of Special Mission Benghazi's staffing, with talented and committed, but relatively inexperienced, American personnel often on temporary assignments of 40 days or less, resulted in diminished institutional knowledge, continuity, and mission capacity.

Overall, the number of Bureau of Diplomatic Security (DS) security staff in Benghazi on the day of the attack and in the months and weeks leading up to it was inadequate, despite repeated requests from Special Mission Benghazi and Embassy Tripoli for additional staffing. Board members found a pervasive realization among personnel who served in Benghazi that the Special Mission was not a high priority for Washington when it came to security-related requests, especially those relating to staffing.

The insufficient Special Mission security platform was at variance with the appropriate Overseas Security Policy Board (OSPB) standards with respect to perimeter and interior security. Benghazi was also severely under-resourced with regard to certain needed security equipment, although DS funded and installed in 2012 a number of physical security upgrades. These included heightening the outer perimeter wall, safety grills on safe area egress windows, 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.

Special Mission Benghazi's uncertain future after 2012 and its "non-status" as a temporary, residential facility made allocation of resources for security and personnel more difficult, and left responsibility to meet security standards to the working-level in the field, with very limited resources.

In the weeks and months leading up to the attacks, the response from post, Embassy Tripoli, and Washington to a deteriorating security situation was inadequate. At the same time, the SMC's dependence on the armed but poorly skilled Libyan February 17 Martyrs' Brigade (February 17) militia members and unarmed, locally contracted Blue Mountain Libya (BML) guards for security support was misplaced.

Although the February 17 militia had proven effective in responding to improvised explosive device (IED) attacks on the Special Mission in April and June 2012, there were some troubling indicators of its reliability in the months and weeks preceding the September attacks. At the time of Ambassador Stevens' visit, February 17 militia members had stopped accompanying Special Mission vehicle movements in protest over salary and working hours.

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

1. The Department must strengthen security for personnel and platforms beyond traditional reliance on host government security support in high risk, high threat[1] 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.

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

Contingency Operations funding to respond to emerging security threats and vulnerabilities and operational requirements in high risk, high threat posts.

11. The Board supports the State Department's initiative to request additional Marines and expand the Marine Security Guard (MSG) Program – as well as corresponding requirements for staffing and funding. The Board also recommends that the State Department and DoD identify additional flexible MSG structures and request further resources for the Department and DoD to provide more capabilities and capacities at higher risk posts.

STAFFING HIGH RISK, HIGH THREAT POSTS

12. The Board strongly endorses the Department's request for increased DS personnel for high- and critical-threat posts and for additional Mobile Security Deployment teams, as well as an increase in DS domestic staffing in support of such action.

13. The Department should assign key policy, program, and security personnel at high risk, high threat posts for a minimum of one year. For less critical personnel, the temporary duty length (TDY) length should be no less than 120 days. The ARB suggests a comprehensive review of human resources authorities with an eye to using those authorities to promote sending more experienced officers, including "When Actually Employed" (WAE) personnel, to these high risk, high threat locations, particularly in security and management positions for longer periods of time.

14. The Department needs to review the staffing footprints at high risk, high threat posts, with particular attention to ensuring adequate Locally Employed Staff (LES) and management support. High risk, high threat posts must be funded and the human resources process prioritized to hire LES interpreters and translators.

15. With increased and more complex diplomatic activities in the Middle East, the Department should enhance its ongoing efforts to significantly upgrade its language capacity, especially Arabic, among American employees, including DS, and receive greater resources to do so.

TRAINING AND AWARENESS

16. A panel of Senior Special Agents and Supervisory Special Agents should revisit DS high-threat training with respect to active internal defense and fire survival as well as Chief of Mission protective detail training.

17. The Diplomatic Security Training Center and Foreign Service Institute should collaborate in designing joint courses that integrate high threat training and risk management decision processes for senior and mid-level DS agents and Foreign Service Officers and better prepare them for leadership positions in high risk, high threat posts. They should consult throughout the U.S. government for best practices and lessons learned. Foreign Affairs Counter Threat training should be mandatory for high risk, high threat posts, whether an individual is assigned permanently or in longer-term temporary duty status.

SECURITY AND FIRE SAFETY EQUIPMENT

18. The Department should ensure provision of adequate fire safety and security equipment for safehavens and safe areas in non-Inman/SECCA[2] facilities, as well as high threat Inman facilities.

19. There have been technological advancements in non-lethal deterrents, and the State Department should ensure it rapidly and routinely identifies and procures additional options for non-lethal deterrents in high risk, high threat posts and trains personnel on their use.

20. DS should upgrade surveillance cameras at high risk, high threat posts for greater resolution, nighttime visibility, and monitoring capability beyond post.

INTELLIGENCE AND THREAT ANALYSIS

21. Post-2001, intelligence collection has expanded exponentially, but the Benghazi attacks are a stark reminder that we cannot over-rely on the certainty or even likelihood of warning intelligence. Careful attention should be given to factors showing a deteriorating threat situation in general as a basis for improving

[2] "Inman buildings" are diplomatic facilities that meet the mandatory minimum physical security standards established after the 1985 Inman Report about the 1983 Embassy and Marine barracks bombings in Lebanon. "SECCA" refers to the Secure Embassy Construction and Counterterrorism Act of 1999, passed by Congress after the 1998 Nairobi and Dar es Salaam Embassy bombings. SECCA mandated setback and other standards for newly acquired diplomatic facilities.

security posture. Key trends must be quickly identified and used to sharpen risk calculations.

22. The DS Office of Intelligence and Threat Analysis should report directly to the DS Assistant Secretary and directly supply threat analysis to all DS components, regional Assistant Secretaries and Chiefs of Mission in order to get key security-related threat information into the right hands more rapidly.

PERSONNEL ACCOUNTABILITY

23. The Board recognizes that poor performance does not ordinarily constitute a breach of duty that would serve as a basis for disciplinary action but is instead addressed through the performance management system. However, the Board is of the view that findings of unsatisfactory leadership performance by senior officials in relation to the security incident under review should be a potential basis for discipline recommendations by future ARBs, and would recommend a revision of Department regulations or amendment to the relevant statute to this end.

24. The Board was humbled by the courage and integrity shown by those on the ground in Benghazi and Tripoli, in particular the DS agents and Annex team who defended their colleagues; the Tripoli response team which mobilized without hesitation; those in Benghazi and Tripoli who cared for the wounded; and the many U.S. government employees who served in Benghazi under difficult conditions in the months leading up to the September 11-12 attacks. We trust that the Department and relevant agencies will take the opportunity to recognize their exceptional valor and performance, which epitomized the highest ideals of government service.

INTERVIEW OF PRINCIPAL OFFICER #4

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, MAY 8, 2015

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

DANA CHIPMAN, *Chief Counsel*
SHARON JACKSON, *Deputy Chief Counsel*
CARLTON DAVIS, *Counsel*
SHERIA CLARKE, *Counsel*
KIM BETZ, *Member Outreach Liaison and Counsel*
HEATHER SAWYER, *Minority Chief Counsel*
PETER KENNY, *Minority Senior Counsel*
BRENT WOOLFORK, *Minority Senior Professional Staff*

FOR THE U.S. DEPARTMENT OF STATE

AUSTIN EVERS, *Senior Advisor*

FOR PRINCIPAL OFFICER #4

RAEKA SAFAI

Ms. Clarke. This is a transcribed interview of [redacted] 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 and House Resolution 5 of the 114th Congress. Could the witness please state your name for the record.

Mr. [redacted] [redacted].

Ms. Clarke. Thank you, Mr. [redacted] The committee appreciates your appearance at this interview today. My name is Sheria Clarke. I'm with the committee's majority staff, and we're just going to take an opportunity for everyone in the room to introduce themselves. We'll start with you.

Ms. Safai. Sure. Raeka Safai, AFSA.

Mr. Evers. Austin Evers, State Department.

Ms. Betz. Kim Betz with the majority staff.

Mr. Davis. I'm Carlton Davis. I work for Mr. Gowdy.

Mr. Woolfork. Brent Woolfork on the minority staff.

Mr. Kenny. Peter Kenny with the minority staff.

Ms. Sawyer. Heather Sawyer with the minority.

Ms. Jackson. And I'm Sharon Jackson. I'm with majority staff also.

Mr. [redacted]. And the transcriber. Your name?

Court Reporter. Catalina.

Mr. [redacted] Catalina, nice to meet you.

Ms. Clarke. And before we begin, I'll go -- I'd like to go over some ground rules and explain how the interview will proceed. The way the questioning proceeds is that a member from the majority will ask questions for up to an hour and the majority will have an opportunity to do so if they choose. We 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.

We'll rotate back and forth, 1 hour per side until we're out of questions and the interview will be over. Unlike a testimony or a deposition in Federal court, the committee format is not bound by the rules of the evidence. The witness or their counsel may raise objections for privilege subject to a review by the chairman of the committee. If these objections can't be resolved, then the interview of 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 hasn't been an issue we've encountered, but I just wanted to make sure you were clear on the process.

Mr. [redacted] Thank you.

Ms. Clarke. We are going to begin our discussion in an unclassified setting. If there are questions that you're asked that you believe will require a classified answer, please let us know, and we will reserve it -- reserve the answer until we move into a classified setting.

You're welcome to confer with your counsel at any time throughout

the interview, but if something needs to be clarified, we ask that you make that known to us, and if you need to discuss anything with your counsel, we're happy to go off the record and give you an opportunity to do so.

Also, we'd like to take a break when it's convenient for you. This can be after every hour of questioning or after a couple of rounds, whatever you prefer. During a round of questioning, if you need anything, some water, we have water here, we also have coffee available. If you need to use the facilities, or again, confer with your counsel, please let us know and we'll stop the clock and allow you do so.

As you can see, an official reporter is taking down everything that's said today. We ask that you give verbal responses to all questions, yes and no answers as opposed to nods of the head, and I'm going to ask the reporter to feel free to jump in in case you do respond nonverbally.

Mr. [redacted] Sure.

Ms. Clarke. Also, we'll try not to talk over each other so it's easier for the reporter to get a clear record. We want you to answer our questions in the most complete and truthful manner, so we'll take our time, repeat the questions if need be, or clarify the questions as well. And if you have any questions or you don't understand something that's being asked of you, please let us know, and we're happy to clarify.

If you don't know the answer to the question or you don't remember, it's best not to guess. So just give us your best recollection, and

if there are things you don't know or can't remember, just say so and inform us of someone who you think may be able to answer those questions better.

You're required to answer questions from Congress truthfully. Do you understand that?

Mr. [redacted]. Yes, ma'am.

Ms. Clarke. This also applies to questions posed by congressional staff in an interview. Do you understand that?

Mr. [redacted]. Yes, ma'am.

Ms. Clarke. Witnesses that knowingly provide false testimony could be subject to criminal prosecution for perjury or for making false statements. Do you understand that?

Mr. [redacted]. Yes, ma'am.

Ms. Clarke. Is there any reason you are unavailable to provide truthful answers to today's questions?

Mr. [redacted]. No ma'am.

Ms. Clarke. Okay. So those are the end of my introductions. Does the minority have anything that they would like to add?

Ms. Sawyer. Just briefly. It's our understanding and it was conveyed to us and the majority that Ms. Safai, on behalf of her client, would ask that we proceed in a classified setting from the get-go, and that was the client's request, and certainly would help him not to have to worry about policing the line between things that might be classified or unclassified.

As with a prior request, the ranking member fully supports that

request. Our primary goal here is to allow the witnesses, in a comfortable environment, to answer fully all the questions that we pose. It's our understanding as well, though, that we can move to a classified setting whenever needed, so we would certainly encourage you, Mr. [redacted], to let us know when you feel more comfortable answering questions in a classified setting, and we will accommodate that, and we'll go from there. And I don't know if you had anything to add, Ms. Safai.

Ms. Safai. No, we would just reiterate our request to move to a classified setting, but yes, we understand that there is one available if we need to, so thank you.

Ms. Clarke. There is a classified setting available; however, we've conducted three interviews of individuals that held the same position as you have, Mr. [redacted], and we conducted the majority of those interviews in an unclassified setting.

Mr. [redacted]. May I ask what position was that?

Ms. Clarke. As principal officer in Benghazi.

Mr. [redacted] Okay.

Ms. Clarke. And we have also structured our questions today around documents that are marked as unclassified, and so we hope to be able to proceed through the majority of our questions in an unclassified manner. Okay.

Ms. Jackson. And just to add for the record that the majority staff is committed to not produce -- producing unnecessarily overclassified and improperly classified information, and that is one

of the reasons it is a goal of this administration, it's a goal of the State Department not to overclassify information, and we are fully committed to following that path.

Mr. [redacted]. Absolutely. One point on that, though, is I've held more than one position in Libya.

Ms. Jackson. Yes.

Mr. [redacted]. Including the deputy chief of mission position, and so I'm going to have a difficult time jumping from one phase of life into another while we go through 2 years or whatever period of time we cover in this. So there is information that I have, compared to the other two principal officers that you may have talked to, that's probably classified above their levels.

Ms. Jackson. Okay.

Ms. Clarke. And that's fine. Again, if there are questions that we ask and you feel that it requires a classified answer, we'll reserve those for the classified setting later.

Ms. Jackson. All you have to do, is have to do is say, "I think we should explore that in a different setting," and we'll take that as our cue to reserve it at this time.

Mr. [redacted]. And everyone in this room has a security clearance?

Ms. Jackson. Everybody up to TS?

Ms. Sawyer. All three of us are TS/SCI.

Ms. Jackson. Okay. And all of us are at least TS. This room is only up to the secret level, though.

Mr. Evers. But this transcript is unclassified.

Ms. Jackson. This part of it will be unclassified. We have the option to moving to a location that will take up to TS/SCI for any discussion that warrants that.

Mr. [redacted] Thank you.

Ms. Clarke. Okay. With that, we'll begin our questions.

EXAMINATION

BY MS. CLARKE:

Q I just wanted to start just a little bit with your background, when you started with the State Department and kind of your roles and assignments after you started.

A I started in March 2002 with the State Department. I was assigned to Turkey as a political and consular officer. Then to Armenia as a political and consular officer. I served in Armenia as a Peace Corps volunteer before that, so it was a return to that country.

I came back to Washington and served on the Cuba desk in the Office of the Coordinator for Cuban affairs. I went to the Foreign Service Institute for a year of language training in Arabic here in Virginia -- in Virginia, and then went to Cairo for 1 year. Then from Cairo -- I'm sorry. Previous to that, I was in Iraq and Baghdad, and then language training, then Cairo, then Libya.

Q Okay. And when did you begin your time in Libya?

A In 2000 -- in June of 2012.

Q And what was your position in Libya?

A My assignment was the -- to be the political chief, the

political consular at the U.S. Embassy there.

Q And were you on a 1-year assignment to Libya?

A No, ma'am. That was a 2-year assignment.

Q 2 years. Okay. And during your time in Libya, did you have the opportunity to spend -- to travel to Benghazi?

A I did.

Q Okay. Prior to going to Benghazi, what did you know about the mission in Benghazi as far as its purpose and the role that you would serve during your time in Benghazi?

A So the mission in Benghazi was separate and distinct from the U.S. Embassy in Tripoli. There had been short staffing, and I was selected to go out to Benghazi to cover a gap in a series of acting principal officers. It was more, however, an opportunity to do some political reporting and to learn about the east of the country, which is quite different from the west as you probably all have heard. Different -- different opportunities to get a different perspective from the country.

Q Now, your role in Tripoli was going to be the political chief, but you were going to serve as the acting principal officer in Benghazi. Can you kind of describe what the differences would be in those two roles?

A Yes. The political officer in Tripoli at that time was in charge of a roughly three- to five-person shop. Essentially it's junior political officers, economic officers, and local employees. The purpose of a political officer, as in any embassy, is to collect

and report information about the political scene, the economic scene in a country, especially in Libya. There was not a lot of -- after a 35- or 40-year hiatus in reporting there, it was an important job. I was very excited to take it.

And the -- in the role of acting principal officer, as with many assignments in Libya, it was not just for one specific duty. It was to continue the operations of the mission there, but it was to capitalize on the opportunity to do the same types of political work, political reporting that I'd done in Tripoli and to get a different perspective of the country.

Like I said, Benghazi was the place where the revolution started. It was an important and relatively unknown region of the country, and so we were there to -- I was there to add a little more definition to our understanding of what was going on in Libya.

BY MS. JACKSON:

Q You said that there was a separate and distinct mission in Benghazi. Could you elaborate on that?

A Yes, ma'am. Let's see. So you know, from my understanding, and I was not involved in the discussions about what made the special mission a special mission, or what made it not a consulate, but it was a different office. It was a satellite office, and the lines of reporting and in other tours that I've been in, I've seen many different formulas for how responsibility is -- is given or taken by a mission, by a consulate in a country. This one seemed to not be very clear to me. I didn't -- I wasn't clear on where the

reporting lines were.

Q So would some reporting go straight back to D.C.?

A Yes, ma'am, and some would go back to -- well, all would -- all would go to both places, I would say. I mean, in general. The idea was to share -- was to share as much information with Washington, which was helping monitor, track, and kind of task the mission, and of course, Tripoli, which was also -- you know, and Libya and working towards the same goals.

Q In other places you had been, would you see more of a satellite or consulate office going back to the main embassy and then up to Washington? I'm just trying to get a feel for how it was different.

A So for example, I just traveled to Israel not too long ago, and the consulate in Jerusalem, the principal officer there, the consular general reports directly to the Department of State, not to the Ambassador in Tel-Aviv. So I think it varies from place to place, and you just have to understand those things when you go to a new mission.

BY MS. CLARKE:

Q When you arrived in Tripoli in June, did you serve in a different role other than the political chief?

A Yes, ma'am.

Q And what was that role?

A That role was Acting Deputy Chief of Mission while we waited for the deputy chief of mission as the permanent assignee to come to

Libya.

Q And how long did you serve in that role?

A Roughly from my arrival -- 4 or 5 days after my arrival, there was a hand-off between the DCM at the time, [redacted], to the arrival of Mr. Greg Hicks, who came in August maybe. I don't remember the exact date that he arrived, but from that time where he was -- when he was not there, I would be the acting.

Q And he -- but he arrived prior to your time in Benghazi, correct?

A He did, yes.

Q Do you recall whether it was a significant amount of time or close in time?

A We're talking August, right?

Q Uh-huh.

A And I was in Benghazi in September.

Q Right.

A So however you define significant, sounds like a matter of weeks.

Q Okay. And in your role as DCM, we were just kind of discussing the reporting and how items -- information from Benghazi was reported back to Tripoli and back to D.C. In your role as DCM, were you a conduit for information from Benghazi to D.C.?

A At points. In my role as Acting Deputy Chief of Mission, there was generally, I would say, daily, almost daily, if not, three-way phone call that happened where the NEA/MAG office, Maghreb Affairs

Office at NEA at the State Department hosted the phone call. Tripoli reported on activities in Tripoli, which was usually my responsibility to do. The principal officer in Benghazi, whoever that was at the time, we can talk about different times, would also report to the office, to the NEA/MAG office, and we would share that information. The purpose was to keep the country team together.

Q And you said how often did these phone calls occur?

A Roughly daily. I mean, sometimes I think there was -- you know, there might have been, for instance, a codel or something that came into town that prohibited that -- that just didn't allow us the time to do it, but it was -- you know, someone were to go back and look at my Outlook, they would see a specifically scheduled time, 1:30 in the afternoon, I think. I'm not sure about that, but repeating daily calendar event that set that up for us.

Q So this phone call would have been you, an individual from the Maghreb desk, and then, in June, possibly Ms. [redacted], [redacted] [redacted]?

A In June, that sounds right, yes, ma'am.

Q And then in August, [redacted]?

A [redacted], yes, ma'am.

Q Was there a period in time -- a gap in time between Ms. [redacted] departure from Benghazi and Mr. [redacted] arrival in Benghazi?

A Ma'am, I don't recall for sure.

Q Okay. Before going to Tripoli, were you required to

complete the foreign affairs counterterrorism training?

A Yes, ma'am. However, I completed it for the trip to Baghdad, for the tour in Baghdad, and it was still valid. I think it's got a 5-year validity to it.

Q Okay. You said that you were selected to go to Benghazi to fill in the gap of time between principal officers. Who selected you to fill that role?

A Ultimately, it would have been Ambassador Stevens. There was a lot of discussion around it, I think, as we tried to -- this was a repeating theme for time in Tripoli and for Benghazi, who can we get to cover this unstaffed position, whether it was in Tripoli or Benghazi, and so there was always a discussion about how do we fill this, how do we fill that, and so I don't remember the specifics. I don't remember Ambassador Stevens, you know, presenting me a medal and saying, "Please go to Benghazi," but there was an affirmative position that I would -- and I volunteered to go. I was excited to go.

Q Did you overlap at all? Did your time in Benghazi overlap with Mr. [redacted] or did you have an opportunity to speak to Mr. [redacted] before he left Libya?

A So again, we were talking every day, roughly, by phone. I delayed my departure, I think, a day so that he could transit through Tripoli and I could meet with him so we could discuss the situation. In a handover, that's a typical State Department practice, a person leaving hands over a memo or a -- you know, at least the knowledge of what they've gained while they've been there to the person who's coming

in, so we set up a time to do that. I think there was some schedule conflicts that turned up, and I ended up having to delay my departure a day so that his delayed departure from Benghazi would overlap in Tripoli, and so, yes, ma'am, we did meet.

Q And what was -- can you provide us details about that meeting, what did you discuss about the situation in Benghazi as far as the security environment, as far as your role, what your role would be there?

A What we usually do is have a handover document that has details about what the sitting officer, the departing officer thinks are the most important things to cover. There was a -- we had an email exchange a few times about those. I don't remember details from that. You may have a document that has that in it, but I -- you know, we discussed in general what he saw as important --

Q Okay.

A -- issues out there.

Q I do have the handover notes, and you can go ahead and take a look at that. So I'm going to mark exhibit 1.

A It looks like rules of evidence there.

Q Just a way to keep track of it.

[redacted] Exhibit No. 1

Was marked for identification.]

Mr. Evers. Should we get copies?

Ms. Clarke. Yes. Sorry. That's all I have.

Mr. Evers. Thanks.

Ms. Jackson. Okay. I've read it.

BY MS. CLARKE:

Q So what I've handed you has been marked as exhibit 1, and it's Doc ID No. 05390852. It's an email from [redacted] to you dated Wednesday, August 29, 2012, entitled "Benghazi hand-off Notes." And do you recall receiving this document?

A Yes, ma'am.

Q Have you had an opportunity to review this document recently other than today?

A Yes, ma'am, I have.

Q And so is this the document that you're referring to as far as hand-off notes that you would have discussed with Mr. [redacted]?

A Yes, ma'am, this is part of it. There is a separate section that discusses a request for specific meetings. It's probably a reply to this, to this email.

Q Okay.

A Asking for the mission there to help facilitate meetings that I had been asked by both Ambassador Stevens to conduct, and also meetings that I was interested in conducting myself.

Q Okay. And before we go into the document, let me step back just a second, and as far as the calls that you had with the Maghreb desk, who was the individual that you usually spoke with in D.C.?

A So there were two. One was [redacted], [redacted], and the other was [redacted]. [redacted] was the director of the NEA/MAG office, and [redacted] was the deputy director. And just as in

Benghazi, just as in Tripoli, sometimes one day one was available, one wasn't, so they covered for one another. I covered -- I conducted most of the phone calls from Tripoli, but sometimes people covered for me and same with Benghazi with [redacted].

Q Were the calls usually just with one of the individuals or --

A Sometimes. This is when my memory is a little bit foggy because later on, we instituted a system where we essentially did the same type of call from Tripoli to Libya where we included all of the political and economic officers. Sometimes we would bring in the security officers. And in those times, right at the beginning, I don't remember if we ever had a -- another party on the line. It would not have been atypical to do that, but I don't -- I mean, I can't think of a specific instance when I can think of someone.

Q You said you instituted a call from Tripoli to Libya, did you mean from Tripoli to D.C.?

A I mean Tripoli to D.C., yes, ma'am.

Q Returning to exhibit 1, in the paragraph marked "Security," Mr. [redacted] writes -- it talks about, discusses the local QRF. Can you tell us who those individuals were or what the QRF was and what their role was supposed to be in Benghazi?

A So there were two QRFs. The local QRF was the local members of the February 17th militia, who resided on the Benghazi compound. They also had a QRF at the February 17 main compound that was supposed to be a second fallback security measure, as I recall.

Q Do you recall how many individuals resided on the compound?

A Yes, ma'am. There was a constant number of four that may vary by night, but it was -- there were four beds and they were supposed to be four people.

Q So Mr. [redacted] is discussing -- it says "The QRF was originally retained under a contract with the 17 February militia, and we have continued to operate under its terms, although it's lapsed several weeks ago. This is a delicate issue as we are relying on a militia in lieu of the central authorities, and 2/17 has been implicated in several of the recent detentions."

Did you all -- did you have a discussion with Mr. [redacted] about his view on relying on militia in lieu of central authorities?

A Yes, ma'am, and it basically tracked what's written here.

Q And what did you -- what was your view about relying on the militia?

A So part of being a political officer is always being suspicious, always trying to answer questions, to ask the right questions, and to get answers to the right questions. This was no different. You know, he had expressed some concern. I entered -- I stepped into that situation the same way and wanted to find out what their role was, how they were operating, were they performing, were they capable, but this was one of, you know, hundreds of different tasks we had in the 7 days I was assigned to be there, so --

Q And you said 7 days you were assigned to be there. You were initially assigned seven days but you extended your time?

A Yes, ma'am.

Q And why did you extend your time or what prompted the need for you to stay longer?

A So maybe to step back, you had asked me why I had gone out there. I mean, there were multiple reasons, and I've explained some of those already. The other was to advance the Ambassador's trip to Benghazi, of course. I mean, that's what this was what all about. The -- I'm sorry, I lost track of the question again.

Q What -- I asked you what your initial schedule was for 7 days --

A Yes, ma'am.

Q -- but you extended for 10.

A So for 7 days I was to be there and do reporting and help set up meetings with the Ambassador in addition to my own work and -- so I'm trying to remember the details. I'm sorry. It is a little bit fuzzy. At one point, I went to the airport to return to Tripoli. The plane just wasn't flying that day, and that was -- you know, that was a typical -- it was a typical problem in Libya. I think it was a mechanical failure or something like this. The next day I went back and the pilot had overslept. And I think on the third day -- also, complicating this trip, because of the limited number of security officers in Benghazi, we had to make it such that we picked up the Ambassador. We got me in the air first before the Ambassador came in so that the security officers wouldn't have to be split watching me at one terminal and the Ambassador coming in at another. You

understand what I'm saying?

Q Yes.

A So there was a degree of coordination that made leaving Benghazi even more difficult than the degree of difficulties with the airlines, with the Libyan airlines. So that was on the beginning, couple of delays. Then I think Ambassador Stevens asked me to stay a little bit later when he -- you know, when he changed his plans. His plans were kind of fluid, and he had been traveling, and there was a lot going on in Tripoli, understandably, to keep him busy there, so he didn't have a hard time to arrive and wanted me to stay until he got there.

Q Was there any -- were you aware of any particular reason why the Ambassador delayed his trip to Benghazi until the 10th?

A Any particular reason? Yes. I think he had -- he had scheduled some personal travel, and he had attended a wedding somewhere outside of Libya and was coming -- maybe came back late. I don't know the details about it. I was in Benghazi and he was trying to get back to Tripoli.

Also, I don't have details on this or I can't recall them, but we had planned to have the Ambassador travel to Benghazi earlier, and I don't remember how much earlier. I'm thinking weeks actually, and then things came up. The national elections for the first time in the history of modern Libya that required him to be in Tripoli, and there were other reasons to put off. I don't know all of them, but -- so things were moving. It was a very fluid time for 2 years in Libya.

Q Okay. So just going back to the QRF. You mentioned earlier that as the principal and political officer, your role is somewhat to be suspicious and to ask questions. When you arrived in Benghazi, did you have an assessment of the QRF that are on the compound, and what were your thoughts about them as far as their ability to fulfill their role?

A Sure. So first of all, you know, Benghazi was completely new to me. I had not traveled there before, so the first set of questions is around the staff members who were there, the Americans, and trying to assess their abilities. The State Department does not always fill the best people in the world, I will say that. These were the best people in the world. They were excellent, but it took a little bit of time to -- you know, to get to know them. One acting -- the acting regional security officer there -- so we're all acting, right? The acting PAO, the acting PO, the acting regional security officer, the acting assistant regional security officers were excellent. I took a train walk with them the first day. We -- they introduced me to the February 17th people. In fact, one of the February 17th QRF individuals or officers was at the airport when they picked me up, so I met him there.

And it was just -- you know, as when you walk into any new terrain, you have to assess what the situation is. I talked -- I met with them, we played football, we did some training, we talked about their roles and what their responsibilities were in the case of an attack, and that was one element of numerous different security elements that we had

there.

Q And what was your assessment of the QRF members during your time in Benghazi?

A My assessment of the QRF members?

Q Yes.

A One, in particular, was very useful to us, and this was -- I'm now parroting what I heard from our -- from the ARSOs who I trusted completely. He was very helpful to us because he was not only well-known throughout the city, he was also a member of one of the main tribes that controlled a lot of the security checkpoints around the -- around the mission there, and so he was able to jump out of the car when we came up on the checkpoint and talk with his friends in most cases who were manning the checkpoint and allow us to pass, and so he was quite helpful in that respect.

In other terms, I'm not the person to judge the skills and abilities of a specific bodyguard or a security officer. That's not -- that's not something that I'm an expert in, so I'd hate to judge that. I relied more on our assistant regional security officer who was there who did not express any additional concerns to me other than the ones that you've showed me in this document.

Q The one QRF member that you just described, do you recall his name?

A [redacted].

Q And I understand as the principal -- acting principal officer that it's not your role to assess their capabilities, but you

described how you trusted the RSO individuals that were there. Did you share the same feelings towards the QRF members?

A No, ma'am, and I don't think anyone could have developed that level of knowledge in 7 or 10 days out there. I didn't have any -- I had nothing to point me in the direction of being suspicious about their motives, but like I said, I mean, you're -- when you go into a high threat post and when you are there essentially alone with, you know, very few people, you do question everything, and I think that's a natural response, and that's what I did.

Q When you arrived in Benghazi, can you kind of describe what the mission -- the compound was like, kind of how you viewed it or your assessment, the differences between the compound in Benghazi versus Tripoli, or even just the -- what you had as resources in Benghazi versus what you had as resources in Tripoli?

A You know, so the first thing that was apparent from arriving at the airport is I don't remember the numbers, but whatever they were, three of the ARSOs, or two of the ARSOs were at the airport and that left only one or two back at the mission which has four walls, right, so -- I mean, that's an initial question, how -- how are we manning this? How are we able to support it? I had known already that we were short on staff. It was my perception that we were short on staff out there, and so, you know, I was -- I landed with the expectation that I would limit my movements, that I would remain on compound when we could hold meetings there. Some meetings we had to go off compound for.

In terms of the security, I mean, I think there was -- there was definitely a feeling that the compound was the safe place to be in in Benghazi. Tall walls, you know, bars on the windows, heavy doors, steel gates, T-walls outside, razor wire on top of the facility walls, cameras, a beautiful garden, a beautiful lawn, three or four villas, 17 acres, something like that. I mean, I don't know the exact dimensions but located on a dirt road in the middle of a fascinating town.

Q You said your perception was that the mission was short-staffed. Can you elaborate?

A That's a general feeling around the world, right. I have not served in a mission where I have not had two jobs where there should be two people doing those jobs, and this was the same there from the security to the political officers to -- I mean, I was the acting principal officer, the political officer, and the acting DCM at one point, right.

After the evacuations, we lost our economics officer and we lost our political officer, so I was essentially the political section for most of the time I was there. That is a recurring problem in every post that I've been to, except for Iraq.

Q But specifically regarding Benghazi, did you have any -- regarding Benghazi and the number of security RSO agents that were in Benghazi at the time, were you aware of a specific number that should have been there versus the number that were there?

A So with the discussions, the number five was always floating

around. I don't know the origin of that number. That was what came from the regional security officer, [redacted] in the beginning. I wasn't part of those discussions, but, you know, the -- what you see in this document and I think what you probably heard from other people is that the more robust the security, the better, right? And the more trustworthy the security, the better. And I felt like, you know, we don't know the environment around us. I was there to find out a little bit more about it.

[redacted] had done a good job. [redacted] had done a good job. You know, Libya had been closed to us for 40 years almost, so I didn't know the environment well, and I didn't have a baseline to compare how many people we should have. I just had come from Iraq, though, and I can tell you in Iraq we were -- you know, we had 100 ARSOs at the time I was there, 100. I had what, five on -- four on campus, three on campus when I arrived? It just didn't feel right.

BY MS. JACKSON:

Q Did you have discussions with the DS agents that were on ground in Benghazi about their assessment as to the adequacy of their numbers?

A Yes, ma'am.

Q And could you describe those conversations for us?

A Not really. I mean, again, the general environment and the general perception was we need more help on everything, not just security, but if we're going to man this mission, we need more people there. And so it was somewhere along those lines. I mean, the -- the

general practice there was drills, drills, drills. Drills for the QRF, drills for the Blue Mountain Group guards, drills for the ARSOs, readiness, preparedness; I mean, it was -- it's a high-threat post, so there was a level of security that, you know, you don't -- for instance, in [redacted], I rarely saw American security officers walking around with M-4s. In Tripoli, we saw it much more. In Benghazi, those guys had their weapons with them. In fact, checked me out on a 12-gauge shotgun so --

BY MS. CLARKE:

Q Well, and you just said that they checked you out a 12-gauge shotgun. Did you carry that with you or was that in your --

A I was -- ready in the safe.

Q Where was the safe located? Was it in your quarters?

A It was in the same -- I've forgotten the villa designators, A, B, and C. The TOC villa, whichever one it was, so there was a couple of rooms. They were just getting a hard door put on it.

Q Did they provide that to you upon your arrival?

A I asked for it, and they facilitated, yes.

Q What prompted you to ask for it?

A Again, you know, I'm not -- I'm not going to take chances that I don't have to. So I just felt like it would be something that would be helpful to know.

BY MS. JACKSON:

Q Is that something you're proficient with, firearms?

A No, ma'am.

Q Did they undertake any training with you on that weapon?

A Yes, ma'am, just to show loading and unloading, things like that.

Q I grew up in the country.

A I did, too.

Q We had guns around. So I mean, were you generally familiar --

A Yes, ma'am.

Q -- with weapons?

A Yes, ma'am.

Q Okay. So it wasn't a totally new and novel experience --

A Right.

Q -- for you to have --

A That's correct.

Q -- to use a firearm. Okay.

BY MS. CLARKE:

Q Returning to exhibit 1, under "Management Issues," it's down at the bottom of your page. Mr. [redacted] writes, "We're treading water here. [redacted] are looking at long-term options for co-location and have had reps from [redacted] agencies out here to conduct site surveys." Did you participate in any discussions about extending the length of the mission in Benghazi past December?

A Did I participate? No, ma'am. I mean, I knew that this was a discussion point, but I was not part of the -- part of the discussion.

Q Did you have any views about whether the mission should be extended?

A No, ma'am. You know, I was in Benghazi to learn what I could and hadn't had time to make an assessment.

Q Okay. So prior to your arrival in Benghazi, on -- I believe on August 30th, the government of Libya announced a maximum state of alert. Were you aware of that?

A Yes, ma'am. That was in reporting from Mr. [redacted].

Q And what was your understanding of that announcement? What prompted that announcement?

A I think the general insecurity and instability in the city, but I don't think that Mr. [redacted] even had the full details. I mean, we were trying to -- again, the Libyan government may just make an announcement with no details and go into an emergency situation that doesn't explain why or why they would come off of it, so there -- you know, there had been assassinations, there had been protests, there had been all types of instability in Benghazi, and I think the general assumption was that the state of emergency was based on those spouting activities.

Q Do you recall whether that state of emergency was still in place upon your arrival in Benghazi?

A It was, yes, ma'am.

Q And when you arrived, did you have any discussion with the security agents about the mission's response to that maximum state of -- or maximum state of alert as far as how -- whether the mission

had changed its profile or whether it would no longer conduct meetings off campus?

A Not specifically about that, no, ma'am. The general environment, again, was such that there were assassinations and protests and instability in the city, and the Libyan government loosely announcing and hardly defining a state of emergency was not, was not an indicator to us of, you know, additional problems. We were already ramped up for security as much as we could be.

In terms of the off-compound movements, you know, it started out with Ambassador Stevens asking me to take a couple of regional trips from Benghazi out into some surrounding cities, and that was to be a decision I would make once I got out there based on the security we had at the compound, the general environment, and you know, it became quite apparent to me very quickly that it was too risky to take a trip off -- you know, outside of the city, and the return on that, meeting a few local council members or meeting with security officials there would not really justify those trips, so I canceled those.

Q Where were those trips to?

A Ambassador Stevens had some friends in Marj, which is a city south, I believe. I didn't go there, so I'm not exactly clear on where it is. Ajdabiya, those two cities later turned out to be kind of hot beds of extremist groups, and it just was -- it was too far afield to justify going to.

Q Did Ambassador Stevens give you an indication of why he wanted you to travel to those cities?

A Again, the primary mission of the State Department, most of these high-threat posts is to find out what's going on, and especially in a place like Libya where it's been closed to us for 40 years, you know. An American, an official American hasn't been to these cities in that time, probably longer, maybe even ever.

So it's a -- it's an opportunity to form relationships, to learn about what's going on, to help the nascent government that's coming up understand its own problems. I mean, there's a lot of reasons that the State Department does what we do, and that was consistent with all of them, representing America.

Q Returning back to the maximum state of alert. Was there -- were you aware, or was there a discussion that it may have been related to the September 1st anniversary regarding Qadhafi -- an anniversary related to the Qadhafi regime?

A Loosely, yes, ma'am. No other details than that essentially.

Q When you arrived --

A And again, that's one data point and daily assassinations, all of the other problems.

Q When you arrived in Benghazi, did the RSOs indicate to you that they had done anything differently regarding the September 1st anniversary as opposed to how they usually responded?

A I don't recall. I will say standard practice is to -- you know, when there is an understanding of a significant day or a -- you know, a large problem in a city, the standard practice is to restrict

movement and to conduct meetings on the compound. September 1st was probably my first day in Benghazi. I think I arrived then, so they had to have gone to the airport to move off campus, but I don't recall any very specific details about additional measures they had taken.

Q Do you recall them discussing staying up all night?

A I do, yes, ma'am.

Q And can you elaborate on that?

A No, ma'am.

Q Did they stay --

A They had stayed up -- no, ma'am. I don't have any other details on that. They stayed up concerned about the security situation and I suppose wanted to be awake to protect the mission. I don't know.

Q So upon your -- what I thought we might do is just walk through your time period in Benghazi from when you arrived, and we'll discuss different exhibits that relate to certain of the days.

So upon your arrival in Benghazi on the 1st, do you recall meetings that you had or activities that took place on that first day that you arrived?

A On the first day I arrived, we were met at the airport by a representative from the Ministry of Foreign Affairs Protocol Office, so I guess the moment I landed, I had my first meeting, said hello. They were happy to have an official American from Tripoli.

In terms of other meetings, honestly, quite honestly, we went directly back to the mission, and I don't recall the timeline of most of those dates there. I mean, we conducted dozens of meetings, you

know, around specific themes, essentially, and security was certainly one of them, probably the most important, but also the political environment, the economic environment. So in general, I'd say we conducted dozens of meetings, but --

Q So upon your arrival, you indicated that you thought there were three RSO agents stationed in Benghazi?

A Yes, ma'am. And I shouldn't say numbers. I don't -- I remember [redacted] and [redacted] and [redacted].

Q And were there other -- we've discussed the QRF and you also briefly mentioned the Blue Mountain Group, which were the local guard force. Were there -- and just for the reporter, if you would respond verbally?

A Yes, ma'am.

Q Thank you. And then for the -- were there other individuals employed by the mission during your time in Benghazi?

A Other mission employees. Yes, there were Americans in with the embassy, were employed at the embassy with the mission.

Q And who were those individuals or --

A Gosh.

Q Were there -- were they Americans? You were the acting principal officer. Were there other -- was there an IMO?

A Yes, ma'am, there was an IMO, and again, a temporary duty person. I believe there might have been even two at different times. I don't -- I don't recall. Other Americans, though, at the -- assigned specifically to the Benghazi Special Mission run by the State

Department, there were -- I don't remember the Americans being there. Sean Smith came later, but not when I was -- not when I first arrived.

Q Did you have a Libyan employee that helped arrange meetings?

A [redacted].

Q [redacted]. And then were you -- were you aware of another employee, [redacted]?

A [redacted].

Q [redacted]. And so what were their roles, if you can describe that?

A I think it's mentioned -- did I see it in here? [redacted] is an intermittent presence, more of a consultant than an employee. That's how [redacted] characterized him, and I -- again, you just ask questions. Well, what does that mean? Who are you? He seemed to be well connected in the community. He was a -- everyone was a friend of Ambassador Stevens if you talked to them. [redacted] also claimed to be a good friend of the Ambassador. Ambassador Stevens did mention him as a friend, so they had gone back a long way, and you know, his tales of his help to American citizens in distress are quite renown, including the pilot who was shot down during NATO operation, or the pilot who ended up on Libyan soil during NATO operations.

But he was a facilitator, a helper, a translator, a -- you know, that's what you normally have in an embassy, somebody like that who can help out. So he was one and [redacted] was the other. He was kind of -- I saw her as an administrative assistant. She wasn't -- we generally have a few types of people with embassies, like people who are very

interested in the political environment, even among the locals, those who provide security, those who provide general services.

Because the mission was so small there, she took on a little bit of all of those roles, not security, but everything else. There was a driver, but he -- he had reportedly been ill. I never got to the bottom of the story about why he wasn't there, but the RSOs didn't seem to mind that because they were doing the driving, and I think they liked to drive anyway.

There was a local -- what we would call Char Force at the State Department. It was a contracting company, ALEBDA, that provided life support services like food and maybe -- and laundry. They did laundry there. And those were made up of largely Bangladeshi employees.

Q So I want to show you another exhibit, mark it as exhibit 2.

[redacted] Exhibit No. 2

Was marked for identification.]

Ms. Jackson. Go off the record so you have as much time as you need to look at it and the court reporter doesn't have to stand at the ready.

[Discussion off the record.]

BY MS. CLARKE:

Q We'll go back on the record. So what I've marked as exhibit 2 as Doc ID No. 05474938, and it's a string of emails that began on August 28, 2012, and end on September 2, 2012, and it appears that the first email from you to Mr. [redacted] may have been what you were referring to earlier as a list of --

A Yes, ma'am, that's correct.

Q -- a list of items that you are -- or list of meetings that you were interested in participating in once you arrived. What I wanted to ask you about -- first, one of the items -- one of the meetings that you were interested in had to do with MANPADS contacts, and so I wanted to ask you what your level of familiarity was with the MANPADS program that was in Tripoli at the time you were there?

A So some of this we will need to move to a classified setting. What I can tell you on the unclassified level is that [redacted] it was run by a State Department office, INL, I believe. We contracted with a company that was tasked with locating, cataloging, and helping the government of Libya secure ammunition storage areas, which is the depots that Qadhafi had used to store the massive number of weapons that he had collected. The idea was to -- in particular, was to stop shoulder-fired rockets from getting into private hands that could be used to bring down airliners or civilian targets or anything else.

So this was a -- this was a State Department contract. I am not part of that contracting mechanism, and they did not report to me, but you know, on two levels, we're very interested in their success, and so we would try to help them in any way we could, and on another level, some of the contractors were American citizens, so we were concerned for their security as well. So that was, you know, that was mainly the purpose for -- for meeting with them, trying to, you know, get in official State Department reporting channels, how many of these weapons

and others they had been able to gain progress on, categorizing, cataloging, securing, so --

Q Did you -- were you able to meet with the contacts in Benghazi?

A I don't recall. I met with the contacts later in Tripoli many times. I don't recall if I made the first contact there. Again, Tripoli and Libya, in general. Tripoli, to some degree. Benghazi, to a large degree. Everything is fluid, and most of these meetings were, are you available right now for me to come to you or could you come to the compound? There was -- we were trying to organize these things as best we could. People just don't work on that kind of schedule in that country, even the Americans who were contracting with the State Department.

Q Were you able to get an idea of the number of American contractors that were involved in the MANPADS program who were located in Benghazi while you were there?

A I mean, specifics, no, I don't recall. There was -- again, we may have to go into a classified setting to discuss this, but there was a rumor -- and this I can speak about in the unclass level. There was a rumor that some group of Americans had created problems somewhere around Benghazi using -- they were seen using GPS's and taking photographs of a weapons depot that's consistent with the story of what these guys were there to do, but that had created some concerns [redacted] And I had a brief conversation with a representative [redacted] about

whether or not this was the contractor that was -- had been -- that the local authorities were concerned that Americans were running around ammunition storage areas.

Ms. Jackson. Do you have a few more questions on this document?

Ms. Clarke. Yes.

Ms. Jackson. Just to shut this document and then we'll break.

Ms. Sawyer. Then we'll talk.

Ms. Jackson. Okay.

BY MS. CLARKE:

Q So on the second page of the document -- I'm sorry. Actually on first page, it's about the fourth email down that's on September 1st. From you to Greg Hicks, you're writing about [redacted] supervising a local guard force drill, and then you talk about going off [redacted] for meetings. Did you actually have a meeting with [redacted] -- this would have been, I guess, your first day of arrival. Do you recall if that meeting actually occurred?

A I have no cause to doubt that it happened, and one of the main -- again, one of the -- I did meet with them while I was there. I don't know that it was that 30 minutes later. I believe -- as far as I can recall, I did that day, but that is generally the standard practice, to get a briefing on the security situation in the area, and you know, [redacted], so it was high on my priority list, and if it didn't happen then, then it happened the very next day probably.

Q Do you recall whether you had more than one briefing [redacted]?

A I'm not --

Mr. Evers. I just want to caution. In the event that your answer calls for classified information, there is a space available, but if you feel that you can talk in an unclassified way about this, go ahead.

Mr. [redacted] Okay.

BY MS. CLARKE:

Q Do you recall whether you had any additional meetings [redacted]?

A Yes, ma'am, I did have additional meetings [redacted].

Q And then with your initial meeting [redacted], once you arrived, not discussing specifically what they disclosed to you, but what was your assessment of the information that they provided? Were you surprised by the information that they provided? Were you pretty much aware, and they were just kind of confirming information that you had? Can you kind of describe your assessment of that meeting?

A Yes, ma'am. From the -- from the information that I had seen, and I have done many of these types of briefings in the past, I came -- I was not surprised by anything. I came -- I left the meeting with a sense that -- [redacted] -- that the workers at [redacted] had not been in the country long enough to develop sources of good and reliable information. There was no red flashing lights on security, but there were discussions about the general environment, which again, you know, things were going on in Benghazi, which you've seen in these documents and I'm sure in other places, both assassinations of locals and all the incidents that were quite

frequently reported.

Q Upon your arrival, was there any discussion about the [redacted], was there discussion that there would be a [redacted] for a period of time?

Mr. Evers. I'm just going to caution you, again, on any event that you can answer in an unclassified way, you certainly should.

Mr. [redacted]. Can we hold off on these discussions until we go on into a classified setting?

Ms. Clarke. Yes.

Ms. Jackson. Do you have any other questions regarding this document?

Ms. Clarke. No.

Ms. Jackson. Any other wrap-up question for this phase?

Ms. Clarke. No.

Ms. Jackson. Okay.

Ms. Clarke. So I see that my time has expired, and you have graciously allowed me a little time over. So what we'll do right now is go off the record. We can take a break if need be and then it will be time for the minority to begin their questions.

[Recess.]

Ms. Clarke. We'll go back on the record. And, just for the record, I'll note that we had a discussion with minority staff, and they have agreed to allow us to continue questioning the witness at this time. So we'll repeat for another hour. We'll take a break then and reassess and then continue on.

BY MS. CLARKE:

Q So, Mr. [redacted], I just want to continue the questions that we were walking through. So we had discussed kind of the day of your arrival and some of the activities that took place then. And we were looking at the document exhibit 2. I just had one other question about it, or I just wanted you to elaborate regarding the last email at the top of page 1 that discusses -- the last paragraph talks about an eventful night last night and discusses a circuit box issue.

Can you kind of describe what happened and the response that was -- that the mission had to that particular incident and then your assessment of the adequacy of that response?

A I can, but it's limited by the fact that, you know, I followed the instructions that were given to me, which was to safe haven in villa -- I think it was villa C. So, you know, what I recall is there was an alert that there was smoke on the wall that set into kind of a chain reaction, the security protocol that we had set up, which was for the acting principal officer or for the Americans that were

not security-related to shelter in place.

One of the ARSOs met me at the shelter. I mean, it's a small -- again, it's a small villa. So I don't remember an alarm bell, but I'm sure -- there was some sort of alert that something was going on outside that was unknown but potentially threatening. And so I sheltered in place with -- I guess it was [redacted]. [redacted] was on the TOC microphone announcing, you know, remain in place through these things.

Q And did you have an opportunity to observe or have a discussion with the RSO agents about the response by the Local Guard Force?

A I did generally. I don't recall the details.

Q Do you recall whether the RSOs were satisfied or dissatisfied with their response?

A Satisfied in general. You know, like I said, there was a standard set of procedures that each security element was supposed to follow. I didn't get any reports that anyone deviated from that. And I had witnessed some of the drills and had seen that they had -- that those elements, each one individually had responded generally as they were instructed to do and according to the protocol. So that's really all I recall.

Q Thank you.

You mentioned earlier that the practice was to have drills with the Local Guard Force and the QRF. Do you recall how often those drills -- I realize you were only there for 10 days, but in that 10-day

period, do you recall how often those drills took place? Were they daily? Every other day?

A There were probably -- I can remember three or four drills while I was there in 7 to 10 days. I don't know if we did them all in the first 7 days or not, but that would work out to roughly one every other day. There was not a scheduled timeline for these things because part of it was the element of surprise for the responders. About three or four drills probably.

Q And did those drills involve both sets of security elements at either Local Guard Force and the QRF or --

A One or two of them did. One drill in particular, one of the ARSOs installed something -- a suspicious IED-looking device and the -- under the hood of the car, of the limo we were in. We drove onto campus. Part of the drill for the -- the protocol for the guards at the gate was to check the car for any IEDs or anything like that. And they raised the hood, according to protocol, saw the device, hit the button, and that started the REACT.

So, in that case, it was mainly just drill for the guards at the gate. In another -- you know, with the February 17 guys, it was calisthenics, and it was sports, PT, and discussions about where you are to go, where you're supposed to go in the event of some sort of need to REACT.

Q So, during your time there, you talked about you had many meetings -- and I realize this was several years ago, so you may not recall the exact date the meetings occurred. But do you recall having

a meeting with -- and forgive me if I mispronounce his name -- Fawzi Younis--

A Younis, yes.

Q Younis, thank you. And who was he?

A So Libya's layered with many different security elements, ranging from militias to national police to quasi-governmental groupings of former revolutionaries under an umbrella at that time -- it no longer exists -- but it's the Supreme Security Council. Each city had a security council. Fawzi Younis was the head of the Benghazi security council. So, yes, I recall -- I recall meeting with him.

Q And do you recall what your -- what you discussed during your meeting?

A The general state of security in Benghazi; any ideas or any information he could give me about who might be conducting the targeted assassinations of Libyans; a request, as I made to every person I met with who was in a position of security, to please keep the U.S. Special Mission in Benghazi in mind; if we call for help, we would need it, and those types of things. I mean, I don't remember specific details, but those would be the general themes that I hit with most any security representatives.

Q Did the SSC provide any type of security to the mission while you were there?

A So I don't know the answer to that. In general, it's a security organization made up of people who would QRF respond to crises.

Part of my meeting with him was asking him to be sure to keep us in mind if there was a crisis.

The other problem in Libya is that you may be talking to one person who is a member of the Libyan military and also the Libyan police and also two or three militias and the SSC and, you know, other tribal groups that provide security on their own. So the situation is fluid. And, you know, whether or not the SSC was particularly responsible for specific people at the mission, I don't recall.

Q So I'm going to show you another exhibit.

Ms. Clarke. I'm showing you what's been marked as exhibit 3.

[[redacted] Exhibit No. 3

Was marked for identification.]

BY MS. CLARKE:

Q So what I've marked as exhibit 3 is Document ID No. 05394398, and it's an email originally from an individual [redacted] to [redacted] on September 2. And it's regarding an IED explosion that reportedly left an individual dead. What do you recall about that incident?

A Looking at this piece of paper, I didn't recall the time, but now I see it was on the second day I was there. [redacted] is a security officer for the United Nations or was a security officer for the United Nations Mission in Benghazi. [redacted] He was one of our best security contacts, someone who -- you run across these folks in some of these high-threat posts who aren't afraid of anything. And he would literally take pictures

from the point of impact of whatever explosion or, you know, event had happened.

And so [redacted] in particular had formed a very good relationship with him, [redacted] as well. We had him over to the mission several times to discuss what he had been seeing as he was -- he had a degree of mobility that was beyond what our RSOs had. So he was out on the city quite a bit, and he was someone who regularly reported to us.

Also from -- any time there was an event that was, you know, that had to do with security in Benghazi and it had made some sort of international news, we would generally proactively get a request from Washington to describe what had happened, give details about it, report on the welfare and whereabouts of Americans who may have been in the vicinity, casualties, was it targeting U.S. interests. All of those types of questions that you try to answer so that you can get an understanding of the security situation.

So this was one of those events. Many happened while I was there.

Q You mentioned that you had [redacted] -- I'm sorry, to the mission compound several times to discuss what he was seeing in Benghazi. Can you elaborate on what he shared with you and those at the compound?

A Uh-huh. I think his working assumption at the time, again, you know, none of this is -- I mean, it was fluid. It was a situation where no one had all the details and people were trying to determine what was going on. In this case, there was a number of, you know, hundreds, in fact, over months of former or existing or current security

officials who had served under the Qadhafi regime, Libyans, who were being targeted for assassination.

And that was, of course, very interesting to us from our security perspective. Is this just limited to Libyans, or is this something that could expand to others? So [redacted] working theory was that it was limited; it was solely family retribution for wrongs under the Qadhafi regime by these former and current security officials, Libyan security officials, and families were taking retribution on them.

Q Did you agree with his assessment?

A Generally, yes. Yeah, until there was other -- until other data would come along that would disprove it, and I don't have any that did.

Q What -- did [redacted] share with you what the U.N. footprint in Benghazi was during your time there?

A Generally, yes. Of course, all the international organizations like to keep in touch with one another to share security information, political information, all of those types of things. And I think at that time I was hoping to meet with the head of -- or I was trying to set up a meeting with the head of the U.N. Mission there. And we were working through [redacted] to help set that up. I believe the head was out of the city for the time that I was there.

Q Were you aware, did they have a large presence? A very small presence? Was it --

A I don't recall. I didn't make it to their -- as far as I remember, I didn't go to their compound.

Q All right.

Ms. Clarke. So I'm going to show you what we'll mark as exhibit 4.

[redacted] Exhibit No. 4

Was marked for identification.]

Mr. [redacted] Okay.

BY MS. CLARKE:

Q So I've handed you what's been marked as exhibit 4, Document ID No. 05396634, and it's a string of emails that began on September 4, 2012, and end on September 5, 2012.

So the first email in this string is an email that you sent to the RSOs at the time in Benghazi regarding upcoming events. And so I wanted to ask you about, in particular, the last event, the diplomatic dinner that was scheduled for the next day. What was the purpose of that dinner?

A It was to get to know the heads of the -- of those diplomatic missions that are listed here. Again, information being a really valuable commodity there. The more people you know, the more information you can get. There -- they have -- each one of them has a unique insight into what's going on in Benghazi. Some had been there longer than others. Others were native speakers of Arabic. So it was essentially to establish diplomatic relations, which is what we do at the State Department, and learn what we could.

Q And do you recall whether -- in this email, it lists about six different countries that were supposed to be present. Do you

recall whether all of those attended this meeting?

A I don't recall. I can't say that all of them attended. Most.

Q Okay. Did you have -- during your short time in Benghazi, did you have an opportunity to visit any of their compounds or villas where they were -- where any of these countries were residing?

A I don't recall any of these. Some of these, for example, the Finnish consul [redacted]. They didn't have an office, as far as I remember. Others, I -- the British Embassy was just in town visiting and did not have specific accommodations there. Others, I don't recall. I don't think I did.

Q Okay. Do you recall any details from that meeting regarding the assessment by these diplomats of the security environment in Benghazi, whether they were going to make any changes regarding their presence in Benghazi?

A No. I recall a general impression, though, that -- you know, of most or all of these -- like I said, some were actually just living out -- without security in the economy. Others were not as well equipped as we were, it seemed like. And most were more mobile than we were; that is, they were getting off of -- they were getting out. They were meeting people. They were doing what diplomats usually do.

Q All right. So, on page -- the first page of this document at the bottom, there's an email from you to Greg Hicks, just Benghazi update. And, in that first paragraph, you discuss some issues regarding a TDY IMO employee exiting Benghazi, and then you also discuss

a couple of things that were happening at the compound. One was rearranging room assignments to accommodate incoming/outgoing TDYers.

Can you describe what -- if the room assignments were rearranged, what was the room assignment prior to this rearrangement, and then what was it following the rearrangement?

A If I understand the question, so there are -- there were a set number of rooms. Some rooms were better than others, more well-equipped, nicer beds, whatever it was. And that generally goes along a pecking order of seniority, who gets assigned to those rooms. For instance, I was staying in what became Ambassador Stevens' room, the principal officer's bedroom. I don't think at this point I was already making plans to move out of it because he wasn't -- well, maybe I was. We expected him to get there a little earlier, so maybe I was making plans for myself to move out to a separate room so that he could have the principal officer room.

But this is just a standard problem, again, all over the world for the State Department: How do we house the people who are coming and going and the limited resources that we have? And so there's a degree of musical chairs that happens as a result.

Q Were the TDYers housed in the same villa?

A No, ma'am. There were bedrooms. And, again, I forget the designators for the specific villas, but essentially the main villa, villa C, I think is what it is, and the canteen also had bedrooms. The TOC had one bedroom and usually the watch officer -- I don't know that it was a bedroom, but it was a bed that was there with the TOC. And

the watch officer who was on duty that night, 24-hour night watch, would stay in that bed. So there were, you know -- there were several possible lodging locations in the villas.

BY MS. JACKSON:

Q Were any of the decisions on who stayed where based on security concerns?

A Yes, ma'am.

Q Okay. So were there DS agents in each of the buildings residing in each of the buildings, or how did security play into who stayed where?

A So [redacted] stayed immediately next door to the principal officer's bedroom, which was mine until Ambassador Stevens got there. That was so that he could REACT immediately and quickly. I think they kept their weapons in their rooms when they were sleeping. So there was a conscious decision that was made to ensure that, you know, security guys were spread out.

Q Okay.

Ms. Clarke. I'm going to -- I think we're up to 5 now -- hand you an exhibit that I've marked as exhibit 5.

[redacted] Exhibit No. 5

Was marked for identification.]

BY MS. CLARKE:

Q Exhibit 5 is Doc ID No. 05390145, and it's an email chain between you and Greg Hicks on September 4, 2012. At the bottom you write to Greg Hicks: Greg, on the first day [redacted] returned to the

office, yesterday, he said to me, quote, "So Chris gets here on the 7th and leaves on the 14th. We need to get to work scheduling his appointments," end quote. Since then, I've asked [redacted] to keep it quiet, which I think he's done. Just a heads-up though. Guessing that Ambassador Stevens may have told him directly.

What prompted you to notify Greg Hicks regarding [redacted] statement?

A We had planned from the beginning that the visit would be unannounced, and we were trying to keep a very close hold on it. I didn't know [redacted] very well. I didn't know how trustworthy he was on significant information like that. So I wanted to warn Greg that the potential for the visit being public in advance of the arrival of the Ambassador was there.

Q And when you refer to the visit, you mean the Ambassador's visit?

A Yes, ma'am.

Q And then you said, we had planned to keep it -- to not disclose it. Who is "we" in that sentence?

A I mean, the decision came from Ambassador Stevens himself. There were lots of discussions about it in preparation for the -- you know, for the visit. But, in general, I think "we" is the Ambassador, Greg Hicks, the RSO, myself, and any of the other American staff back in Washington who had been informed of his plans. I couldn't comment on the extent.

Q You said that you had had extensive discussions about

keeping it -- his visit to Benghazi -- quiet. What were those discussions, and why was the decision made to keep it quiet?

A So Ambassador Stevens was a rock star in Libya, right, and we felt it just made it easier to facilitate a safe travel back and forth to Benghazi without announcing it in advance. Again, that was kind of a group decision. The Ambassador was the one who signed off on it as far as I remember, but that's pretty standard practice as well. Secretary Kerry just arrived in Somalia unannounced.

Q And that standard practice is used in what types of situations?

A I can't speak to that. I mean, in this situation, it was for the Ambassador traveling to Benghazi.

Q And the concern would've been security and safety?

A Yes. That's primary concern, sure.

Q You mention that you didn't really know [redacted] and so you weren't -- I guess you weren't sure if he was trustworthy. During your time in Benghazi, did you have an opportunity to meet with him or to spend any time with him?

A I did. He accompanied me to a few meetings. He was -- he had a badge to come freely off and on campus. So, you know, he was there at points. I used him to help me set up meetings. He had contacts in the community. Again, that's a very standard use of a local employee who is well connected to the, you know, to the environment. You ask him to reach out to his friends, to reach out to their friends, to get you a meeting that you want. And so that was the primary nature

of our interaction.

Q When you said he had a badge, is it like an ID that he would show at the gate --

A Yes, ma'am.

Q -- and it would allow him entrance into the compound?

A Yes, ma'am.

Q Did you have -- during your interactions with him, did you have an opportunity to build a further assessment about his trustworthiness?

A His trustworthiness not necessarily; his abilities, yes. And he was very good at getting us meetings, among the best I've seen at any embassy I've been at before. Very well connected. Trustworthiness, again, 7 days, 8 days. You know, the overriding, I think, assumption was that Ambassador Stevens had trust in him. And so that gave him, you know, an automatic baseline, I think, for many people. I just don't approach it that way. I like to get to know people myself.

Q We talked a little bit earlier about discussions you had with you predecessor, Mr. [redacted]. Did you all discuss his view of Mr. [redacted]?

A I don't recall. I don't know. You know, I saw one of the documents that you handed me that I asked for his direct phone number so I could be in touch with [redacted]. I asked of [redacted] the direct phone number, but that's about all I remember.

Mr. Evers. Can we go off the record for just a quick second?

Ms. Jackson. Sure.

[Discussion off the record.]

Ms. Clarke. We're back on the record.

So I'm going to hand you an exhibit that I'll mark as exhibit 6. And I apologize, it's kind of grainy, but I think you should be able to decipher the text.

[redacted] Exhibit No. 6

Was marked for identification.]

Mr. [redacted] So ma'am, are there specific questions on this one or should I read the whole thing?

Ms. Clarke. There are specific questions on this one. I would want to discuss paragraph 3 and paragraph 4 and paragraph 5 -- I'm sorry, paragraph 6. And the last one is paragraph 11.

Ms. Jackson. Off the record.

[Discussion off the record.]

BY MS. CLARKE:

Q So what I've marked as exhibit 6 is Doc ID No. 05457494. And this is a cable that was sent on September 11, 2012. And I believe off the record you mentioned that you authored this cable. Is that correct?

A Yes, ma'am.

Q And so I just want to -- this cable goes over a lot of different topics, so I just wanted to discuss some of these topics with you. Was this -- did you draft this cable -- when did you draft this cable?

A So standard practice on these things, this is something new that we were introducing to the Embassy, both in Tripoli and in Benghazi, was to do a weekly report of activities that was -- it got into the official chain. Previously, most of the back-and-forthing was emails between Ambassador Stevens and the desk, or something like this. This is in the days of, you know, the first U.S. visits to Libya.

He was very keen on bringing things into the official reporting channel, and this is kind of a standard format for weekly reports that come from all over the world, from missions all over the world. In these cases, it is general -- it is best practice to immediately leave a meeting and type out what you remember from that meeting and keep it -- save it somewhere for the end of the week when you put all of these things together in eleven paragraphs. I mean, you can see that it's quite a bit of information.

So the standard practice is to simply write these things as you go. Sometimes you don't have the time to do that, so you, at the end of the week, sit down and have a little more work to do. But, you know, in general, my standard practice was to write fresh and as extensively as I could in a format that I could just drop into a cable.

Q So we'll turn to some of the paragraphs. First, paragraph 3, it goes into a little more detail about your meeting with the Benghazi SSC commander. And he's -- you are discussing your meeting with him. And does this help refresh your recollection of your discussion with him and the topics that you all covered?

A I didn't pay attention for that. It can, yes, I'm sure.

Q If you look down, there's a sentence that begins, "Younis expressed growing frustration with police and security forces" -- down at the bottom -- "who are too weak to keep the country secure."

Can you elaborate on what his frustration was with police and security forces, and did you understand that to be different than the SSC that he was the head of?

A Yes, ma'am. And again, I understood it to be different, but in Libya everything is related by 1 degree. And so many of the SSC members were also, as I said earlier, members of the police force as well as the military -- the official military forces. And what had happened in the time after the revolution, many people were able to draw paychecks from all of these organizations. Many Libyans were able to draw paychecks from all of these organizations.

So part of the frustration for Younis was how do I get these 18,000 personnel off of my payroll and back into an official Libyan Government capacity as police officers, security officials, or whatever it is. Because there was so many different security organizations and none of them were coordinated at the top, it made it hard for anybody to be in charge of anything, especially when you had people under you who were members of every organization.

Q On the second page, in paragraph 4, you're discussing a meeting that you had with some of the militia commanders. Can you describe that meeting for us? Who did you meet with? And then we'll reference some of the information you provided in there.

A Yes, ma'am. So, in these days in Benghazi, there was

a -- it was a growing and nascent group of commanders who -- militia commanders who were just becoming kind of players on the security scene. And some of the working assumptions were that they were doing this mainly for personal profit; others for religious and ideological reasons. It is trying to understand motivations of groups of people who may or may not become future leaders for the city of Benghazi or the country of Libya.

So these folks were identified as people who fit that billet, essentially, security official officials who may or may not have aspirations for larger roles in Benghazi.

Q These folks that you had the meeting with?

A Yes, ma'am.

Q And so they were commanders of brigades. Do you recall which brigades those were?

A Yes, ma'am. I mean, they're written in here, so Libya Shield was a brand new organization at that time that was kind of emerging from the ranks of the SSC and from other official organizations. They had numbers to them. What I characterize in here was what was the most fascinating part of the meeting to me. I was sitting with Wissam bin Hamid and Jumaa and -- I forget his name -- al-Gha'abi. They were debating which militias they belonged to and who was in control of them and what their ideology was and what their ambitions were. And they weren't -- you know, they disagreed on many of those things.

And one member was -- one of the commanders was a member of the

other commander's brigade under that commander, and that commander was a member of that commander's brigade under that commander. So it was really difficult to determine who was in charge, and I think they right there in front of us were, you know, playing that out, which is a great opportunity to really get a sense of what's going on in the rest of the country.

Q Did you get a sense of how these individuals or, in general, how commanders were -- you said earlier there was a growing group of commanders that were becoming players. Did you get a sense of how those people were building authority or acquiring authority to become the commanders?

A Well, so, yes, it is detailed in this paragraph. Yes.

Q At the -- it looks like it's the second-to-last sentence or third-to-last sentence, it begins: They criticized the USG for supporting National Forces Alliance leader and prime minister candidate Mahmoud Jibril.

Do you recall what their criticism of the U.S. Government was?

A Yeah. So "supporting" is in quotations, right, and which is a false accusation against the United States. We don't support candidates in a foreign government's internal domestic election. But the general perception, because Mahmoud Jibril is an American citizen as well as a Libyan, is that the United States Government was backing him. He was a big political player, former prime minister and someone who was gaining -- it seemed to be at that time -- someone who may end up with another very high-ranking position in the Libyan Government.

That did not meet these particular militia commanders' idea of a beneficial Libyan structure for them, and so they were complaining about it.

Q It goes on to -- you go on to write: If Jibril won, they said they would not continue to guarantee security in Benghazi, a critical function they asserted they were currently providing.

What was your understanding of what they meant when they said they would not continue to guarantee security in Benghazi?

A Yeah, I did not take that as a threat against U.S. interest, the U.S. compound, U.S. persons, or anything else. I took that more as a general discussion of Benghazi, the security situation in Benghazi in general deteriorating, if they -- at least their assertion that the general condition in Benghazi would deteriorate if they withdrew their security support.

Q Did you understand -- what did they mean by withdrew their security support?

A Well, I mean, that's one of the questions I was asking, right. What do you do? Who are you? Why are you Libya 1? Why are you Libya 2? What's your role? How do you fit into the security structure? And, as I said, you know, they didn't really have a very good picture of it themselves, so I couldn't come out with one.

Q During this meeting, did they provide any advice or warning to the U.S. presence in Benghazi or in Libya in general?

A No, ma'am. And that's kind of the, you know, that's the irony of all of this. They talk about the possibility of deteriorating

security but then ask to have U.S. persons and businesses and direct foreign investment brought into Benghazi. So, you know, the dichotomy they create there is a pretty difficult one to understand.

Q So the paragraph that I wanted us to discuss is paragraph 11. It's on the last page.

A Six or 11? Sorry.

Q We'll do 11. So 11 is that you brought up about the U.K. presence and you talk about that there was a visit with the mission and during their trip, and they were going to determine whether or not conditions were appropriate for the reopening of the British consulate. When you -- when [redacted] visited with the mission in Benghazi, did you all discuss his assessment of whether or not the consulate should reopen?

A Yes, ma'am. And [redacted], female, she is -- she was the deputy chief of mission, my equivalent of the acting deputy chief of mission -- I guess not my equivalent, one rank ahead of me -- at the British Embassy. So they were there for a couple of days. They asked about the security situation. This reminds me now that -- to go back to a previous question about who attended and who didn't and why did I have diplomats from Benghazi get together for dinner, this was one of the reasons, actually, to allow them to discuss with others in the diplomatic community what they were seeing and the security situation. Again, I had only been there at this point for, you know --

Q I believe this occurred on the 5th.

A September 5. So I had been there for 4 days. And this was

an opportunity to, you know, to discuss with others who were more knowledgeable than myself what they thought of the security situation.

As it turned out, you had also asked me if all or some did not attend that dinner. I remember -- but not the details -- that [redacted] was either only able to attend the very beginning of that dinner and then had to leave to get to the airport because they were not to stay overnight in Benghazi, or if she was there at the end of the dinner.

They came with, you know, with a whole group of people, including the -- I didn't write in here, but with her was the kind of the [redacted] equivalent of the British Mission who had served in Benghazi. [redacted] was his name. He was also there, and he was quite knowledgeable on the politics in the security of Benghazi, so he was also a resource for me. So he was helpful.

Q And you said that they were not to stay overnight. Was that the policy of their -- of the --

A I don't know if that was an official policy or not, but their plans were to arrive in the morning and depart in the evening. And it was standard practice at that time for us to house some of their vehicles, I think. So not only were they coming for the dinner and for other, you know, and to talk to the whole of these people, they were -- they came, and they left their weapons and their vehicles there.

Q So, once they departed that day on the U.S. Mission Compound, there were still British vehicles and British weapons?

A As far as I recall, yes, ma'am. I mean, that was, I know later, from future experience, I know that they had left vehicles there

right before the attacks too, so --

Q And did you have an opportunity to discuss with [redacted] her assessment of the security situation and whether or not she would make a recommendation or there would be a recommendation for a consulate to reopen?

A Gosh, I remember discussing it, and I think they were leaning -- she was leaning toward recommending that they come back. [redacted] was the biggest advocate for that, again, the person who was their Benghazi representative and had been there working in their Benghazi office for quite a while, I think. His recommendation was to get back into the city. She was taking a more measured approach, but I think that she had -- I recall that she was leaning toward recommending that they do. I can't say that for sure though.

Q Were either of those individuals stationed in Libya? Were they stationed in Tripoli and they would fly down to --

A Yes, ma'am.

Q And for both [redacted] and [redacted]?

A That's correct. So [redacted] was the deputy chief -- they call them Deputy Head of Mission at the British Mission, so she was essentially the DCM at the British Mission in Tripoli. And [redacted] had left Benghazi and moved to Tripoli to work out of the Tripoli office for the British Embassy.

Q Okay. So I skipped paragraph 6 inadvertently, so we'll return back to that. And that paragraph deals with the expanding Islamic influence in Derna. And I think we discussed earlier that

there were -- that initially -- before your arrival or at your arrival, you had planned to take trips outside of Benghazi. Was Derna one of those locations that you were considering?

A No, ma'am.

Q And was there a reason why you didn't consider Derna?

A Derna was generally considered -- let me take a step back. I'm sorry. The general knowledge that I had of Derna is a comparison that I've only heard and can't lay claim to the truthfulness of it. The rumor in Libya is that the city of Derna had contributed more anti-American foreign fighters in Iraq than the rest of North Africa. So it was perceived at least -- I perceived it at least as a place where it would probably not be a smart idea to, you know, to take an American security group into to simply meet with local leaders because the risk was too much.

I'm not sure that it was ever a consideration. As I mentioned, Marj and Adjdabia were both on our list of places to consider visiting. Derna, at that point, was already a place that did not seem like it would benefit us.

Q And so that paragraph mentions at the second-to-last sentence: One email to the Ambassador asserts Abu Salim Brigade members have undercut police presence by accusing the police of being loyal to the former regime.

Do you recall seeing that email?

A Yes, ma'am.

Q Actually, I have it here. I'll find it for you. I just

wanted to discuss with you how that email would've been delivered to the Ambassador, how the individual would've been able to contact the Ambassador.

Ms. Jackson. While she's getting that out, do you recall how it was delivered to either Tripoli or Benghazi, and did it get to the Ambassador?

Mr. [redacted]. I think we're going to see what email address it's addressed to, but we did have a general public affairs account where -- we also had a Facebook account and a Twitter account, I think. You know, we had numerous ways for the general public to reach out to the U.S. Embassy. Again, that's what we're there for, to collect information. So we'll see how it got in.

Ms. Clarke. So I'll mark this as exhibit 7.

[redacted] Exhibit No. 7

Was marked for identification.]

Mr. Evers. Off the record for just a quick second.

[Discussion off the record.]

BY MS. CLARKE:

Q So we'll go back on the record. And just to note, for exhibit 6, just for the record, we provided a copy to the witness, and he has made a few markings, which are totally acceptable, but we just wanted to have the record reflect that.

A Yes, ma'am.

Q So exhibit 7, we had discussed that -- in exhibit 6, you referred to an email. Does this -- oh, in exhibit 7, we've marked it

as [] Document ID No. 05392981. Does this email reflect what you were discussing in exhibit 6, the cable?

A Yes, ma'am.

Q Okay. And so this is an email. It appears to be from a private citizen, [redacted]. If you look on the second page, there is a "from" stamp at the bottom, [redacted], with a redacted email address. Only the Yahoo.com is visible, and it's to John C. Stevens. Do you recall how -- or would you have known or do you know how that individual would've been able to email the Ambassador?

A No, ma'am.

Q Did the Ambassador have a, for lack of a better term, a public email address? And I'll give you an example. The Members of Congress have an email address that is accessible to everyone.

A Right.

Q And that kind of funnels information to them. Do you know if the Ambassador had that type of --

A I don't know.

Q To your knowledge, was his email address, State Department email address, the sole State Department email address that he had?

A From where I sit right now, yes, ma'am. I mean, you know, did I get an email from him from some other account? I don't recall that ever. But, you know, we've talked a lot about a lot of documents, and this is just a small sample of correspondence, so --

BY MS. JACKSON:

Q In the "To" line, to Ambassador Stevens from [redacted], on

September 9, on page 2 of this document, does that appear to you that it went to Ambassador Stevens' official email account by the way it's constructed in the "To" line?

A Yes, ma'am.

Q Okay.

A You know, it appears that way. Now, I could probably create an account that makes it look like that too. I don't know. But it appears to be that would be the standard convention for, you know, [redacted], John C. Stevens. It's the same format.

Q Okay.

BY MS. CLARKE:

Q So the next email in this chain is from you to -- and it's redacted. And it's cc'd to Greg Hicks and some other individuals asking that they translate it for the Ambassador.

First, do you -- it's not clear how you received this email. And I know we're reaching back many years, but do you happen to recall how this -- would this have been something that the Ambassador would have forwarded to you?

Mr. [redacted]. I remember him having a hard copy of it and showing me the hard copy, but I don't -- I don't remember how I got into this chain. I don't know how I got it.

BY MS. CLARKE:

Q During your time in Tripoli, had you received or been aware of emails -- other emails similar to this where there's an email from a Libyan citizen directly to the Ambassador, other than -- obviously, he had a relationship with Mr. [redacted]? But for individuals that you weren't aware of or that were not associated with the U.S. presence in Benghazi, were you aware of other emails directly to the Ambassador?

A I can't think of any specific examples.

Q Did anything about this email being directed -- sent directly to the Ambassador raise any alarm bells for you or the Ambassador? Was there any concern that this person was able to contact the Ambassador directly on his email address?

A No, ma'am.

Q So the substance of the email -- and this is a translation -- but the individual writes about happenings in Derna. And then, on the last paragraph on page 1, he writes: I ask your Excellency, the Envoy, to alert the Libyan Government to this subject because it's -- because it is a very important issue and also because they threaten to shut down the university.

And then he goes on to say: Please send someone to see the truth for yourselves.

In your experience in Benghazi, was this -- did individuals reach out to the Ambassador asking them to -- asking him to provide information to the Libyan Government about the security environment in Libya on behalf of Libyan citizens?

A Not at that specific level, no, ma'am. But I -- I know that -- I mean, he was well connected. He had friends at every level of society in Libya. And whatever they wanted, they could -- they would reach out to him, I'm sure of. And he would respond to them. That was his amazing characteristic. He was very good at keeping in touch.

Q And do you recall if there was a response from the Ambassador to this individual?

A No, ma'am. If I'm not cc'd on it, it doesn't mean it didn't happen, but I don't --

Ms. Clarke. So I see that we've reached another hour in our time together. If we could take a short break, and we'll confer with the minority about plans to proceed, if that's okay with you.

Mr. [redacted] Yes, ma'am.

Ms. Clarke. We'll go off the record.

Ms. Jackson. Let's just go off the record for a second.

[Discussion off the record.]

BY MS. CLARKE:

Q So just to pick up -- just to go back a little bit. In our

discussion, we talked about your meeting with the commanders of the two brigades.

Do you recall whether or not the commander of the 17th February Martyrs Brigade was supposed to attend that meeting?

A Well, Wissam bin Hamid had been part of the February 17th Brigade. I don't believe that we had any others lined up. I can't say that for sure, though.

Q Did you have a separate meeting with the head of --

A I had one scheduled, yes, ma'am. It did not happen.

Q Was it canceled?

A Yes, ma'am.

Q And do you recall why?

A Unavailability of Mr. [redacted] --

Q Do you recall the reason why he was unavailable?

A No, ma'am. Again, it's -- I mean, unfortunately, it's standard practice in Libya to commit to something and then change your mind or have something else come up and reschedule later. So part of my job was to be flexible and available when I could.

Q So we discussed earlier that it was going -- it was -- the plan was to not alert, I guess, head of the Government of Libya entities in Benghazi of the Ambassador's arrival until close in time to his arrival?

A Yes, ma'am.

Q And do you -- do you recall how you were going to notify and who you were going to notify? And who were you going to notify?

A So the notification generally -- again, standard practice at the State Department and operating in foreign countries -- is we work through the ministry of foreign affairs. It's a little bit atypical to have a ministry of foreign affairs office in -- in a satellite city. Usually it's almost exclusively in the capital city.

In this case, in Benghazi, there was a Ministry of Foreign Affairs' office. There was a protocol officer. His name was [redacted] and -- as we say there, Mr. [redacted] And there was a director of the office. His name was Mr. [redacted]

And the -- the general protocol for submitting any type of request for assistance is through diplomatic note, which we drafted and I hand-delivered to Mr. [redacted], a protocol, which is the appropriate protocol step. Mr. [redacted] recommended that I meet with Mr. [redacted]. Mr. [redacted] had known Ambassador Stevens when Ambassador Stevens was Envoy some years earlier, so he was very pleased to accommodate, very happy.

So I held a second meeting with Mr. [redacted] and perhaps a third meeting. And I don't -- I don't recall this. I believe, at one point, we discussed in general the idea was that I would try to get additional security assets to the mission without notifying that the Ambassador would be there. And then, as the days got closer to his arrival, then we would -- then we would tell, at least, the Ministry of Foreign Affairs that -- that he was coming and start the planning for the events that he would hold.

Q Is the protocol officer, is that an office within the

Ministry of Foreign Affairs or was that something separate?

A Yes, ma'am. It's within the Ministry of Foreign Affairs. It's a standard office. The State Department has one too.

Q So -- and you just mentioned a diplomatic note that was requesting additional security.

Ms. Clarke. So I'm going to hand you what I'll mark as exhibit 8.

[redacted] Exhibit No. 8

Was marked for identification.]

Mr. [redacted]. Okay.

BY MS. CLARKE:

Q Okay. So what we've marked as exhibit 8 -- I will just note for the record it's 4 pages of documents, and they have different doc ID numbers.

But what I wanted to ask you was whether you recall these documents and if they are related. The initial doc ID number is 05271665, and it's a diplomatic note in English and it appears to be dated September 6, 2012. Following that is a document that appears to be in Arabic, another document in English, and then a followup document in Arabic.

And, to your recollection, do these documents reflect what we were discussing about a DIP note requesting security?

A Yes, ma'am.

Q Okay. And -- and do you recall whether this was sent on the 6th of September?

The date on the first page indicates September 6, 2012. To your recollection, is that the correct date?

A Yes, ma'am. In general. And the note that goes from the Ministry of Foreign Affairs to the national police is dated the same day, so --

Q So the diplomatic note requests that there will be a police -- one police vehicle at each one of the mission's three gates and guard the mission every day, round the clock from September 10 until September 15, and you're also asked for a guard dog with a patrol unit to be stationed at the main entrance to the mission.

Do you recall whether this request was actually granted?

A Okay. So the -- so the request went to the Ministry of Foreign Affairs.

Q Yes.

A The Ministry of Foreign Affairs turned around and submitted the request to the security authorities. Right. So I don't know that there was an official granting between the Ministry of Foreign Affairs and the security authorities, but there was a car in front. I don't think we got the dog, but I don't remember.

Q And then was that car in front of the mission 24/7, or was it certain times of the day?

A So I couldn't speak to that because I was off campus at some points, and I wouldn't -- you know, I wouldn't know.

This was the kind of delegation to a security professional at the U.S. Mission that I would have done. Are you satisfied with how they are responding? I'm not the security official on, you know, who can assess that this is the right type or number or anything else.

So I -- I don't -- I can't speak to whether or not they were there 24 hours a day.

Q Do you recall seeing them --

A Yes, ma'am.

Q -- on a regular basis?

A Uh-huh.

Q And do you recall having a discussion with the RSOs about whether or not they were fulfilling the request?

A Again, in general, we were talking about security all the time. As we were driving out of the mission to go to a meeting or coming back, we would check to see if the car was there. I can't think of specific times in my head that we, you know -- I can't recall any specific conversations. But, you know, sure, it was always on the radar.

Q And during those times where you're leaving and coming back and you check to see if the car was there, were there ever any instances where it was not there?

A I don't --

Ms. Safai. Can you just clarify for the record were we referring to the 10th. Correct?

Ms. Clark. No. During -- following this request and during his time in Benghazi from the day --

Ms. Safai. So between the 6th and the 10th?

Ms. Clarke. No. From the -- the requests asks that there will be an office -- a police patrol unit posted outside of the mission --

Ms. Safai. Beginning?

Ms. Clarke. -- from the 10th to the 15th.

Mr. [redacted]. Okay. So that would have been overlapped with my time there by 1 day.

BY MS. CLARKE:

Q Okay.

A On that one day, I don't know.

Q And so the patrol unit that you were referring to, was that something that was in place when you arrived in Benghazi?

A Again, I can't say that it was 24/7, but periodically there would be a patrol unit out there that -- periodically, from my point of view. Sometimes I was on campus; sometimes I wasn't. Sometimes I was driving to the gate. At other times, I was in a villa or something, so I don't know.

Q You mentioned earlier a life services contractor that provided services to the compound. Did you ever -- were you ever aware of any issues with the life services contractor or with the drivers that were employed by the compound?

A With the drivers, the day I arrived, the RSOs told me that the main driver had fallen ill, and they did not know when he would come back.

Q And how many drivers were employed when you arrived?

A I don't know the answer to that question.

Q Were --

A It was one they were trying to hire or maybe who had been

hired but had not yet gotten clearance to work. I'm not -- I'm not clear on that.

Q Were you ever aware of a driver that had been employed by the mission threatening any of the life services staffers?

A A driver employed by the mission who had been threatening any life services staffers? No, ma'am.

I was aware of a driver who was employed by the contracting company for the life services contract reportedly threatening some of the life services contractors.

Q Was that driver -- did that driver have any role on the compound?

A Just delivering and picking up the life services employees. To my knowledge. I mean, I -- did they use them for something else, to haul food? I don't know.

Ms. Clarke. If we could just go off the record for a moment.

[Discussion off the record.]

Ms. Clarke. So we can go back on the record.

BY MS. CLARKE:

Q I think we have covered most of our -- the questions that we have leading up to your departure to Tripoli. So I just wanted to talk with you -- initially, your plan was to leave on the 7th, and then it got extended to the 10th. And then did you actually leave on the 10th, or did you depart on the 11th?

A I departed on the 11th.

Q Okay. And what -- can you explain the circumstances that

led you to depart on the 11th?

A Yes, ma'am. And I mentioned this a little bit earlier. So, on the 7th, 8th, 9th and 10th, I guess, there were -- you know, okay.

So I believe I was supposed to leave on the 7th or the 8th originally. One day, there was a malfunction with the plane, and the next day there was a problem with the pilot, both delays. By the third day, I was -- so we were driving early in the morning. The only flight each day that the -- that Libyan airlines took was early in the morning.

So we departed the compound, went to the airport, learned -- that was the only way to do it -- learned that the flight wasn't going that day and returned. And we did that for a couple of successive days.

I think, then, Ambassador Stevens asked me to stick around a little bit longer as his plans were developing and changing. So, for a few days, we didn't go to the airport early in the morning. But, then on the 10th, I think I tried to get out. And then, finally, on the 11th, we went and another problem with the flight.

At that point, we had decided, though, that Ambassador Stevens did not want additional staff on the compound, you know, me. And I was supposed to return to Tripoli. So I walked down the aisle. I mean, I can still picture this. I walked down the aisle, stepped over the cage of chickens and found another airline that was going to Tripoli and bought it with my personal funds. I bought a 60 euro ticket.

Q So -- so, on the 10th, when the Ambassador arrived, you were still present in Benghazi. Correct?

A [Nonverbal response.]

Q And did you meet the Ambassador?

A I did. And that was the reason I couldn't leave on the 10th. Now I remember.

Q Okay.

A So, again, that coordination piece that I was talking about earlier where the RSOs could not split up and keep me at one terminal and pick up the Ambassador at the same time --

Q Yes.

A -- the flight did go that day on the 10th, but it was delayed to a point that the Ambassador had already arrived. So the determination was not to hold the Ambassador at the airport while we waited on a flight for someone who worked for him, essentially, right. So I -- so I canceled my flight then, even though it went later in the day. But we couldn't stay at the airport all day with the Ambassador. So I came back to the compound on the 10th and then tried again on the 11th.

Q And the day of the Ambassador's arrival, were there meetings planned? Did he participate in any meetings on that day? And, if so, did you accompany him to those meetings?

A I'm sorry. You said on the 10th?

Q On the 10th, yes.

A Do you have the schedule? I'm sure it exists. I would refer to that.

Q Okay.

A I did attend at least one meeting with him. That was a meeting with the Benghazi Local Council, but I can't recall on what day. I guess it would had to have been the 10th or the 11th, right.

Q Okay. And then did -- did the Ambassador have a meeting -- you said earlier there was kind of standard protocol to have a meeting [redacted], and you did so on your arrival.

Did the Ambassador do so as well? And, if so, were you -- did you participate in that meeting?

A I did not participate in the meeting, but I scheduled it for him.

Q Okay.

A Yeah. Again, that is -- that's what you do when you go to new country, you try to figure out what's going on there.

Ms. Clarke. Okay. All right. I think that's it.

Ms. Jackson. Just a followup.

BY MS. JACKSON:

Q You said you went to the local council meeting that evening.

A I didn't say --

Q Would it be --

A -- that evening, but --

Q Oh. I'm sorry. That day?

A Sometime that day, yes, I did.

Q Okay. Do you recall if it was -- it included a dinner or not?

A It did. There was a follow-on with the owner of the hotel

the meeting was hosted in. I did not attend that dinner.

Q Okay. Was that at the Tibesti Hotel, if you recall?

A No.

Q Was it a different one?

A It was not. It was at the --

Q El Fadeel?

A Fadeel, that sounds right.

Q Okay. And who was present at that meeting of the local council? I mean, approximately how many people?

A So -- well, it's described in paragraph 1 or 2 of the --

Q Of the cable.

A -- cable.

Q Okay.

A I don't know that I went into the numbers of the people there, but it -- essentially, I had not seen this before. But the Benghazi council was -- consisted of probably, I mean, dozens of elected officials, dozens. Maybe 40. They were all around a very big horseshoe table.

Q Right.

A He knew many of them from his previous time there.

Q Do you recall if there was a media presence at that meeting?

A There was. Yes, ma'am, there was.

Q So --

A We had not wanted --

Q Okay. And were any steps taken to minimize that media

exposure of the Ambassador?

A Yes, ma'am. So I believe we had a public affairs officer there.

Q Is that one who traveled in with the Ambassador? Or who was the public affairs officer?

A [redacted] is who I'm thinking of being there. I don't --

Q Did he travel back out with you?

A I don't remember.

Q Okay. All right. But anyway --

A It was his responsibility -- it was Public Affairs' responsibility to -- the press was camped outside the meeting room. And I think, by then, the Ambassador decided to stay in the meeting, to not step out in front of the press. We had asked the press to depart. We can't control the press, so --

Q Okay.

A Probably -- I don't recall the details of that. But I know there was press there. I know they were camped outside the meeting room.

Q Okay. Did the Libyan newspapers the next day then report that the ambassador was in Benghazi? Or was there any social media that you monitored or others monitored regarding the Ambassador being in Libya?

A So probably. But I got on a plane at -- I left the compound at -- early in the morning, probably 0600 or so. I don't remember the exact time. But before, you know, I would have been privy to anything

published that day in papers or social media.

Q Did you get any of that information once you arrived back in Tripoli?

A I don't recall it.

Q Okay.

Ms. Jackson. That's all the questions I have about that day. Do you have any more?

Ms. Clarke. No. We can go off the record.

[Recess.]

Ms. Clarke. Go back on the record.

BY MS. CLARKE:

Q Mr. [redacted], where we left off was the end of September 10 in your departure on the early morning of September 11 back to Tripoli.

So about the way we were going to approach this is allow you to tell us about the first time that you became aware -- what you were doing in Tripoli up until the time that you became aware of the attacks and then just, from there, what you recall about your role and what you were doing during the course of the attacks.

A Okay. So, you know, that period of time, maybe that's 24, 48 hours is -- number one, it was sleepless. Number two, it was chaos. And, number three, we thought that we were also on the threat of attack in Tripoli. So they -- just the extraordinary number of things that happened in that period of time, I don't have a lot of detail on.

I can generally walk you through some of these things, but I think

the thing to think about, the tactical operations center at Tripoli was smaller than this room.

Q Okay.

A And it was in a villa that echoed like an echo chamber. And so people jumped out of the TOC, and all of us were on our phones and passing information, passively collecting information from listening to other conversations. So, you know, some conversations I know a lot about, but I wasn't the one having them, but I overheard them.

So I'm going to try to focus on stuff that is specific only to what I did -- if that's what I understand you're asking me.

Q Yes. We'll start there. And then we will, I'm sure, have followup questions, but I think that that would be a good way for us to progress.

A So time-wise, I don't know the timeline. I got back to the Embassy. It's a process getting to the airport in Benghazi, getting on the airplane. The flight was several hours. Getting picked up at the airport takes a long time, getting through security. It's a different environment there.

So, by the time I got back to the mission, it was at least later in the afternoon as far as I remember. You know, I had just been gone for 10 days. I had -- again, I was the political officer and had just been the public -- I mean, the acting PO in Benghazi. So I had stuff that had backed up for 10 days in Tripoli that I needed to take care of.

I mean, this -- the cable that you showed me earlier, the

September 11 cable, I tried to send it that morning from the Benghazi computers, and it didn't send. So the first thing that I worked on -- like I said, I like to -- and the Ambassador was pretty clear about getting weekly report out in the official reporting channels weekly on, you know, at a certain time, certain day. And so I was trying to get that out. And I was on the phone with Sean Smith for much of the afternoon, trying to figure out how to do it essentially. So I think -- I hit send at the -- in the computer in Benghazi. It didn't send, and I had to go back and forth with the IMO to actually get that to happen.

Obviously, checking emails that I had not seen in 10 days, I guess, from Tripoli. There was a -- kind of a standard weekly meeting on themes that we had with the political reporting officers in the DCM. I attended that. I don't remember what it was -- you know, what it was on.

And, at the time the attack started to break out, I mean, that's when I kind of -- this is one crystal moment in my mind. I got a phone call from a woman -- or from a student, a young girl, I had met in Benghazi. I didn't remember who she was or where I knew her from. And I figured out that I had spoken at a school in Benghazi a day or two before. She was one of the students there. I handed out my card like everyone does. And she called.

I answered the phone. I didn't recognize the phone number, and she said: I hear the explosions; are you okay?

And so I went through the: Well, who is this, please? What

explosions are you hearing because everything looks fine to me here?

And it took a minute to -- we have -- we have several compounds in Tripoli. And -- and so, you know, my first thought was, well, maybe the attack is happening -- it's not happening at the one I'm at right now, so maybe it's another one in Tripoli. And then I kind of -- where -- I talked to her a little bit more, got some more details, and realized she was in Benghazi and realized it was an attack on the mission that she was reporting to me.

So I ran to the TOC. Probably tried to call the DCM on the way. He was already there when I arrived. So there was no need for that. And kind of this mass chaos outside of the tactical operations center was going on, had started, and gotten bigger and bigger.

And really we spent a lot of time just trying to determine what was going on, you know, to get the facts. And I had one data point. Some woman who lived -- some girl who lived on the street next to the mission was reporting that there was an attack going on.

Other people were calling their contacts. It turned out that I had -- you know, in those meetings that I had conducted in Benghazi, I had a lot of people in my phone already. So I just started going down the list of people to call: The 17th Brigade commanders, the SSC head, anyone who could respond, provide quick reaction to the mission.

BY MS. JACKSON:

Q Can you give us a little more detail on the phone call with this woman, the student that called you? How --

A I never even got her name.

Q But how much detail did she give to you about what -- actually what'd she say --

A "I hear the explosions. I see the smoke."

Q Okay. At any time did she mention a protest or protesters?

A No, ma'am.

Q Okay. She called it an attack?

A I don't specifically remember the word "attack."

Q But explosions?

A I mean, I -- that's why I understood it was an attack.

Ms. Jackson. Okay. All right.

BY MS. CLARKE:

Q So you said that you -- once you received a call from the girl, you ran to the TOC. You attempted to call the DCM, ran to the TOC, and realized he was there and, at that point, began making phone calls. And you mentioned that you called head of Feb 17.

Can you walk us through what you recall about who you called and their responses to your calls?

A Yeah. I think, more generally, the phone system in Libya is terrible. So even if you can connect with people, it's hard to sometimes understand.

The Feb 17 head, when there are crises in this part of the world, sometimes they don't answer their phone when they know who's calling. And that was the case with this guy, I feel sure.

Q Do you know --

A I finally reached him at maybe 3 o'clock in the morning,

I think.

Stepping back on all of this, we were getting reports from -- you know, from people in government in Tripoli and then reportedly the prime minister that they had the Ambassador, and he was standing right beside them, and he was fine and safe.

And, I mean, that's obviously not the case in the first place. And, secondly, it was hard to understand what their motivation was for saying that. So there was a lot of discussion about what -- you know, how -- how is this? How come these things -- the facts on the ground don't match with the facts that we're being told by the government representatives?

Because I had been on the phone also with [redacted] -- I'm sorry. I had been on the phone with I don't remember who, but the ARSOs at intermittent times when they had a chance to answer the phone.

So a lot of disparate and conflicting information that we were trying to synthesize, all of us standing around outside in the dark, which was essentially most of the night.

Q When you received your call from the girl, can you -- do you know approximate time? Did you have an idea of how far along they --

A I mean, you could -- you could vector it with when Greg reported that -- Greg Hicks reported that he got the phone call from the Ambassador at -- it must have been within minutes of that because he had just gotten to the TOC, and I ran to the TOC. Very small compound. So, I mean, you live and work with people in the same place.

So minutes after the attack started.

Q And once you -- so you made the phone call to Feb 17th -- the head of Feb 17 and didn't get a response.

Then who else did you recall -- did you call? And I know you may not recall the order, but if you could -- if you remember other phone calls that you made and the response to those?

A I mean, any security official I had met with, folks at the Annex, the phone numbers for the -- for the ARSOs there, [redacted], who we discussed earlier, [redacted]. Man, I probably placed hundreds of phone calls that night.

BY MS. JACKSON:

Q With respect to [redacted], [redacted], did you make contact with them?

A I did.

Q Okay. And what, if anything, did they report in to you or did you request of them? What was the nature?

A Again, conflicting information on all counts: The Ambassador is fine we're hearing from somebody here, and he's with one of the security officials.

Q Who told you that?

A [redacted] originally. But he was just reporting second and thirdhand information he was getting. And this was the -- you know, this was an echo chamber that was Benghazi.

So, again, I mean, that's the problem with all of it. Like we're just collecting information, much of it conflicting -- and in chaos

like that and in also learning that we may be under attack very shortly as well creates this atmosphere of let's just figure what's going on and get it done. So I don't -- I didn't take notes on who I was talking to.

We did, though, establish a note-taker who did -- and I'm sure you've got that document, and I handed it over -- who took minute-by-minute notes where they could. Every time that I was on the phone that I could get close to that person, I would do that so she or he could hear my side of the conversation I was having. That was a decision made by the defense attache. It's a really good one, I think. They're used to these crises, and that's a standard operating procedure to start mapping out what's going on.

But, for me, I mean, the moment came when I reached the -- [redacted], and he had already -- he had already hurt his hand, and he was in a fighting position on top of one of the buildings. And he said, We've lost the Ambassador.

And when you give him just a minute to talk and you get a little bit more information: Fire, locked in the OC, he was right behind me 1 minute and then gone. We've gone in 10 times, 20 times to try to find him, can't. Sean Smith is dead; his body is in the car.

I mean, you could draw conclusions pretty quickly from somebody who has eyes on. So that, to me, was the -- the source that I was referring to for the rest of the night as the definitive source. These guys lost the Ambassador -- I mean, not lost, but -- and I don't mean to say that at all. But I think they were heroic. They were fantastic.

They did everything that they could. There's no question about that. They're incredible men. Before they came into the State Department have done incredible things.

But, you know, the Ambassador was separated and not found. And, I mean, to me, that pointed to either his abduction or his death.

Q And did you have a sense as to which of those occurred?

A No, ma'am. You know, and, in fact, we were getting again from the Prime Minister's discussion that the Ambassador was fine, he was okay, and he was standing right beside the Prime Minister.

Q Did [redacted], [redacted], or any of the other agents you talked to give you any details about the origin of the attack or how they first became aware to --

A So I talked to [redacted] early on. He might have been the first person I reached. And he was -- he was counting on the phone how many people were running through the front gate, and we got up to 30 or 40. So --

Q Did he say anything about having any advanced notice?

A [Nonverbal response.]

Q Did he affirmatively say they had no advanced notice of it?

A I mean, would they have said that? No. I mean, there's not -- you know, it's an emergency. They're getting shot at, and there's things burning and --

Q Right.

A And they're not thinking about whether it was a protest or whether it was an attack. And I think that was not the first question

that I asked. Had it been a protest, I think I would have heard that immediately.

Q And I think that's where I was getting to.

What excited utterances were -- were made at the time because, you know, just as much detail as you can remember from your conversations with the agents as to what did they describe was happening on the ground?

A So different stages of the night. The first stage was armed intruders coming through the front gate, up to however many he said, dozens at least.

Then a little bit later in the night: We don't have the Ambassador; he was with us one moment and no longer.

I don't remember the specific -- specific words.

But then, later in the night: We're considering leaving this compound, going to another.

And later in the night: We're at another compound, and we're in defensive positions on the roof.

I helped [redacted]. He couldn't connect with her. It's chaos.

Ms. Clarke. You mentioned that the defense attache had requested someone to take notes, and so I have a timeline I wanted to --

Mr. [redacted]. That is the one.

Ms. Clarke. Okay. Perfect. So I'm going to mark it as exhibit 9.

[redacted] Exhibit No. 9

Was marked for identification.]

BY MS. CLARKE:

Q Okay. I've marked Doc ID No. 05455716 as exhibit 9. And is this the timeline that you were referring to earlier?

A Yes, ma'am.

Q And this is just -- what you said that these are notes that were taken by an individual who was inside of the TOC?

A Right. Two individuals at different times, much as this group of people are doing such a good job over here.

Q And do you recall, how are they taking these notes? Was it hand --

A On a laptop.

Q On a laptop.

Ms. Jackson. Were both of them trying to get everything down at the same time or were -- did they rotate on and off?

Mr. [redacted]. Yeah. I think, if you imagine everyone in this room having a conversation on a phone right now, they were trying to capture that.

Ms. Jackson. Okay. So they were both working simultaneously?

Mr. [redacted] No, ma'am. No -- they were working serially. One started, and the other relieved.

BY MS. CLARKE:

Q And you also mention the phone system wasn't that great and so a lot of times people would step outside of the TOC to place phone calls.

A Yes.

Q Did those individuals come back into the TOC and relay to the note-takers what was happening?

A Sure. It would be the distance of coming from here to your outside office there, yes.

Q Okay.

BY MS. JACKSON:

Q Okay. And then did someone review this to -- for accuracy afterwards?

A No, ma'am.

Q So it was --

A Not that I'm aware of. The two people who typed it were there and typing as fast as they could. But, I mean, there was no fact checking or any of that.

Q Okay.

BY MS. CLARKE:

Q So there are a couple of instances where -- it appears that the individual who has spoken is identified by their title?

A Correct.

Q So there are a couple of instances that have -- like, on the second page, down at time stamp 2303, there's an incidence that says "POL." Would that be referring to your -- you or --

A That's me.

Q Okay.

A Yes, ma'am.

Q And so this -- this particular instance is -- it states "AMB," which I -- does that stand for "ambassador"?

A Yes, ma'am.

Q Ambassador is fine. You sure? How you know that? Have you seen him? [redacted] called you and told you Ambassador is fine. He told you that 5 minutes ago, he's fine and out of the compound. Who is running the operation room? Libya Shield?

Do you -- do you recall who this conversation was with?

A That was [redacted]

Q Okay. And did you have an opportunity to talk to [redacted]? Is he referring to [redacted]?

A Yes, ma'am.

Q And following this conversation with [redacted], did you have an opportunity to talk with [redacted]?

A I certainly talked with him immediately upon his arrival in Tripoli. That night, I don't believe so. He had given his phone to Ambassador Stevens, I think. And that phone then went dead, and I don't think he was really in a condition to talk anyway. But I don't recall talking to him until he arrived in Tripoli the next day.

Q Okay. And when he arrived in Tripoli the next day, what did you discuss with him? Did you discuss -- did you discuss the night of the attack, or were your conversations regarding something else?

A Yes. Both of those.

Q And what do you recall about your conversation with him regarding the attack?

A He was covered in blood. He hadn't slept. It was obvious. There was smoke coming out of his nostrils from inhaling. He was weak, seemed not to be in great health, sad, distressed. I mean, just about every emotion you can think of.

Q Did you have any discussion with him about the genesis of the attack? Was it related to -- did you have any idea of what started the attack?

A I don't recall that.

BY MS. JACKSON:

Q Did you have any conversations with any of the other DS agents once they arrived in Tripoli?

A With [redacted] some of the GRS officers.

Q And what, if anything, did [redacted] tell you about the attack?

A He described to me the -- from his position in the TOC, how he was able to monitor and do the cameras, what was going on outside. You know, the -- essentially the same -- I don't remember the details. Essentially the same account that I had gotten from -- from [redacted].

And I probably led some of that discussion: Well, do you remember this part, or do you remember that part? Where was the Ambassador last seen?

We were still trying to determine. I mean, it was clear he wasn't in custody, the Prime Minister, the next day or we had -- I mean, we had not, you know -- they had not produced him. I don't recall the details.

Q And was this a conversation with [redacted] that night of the attack or once he arrived in Tripoli?

A Once he arrived in Tripoli.

Q Okay. And they still -- they did not have the body of the Ambassador at that time?

A Gosh, I don't recall the timeline.

Q Okay. And that's -- you know -- what, if anything, did Agent [redacted] tell you about how he first became aware of the attack, if you discussed that?

A He saw it through the camera at the front gate.

Q Saw people -- the attackers coming through the front gate?

A Yes, ma'am.

Q Okay.

A Since then, I have seen the video, so I'm kind of tainted by the understanding of -- I mean, I saw what they did, and he saw -- that was his eye point, that was his view. So --

Q But at the time when you first saw him in Tripoli, that's what he related to you, how he was first notified the of the attack, first became aware of it?

A [Nonverbal response.]

Q I have to ask you to answer out loud.

A Yeah. I'm sorry. I'm shaking my head, but I don't -- I mean, I don't recall the details on any of it. I mean, again, we were putting together pieces of a puzzle that were pointing in a really terrible direction. And, you know, the longer the discussions went

on, the more likely it seemed that something bad had happened to the Ambassador.

BY MS. CLARKE:

Q So, turning back to be exhibit 9, on the third page down near the bottom, at time stamp 2320, the position is POL or P-O-L. And it says: Yes, ma'am, let me see if I can find him quickly.

Do you recall, did who -- no further information in this document, but do you recall --

A Yeah. So the way we were doing this, is -- I at least -- it was my practice to, whenever I connected with anyone, to walk over to the person who was taking notes and carry the conversation on, many times repeating what they said to me so that the person could take notes on it.

In this case, what's the time stamp again? Where is it?

Q 2320.

A So it's Ambassador Jones, the Acting Assistant Secretary. And she was looking for Greg Hicks. He had disappeared at some point, and we just didn't -- weren't able to find him.

Q And then, down at the bottom of the page, at this time stamp 2323, again, POL and redacted name: It's [redacted]. Have you heard anything else? You're in touch with [redacted] Let me know if you hear anything.

Do you recall who you were speaking to at this point?

A Yeah. [redacted].

Q And do you recall who [redacted] is?

A I do. And we can talk about that later, probably.

Q Okay. "Later" meaning in the classified setting?

A Yes, ma'am.

Q All right. And then on the next page, you had mentioned earlier that you had assisted one of the RSOs in speaking with their wife.

The time stamp 2328, POL: [redacted], how are you?

Does this refresh your memory or does this --

A Yes, ma'am.

Q Your recollection of that particular conversation?

A Yeah. This is the -- the beginning of it.

Q Okay.

Ms. Jackson. Go ahead.

Ms. Clarke. At what point in time -- well, actually, let's look at the time stamp 2337 and it says PAO. Is that the political affairs officer?

Mr. [redacted] No, ma'am. It's the public affairs officer.

Ms. Clarke. Public affairs officer. I'm sorry.

Facebook page called Tripoli council is calling for attack on the U.S. Embassy here.

Do you recall whether this is the first point in time that you all -- or that you and the other individuals in Tripoli were alerted of a potential attack on the Tripoli mission?

Mr. [redacted]. Okay. I don't recall if that was the first time. It seems likely that it was or it would have been captured someplace

else.

BY MS. JACKSON:

Q And who was the public affairs officer again? Was that Hepson?

A This was [redacted].

Q Okay.

A [redacted] was his deputy.

Q Okay. And where was [redacted] that night?

A He was typing some of this.

Q Okay.

Ms. Clarke. So the -- this document ends around 2350, so right before the night.

Ms. Jackson. Well, did they stop taking notes or -- because you said you were there till about 4 in the morning. Is that correct?

Mr. [redacted] [Nonverbal response.]

Ms. Jackson. Is there another document, or is this the end of the note-taking that you recall?

Mr. [redacted] I don't recall anything after this. I mean, at this point, you know, with indication or the threat or the possibility of an attack on the mission in Tripoli kind of the -- the chaos increased and the -- you know, and kind of the bowel rhythm changed to determining whether or not we should evacuate, where we should go, how we should do it, when we should do it. And in terms of the physical location of the note-taker and their activities afterwards, I don't remember.

BY MS. CLARKE:

Q During your -- do you recall -- you've said that you had called -- may have placed a hundred or so calls. Did any of those calls -- were any of those calls directed to individuals who were located in D.C.? So, for example, anyone at the Maghreb desk or -- and do you recall who you called?

A Uh-huh. I talked to [redacted], the director of the NEA Maghreb office. I feel like for sure -- this is a general thing -- the operations center at the State Department reaches out to people proactively in case of a crisis, and I'm sure I fielded one or two of those phone calls.

Q Okay. Once you all were alerted that there was the potential for an attack on the Tripoli mission compound, what was the response? Did you all move to a different location? Did more people come to the TOC?

A So a central location on a small compound is where we were, right.

Q Okay.

A We were already there.

Some people who weren't immediately responsible for the kinds of things we were doing outside the TOC may have gone back to their rooms. I don't really know.

But, for the most part, everyone on the mission was in or around the tactical operations center for, you know, most of the night. About -- a little while after we got that alert, there was -- there must have been a decision to evacuate. I was not part of that

discussion originally.

But a little bit later, they held a briefing, the DCM and the regional security officer held a briefing outside the TOC -- in a room in that same villa to talk about -- to organize logistics for moving from the location we were at to another location.

Q So once you -- the night progressed. And, at some point, you left the TOC. Can you walk us through what you did following your -- following leaving the TOC?

A So knowing that we were going to evacuate, not knowing that we were coming back, many people went to their rooms -- I did, to my room -- and collected some things that I didn't want to abandon so I could take them with me.

Also, with one other employee at the mission, went into Ambassador Stevens' room and grabbed things that I thought -- that we thought he might need if we were to get him back. It was medication, eyeglasses, some money, computers and packed those things up. We had a central location for collecting all of the luggage that we were taking with us, took it down, and dropped it off there.

Q When the discussion began about -- or when the DCM provided the briefing about the decision to evacuate, were you evacuating to another location in Libya, or were you evacuating Libya?

A To another location in Libya.

Q And then did you act -- did you, in fact, evacuate to that location?

A Yes. Yes, ma'am.

Q Once you gathered some of the Ambassador's items and brought it to the central location where luggage was being packed, were you aware of what happened to those items, such as the computer and other things that you had gathered for him?

A You know, they were left sitting beside mine. All of that stuff got loaded into Suburbans. I got my stuff back. We set the Ambassador's stuff aside.

And fast forwarding to the C-17 coming in to pick up the evacuees and the bodies and those who were injured, that stuff made it onto the airplane somehow.

BY MS. JACKSON:

Q And then you were ultimately evacuated to Germany?

A Many ultimately evacuated. I did not.

Q You stayed in Tripoli?

A Yes, ma'am.

Q Okay.

Ms. Clarke. Do you recall --

Ms. Jackson. You have about 10 minutes left so --

Ms. Clarke. Okay.

BY MS. CLARKE:

Q What do you recall or when do you recall becoming aware of the protests that were occurring in Cairo, Egypt?

A Sometime after I returned from Benghazi.

Q So, on the -- sometime on the -- September 11, on that day?

A Yes, ma'am. That sounds about right. I don't -- I mean,

again, timeline-wise, I couldn't -- I shouldn't commit to a certain time. I don't recall. It was part of the landscape.

Q Part of the landscape of everything that was happening that day?

A Yes, ma'am.

Q So you indicated that you did not evacuate to Germany, but you stayed in Tripoli. Did the DCM evacuate to Germany?

A No, ma'am.

Q Did the DCM depart Tripoli at any point while you were still there?

A No, ma'am.

At any time while I was still there for -- indefinitely until I left?

Q Well, at some point he departed Tripoli. Is that correct?

A Yes, ma'am.

Q And do you recall when he departed?

A It was a couple of months after the attacks.

Q So October, November of 2012?

A Yes, ma'am.

Q Were you a part of any discussions [redacted]?

A Yes, ma'am. As a member of the country team, we had regular meetings [redacted].

Q And what were some of the issues [redacted]

[redacted]?

A [redacted]

Q [redacted]

A [redacted]

BY MS. JACKSON:

Q [redacted]

A No, ma'am.

Q Okay. You weren't part of any of the discussions regarding --

A Their arrival? I mean, I can't -- honestly, I can't remember the day they arrived.

Q It wasn't the 13th. Is that correct? The 12th or the 13th

of September?

A Well, I can't remember that.

Q Do you remember, was it within the week? Or did it take a period of time [redacted]?

A Yes. It took a period of time. I don't know what that period was. I'm sorry, I really do want to be --

Q No, no. No, no, no.

A -- helpful on this thing.

Q And we don't --

A I don't --

Q We just want to test the depth of your knowledge and your recollection.

But you don't recall that there was any ongoing discussion or frustration [redacted]?

A No. I think a better person to ask about that would be Greg Hicks at that time.

Q Okay. He would have been the person involved in those conversations or --

A I mean, all of us, in one way or another. But I would assume that most of the discussion would be back here in Washington on whether or not they would [redacted]

That, to me, was -- was not part of my understanding. You know, my participation in that, it was more facilitating their arrival when

they were in the air and on the way.

Q Okay.

Ms. Clarke. So I think that those are all the questions that I have for you in the unclassified setting. And, at this time, we'll go off the record.

[Recess.]

Ms. Sawyer. So you folks ready. Set. Okay. We can go back on the record.

BY MS. SAWYER:

Q Mr. [redacted], just to introduce myself again, I'm Heather Sawyer, one of the Democratic counsel. I'm joined this afternoon by two of my colleagues, Peter Kenny and Brent Woolfork. We appreciate your time today. We deferred several rounds of questioning in the interest of moving through the questioning for the full committee in an efficient manner, so we again appreciate your time, and we'll just try to follow up on some of the topics that you've already discussed, starting, again, with where you had been discussing and left off with my colleague.

So I just had a few questions about, once you had returned to Tripoli, and you were advised and learned of the attacks in Benghazi, and you've described what was a very difficult, challenging environment, trying to gain information from a location where obviously none of you were located, and you've already looked at one exhibit that you identified as an effort -- I think you described it as a timeline log. I wanted to have you take a look at another exhibit, and I think we're on exhibit 10. So we'll go ahead and mark this as exhibit 10 just for identification purposes.

[redacted] Exhibit No. 10

Was marked for identification.]

BY MS. SAWYER:

Q And I'm going to you some discreet questions about it, but I want to give you an opportunity, and because it's an email chain, the document is marked with Document No. C05391026. It's a four-page email chain, and because it is an email chain, of course, the first -- the beginning of the chain begins on that last page, page 4, and that begins on September 11, 2012, 4:49 p.m. I believe that's here in D.C. eastern daylight time. So that's what I was going to start a little bit with, and I wanted to give you an opportunity, but I do just have some particularized questions. So I'll start with those and you just take time as you need to read it.

This chain that starts there, initially, do you know who [redacted] is?

A I know the name, but I couldn't place his office.

Q Is he somewhere here in D.C.?

A Yes, ma'am.

Q Main State. That very first email indicates a Beth Jones, who you mentioned a little earlier spoke with DCM Greg Hicks.

So during the course of the evening, was DCM Hicks the person primarily communicating back with D.C. in addition to all of you?

A Yes, ma'am. I mean, he would have been -- he's the deputy chief of mission at that time. In the event the Ambassador is out of the country, he's the charge d'affaire, and he was -- he was leading that night.

Q And the email from Mr. [redacted] has a number of individuals, both that it's sent to and that it's cc'd. I would just note that you are included on that cc line, so -- you know, I'm sure it's going to your email contemporaneously, but I'm also assuming that you, given that you were in the TOC at Tripoli at this point in time, or on the way to the TOC, you would not have the opportunity in real-time to monitor your emails?

A Yes, ma'am, that's correct, plus the email system is very slow in Benghazi.

Q So this account, even though it included you throughout, you would not have been checking it at that time. Have you had an opportunity -- did you, in the days kind of right after, time right after, have an opportunity to see this reporting chain?

A Yes, ma'am. This particular one, I don't -- I don't recall. I haven't reviewed it all yet, but it certainly -- you know, when things slowed down just a bit, we all got on our emails again and started looking through them.

Q So this methodology, like the email chain that was going out, recorded kind of conversations that Greg Hicks was having and presumably other folks and then distributed through D.C., but it was just one way of trying to spread the information in a similar way that you guys were trying to get the information out. Would you agree with that?

A Yes, ma'am.

Q So that initial email kind of, at 4:49, indicates that DCM

Hicks' initial update was just that he had been advised that, in that first sentence, that a Libyan militia is responding to the attack, and then it says in parens, "(we now know this is the 17th Feb Brigade, as requested by Embassy office) is responding to the attack on the diplomatic mission in Benghazi. The QRF is in the compound engaging the attackers, taking fire, and working its way through the compound to get to the villa where Ambassador Stevens is in safe haven for extraction."

So do you remember receiving initial reports that the QRF was responding, that the Ambassador was potentially in the safe haven?

A Yes, ma'am. I mean, from discussions with [redacted] directly, who said that the Ambassador was in a safe haven, that was my first indication of that. Whether or not the QRF was coming, I don't recall. The expectation was the QRF would respond, and that's the standard protocol.

Q Right. And this email, at least, indicates whether it was in fact happening or not, that there was some belief that had been conveyed by Mr. Hicks to Beth Jones that that was, indeed, occurring. Would that be accurate?

A Yes, ma'am.

Q The next email up in the chain is about 20 minutes later, just an update. Again, reporting a discussion with Mr. Hicks, and there's some information in there, including, in that final sentence, that Hicks has been coordinating with COS. What's your understanding of who COS is? Do you have a sense of that?

A Yes, ma'am. Can we talk about that in a different setting, in a classified setting?

Q Yes. And that that individual has learned that the -- from the QRF about the status of the compound. Currently they are clearing the compound and working again to access the party, I think presuming the party on the mission. And so, again, not asking you to ascertain factually whether that was the case, but this is some of the initial reporting, certainly, was that there was an effort to clear the compound and get to the Ambassador and that the Ambassador was in the safe haven for extraction?

A Yes, ma'am.

Q So a few emails up, at 5:32 -- so I think that's on the third page, about three-quarters of the way down. Again, it's just an email report from [redacted], so it's 5:32. I think that's about 45 minutes after that initial email went out.

The first sentence there, the fighting has stopped. There is a confirmation, they say, at that point of Mr. Smith's fatality, and that they are still trying to find the Ambassador. Do you have a general collection of that reporting, that there was a point in time --

A Yes, ma'am.

Q -- about 45 minutes in that the fighting had stopped and they were still trying to --

A Yes, ma'am, I do.

Q Okay. And then I -- the very next email up that page, I think, references what you did talk about a little bit, that at some

point in time during the attack on the mission in Benghazi, there was also a concern and a threat against Embassy Tripoli. And you'll see that in the email right above, again, from Mr. [redacted], us -- and, again, reporting information from Mr. Hicks, and that second sentence says that the shop at Embassy Tripoli has found postings indicating that this group, Tripoli Council, plans to carry out an attack. So you talked a little bit about that.

So -- and you also talked, and we appreciate it, about your communications with some folks in Washington, and in a general sense, without the specificity of having you remember any particular conversation, was your sense from both the people in Washington -- and let's start with them, just the people in Washington. So you said you spoke with -- you recall Mr. [redacted].

What was your sense? Was he being, you know, supportive in terms of just trying to get information from you or get you what you needed, or like what, in a general sense, was the flavor of those conversations?

A Generally, it was the flow of information from the Villa to the Department.

Q So they were trying to gather information?

A Yes, ma'am.

Q And did you ask Mr. [redacted] or anyone else in D.C. to do anything in particular in a kind of reverse support flow? Reach out to anyone in particular? Make calls on behalf of either Embassy Tripoli, which was, itself, now facing a potential threat, or the mission in Benghazi?

A Yes, ma'am. I mean, we were questioning. I asked at least once what is -- is there a response coming from somewhere outside of Libya from the U.S. Government to help people in Benghazi?

Q And what was the -- what answers were you given?

A I don't remember the specific answers. I mean, it was not yes or no. It was we're working it, but I can't -- that's not a quote. I was left with the impression that that was a consideration.

Q Okay. The reporting then continues up to the next email, and at this point -- and this is at 6:58 p.m., so I think that's about 2 hours from the initial email report, and it indicates -- the first half of that email is really about Embassy Tripoli. And do you see that, Greg Hicks provided the following update about the three Embassy buildings in Tripoli? So at this --

A Yes, ma'am.

Q -- point in time between the 5:55 email, and about an hour later, 6:58 p.m., it appears certainly that there was a lot going on, just to refresh your recollection, in Embassy Tripoli in terms of trying to address the concerns about the specific threat to your own Embassy?

A Yes, ma'am.

Q Does that seem right?

A Yes, ma'am, that's correct.

Q And it indicates there in that second paragraph that -- and this one is actually from Beth Jones, the email sent out from Beth Jones, not [redacted], and it says, quote, I passed on U, slash, S, and I believe --

A Under Secretary Kennedy.

Q Thank you. Recommendation that the personnel all moved together to one compound in Tripoli.

Do you recall that recommendation coming down and whether people agreed with that idea?

A I do recall it. Again, you know, we were all -- picture the scene, we were all around and outside the TOC, and passively collecting information that was -- again, people were talking on their phones and hearing that, so I don't know where the source of that came, but at one point, yes, it was -- it was clear that we were going to move on to -- to a new compound, to a different compound.

Q Okay. And then there is a gap, a pretty significant gap from 6:58 to the next morning, and at this point, the reporting is -- and before we go to that, actually, that report that I was just asking you about or the email, 6:58, the very last bullet indicates that there is a -- there is reporting that, quote, "another mob has gathered in Benghazi headed for the," redaction, "compound." They will ensure extra protection there, too."

Do you recall a point of time around this point in the evening where there was some reporting of a mob?

A I'm sorry, where were you quoting from?

Q Sure. It's page 3.

A Okay.

Q At the very top. It's the last bullet in an email that goes at about 6:58 eastern time p.m.?

A Okay. Yes, ma'am. I see it.

Q And it just -- as I said, it says, quote, "reports that another mob has gathered in Benghazi headed for the," redaction, "compound." They will ensure extra protection there, too."

Do you recall a point in time where you were hearing or reporting up that there was a mob that was potentially headed for a different compound?

A I don't have any specific references of the two of them in my memory.

Q Okay. And then that final email -- well, the email that I was referring to on page 2, which is 9:51, is several hours later, and it doesn't really recount what then happened during that, you know, time period, but it does indicate that at that point in time, and again, it's a report of good news from the Mr. Hicks, that the wounded in the hospital in Tripoli are doing much better. Is it your understanding that that was a reference to the folks who had been brought from Benghazi to Tripoli?

A Yes, ma'am.

Q And you know, we've heard a little bit, and maybe you had kind of insights into this or not, but we've heard a little bit about how critical the resources in Tripoli were to really making sure those people, as soon as they got there, could be stabilized and moved. Were you -- did you have any experience directly in that? Can you explain to us kind of who was critical to have on the ground there in Tripoli to make sure that happened? Do you have a recollection of that?

A Really the [redacted], kind of took the lead on logistics and did an excellent job. He's trained for that kind of thing, and he -- he helped organize. I mean, things were going in different directions. When the -- so the answer is yes. I mean, that's my recollection that [redacted] was really kind of leading some of the charge. I mean, the assets were from the other compound mainly, but also from our RSO shop. There were moving parts because of two different flights that came in, you know, varying degrees of injuries, some that required immediate attention, others that kind of manifested later.

So we had a couple of trips to the hospital, and, you know, picking up the bodies at the hospital to get them on to the evacuation aircraft, getting the Benghazi survivors, those who had not been injured, to that aircraft at the same time with the injured people from the hospital, along with the evacuees from the Embassy mission, from the State Department mission. All coalesced around the C17 landing, you know, sometime that evening.

Q Okay. And then I wanted to share with you just quickly another exhibit, just from -- can we go off the record just for a second.

[Discussion off the record.]

BY MS. SAWYER:

Q Okay. We can go back on the record. You can strike that part.

So just talking a little bit about both exhibit 9 which you had looked at before, which was the log, and then exhibit 10, which I've

had you explain some of the details to us. You know, from where we sit as a committee, these appear to be very, you know, genuine efforts to both record what's going on, and to seminate information as best people could on the ground, make sure that decision makers and resources were being amassed to the best degree possible.

They're obviously not necessarily official timelines, you indicated, and I just wanted to talk to you a little bit about exhibit 9 that you certainly have never fact-checked that for accuracy purposes. Is that true?

A That's correct.

Q I presume that's also a little bit true of exhibit 10 that you didn't fact check that for accuracy purposes?

A Right.

Q So to the -- is there anything about either document that would make you think that to the extent there are discrepancies or inconsistencies, those are anything other than someone in very difficult circumstances trying to share the best information they have, like anything that was purposefully admitted, changed, altered?

A No, ma'am.

Q And a couple of questions on exhibit 9. You were asked specifically about a conversation. You identified -- so on page 2 of exhibit 9. You were asked specifically about a conversation, and you had identified this was indeed you speaking with [redacted], 23:03.

A Yes, ma'am.

Q You also indicated -- do you know where Mr. [redacted] was at

that time that he was having that conversation with you? Was he on the compound, to the best of your knowledge?

A I'd have to go back. Let me -- so at this point in the night, and referring to this particular note, he was at what the Libyans uniquely called the joint operation center and joint operation centers seemed to just pop up around crises and the jointness of them is rarely known, and I -- it's hard to know who was forming -- who's leading, who's following, who's involved, who's, you know, part of it. And [redacted] had -- [redacted].

I don't know the timeline of this, but I can place him, from these conversations, being on his way to the joint operations center [redacted], at whatever times, I can't say.

Q And when you described it, you said these kind of operation centers, joint operation centers would spring up around a crisis. In this particular instance, was it your understanding that it sprung up around this crisis in order to try to help coordinate assistance?

A I think that's what I was asking him here, who was running the operations room? What do you know about it? This is probably not the full transcript of that conversation. I mean, that's -- even my side of that conversation, but again, that's -- information was -- it was unclear. It was fuzzy and what operation center, who's running it, is it helpful, is it something that's controlling the attack, I mean, you know, you don't know.

Q And do you recall getting a sense from him as to whether

it was a friendly effort or a hostile effort?

A I got a sense that it was a grouping of those militia people, some of whom we had met previously whose motivations varied by day, by person, by group, so I didn't -- I wasn't prepared to make a call that it was for or against us. The fact that he was going to it indicated that he didn't feel threatened by it, I think, but I don't -- you know, I don't -- I don't know any of the people who were there besides him.

Q And did he indicate to you his belief at the time as to whether these were folks who were going to be helpful in trying to coordinate assistance?

A Generally, I think that was his thought that they would -- this is where a reaction would come from.

Q Okay. So can you explain for us just in a general sense, because you were then in Tripoli and you've clarified for the committee that you actually were not in the group that was evacuated. You remained in Tripoli. So it sounds like you really remained on the ground throughout, which, you know, you said at one point when you were describing -- I'm trying to walk us through this 48 hours that, you know, that it was time driven by no sleep. So explain to us a little bit kind of what your role and responsibility was on the ground and kind of the immediate period after the attack.

A Sure. I think -- I mean, the mission was struggling to find its leader, right, and I -- as the political officer, I had probably the best Rolodex on the compound, and so that was -- I mean, that was

my main -- that was the only way I could contribute from Tripoli to a response in Benghazi is trying to motivate militia leaders and security officials in Benghazi to respond to the event.

Q In terms of investigating it after the fact, is that -- just to clarify?

A No, ma'am, I'm sorry. I misunderstood.

Q I was not talking about the particular night of. I -- you know, which I appreciate, and I think you talked to us a little bit about you just really calling everyone that you possibly could, and we appreciate that.

I meant, and sorry if I wasn't clear enough, you then didn't evacuate. You stayed and you were there on ground, so I was just trying to get a general sense --

A Oh, I gotcha, I gotcha.

Q -- for the committee kind of what were your primary. I think at that point you did then become deputy chief of mission.

A A little bit later, yes, ma'am.

Q Okay. And Mr. Hicks, who would have been then charge or --

A He was the charge, that's correct, yes, ma'am.

Q Okay. So in that respect, like, what were your primary -- likely, you were juggling a lot of tasks. So what were those --

A Sure.

Q -- general tasks?

A So -- I mean, to take a step back, I was not -- I remained

the political officer for several days after the attacks. Mr. Hicks, I won't try to explain his motivation, was reluctant to appoint anyone as a deputy, so he ran -- he ran the mission himself essentially. We all tried to do everything that we could to fill the gaps, and part of filling the gaps was working to -- let me take a second step back.

We evacuated what, half or three-quarters of our staff, so I went from being the acting DCM, political officer, principal officer Benghazi, to assistant management officer to consular officer, to economics officer to whatever needed to be done at the time. We were consolidating other -- so we had three satellite offices, I guess, in Tripoli. Does that make sense? We had the residential compound, the -- what was formerly the Ambassador's residence, but at that time was the office space that the Embassy was using, so we were commuting from the residential compound to the Embassy office space, and we had the Annex.

So we were -- we were returning to the Embassy residential compound. We'd made the decision not to go back to the Embassy offices because we could not divide the security assets that we had, so not enough security to provide security in both places, so we consolidated back at the Embassy residential compound which had, in my memory, three classified terminals that took 25 to 30 minutes to load up then to just be able to email, and maybe four or five unclassified terminals.

So we were installing a brand new information management system essentially. We were replacing -- organizing the replacement -- this is all logistics, I guess, is what I would say. And we were replacing

all of the equipment that we had destroyed in the event that it'd be turned over to Libyans after we evacuated the compound. You know, I mean, we were essentially setting up a mission from scratch again. This time with a quarter of the people, a quarter of the staff.

Q And --

A If I could also.

Q Yes.

A Let me just say the command center -- some of the offices that were at the other compound, we lost that. So we moved a long desk, you know, with the length alongside the side of this wall here to the Ambassador's bedroom, and that's where three or four of us worked at the -- as the main office. We physically carried --

Q Right.

A -- a desk up there. I mean, we were -- that's the level that we were at.

Q Sure. And during that time, how was DCM -- well, then at that point, Charge Hicks' leadership of that team? I mean, that was a challenging time. Was he really able to kind of lead you guys in a way that you felt was helpful?

A [redacted] he was thrust into a really difficult situation. [redacted] Others, I think -- I mean, you probably talked to them. I would guess that they would say the same.

Q [redacted]

A [redacted]

Q And you had been the acting DCM before Mr. Hicks --

A Yes, ma'am.

Q -- came in. How did that transition go from you being the acting to him being the acting? Like what steps did you take and were they --

A So the --

Q Hold on a second. Were they just successful in acclimating him, do you feel, to that position?

A So Mr. Hicks was delayed in his arrival, and that was the whole reason that I was the acting deputy chief of mission. They asked me to come out a little bit early to cover for the period of time while he had some personal matters that he was taking care of, and I played the role of acting deputy chief of mission and political officer simultaneously until he arrived.

When he arrived, and this is an example of the handover, I handed him a very lengthy memo with all of the issues that we had kind of boiling at the Embassy, from literally from paving the roads to removing sewage to trying to find a new political officer to the security situation. I hope that's a document that you all have. I handed him that document, and he set it down on his desk and said he doesn't read memos and he would call me back if he needed any clarification later on on any of these issues. That's the last I heard of it.

Q So he didn't ever call you back, seek clarification, work with you on any of those outstanding issues?

A No, ma'am.

Q [redacted]

A [redacted] We all have a professional job to do, [redacted] I think most of the people at the mission were the same way, professionals, committed, patriotic, you know, dedicated to government service, and I don't doubt that Mr. Hicks was either. So you find those places where interests aligned and you work with those, and when they don't, you work around them.

Q Okay. Thanks. So I wanted to just talk to you about a different topic entirely, also something that came up after the attack, and there was some -- and you may remember it and I have an email chain

here that I want to help refresh your recollection on, so you're not -- and I'll mark this as -- I think we're up to exhibit 11 for identification purposes.

[redacted] Exhibit No. 11

Was marked for identification.]

BY MS. SAWYER:

Q And this is a three-page email chain. It begins on that third page on -- the last page is just a little holdover. The second to last page it indicates it starts on, September 19 and all goes up, and then you get included on the chain a little later. So that initial email is from someone whose name is Elise Labott to Phillippe Reines. Do you know who Phillippe is?

A I know who Phillippe is. I don't know him personally but --

Q And just generally, who is he, just by title at the time?

A Sure. The title would have been spokesperson or deputy press secretary or something along those.

Q Okay. And then that second email on that same page indicates him sending it on to Ms. Jones, and it just says there's been an inquiry. He says the below is from our CNN reporter who says she has sources in Libya claiming to have warned us about the deteriorating security situation in Libya in the days before the attack.

The next email is then Mr. Hicks, Greg Hicks. Well, there's an email, intervening email sending it on to Mr. Hicks because there's a request that information be gathered from the Embassy about this report. So there's an email relaying it to Mr. Hicks asking him to

look into it, and then Mr. Hicks, on that next email that starts at the bottom of page 1 dated September 20th, it cc's you where Mr. Hicks is responding, and he indicates in that first sentence, "Beth, please see 12 Tripoli 1098 paragraph 4." So 1098 -- 12 Tripoli 1098, I believe, is exhibit 6.

A That's right.

Q And we had talked about that, or you had spoken about that with my colleagues earlier in the day. And he goes on to indicate, he indicates [redacted] remembers, and that [redacted], to your recollection, you?

A Yes, ma'am.

Q Had he spoken with you about it?

A Yes, ma'am.

Q Okay. And he talks about the meeting, and he says, you know, that, quote, "As you know, our reporting for the last month had shown the security in Benghazi was in flux, but we believed that it was Libyan on Libyan violence. Even the report in this cable indicated that Benghazi citizens wanted foreigners to return. Please be assured that no one told any COM personnel located in Benghazi or Tripoli that our personnel and facilities might be directly targeted. This guy is just another Monday morning quarterback. All the best, Greg."

So he is reporting back. Did you -- first of all, just that first assessment, the reporting back had indicated that security was in flux, but there was a belief that it was Libyan on Libyan violence. Do you agree with that having been the assessment at the time?

A Yes, ma'am.

Q He then goes on to refer to the report that you had made. You said you authored it, which is captured in exhibit 6. And he says, "Even that report indicates that some of these same people wanted foreigners to return." So does that also accurately reflect both what you reported and what you had experienced when you were in Benghazi?

A Yes, ma'am.

Q And you had said a little earlier when you were explaining the cable and the notes that you would take after a meeting, you said that best practice is generally I take notes contemporaneous or as close to a meeting as possible and that was a practice that you yourself followed. Is that the case?

A Yes, ma'am.

Q And so this cable itself would have been a representation of your best practice and would have been the contemporaneous record of the meetings you were having while you were in Benghazi?

A Yes, ma'am.

Q Is that accurate?

A Yes, ma'am.

Q And certainly that cable, as Mr. Hicks indicates, never indicates anywhere in it there that was a specific warning. I think it was reported -- a specific warning against American interests that you were aware of it?

A There was not a specific warning.

Q And you had never been in a meeting where there had been a specific warning?

A That's correct.

Q And in fact, you then do clarify a little bit in the next email, you do say, clarification, to Mr. Hicks, that this individual who supposedly -- claiming that this occurred may indeed have been at your meeting, but you said, it's in this second sentence, "I did speak to him." You say RSO [redacted], ARSO [redacted], and ARSO [redacted] participated. "There was absolutely no discussion of threats against us or our facilities."

So again, you had never been relayed any such threat?

A That's correct.

Q Now, Mr. Hicks, in his characterization of when he initially responds, he kind of describes this as potential, quote, "Monday morning quarterbacking." You know, that's sometimes a phrase that's used when people a little bit after the fact, with the benefit of hindsight, either second-guess or have particularized recollections.

Did you feel that certainly -- and not even with specific regard to this, but to the extent you were there on the ground, have you felt that, with regard to your experience, both in Tripoli and Benghazi, that there has been an element of Monday morning quarterbacking about what went on?

A Absolutely. Yes, ma'am.

Q And how has that impacted, kind of, your ability to kind of move forward? Like, how did that impact you when you were in Tripoli even in the aftermath? You were there for nearly -- up until July of 2013. Is that accurate?

A July of 2014.

Q Sorry. You know, kind of that level of scrutiny and Monday morning quarterbacking, how did that impact you guys on the ground?

A Well, I mean, you know, we had lost our Ambassador, and that's the business of diplomacy, though, these people making accusations or changing the dynamics, or changing their recollections. I didn't let it stop me from completing my task, and I stayed in Tripoli for another year and a half after the attacks doing the mission.

Q You may recall that nearly a -- so these emails happened in September of 2012. There was a New York Times article in December of 2013, so nearly more than a year later, and I have a copy of that as well. I'm going to mark it as exhibit 12 just for identification purposes, and I just have for you what is the first section of the -- here you go. And I just had a very quick question for you about that.

Mr. Davis. Is this the whole article you are passing out?

[redacted] Exhibit No. 12

Was marked for identification.]

Ms. Sawyer. I am only going to ask him about the first section.

Mr. Davis. How many pages are there?

Ms. Sawyer. I have no idea. This is section is a one, two, three, four, five, six pages. It's titled -- the article itself is titled "A Deadly Mix in Benghazi." It's almost 12 months, 13 months after the incident we just discussed.

BY MS. SAWYER:

Q On that first page, it speaks about a diplomatic having a

meeting, and in the second paragraph it talks about Libyans warned of rising threats against Americans. In the third paragraph there's a quote, you know, since Benghazi isn't safe, better for you to leave now from an individual, and I think his name came up earlier as being someone who was in that meeting.

Just for clarification purposes, is it your understanding this is referencing this very same we believe we've already talked about, that you've been very clear that no such warning was given?

A Yes, ma'am.

Q So again, from your perspective and so that it's very clear for the committee, no such warning really was ever --

A No, ma'am.

Q -- conveyed to you?

A No, ma'am.

Q Now, I think as you're probably well aware, an Accountability Review Board was convened in the immediate aftermath --

A Yes, ma'am.

Q -- of the attack, and you were interviewed by the Accountability Review Board. Have you had a chance to read at least the unclassified version, the one that's in the --

A I did.

Q -- public domain?

A After it was published, yes, ma'am, but not recently.

Q Okay. And at the time you were interviewed, were you able to be fully forthcoming with the ARB about your experience in Benghazi?

A Yes, ma'am.

Q Did you withhold any information about your experience at all?

A No, ma'am.

Q Were you ever instructed by anyone at the State Department not to be fully forthcoming with the Accountability Review Board?

A No, ma'am.

Q Speaking more broadly and then just the Accountability Review Board, with regard to any -- we are now the 8th congressional investigation.

A Yes, ma'am.

Q 7 preceded us. Were you ever instructed by anyone at the State Department not the cooperate fully with any congressional investigations?

A Yes, ma'am. There's one caveat to that. When Congressman Chaffetz visited the Embassy compound after the attacks, we were instructed by the Department to answer all of his questions fully except with relationship to the FBI's investigation of -- ongoing investigation of the attacks, in which case we were told to refer Mr. Chaffetz to the Department of Justice for their discussion of the investigation. They were the lead organization. We were not.

Q And was an explanation given to you as to why it would be appropriate to refer any law enforcement specific questions to the FBI?

A I think just the, you know, the kind of the logical reason, number one, we're not conducting the investigation at the State

Department into the attacks; and number two, the FBI is, so they are the resource that the Congressman should refer to. I don't think -- there was never an explanation of why we would say that, but I think that's the general understanding.

Q Now, to the extent that you indicated you had read the ARB report, and going back to just the engagement, when the Congressman was there, were there questions that you felt you could not answer and that you needed to refer him to the FBI for?

A Myself personally, no. I was involved in most of the briefings, and there were probably other discussions that happened that I was not privy to, but for any of the questions that were directed at me or anything I saw in my presence, you know, it was full and open exchange.

Q Okay. So with regard to the ARB, I know you indicated that you had read it and potentially not recently, but to the extent that you can recall, did it accurately reflect, from your perspective, your experience while you were in Tripoli and Benghazi?

A Yes, ma'am.

Q Now, that ARB made several recommendations, and I think those recommendations were made in the report which issued in December of 2012, went to then Secretary Clinton who indicated she wanted them implemented with dispatch. I think you were still in Tripoli at the time.

A Yes, ma'am, I had no part of that discussion, that specific part.

Q Do you recall how the recommendations were received in Tripoli? Was there work to implement during the time you were there, those recommendations?

A Yes, ma'am. So the ARB report kind of served as the umbrella for several different mechanisms that the Department started implementing. Now, the specifics of each one of those is something that you should talk to diplomatic security about. The interagency security assessment team came out shortly afterwards, which was a recommendation of the ARB, looked at specific items at the mission and made recommendations from that of which there were, to my recollection, dozens, maybe hundreds, and we spent the next 2 years, or year-and-a-half, essentially, implementing those. From grilles -- new types of grilles on the windows to -- well, you know, and one extreme, that's physical protection, to planting roses outside the -- outside the mission walls called "defensive shrubbery," so I think they -- from the grass to the sky, they kind of got everything wrapped up in it.

And we had contractors, we had TDYers, we facilitated hundreds of people to come in to make specific changes. At the same time, we had the OBO project representative, the person who was building the lower compound facility of the mission. That was still in construction until just a few weeks before they evacuated in June of this year. That was a multimillion dollar project. OBO had a designated representative. I believe -- I can think of at least one, and this goes back to the grilles that they put on the windows where the design

of the grille had to change because the recommendations from the ISAT were -- because it was inconsistent with those recommendations.

So the details were excruciating on all of this, on all of this stuff, and there was a checklist. There was a matrix.

Q And was there any refusal or reluctance to implement, to the best of everyone's ability, the recommendations that the ARB had made?

A That the ARB had made? Those were -- I see those as more general, so no. When it got into some of the specifics, like planting the roses, there were some pushback in some cases, and I think rightfully so, but very few recommendations that did not actually get implemented and executed to the end, none that I can think of, except for those roses.

Q And your concern about the roses was?

A Well, then we'd have to water them every day, so I'd have to put staff outside the Embassy walls to take care of that. The budget, how to we afford roses, I mean, you know, just on a kind of realistic level, and no doubt that that would have happened later on, but there were other things that seemed to be kind of priority-wise. I mean, we were staffed at a quarter of our capacity, and so to get people to just -- and we had to prioritize, and we prioritized the bigger things that seemed to be much more in line with diplomatic security's goals first.

Q And so one of the things that, you know, the members have talked to some of -- both the witnesses who have come before the

committee and some of the families of both of the victims is really, from your perspective, and you obviously were someone who was there and remained in Libya trying to carry out the mission, and from your perspective -- and again, this is the eighth congressional investigation. I think the committee is absolutely committed to making sure it's the last. Are there particular questions, discrete questions for you that remain unanswered?

A Yes, ma'am. I think there needs to be a decision at some level about the role of diplomats in the world. It's as simple as that. I served in Iraq. I've served in other high-threat posts, and in Libya. And you cannot station diplomats abroad in high-threat posts without the threat of something bad happening to them.

So, you either need -- somebody needs to take responsibility for that decision, or you need to stop sending diplomats abroad to these areas. I would vote that somebody takes responsibility for that decision.

Q And did you agree with the recommendation that this is something that the ARB did grapple with, the kind of appropriate framework for assessing risk management certainly, and making the recognition that you cannot eliminate 100 percent of the risk anywhere that we operate in the world, some places being more dangerous. Did you agree with the recommendations made by the ARB to try to address and make sure the appropriate -- both risk assessment was taking place, and the authority for decisions was both clear and appropriately placed?

A I agree with the general report, yes, ma'am. On specifics, I think those will all play out in the real world and we'll have problems with budget, we'll have problems with staffing, we'll have problems getting visas for people who need to arrive to provide security. We'll always have those challenges, but that doesn't mean we shouldn't take them on.

Q And when you say we -- it doesn't mean we shouldn't take them on, I mean, you have been a career diplomat. What would the -- you know, from your perspective, you know, the other thing that the ARB said is, you know, they didn't believe that the United States should not engage in diplomacy at all. Is that also your position?

A I believe the United States should engage in diplomacy in every possible opportunity, and that includes in high-threat places.

Q Okay. Thanks. I will just shift, if I could.

I have a series of questions that I would like to ask you. Some of -- some of these are things that you may have direct knowledge of, some you likely will not, but the committee is bringing before it folks who have had the opportunity to at least have direct knowledge. There has been a lot of speculation and a lot of allegations around surrounding the attacks, so we are just going to take the opportunity to ask you a series of questions about some of the allegations, ask you if you have any knowledge or evidence of these allegations.

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 No, ma'am.

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, ma'am, I would not have any access to information.

Q It has been alleged --

A -- like that.

Q It has --

A -- like that. I'm sorry.

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 Pinocchio's, its highest award for false claims. Nonetheless, this allegation has persisted.

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 spring 2011.

Do you have any evidence that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Colonel Qadhafi to his own people in order to garner support for military operations in Libya in spring 2011?

A No, ma'am. I was a student in Cairo, Egypt.

Q It has been alleged that the U.S. Mission in Benghazi included transferring weapons to Syrian rebels or they are 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, 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, ma'am.

Q Do you have any evidence that 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. 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, quote, "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 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 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 Accountability Review Board?

A No, ma'am.

Q Do you have any evidence that anyone at the State Department directed anyone else to -- 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 these questions 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 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, 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, 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, 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 flying on the second flighting plane to Benghazi were ordered by their superiors to stand down, meaning to cease all operations. Military officials have stated that these 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 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, ma'am.

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

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 Pentagon leadership intentionally decided not to deploy?

A No, ma'am.

Q Okay. I think that concludes our questions in the unclassified setting. I think we'll go off the record.

[Discussion off the record.]

[Whereupon, at 2:45 p.m., the interview proceeded in classified session.]

Ms. Clarke. With that, we'll go on the record.

EXAMINATION

BY MS. CLARKE:

Q Mr. [redacted], we have moved to a new venue, and we are now in a classified setting, where currently our goal is to conduct this at the Secret level, and everyone present is cleared to that level. So we'll just quickly go back to some of the topics that we covered previously that you indicated you would prefer to answer in a classified setting.

One of those topics was your knowledge of the MANPADs program that was in Benghazi. If you could elaborate what you knew about the MANPADs program. We understand there was one that was ran by the State Department. [redacted]?

A [redacted]. Yes, ma'am.

Q And were you aware of that program in your role as the acting DCM?

A Yes, ma'am.

Q When you traveled to Benghazi, we talked about earlier that one of your planned meetings was to have a meeting with people that were involved in the MANPADs program. Was that meeting with individuals who were not State Department employees or contractors?

A They were State Department contractors.

Q Okay.

And you talked about that there was a rumor in Benghazi that Americans were running around taking pictures of weapon storage

facilities. Can you elaborate on that rumor and --

A Sure. [redacted] to try to take MANPADs, in particular, off the market in Libya. Estimates ranged from 16,000 to 24,000 of them floating freely, essentially.

The ammunition storage areas that Sterling Group and another contractor through I&L were primarily working on, again, as I discussed, they were -- I mean, their role was to find them, catalog what was in them, and then help work with the Libyan Government and with the Libyan NGO to secure them, essentially, so they could not be taken from those areas.

[redacted]

Q [redacted]

A Yes, ma'am.

Q Okay.

During your time in Benghazi, were you aware of -- well, I'll ask it this way. [redacted]?

A That gets to the original questions that we were talking about. The rumors were that there were Americans who had been observed and were under surveillance essentially conducting these types of

activities around ammunition storage areas. So part of my conversation with [redacted]. Sometimes you have crazy Americans running around taking pictures of strange things in foreign countries that get them in trouble.

[redacted] The people I talked to at the State Department contractor said that it was not them. And we never got to the bottom of who it really was.

But that was one of the roles that we would've had to play out in Benghazi. Had American citizens been taken into Libyan custody or hurt or killed, then the State Department facilitates, you know, what is needed at the time to take care of the Americans.

Q When the individuals from Benghazi were evacuated to Tripoli, were you aware of all of the individuals that were flown into Tripoli?

A Generally aware.

Q Were there any individuals that you had not met previously during your time in Benghazi? So, for example, you have the [redacted] and you have the individuals at the Special Mission Compound. Was there anyone that didn't fit into either of those two categories?

A And this goes back to the question, the Sterling representative, [redacted] -- and you handed me a document earlier that

had his name on it -- I don't remember whether I met him in Benghazi or for the first time in Tripoli. I do know that he was evacuated with that group. He was a contractor, [redacted] and a State Department contractor. I can't remember if I had met him even casually in Benghazi, but I certainly did when they arrived [redacted] in Tripoli.

BY MS. JACKSON:

Q Was there anybody else, in addition to [redacted], that you recall that was evacuated also?

A I mean, [redacted] I can't think of anyone.

Q Other than [redacted], was there any other contractor or non-U.S. Governmental personnel that you recall being evacuated from Benghazi with the Annex and the State Department personnel?

A Well, I guess it's how you look at the GRS personnel. Are they contractors for the Agency, or are they Agency employees? However you define that would be the answer to that question.

Q So, other than the GRS, I mean --

A Okay.

Q [redacted] is essentially an outlier.

A Right.

Q Were there any other outliers?

A I can't think of any others.

7

Q Okay.

A No, ma'am.

BY MS. CLARKE:

Q Another topic that we covered [redacted] on a temporary basis because of events that were happening or coming up?

A So there was always -- in the REACT plan, there was always a reliance [redacted]

And folks in Diplomatic Security liked that setup rather than [redacted] that they saw that as being better, to my understanding. And that was the justification [redacted]

The budget question was the question that then [redacted]

Q So are you referring to in the future of -- the discussion [redacted] and the Diplomatic Security agents thought that it was better [redacted] because it gave the opportunity for [redacted] if there was an attack?

A I would say yes on all of those questions, with the caveat

that the debate was ongoing, right? There had not been a final decision. Certain camps believed in a [redacted] security posture. Other camps believed in a [redacted] security posture, where QRF could respond. But those debates were all back in Washington, and we were essentially on the sideline for that. I don't know.

Q Were you aware of any discussions about the individuals at the Special Mission Compound [redacted]?

A I mean, certainly that was a standing offer, if anything needed -- you know, if there was a need [redacted], then that would happen, as a matter of courtesy and brotherhood. But, no, I don't remember a specific incident where there were plans that were about to be executed or implemented to do that.

Ms. Jackson. So, even given the declining security system in Benghazi, there was no discussion about having the Ambassador [redacted] during his visit? Was it ever discussed?

Mr. [redacted] So I was in Benghazi for the 10 days before the Ambassador arrived. In my experience, it was not discussed. That's not to say he didn't have that discussion with someone else. For myself, just a lowly political officer, not the Ambassador, there was never a consideration [redacted].

BY MS. CLARKE:

Q I think you stated that when the Ambassador arrived he had a security briefing at the Annex and that you -- did you say that you did not attend that briefing?

A I did not attend that briefing.

Q Following the briefing, did you discuss that briefing with the Ambassador?

A I did not.

Q You also mentioned that when you arrived in Benghazi you had had a security briefing [redacted]. And we talked around it a little bit, but I wanted to ask you if you could provide any details about what was discussed.

A I mean, what you are calling a security briefing I would say is a general briefing that touches not only on security but also on the political environment, on the economic environment, on the different sources of information that they have that they could share as intelligence for policymakers, for political officers to review.

So when I said that I came out of that meeting not surprised but with the impression that [redacted] in Benghazi to get a full picture of the security situation, that was only one element of, you know, a discussion where, if you've done any of these overseas, you'll recall [redacted], you talk to the analyst, you talk to, you know, to [redacted] then you sit down and read the read book, which is [redacted] intelligence for a relevant period of time.

My reading of the read book was that it was very heavy on trying to determine the political landscape, how these militia leaders -- and we've talked about that in other contexts, in other questions -- how militia leaders were kind of wielding their influence and evolving it

into something that might provide them the opportunity to seek a higher office in the Libyan Government or to gain more control politically over Benghazi or the country.

So they were very focused on that. And, you know, quite honestly, I don't remember much discussion at all about the threat environment other than the assassinations, which were Libyan-on-Libyan, you know, and the list that the RSO had been keeping of general attacks that, for the most part, were trending Libyan-on-Libyan violence, not Libyan-on-foreigner, Libyan-on-diplomatic-mission violence.

Q I think you have the exhibits with you. I wanted to turn back quickly to exhibit 10. And, specifically, on page 3, the email that is from [redacted] to several people is dated September 11 at 5:55 p.m. And the second paragraph of that says, "Greg said his team reports that the extremist group Ansar al-Sharia has taken credit for the attack in Benghazi."

Were you aware that this group had taken credit for the attack? Do you recall that during your time in --

A Yes, from secondhand information.

Q Where did that secondhand information come from?

A The public affairs officer had heard from one of his employees, a local Libyan employee, that that employee, that local Libyan employee, had seen it on Facebook for just a very short period of time, and then it had then been pulled down.

Q And so you had no opportunity to actually view the Facebook page and see it?

A Yes, ma'am. I mean, again, we were outside the TOC, in the dark, everybody on the phones, trying to figure out if the Ambassador was standing by the Prime Minister or if he was dead in Benghazi. So I did not focus as heavily on that.

BY MS. JACKSON:

Q Subsequent to that, did you ever receive any other information as to who was responsible for the attack, either later that night or within the next week? Let's stick with that timeframe.

A I recall either the DCM or the public affairs officer getting questions from Washington. I don't remember the answers about the source of the threat, what the threat said in particular. And, again, I think, in my memory at least, you know, the discussion was that the claim of responsibility had been posted and then taken down very quickly.

Q In the days that followed, when the DS agents were brought into Tripoli, when the GRS and other people from the Annex came and were evacuated from Benghazi, did you have the opportunity to talk to any of those individuals about who they believed were responsible for the attacks?

A So I had opportunities to speak with them and to kind of listen to their presentations. As the Members of Congress came into town, they presented to them. Other visitors, high-level government officials who visited would get a briefing from those GRS agents about their eyes-on, their personal experiences during the attack.

They were left speculating who the source of the attack was, too.

I mean, they knew they were shooting at people, and they knew they were being shot back at, but they did not know under what authorities those folks were firing at them.

Q Uh-huh. At any time in those conversations that you had with them or that you witnessed, did anyone ever say that it was a protest gone awry?

A No, ma'am.

BY MS. CLARKE:

Q In the last round of questioning, we discussed a little bit about Greg Hicks and your thoughts regarding his capabilities. One question I had was, in the information that Greg Hicks relayed to the Ambassador or back to D.C., did you ever have any reason to believe that it was not accurate?

A No, ma'am.

Q You also mentioned that the -- the question came up about whether you were ever told not to provide information to Congress. And you talked about Mr. Chaffetz' visit and that if there were questions regarding the FBI to direct those questions to the FBI --

A If there were questions regarding the interview itself, not necessarily the FBI only. We did answer questions about the FBI's arrival, departure, activities, logistics, those kinds of things, but not about who did it, when and where, because we didn't know. I wasn't part of that investigation.

Q Okay.

You said that the State Department had instructed the individuals

in Tripoli. Did the State Department send anyone to participate, and can you tell us about that?

A Yes, ma'am. The State Department sent someone from legal affairs. I would probably remember his name. I'm sure you have it there. But he was a lawyer, an attorney, who was supposed to be there to handle specific questions from Mr. Chaffetz about the interview if Mr. Chaffetz' questions turned to a committee-type investigation into the attacks.

Q And who told you about the need to direct certain questions to the FBI versus answering those questions?

A Greg Hicks. Mr. Hicks.

Q And do you know who told Mr. Hicks?

A I know there were discussions back at the NEA Maghreb office, but I don't know specifics.

Ms. Clarke. I think those are all the questions that we have. So we can go off the record.

Ms. Sawyer. I think we just have a quick question, since it did come up, about the codel and Congressman Chaffetz.

EXAMINATION

BY MS. SAWYER:

Q Were you ever interviewed by the inspector general with regard to that visit?

A Yes, ma'am.

Q And did you fully --

A Sorry. I received a phone call in the middle of the night

in Tripoli from someone who claimed they were from the Inspector General's Office at the State Department asking me questions -- asking me to hand over documents related to that specific question.

Q And did you hand over the documents that had been requested?

A If I had any, yes, ma'am, I did. I actually worked through AFSA. But --

Q And so you fully participated in whatever request the inspector general had made of you with regard to investigating any allegations around that --

A Yes.

Q -- codel with Congressman Chaffetz?

A Yes, ma'am. I mean, as you can imagine, there were a lot of questions coming from a lot of places. So our policy was to be as responsive as we could be. In cases where, again, we were not the people who should be answering the question about the conduct of the investigation, we referred Members of Congress, members of press, members of anything to the Department of Justice to handle those questions.

Ms. Sawyer. I think we have nothing further except to thank you again for your time. We very much appreciate it.

And, with that --

Ms. Jackson. Just my final wrap-up question --

Ms. Sawyer. Okay.

Ms. Jackson. -- which is, having spent the day with us -- and, again, we join our colleagues in thanking you for your time today. We

know it has not been easy, but we appreciate your candor with us today and your willingness to be here.

But, before we depart, as you sit back, is there any question that we posed of you today that you feel you need to elaborate on, correct, retract, anything like that?

Mr. [redacted] I would. I'd like to carry out a little bit further this discussion about how we conduct diplomacy abroad. I think that the Congress needs to come up with some kind of answer on the way forward.

Every time a soldier is killed in a war zone, are we going to have an investigation into, you know, the background, the failings of DOD? I don't see that.

And there is going to be another time where someone from the State Department is killed in the line of duty. And I hope that folks recognize that we're as committed to the principles of this country as any other patriot serving this country in any forum. And I hope that there can be some type of way to reconcile the fact that when we work in a dangerous place we take the risk that bad things might happen.

Now, we should do everything we can to mitigate those. I think the ARB hit that all very well. But this, to me, is -- you know, to have people who have to come in and testify and give these -- to answer these questions is -- are we going to do this every time it happens? Because it's going to happen again. So I hope Congress can come to some sort of resolution for it.

Ms. Jackson. Thank you for your thoughts on that matter.

Ms. Clarke. Thank you.

With that, we're off the record.

[Whereupon, at 3:27 p.m., the interview was concluded.]

EXHIBIT 1

C05390852

[redacted]

From: [redacted]
Sent: Wednesday, August 29, 2012 6:01 AM
To: [redacted]
Subject: Benghazi Hand-off Notes

This is a living document and I'll continue to whittle away at it, but here's the current draft just so you can begin to immerse yourself in the roiling waters of Benghazi ...

Contacts:

I'll leave the ancestral list of contacts on the desk and forward by email my collected biographic notes on the key personalities I've met. Overall, I've found it a rather frustrating place to work, as calls, messages, emails etc. are rarely returned in real time. That said, we have access to a broad range of players here and [redacted] always gets her man in the end.

The contact list includes the other members of the very select Benghazi diplomatic community. The Italians, Turks, Maltese, Tunisians, Egyptians, Moroccans, and Sudanese have permanent presences here, and honorary consuls represent the Swedes and Finns. The French are working on a cultural center, and the Brits are scheduled to reopen their office here on September 1. The UN has a modest office in town, and we stay in close touch with both [redacted] is very well-connected and will always go places where we might otherwise not.) We usually host an informal confab with the Turks, Italians, Brits, Maltese, and UN every other week. I've done this on Thursday afternoons, with the staff serving drinks and snacks. It's a useful exchange of information.

Security:

You'll have seen the reporting on the overall environment, which remains unsettled and unpredictable. We've recommended that we remain at full strength of 4 RSOs, but will go down to 2 at least temporarily in the week following my departure.

The Local Guard force strikes me as adequate to watch the perimeter, and the local police have put in occasional appearances as well.

The 4 members of the local QRF are a special case. The QRF was originally retained under a contract with the 17 February militia, and we have continued to operate under its terms although it lapsed several weeks ago. This is a delicate issue, as we are relying on a militia in lieu of the central authorities [redacted] We also have the usual concerns re their ultimate loyalties. But they are competent, and give us an added measure of security. For the time being, I don't think we have a viable alternative.

Management Issues:

We are treading water here. Both State and the Agency are looking at long-term options for collocation and have had reps from both agencies out here to conduct site surveys, but the tendency has been to conduct triage in the interim. We are, for example, on the fourth visit from an Embassy electrician of my brief tenure because we continue to repair rather than replace equipment.

Blackouts are our most common problem, occurring daily. They are usually brief, but the city has been subject to rolling outages and we tax our generators heavily.

C05390852

On the personnel front, we have just hired a second driver and are hoping that [redacted] will stay on after her wedding in November.

[redacted] is an intermittent presence, more of a consultant than an employee. He's [redacted] always effective at getting us access to players here. He also maintains a direct line to the Ambassador. In the longer term, I think that his responsibilities [redacted] should take up more of his time and regularize our relationship.

Life Services:

Certainly the greatest daily vexation here. The cleaning and laundry services function seamlessly, but the food is a tragi-comic adventure. We have tried a number of approaches, all with minimal success. The food is often inedible, rarely reflects our preferences, and occasionally makes us sick. We've tried submitting recipes, showing them how to cook certain dishes, requesting menus for advance review and revision, banning certain items, and even bringing in an outside chef to give cooking lessons, all with minimal returns. This has become a serious morale issue for folks on longer stints here (as has the long wait for anything more than rudimentary gym equipment from Tripoli).

The contractor is not part of the solution here; their visits are disruptive and do not result in any improvements. Requesting that they change personnel is an option, but we've been through several cooks already and I think the underlying problem is the combination of poor ingredients and poor preparation. If we are to stay on here in the longer term, I think the solution is to move [redacted] As with many other issues, I suspect that we will not address this until we determine what we're going to do here in the longer term.

Scheduling:

I've been quite flexible here, as the Ramadan lull demanded, but previous PO's have had regularly scheduled staff meetings. We have had an EAC, and [redacted] I've offered to meet periodically with the Municipal Council, but they've not followed through. Ditto the University.

Upcoming Visits:

You know about the Ambassador's visit, and I understand PAO will also venture out here in the interim to make sure that the American Corner is ready for the ribbon-cutting ceremony. We're also likely to have the Boston Boys choir in town in September on an ECA-sponsored tour.

Travel:

Ramadan cramped my style in this regard, but it would be good to head further east to show the flag, whether in Bayda or all the way out in Tobruk. We've not ventured into Dernah and the UN has made it off-limits.

Americans:

We do not have a very good handle on how many Americans are in the East. My sense is that it is a rather small number (several hundred), with the majority being minors born to Libyan parents who were studying in the US. But we don't have a formal register, and you'll run into people around town. There are also folks here on various programs funded by the USG (ISN, AID, MEPI, et al) whose activities are not necessarily coordinated through the Mission.

EXHIBIT 2

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rom: [redacted]
ent: Sunday, September 02, 2012 5:27 AM
: [redacted]
bject: FW: Coming to Benghazi

From: [redacted]
Sent: Sunday, September 02, 2012 11:15 AM
To: Hicks, Gregory N
Cc: [redacted]
Subject: RE: Coming to Benghazi

[redacted] will not be at work today – she was given the day off. No formalized schedule yet, but she told me this morning that all of the requested meetings (below), were coming together. I've been using the morning to phone some of [redacted] contacts and introduce myself. Will continue to do so until we depart at roughly 13:30. Additionally, our main driver is "hospitalized" with complications from the flu, and we're working on contacting his backup.

I have a meeting at the Great Manmade River authority at 1400, and will be out of pocket (but on cell) for a couple of hours around that time.

Eventful night last night: a circuit box connecting the city electricity lines to our compound melted and began emitting white smoke reminiscent of the precursor for the bombing back in June. Until RSO determined that it was a physical nfrastructure problem, we assumed a similar attack might be underway. We camped in a safe room for a while, then, 'er the all clear, escorted an electrician outside the front gate to address the problem. We have electricity now, but I' told this is a recurring problem. Will draft this and a few other notes up for the Benghazi weekly wrap-up

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From: Hicks, Gregory N
Sent: Saturday, September 01, 2012 5:08 PM
To: [redacted]
Subject: RE: Coming to Benghazi

Thanks [redacted] Glad to hear the team out there is on their toes! Will [redacted] be at work tomorrow? Best, Greg.

From: [redacted]
Sent: Saturday, September 01, 2012 5:06 PM
To: Hicks, Gregory N
Subject: RE: Coming to Benghazi

[redacted] supervised a excellent, unannounced local guard force drill this afternoon. The response from the guard force was immediate (and correct). We're off [redacted] in about 30 minutes for meetings there, then returning to the office. No sense of a schedule yet from [redacted] (she is off today), but will share with you when she comes in tomorrow morning. Thanks, [redacted]

From: Hicks, Gregory N
Sent: Saturday, September 01, 2012 5:01 PM
To: [redacted]
bject: RE: Coming to Benghazi

hanks. Helpful to know this. Good Luck!

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From: [redacted]
Sent: Friday, August 31, 2012 10:14 PM
To: Hicks, Gregory N
Subject: FW: Coming to Benghazi

FYI – At bottom was my initial request for meetings, just to give you a sense. Will forward whatever schedule [redacted] produces, so you have the exact blow-by-blow.

From: [redacted]
Sent: Wednesday, August 29, 2012 12:56 PM
To: [redacted]
Subject: RE: Coming to Benghazi

Hmm...I had (quite possibly incorrectly) heard you were coming to Tripoli on Thursday. If you're actually coming to Tripoli on Friday morning, I'll delay my departure until Friday evening or Saturday morning depending on flights. I'll check on that now. (DCM really wanted me to sit down with you before I head out.)

Thanks for your notes below. I've replied where necessary – tracked into the text.

From: [redacted]
Sent: Wednesday, August 29, 2012 11:25 AM
To: [redacted]
Subject: RE: Coming to Benghazi

What time are you arriving on Friday? I am leaving on the morning flight on Friday in order to have the afternoon and Saturday morning in Tripoli, so I hope we don't pass in mid-air.

I think we can structure meetings so that your calls set the stage for the Ambassador's upcoming visit. I've let the American staff know that his visit is a possibility, but not made specific reference to the locals, who have left a candle burning for him.

My specific thoughts on scheduling are tracked below.

I'm sure you'll enjoy your time here.

[redacted]

From: [redacted]
Sent: Wednesday, August 29, 2012 10:47 AM
To: [redacted]
Subject: Coming to Benghazi

Hey [redacted]

As you may have heard, I'm heading to Benghazi this weekend for a short TDY to cover between your departure and [redacted] arrival. Looking forward to finally meeting you here in Tripoli in advance though, for a chance to get at least a partial download of your incredible time (and work) there. It will be my first trip, so would very much like to get a good balance of Eastern views and a good introduction to important contacts. I'm writing to ask for your ([redacted]) help with recommendations, and if you or he can spare the time, help with scheduling. RSO has made it clear that most (if not all meetings) should be on campus, which I understand.

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It looks like I'll be arriving Friday, August 31 and departing on Friday, August 7, just as Ambassador Stevens is arriving for his week or so there (as he or Greg may have mentioned, he does not want to announce his visit in advance). He had a few suggestions about meetings he'd like me to do, and one observation – that he and I should avoid meeting with the ame people – just to spread our contact out across the widest spectrum. Obviously, he'll take the higher-level eetings, but he was interested in me doing some or all of the following:

- Oil industry execs (they should be back in town now that Ramadan is over. We'll reach out.)
- Great Manmade [redacted]
- SSC (We'll request a meeting with Fawzi Younis. Perhaps we could do this as a dinner here at the Villa?) Dinner at the villa would be excellent.
- Feb 17 brigade [redacted] is always interesting. You'll likely have to go see him, however.) That's fine.
- Some GNC members (likely more junior so that he can see the more senior) (no problem, assuming they're not in Tripoli. I would say let's save [redacted] and [redacted] for the Ambassador but have you meet with the others.) Excellent, and good point on their whereabouts. This could actually be a good para for our weekly summary on how members of Congress deal with representing their constituents who are in one place and doing the work they are elected to do in another. Same challenges our own members of congress face.
- Key local council members (we'll start asking now and hope to hear back. They are VERY deliberate ...) No worries if "not available"
- Public Prosecutor's Office//Judiciary/investigations (hmmm. I think we can turn to [redacted] and see if he can get you in to see the Military Prosecutor, who has been involved in some of the high-profile detention cases. Excellent
- MANPADS contacts (if you have anyone [foreign or local NGOs, Government contacts) working on weapons abatement there) they're closing down here and have had no contact with us. You might want to check with [redacted] and see if he can wire this from your end. Will do. [redacted] already back online in DC, and you'll see a separate e-mail to the USG manpads folks. Looks like there's a possible meeting in Marj to plug into, which, depending on whether or not [redacted] thinks my attendance would do more harm than good, would fit nicely into the Ambasador's idea about me traveling to marj.
- Port Authority officials (I just met with the Port Director yesterday. Up to you if you want to double tap him.) If you're writing it up, I'll pass on that one, unless there's follow-up you'd like.
- Airport director (We have a channel of communication here and will make the request.) Thanks. [redacted] right?
- [redacted] (Absolutely. You'll want to try to get 2 meals out of them during your 1 week here ...) Sweet.
- Tribal contacts (Tribal contacts and Federalists are often synonymous. [redacted] Great.
- "Federalists"

I realize that this is a lot, so anything we can get from any of them would be great. He also suggested one short trip for me to Adjdabia (or Marj) for a local council meeting, which of course would be an RSO call ultimately. I realize this is a lot, and would appreciate your guidance, Thanks, [redacted]

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EXHIBIT 3

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C05394398-MOU

From: [redacted]
To: [redacted]
Subject: FW: Flash/Benghazi-02SEPT12/IED Explosion-1330hrs
Date: Sunday, September 02, 2012 10:39:34 AM
Attachments: IED explosion Jamal Abdun Nassir Street-02SEPT12.docx

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-----Original Message-----
From: [redacted] [mailt[illegible]sa.net]
Sent: Sunday, September 02, 2012 4:35 PM
To: [redacted]
Cc: [redacted]
Subject: Flash/Benghazi-02SEPT12/IED Explosion-1330hrs

FYI

This afternoon at approx 1330hrs an IED planted in a white Toyota Camry parked along Jamal Abdun Nasir Street a couple of blocks behind Tibesty Hotel
exploded targeting Brigadier Jumaa Kadeki formerly with Qaddafi Interior
Security who is said to be alive but injured and Abdul Baset Hufaitha who is reportedly dead. See attached captions of damaged vehicle.

Regards and Stay safe,

[redacted]

[redacted]
FSCO
Benghazi & East Libya
Mob:-[redacted]

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EXHIBIT 4

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[redacted]

From: Stevens, John C
Sent: Wednesday, September 05, 2012 11:15 AM
To: [redacted]
Subject: FW: Benghazi Update

Classification: UNCLASSIFIED
SMARTCategory: Working

You havin' fun yet?

I just landed in Tripoli. Looking forward to Bgzi trip. Aiming for Monday, Sept 10. Hopefully you won't mind sticking around a little longer.

Will seek your help setting up some meetings once I get my feet on the ground here and caught up.

IN the meantime, enjoy Benghazi and getting to know the Benghazinos!

C

This email is UNCLASSIFIED.

From: Hicks, Gregory N
Sent: Wednesday, September 05, 2012 10:06 AM
To: Stevens, John C
Subject: FW: Benghazi Update

[redacted] most recent report. Greg.

This email is UNCLASSIFIED.

From: [redacted]
Sent: Tuesday, September 04, 2012 8:26 PM
To: Hicks, Gregory N
Subject: Benghazi Update

Greg – Spent a lot of today and last night on logistics. TDY IMO employee was denied exit at airport. Long story, but he had entered Libya without a visa; worked with MFA arrange a residency permit, but didn't quite get the T's crossed and the I's dotted. He'll now depart on Thursday, provided we can get the MFA to issue appropriate papers. New IMO Sean Smith arrived this morning. Scheduling [redacted] meetings. Rearranging room assignments to accommodate incoming and outgoing TDYers. Some minor construction going on – installing RSO-standard [redacted] doors on some residential and office structures.

Additionally:

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- [redacted] They asked for a tour of the compound. Expressed keen interest [redacted] He noted that had already been working on some preliminary architectural schemes [redacted] I referred them to you for any discussion about next steps.

- Met with **Fawzi Younis, Supreme Security Council** head. Discussed thuwar integration efforts (lots of hopes but not many plans), expectation that militias would gradually evaporate (but no alternative for security at the moment), frustration with police and security forces (who are too weak and unorganized to keep the country secure), status of the Iranian Red Crescent detainees (still in good accommodations), the possible motivations for the ongoing slayings of interior ministry officials (personal vendettas, tribal conflicts, pro-Qadhafi leaders silencing lower-level operatives who could implicate them in the regimes dirty work, criminality) and, something. I'll be exploring more in the days to come, indications of the growing political and economic aspirations of a few key brigade commanders. Enough for a cable after meeting with katiba commanders in the coming days.

- Stood up by **Benghazi Council Member** , who, when reached by phone had very little apparent interest, even when discussing an OTI project currently on the table to help train local council representatives on good governance, outreach, and constituent services.

- Low-level businessman meetings, with not much to report from those, other than continuing optimism about business opportunities.

- Spent a lot of the day calling around to the consuls, honorary counsels, and office heads from international diplomatic missions and the UN, introducing myself. Got confirmation from each for their attendance tomorrow night at an informal dinner we're hosting. **British CDA** [redacted] will be in town, the French, Italian, Egyptian, German, and Fin consuls + UN representative (more details below). General discussion on BG issues, developments, etc.

- I'm finishing a cable on the **great manmade water authority**, which I'll pass by [redacted] first, then to you for clearance and/or thoughts.

That' about it for today. General notes to our A/RSOs on someof our organizational challenges below if you're interested.

From: [redacted]
Sent: Tuesday, September 04, 2012 7:00 PM
To: [redacted]
Subject: Upcoming PSD Movements/Events

Benghazi Colleagues,

Lots going on. Just wanted to get it all in writing to help us organize.

- **Visitor: The Ambassador (Sept 10 – 14)**
  - The Ambassador's BG arrival date has been pushed back to Monday, September 10. Time unconfirmed, but details to follow.
  - The Ambassador's BG departure date may push to the right as a result.
  - I will very likely be returning to Tripoli Monday, Sept 10. Embassy Tripoli DCM Greg Hicks will provide further guidance on that.
  - I'll try to coordinate my departure time with his arrival time for airport run.

- **Visitor: Public Affairs – [redacted] (Sept 5-6):**
  - [redacted] will conduct most of his meetings on campus. Several are already scheduled.
  - 1-1.5 hours at the site of the American Corner ([redacted]) will be sufficient.

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- provided clarification on the location of the ACCESS school, and contact info (separate e-mail).
  - Please advise on RSO approval/disapproval.
  - I would attend this with [redacted] if you approve.
  - Length of visit would be no more than 1.5 hours.
  - Speaking to approximately 30 secondary school students

- **Visitor: Public Affairs – [redacted] (dates unknown/visit yet to be confirmed)**:
  - [redacted] visit is not yet confirmed; more information forthcoming from the DCM.
  - If he does travel to BG, he would arrive (and possibly depart) during the Ambassador's stay here.
  - We should work with to try to have Amb's meetings at the compound to free up assets to pick-up/drop-off [redacted].

- **Departures**: IMO [redacted] departs for Embassy Tripoli on 08:00 flight, tomorrow, September 5. PSD deploying at 06:30

- **Departure**: IMO [redacted] departure postponed until Thursday, Sept 6. This will conflict (for PSD resources) with [redacted] visit. Please plan with accordingly. Let's try to coordinate [redacted] departure airport run with [redacted] departure, if possible.

- **Events:** Diplomatic Dinner tomorrow will now begin at 6:30pm. There will be 10 attendees + me + [redacted] for total of 12.

	Name(s): *4:1 Escort Ratio*	Nationality	Type of Identification and Number	Title or Company	Mobile Phone #
1	[redacted]	French		Consul	
2	[redacted]	Italian		Consul	
3	[redacted]	Egyptian		Consul	
4	[redacted]			United Nations	
5	[redacted]	USA	With [redacted]	United Nations	
6	[redacted]	British		British embassy	
7	[redacted]	British	With [redacted]	British embassy	
8	[redacted]	British	With [redacted]	Security Manager	
9	[redacted]	Finland		Consul	
10	[redacted]	German	With [redacted]	1st Secretary	

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EXHIBIT 5

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From: [redacted]
To: Hicks, Gregory N
Subject: RE: Ambassador Stevens to Benghazi
Date: Tuesday, September 04, 2012 7:44:00 AM

Thanks, Greg. Just raising it because the idea of impromptu scheduling, as [redacted] had recommended, isn't working too well here. We're making due, and doing some good meetings, but the skeleton crew in RSO just doesn't have the bodies to support much.

From: Hicks, Gregory N
Sent: Tuesday, September 04, 2012 10:09 AM
To: [redacted]
Subject: RE: Ambassador Stevens to Benghazi

[redacted]:

I'm sure the Ambassador told [redacted] directly, but I have no further guidance from the Ambassador on this question. I will talk with him tomorrow about it and get back to you. Once the word gets out, the phones will probably be ringing off the hook with calls from appointment seekers.

Thanks, Greg.

SBU
~~This email is UNCLASSIFIED.~~

From: [redacted]
Sent: Tuesday, September 04, 2012 9:57 AM
To: Hicks, Gregory N
Subject: Ambassador Stevens to Benghazi

Greg,

On the first day [redacted] returned to the office (yesterday), he said to me, "So, Chris gets here on the 7 and leaves on the 14, we need to get to work scheduling his appointments." Since then, I've asked [redacted] to keep it quiet, which I think he's done. Just a heads up though, guessing that Ambassador Stevens may have told him directly?

Regarding the Ambassador's schedule, do you have any sense of what Ambassador Stevens would like us to set up for him in advance. I got the sense from our meeting with him that he was interested in keeping his schedule open, then filling it with when he arrived. This is the guidance that I got from [redacted] before I arrived. I suppose we'll get some clarity when he returns from annual leave, but just wanted to check in on this important question.

Thanks, [redacted]

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From: [redacted]
Sent:
To: svcSMARTBTSPOP3
Subject: SENGHAZI WEEKLY REPORT- SEPTEMBER 11, 2012

UNCLASSIFIED
SBU

MRN:	12 TRIPOLI 1093
Date/DTG:	Sep 11, 2012 / 111351Z SEP 12
From:	AMEMBASSY TRIPOLI
Action:	WASHDC SECSTATE ROUTINE
E.O.:	13526
TAGS:	PGOV, PREL, PHUM, SENV, ENRG, KDEM, KISL, LY
Captions:	SENSITIVE, SIPDIS
Subject:	BENGHAZI WEEKLY REPORT- SEPTEMBER 11, 2012

1. (SBU) Summary: This is Benghazi's weekly round-up of political, economic, and social issues not included in previous reporting.

2. (SBU) Benghazi Local Council Welcomes the Ambassador: Members of Benghazi's Local Council told the Ambassador about their frustrations with the slow pace of reforms instituted by the Transitional National Council (TNC) and its successor, the General National Congress (GNC). Members said they welcomed USG assistance across a broad range of political and economic issues, including specific programs and training from USAID and MEPI to improve the effectiveness of the Council, its communications with constituents, and its administrative processes. They pleaded for a regional balance to other USG programs to ensure participants from the east and west were equally represented in programming, noting the long-standing feeling in the east that the TNC and GNC had focused development efforts on Tripoli to the detriment of the rest of the country. Despite the challenges, members asserted that the security situation was improving and told the Ambassador that the USG should "pressure" American companies to invest in Benghazi. Twenty of the 41 council members, including President [redacted] participated. The Benghazi Local Council oversees the work of approximately 600 employees.

3. (SBU) Benghazi SSC Commander discusses security situation, dissolution of the SSC, extra-judicial killings of former regime security officers, political aspirations of militia leaders, reintegration of revolutionaries, and welfare of Iranian Red Crescent detainees: In a September 2 meeting with Acting Principal Officer Benghazi, Supreme Security Council (SSC) commander Fawzi Younis told us that senior Interior Ministry authorities had unceremoniously ended the "state of maximum alert" announced in Benghazi on August 29. The alert came amid fears of potential strikes by ex-regime supporters to mark the September 1, 1969, revolution and Qadhafi's rise to power, Younis said. He continued that reintegrating revolutionaries remained a priority (much hope but no serious plans to help his 18,000 SSC personnel), and he expects that the SSC and militias would gradually dissolve (but not until a legitimate alternative for maintaining security emerged). Younis expressed growing frustration with police and security forces (who were too weak to keep the country secure) and commented that the Iranian Red Crescent detainees are still held by "unknown" kidnappers but in good accommodations). He speculated about possible motivations for the ongoing extra-judicial killings of interior ministry officials (personal vendettas, criminality, tribal conflicts, purge of pro-Qadhafi officials), and he noted indications that a

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few key brigade commanders, who have been seeking government positions in security ministries, may be developing higher political and economic aspirations. (More detail is secret...

4. (SBU) Militia commanders discuss the Muslim Brotherhood, Jibril, their political aspirations, the economy, and security: In a September 9 meeting, local area militia commanders [redacted] (Commander, Libya Shield 1) and [redacted] (Commander, Rafallah al-Sahati Brigade and Libya Shield 2) discussed the very fluid relationships and blurry lines they say define membership in Benghazi-based brigades under the February 17, Libya Shield, and SSC umbrellas. They themselves were members of multiple brigades, they said. They debated – hotly and without resolution – about which brigades supported or opposed specific causes. They claimed to exercise "control" over Libyan Armed Forces Chief of Staff [redacted] who "depends" on them to secure eastern Libya. In times of crisis, [redacted] has no other choice than to turn to their brigades for help, they said, as he did recently with unrest in Kufra. As part of this arrangement, [redacted] often provides the brigades direct stocks of weapons and ammunition, they said. [redacted] and [redacted] support the Libyan Muslim Brotherhood's Justice and Construction Party backed candidate Minister of Electricity Awad Al Baras for Prime Minister and said that, if elected, al-Barasi would appoint [redacted] Commander of the February 17 Brigade, as Minister of Defense. [redacted] appointment would open the MOD and other security ministries and offices to plum-appointments for his most favored brigade commanders – giving February 17 and Libya Shield tacit control of the armed forces. They criticized the USG for "supporting" National Forces Alliance (NFA) leader and Prime Minister candidate Mahmoud Jibril. If Jibril won, they said, they would not continue to guarantee security in Benghazi, a critical function they asserted they were currently providing. Growing problems with security would discourage foreign investment and led to persistent economic stagnation in eastern Libya, but the USG could play a role by "pressuring" American businesses to invest in Benghazi.

5. (SBU) Salafists reported killed in clashes with locals defending Sufi shrines: The Ministry of Interior confirmed press reports that a September 8 gun battle about 35 kilometers outside Benghazi resulted in three killed and seven injured during an attempt to destroy a Sufi shrine in Rajma. Press reports credit local residents and the late-responding Libya Shield brigade with defending the Sidi Al-Lafi mausoleum. Some contacts here, however, assert that Salafists within the Libya Shield were actually fighting against the local residents in support of efforts to destroy the shrine.

6. (SBU) Expanding Islamist influence in Derna: A growing number of anecdotal reports from residents, NGOs, and USG contractors link the Abu Salim Brigade with a troubling increase in violence and Islamist influence in Derna. Complaints against the Abu Salim Brigade range from their efforts to close radio and other media outlets, enforce strict rules against co-mingling of men and women at the local university, and increased criminality, including carjacking, thefts, and murders. One e-mail to the Ambassador asserts Abu Salim Brigade members have undercut police presence by accusing the police of being loyal to the former regime. The e-mail ends by pleading to the U.S. Embassy to "Please send someone to see the truth for yourselves."

7. (SBU) Car Bomb Kills One, Injures Another: A September 1 car bomb on Benghazi's largest and busiest street, Gamal-Abdel-Nasser, killed Abdul Baset Hufaitha and injured [redacted] both former Interior Ministry security officers under the Qadhafi regime. The bombing occurred during the "state of maximum alert" announced by Interior Ministry officials on August 29, and fueled rampant speculation in the press and among our contacts that unknown actors continue to work down a list of former Qadhafi regime officials who had been targeted for extra-judicial killings. Security contacts at United Nations Benghazi who were on the scene within minutes and questioned eye-witnesses, tell us that it is just as likely that the driver of the car, Abdul Baset Hufaitha, may have been in possession of the explosive device and detonated it accidentally.

8. (SBU) Great Manmade River Authority (GMRA): Press reported a September 9 explosion that targeted power lines in the Wadi Mansour area between Tarhouna and Bani Walid and cut the major source of electrical power to parts of the Great Manmade River. On September 10, GMRA Acting Chairman [redacted] told us that auxiliary power lines had kept the GMMR running, but confirmed press reports that "huge 400 kilowatt" lines and towers, including their foundations, had been completely destroyed by the explosion. [redacted] told us that repairs would take a minimum of two weeks, but quite possibly longer because he first had to secure permission from local militias and mobilize security forces to insert workers from the Ministry of Energy and the General Electric Company into the area. With about USD 10 billion invested since its inception in the 1980s, the Great Manmade River (GMMR) Project links wholesale water supplies

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from underground aquifers in southern and eastern Libya to municipal, agricultural, and industrial end users in Benghazi and points westward toward Tripoli. The GMMR Authority manages the system, a structure of about 2500 miles of pipes, about one hundred operational wells, multiple reservoirs, and multiple supply, pump, and delivery stations that supply water to more than two-thirds of Libya's population. Details to follow septel.

9. (SBU) Ambassador to Open American Space Benghazi: The Ambassador will launch American Space Benghazi, a public platform for cultural and educational outreach by U.S. Mission Libya. The American Space will contain a small library, computer lab, and open space for programming. Embassy Tripoli will support the center with regular programs and speakers. We have already used the space to engage in dialogue with 15 young adults about U.S. foreign policy in the country and Libya's political transition.

10. (SBU) MEPI Projects: In our ongoing effort to assist and monitor USG implementers, we visited with some of the two dozen civil society organizations that operate in Benghazi with MEPI assistance, including: the *Libyan Society for Industrial Engineering*, which has created eastern Libya's first mobile public library; *My Environment Society*, which conducts environmental education campaigns with school-age children; *Rayhan Elshohadaa Association*, which works to empower disadvantaged youth with employable skills, including computer literacy and English education; and *the Cure Foundation*, which has conducted education campaigns about cancer and hemophilia to patients and their families. Additionally, the Embassy-supported ACCESS program in Benghazi, offers evening English-language instruction to disadvantaged teenagers.

11. (SBU) UK Presence: British Charge d'Affairs [redacted] visited U.S. Mission Benghazi during a September 5 trip to determine whether conditions were appropriate for the re-opening of the British Consulate. According to [redacted] London will make its decision about reopening the consulate sometime in October. The British withdrew their presence from Benghazi after the widely reported June 11 RPG attack on the British Ambassador's motorcade.

Signature:	STEVENS
Drafted By:	POL-ECON:[redacted]
Cleared By:	EXEC:Hicks, Gregory N
Approved By:	EXEC:Stevens, John C
Released By:	TRIPOLI[redacted]
Info:	DEPT OF HOMELAND SECURITY WASHINGTON DC*ROUTINE*; DEPT OF ENERGY WASHINGTON DC*ROUTINE*; FBI WASHINGTON DC*ROUTINE*; CIA WASHINGTON DC*ROUTINE*; CDR USAFRICOM STUTTGART GE*ROUTINE*; DEPT OF JUSTICE WASHINGTON DC*ROUTINE*; DEPT OF TREASURY WASHINGTON DC *ROUTINE*; DEPT OF COMMERCE WASHINGTON DC*ROUTINE*; DEPT OF AGRICULTURE USD FAS WASHINGTON DC RUEHRC*ROUTINE*; ARAB ISRAELI COLLECTIVE*ROUTINE*; AFRICAN UNION COLLECTIVE*ROUTINE*
Action Post:	
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EXHIBIT 7

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From: Stevens, John C
To: [redacted]
Cc: Hicks, Gregory N; [redacted]
Subject: RE:
Date: Sunday, September 09, 2012 2:45:03 PM

Thanks. I thought you might want to include it in the Benghazi weekly sitrep, since it corroborates press reporting of expanding Islamist influence in Derna. C

From: [redacted]
Sent: Sunday, September 09, 2012 11:12 AM
To: Stevens, John C
Cc: Hicks, Gregory N; [redacted]
Subject: FW:

Sir: In absence, I asked for the translation. If you need something more official, we can work that out, but in the meantime, translation is workable.

Subject: Security in the city of Derna, Libya

Greeting

I want to deliver this message to the U.S. envoy in Libya personally. I am one of the residents of the city of Derna. We have a problem with the security situation in the city. There is no one willing to complain or calls competent authority to ask for help and of course because of this problem, the security situation got out of control in the city of Derna, including shop thefts at night and forcing citizens out of their cars "carjacking", people get killed too, and nobody really know, for sure, whose behind it all. There is a battalion called Abu Salim policing the city and later we found out that the battalion is behind the crimes in the city too, and were responsible for false accusing good policemen in the city, "accusing police of being Gaddafi loyalist". The Battalion are not now active on the scene of policing the city.

The reason why I wrote this letter is because the Abu Salim battalion have closed the local radio station and jammed-off all other radio stations because they broadcast songs and anyone who stands in their way they liquidate him.

I ask your Excellency, the Envoy, to alert the Libyan government to this subject because it is a very important issue and also because they threaten to shut down the university if student are not separated " males & females

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students are in different class rooms" of course, this problem only in the city of Derna.

Please send someone to see the truth for your selves.

With best regards

From:
Sent: Sunday, September 09, 2012 4:04 PM
To: [redacted]
Cc: Hicks, Gregory N; [redacted]; [redacted]
Subject: RE:

Dear [redacted],

As requested by you, please find the attached!

Thank you!

This email is UNCLASSIFIED.

From: [redacted]
Sent: Sunday, September 09, 2012 3:05 PM
To:
Cc: Hicks, Gregory N; [redacted]
Subject: FW:

Can you translate this for the Ambassador?

From: [redacted][m [redacted]@yahoo.com]
Sent: Sunday, September 09, 2012 2:04 PM
To: Stevens, John C
Subject:

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[redacted].

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U.S. Department of State
Office of Language Services
Translating Division

LS No.11-2013-0106
Arabic/English
SK/ MG
2 Diplomatic Notes from Libya

TRANSLATION

[Official Emblem]

United States Department of State
Washington, D.C. 20520

Notification: 59/2012

Corresponding with 09/06/2012

The Office of the United States Mission in Benghazi extends its best greetings to the Ministry of Foreign Affairs and International Cooperation (Office of Public Protocol) in Benghazi.

The Office of the United States mission is asking you to coordinate with the Department of National Security in Benghazi so that more support can be provided and police vehicles can be sent to the location of the mission to provide one police vehicle at each one of the mission's three gates and guard the mission every day round the clock from 09/10/2012 until 09/15/2012. We are also asking that there be a guard dog with the patrol unit that is to be stationed at the main entrance to the mission.

The Office of the United States mission in Benghazi avails itself of this opportunity to convey once again to the Ministry of Foreign Affairs and International Cooperation (Office of Public Protocol) the expression of its highest esteem and appreciation.

[illegible signature]
Office of the United States Mission in Benghazi
[Partially legible imprint stamp of the U.S. Department of State]

[Rectangular imprint stamp]: Benghazi Protocol Office
RECEIVED
Registration number: 816
File number: 11/7
Date: 09/06/2012

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The Ministry of Foreign Affairs

and International Cooperation

Director of General Protocol Department Branch

Benghazi Office

Ref: 8812/1/6

Date: Sept 6, 2012

Urgent

To: Director of National Security- Benghazi

Dear Sirs,

The US Embassy, Benghazi has sent us a dip note # 59 dated Sep 6, 2012 regarding request of further support and police vehicles for the mission facilities, so as to provide one vehicle at each gate. There are three gates at the premises. The purpose is to provide security round the clock (24 hours/ day), from Sept 10, 2012 and until Sept 15, 2012, and it also requested that watchdog should be provided with the security patrol at the main gate.

Sincerely yours,

[redacted]

Director of General Protocol Department Branch- Benghazi

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21:45 First report of attack

21:45 DOD: Contacted AFRICOMto divert ISR asset to overfly consular location

21:50 DCM made contact w/ [redacted] they said they are aware of the situation – 17 Feb militia,

21:53 20 individuals have attacked

21:56 RSO: there is gunfire, there are explosions in the compound, they tried to penetrate the front gate

21:57 DAT: called General al-Hassi, he will check into it and get back to us

21:59 RSO: The QRF building is on fire, they're lighting vehicles on fire outside the building. Two people in the cantina.

22:01 RSO: Annex is rallying their people and going over there.

22:02 RSO: They're at the door trying to kick it in, but they're not able to. [redacted] and [redacted] are in a different location. They're armed and ready to fight.

22:04 RSO: [redacted] and [redacted] are ok, right? Let them take whatever they want out of there. ... They're running toward [redacted] one, so there's a chance of... Ok, they're back to your front door.

22:05 DAT: Contacted AFRICOM JOC

22:06 RSO: [redacted] is not there yet.

DCM: We understand your guys are on their way but not there yet.

22:07 DCM: All our guys are accounted for. One building on fire.

22:07 RSO: [redacted] lost contact with AMB and ... heavy smoke in Villa C with AMB, [redacted] and Shawn in it.... Is there any way for you to get out of there?

22:09 RSO: [redacted] you still there? Ok.

22:10 DCM: No answer from AMB.

22:12 PAO: [redacted] calling me.... Phone cut out. The network must be really weak. All I heard was he's safe.

22:15 RSO: QRF is en route but they're taking fire. They're being shot at.

22:16 DCM: Attackers are inside the compound. Buildings are on fire, including the building the AMB is in.... No, I haven't spoken to him since 21:50.... Yes, that's where we believe the AMB is located.... We talked to [redacted] and asked him to get the military involved....

22:18 RSO: [redacted] did what?... Is Villa C still on fire?...

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22:20 PAO: [redacted] got a call from Libya Al-Hurra journalist in Washington asking about a fire at our Benghazi compound.

22:21 RSO: Building C still on fire.... Still no contact with AMB.

22:23 RSO: [redacted] is trying to fight his way to Villa C. Don't call him.

22:24 DCM: [redacted] going to touch base [redacted]

22:25 ARNDT: Notified Benina airbase – repositioned UAV – requested possible logistic support – aircraft for extraction. Benina airfield offered full support.

RSO: Villa C still on fire.

22:26 DCM: News is out, guys.... Just got a text from the Brits.... People are picking it up in DC already.

22:27 DCM: RSOs are trying to get to the building and extract the AMB. We talked to the military and they are responding.... I understand the Secretary is on the line....

22:29 DCM: Just as you called I was calling the MFA to bring them into the loop.... The next person I was going to call was Chief of Staff to Magariaf.... Does that make sense to you, ma'am? ....

22:31 DCM: [redacted].. The AMB is under attack in Benghazi. The building he is in is on fire. I'm calling you to ask for you to call the President and let him know and do everything in his power to do everything in his power to mobilize a rescue effort. ... Please call him, sir.... Thank you, bye.

22:33 DCM: [redacted].... Our consulate in Benghazi is under attack and on fire, right now.... AMB is in the building that is on fire and under attack... Please talk with the PM and ask him to mobilize everything possible to rescue him... Thank you, bye.

22:35 POL ([redacted]: SSC... [redacted] is working on it right now? If you hear anything will you let me know?

22:35 POL: I talked w/ [redacted] head of UN Security people, he's been on the phone with [redacted] [redacted] head of the SSC, he said they're in the process of responding.

22:38 POL: [redacted] how is eveyrthing? No shooting? Are you with the AMB? Where is the AMB now? ... And you're heading to the compound now? ... Well be careful....

POL: The shooting stopped.

22:38 RSO: 17 FEB are now on location.

22:40 PAO: [redacted] is getting media calls. [redacted] says we can tell the press to confirm there's an attack, but that's it.

22:40 ARNDT: The last report we have is that 17 FEB is engaging.... Thank you very much sir, if you will please.... No sir, that's the last report we have. Thank you sir, thank you.

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22:42 RSO: Our guys are going into Villa C right now trying to find the AMB.

22:43 DAT: Seven U.S. pax on the compound.... We don't think anyone's been hurt at this point.... No known injuries.... The have not all phoned in. It seems AMB and one or possibly 2 pax in a separate villa.

22:46 DAT: Hello? [redacted], let me call you back in two minutes.

22:47 DAT: We have an asset overhead and we've diverted it to location.... We've contacted AFRICOM....

22:48 PAO: Just got a call from CNN. Confirmed there was an attack. Seems like they thought there were no people there. I said there are people there.

22:50 DAT: [redacted], can you call [redacted] nurse?

22:51 APAO: Called [redacted], requested she come over to TOC in case we can get in touch with injured persons in Benghazi.

22:53 RSO: Right now the compound is clear, perimeter is clear with the Annex. We have 5 RSOs accounted for.

22:54 ECON ([redacted]): Best hospital in Benghazi is Benghazi Hospital.

22:57 DCM: Hello?... Ok... Great.... Appreciate it.... [redacted] Pres. Magariaf's ofc) You think he's safe?.... Thank you , we appreciate that.... We're in two compounds.... I need to find someone who can tell you where the two compounds are. (gave phone to POL)

23:00 DCM: President's office said they understand the AMB is ok.

23:01 RSO: ... What about the AMB?... IMO is dead. One dead. Sean Smith.

23:02 RSO: It is Sean Smith.

23:03 POL: [redacted].... AMB is fine, you sure? How do you know that? Have you seen him?... [redacted] called you and told you AMB is fine... he told you that 5 min ago.... He's fine and out of the compound. ... Who is running the Operation room? Libya Shield?

23:04 ARSO ([redacted]): Local police are in route to this location, to park outside. Should be here shortly.

23:04 ARNDT: Talked to Benina airfield. They have made available a fixed-wing aircraft and are prepared upon request to extract the AMB if requetsed.

23:06 RSO: We're trying to confirm [if Sean Smith is dead].

23:07 RSO: [redacted] Pick up the phone!

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23:09 POL: If you hear anything would you please give me a call.... Who did you talk to, [redacted] or [redacted]?... They were trying to get out of the house b/c of the fire.... If you hear anything will you let me know?... No, we don't know what the situation is.... No, I did not know that....

23:10 RSO: You confirm one fatality. Did you see a body? Are you able to get him out?... You have not found the AMB yet.... [redacted] sees a body. He says IMO.

23:11 DCM: PM Is saying our people are safe and they're arranging a plane.

23:11 DCM: So we can confirm [the death of Sean Smith] to OPS.

23:12 POL: The Annex came in.

23:12 DAT: Putting them on a Libyan military aircraft may not be the best course of action.

23:13 RSO: [redacted] yeah! Any update on the AMB?... Are you able to get in the building and clear the building? There's too much smoke to get in the building. There's no way to get in there.... Don't go in there if you can't get in there.

23:13 DCM: IF there's no fire gear they can't get in there.

23:15 RSO: where are you bugging out to? To the Annex. I need accounability. Who do we have?.... You recognized him, right? You saw him.... Was anybody able to getto the body? ... You have the body?... You're bugging out to the Annex.... Is the villa still on fire?... Call me when you get to your location.... All the RSOs are ok.

23:17 RSO: They're departing the compound, vehicles are taking fire.

23:17 ARSO ([redacted]): Command Center! Fatality confirmed.

23:18 RSO: Five agents headed to [redacted] AMB is unaccounted for.

23:19 RSO: Motorcade is under fire, taking direct hits. They're taking substantial fire.... You're out on the main road.... You're out of the compound... You've lost one tire but you're still mobile.... You have [redacted].... Who's driving the vehicle?

23:20 POL: Yes ma'am, let me see if I can find him quickly.

23:22 RSO: Annex and 17 Brigade are staying behind on the compound.

23:22 DCM: Last time I talked with him was 21:50, ma'am.... There are seven Americans on the compound, we've accounted for six.

23:23 RSO: What's wrong with your vehicle? Give me a call when you get there.

23:23 POL: [redacted].... Have you heard anything else?.... [redacted]... Let me know if you hear anything. And be careful yourslf. It's not safe on the compound itself and the road itself.

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POL: He just found out the AMB is missing.

23:25 PAO: Press is reporting clashes b/w 17 Feb and Ansar Sharia.

23:25 ARSO [redacted]: [redacted] Tripoli is heaing to the Matiga Air Force base, will be wheels up in 45 min to Benghazi to provide support and a medical team.

23:28 POL: [redacted] How are you? ... You took a hit? Are you... [redacted]? Smoke inhalation? Is everybody... Anybody get shot? You safe havened the AMB and then when out to defensive protect him, and then somebody got in? They got in to Villa C? They – the iron gate was locked? The cage was locked? Hunkered down in the ... and lit the villa on fire... [redacted] stayed in with [redacted] You made your way to the cantina and got [redacted] and [redacted]... Take a breath real quick... you did everything you could, are you all right? You're still under attack? Are you at the Annex? You evacuated but the Annex guys are still taking fire at the mission, not the Annex. You're fine at the Annex. You're in firing position. Last known location of the AMB was in the safe haven and then youforward deployed to protection and went and got [redacted] and [redacted] out of the cantina and [redacted] stayed with the AMB and he got the smoke inhalation ... Did somebody have to pull [redacted] out of there? [redacted] was trying to drag the AMB out... there was too much smoke and they lost him in the smoke. ... He went back in... tried to find Sean, Sean was dead, I'm so sorry... Did you go back to the place where you remember the AMB laying? And the AMB was not there? When [redacted] tried to carry him to the window was he conscious? ... You guys have done eveyrthing you can, this is excellent work.... Keep your eyes out... You don't think they got him b/c the safe haven was shut from the inside but there was smoke everywhere, right? Do you have Sean with you now? Is his body with you? But he didn't look like he'd been hit , it looked like death from smoke inhalation? ... I need a pen real quick... [redacted]. [redacted] [redacted] [redacted]. Ok.... I've got another phone so I'm going to try to call her right now.

23:30 ARSO ([redacted]): Call from [redacted] – they arrived at the Annex.

23:35 ARSO ([redacted]: They were still taking gunfire until the time they arrived at the Annex. We have no further update.

23:36 RSO: Evacuated [redacted] compound.

23:37 PAO: Facebook page called Tripoli council is calling for an attack on the U.S. Embassy here.

23:38 ARSO ([redacted]: Please make sure we have a police presence here at the villa.... I just called [redacted], guards are at high alert.

23:40 DCM: Let's bring everybody in here. And we're not going to work tomorrow.

23:41 RSO: We need to buddy up and go house to house.

23:42 ARSO ([redacted]: Weapons are right here, we're going to open them....

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23:43 PAO: On the site Tripoli Council... but it's being spread around?

23:49 (false alarm – evacuate from/to villa 1)

23:50 ARSO ([redacted]): Compound 4 is clear.

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EXHIBIT 10

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[redacted]

From: [redacted]
Sent: Wednesday, September 12, 2012 2:08 PM
To: Nuland, Victoria J; [redacted]; Burns, William J; Sherman, Wendy R; Macmanus, Joseph E (S); S_SpecialAssistants; Sullivan, Jacob J; Kennedy, Patrick F; Mills, Cheryl D; [redacted]
Cc: [redacted]; NEA-Staff-Assistants-DL; [redacted]; Hicks, Gregory N; Maxwell, Raymond D; [redacted]; Dibble, Elizabeth [redacted]; NEA-LIBYADESK; NEA-DAS-DL; [redacted]; Gordon, Philip H; [redacted]; SES-O; Jones, Beth E
Subject: RE: Libya update from Beth Jones

Classification: UNCLASSIFIED
SMARTCategory: Working

From AA/S Jones:

I spoke to Greg Hicks at 12:50pm and he had more good news about the wounded: the Embassy nurse and medic at the hospital judged that their condition had improved sufficiently to merit their movement directly from the hospital to the awaiting C-17; the CCAT team did not need to go to the hospital to help transport them to the plane. They are now on the plane, along with the four caskets. Greg expected the rest of the team traveling to Frankfurt to have completed boarding the C-17 by about 1:05pm DC time.

Other points:

- Greg said the next step is to work with the two Marine FAST teams when they arrive to secure both the Residential and Embassy Compounds. They will then review security situation and, depending on conditions on the ground, they will then consider (with us) re-opening the Embassy. In the meantime, COM personnel will try to get some rest at the [redacted] Annex, where Greg described the conditions as crowded.

- Greg met earlier today with the Libyan Deputy PM (DPM), who expressed his deep condolences. Greg thanked him for the additional protection that the GOL has provided at the Tripoli compounds. He explained that the FAST Marines coming later today intend only to provide security for the Embassy and U.S. personnel. The DPM provided confirmation of the verbal agreement the Libyans offered last night to allow the Marines to enter Libya – he asked only that Greg provide a dip note tomorrow outlining the details of their mission.

- The DPM also said the GOL will conduct a thorough investigation into the attacks in Benghazi. When Greg said the FBI would be interested to come to Libya to assist in the inquiry, the DPM said the GOL would welcome the FBI and stands ready to cooperate with them.

- Greg said that S held a video conference with 75 – 80% of the Embassy staff – just before they loaded the motorcade for the aiport – and that the staff were "very, very grateful" that she took the time to do this.

- Greg is grateful and supportive of the plan to keep the evacuees in Frankfurt for 7 – 10 days so they could then return to Tripoli, if conditions permit.

- Finally, Greg asked that MAG and EX work together to ensure that they no TDYers arrive in Libya for at least the next two weeks.

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From: Jones, Beth E
Sent: Wednesday, September 12, 2012 9:51 AM
To: Nuland, Victoria J; [redacted]; Burns, William J; Sherman, Wendy R; Macmanus, Joseph E (S); S_SpecialAssistants; Sullivan, Jacob J; Kennedy, Patrick F; Mills, Cheryl D; [redacted]
Cc: [redacted]; NEA-Staff-Assistants-DL; [redacted]; Hicks, Gregory N; Maxwell, Raymond D; [redacted] Dibble, Elizabeth L; [redacted] NEA-LIBYADESK; NEA-DAS-DL; [redacted]; Gordon, Philip H; [redacted]
Subject: RE: Libya update from Beth Jones

Good news: Greg Hicks just called to report that our wounded in the hospital in Tripoli are doing much better. Libyan doctors have apparently served them very well so far.

Greg also said the Libyan PM, Prosecutor General and Attorney General arrived at the hospital this morning (DC time). According to Greg's source in the hospital – the Embassy nurse – the Libyan officials plan to begin carrying out an investigation about the attack in Benghazi last night. Greg said he is headed to the hospital immediately to shield the wounded from any attempts to interview them.

In the meantime, those selected for evacuation are gathering for the ride to the airport

From: Jones, Beth E
Sent: Tuesday, September 11, 2012 6:58 PM
To: Nuland, Victoria J; [redacted]; Burns, William J; Sherman, Wendy R; Macmanus, Joseph E (S); S_SpecialAssistants; Sullivan, Jacob J; Kennedy, Patrick F; Mills, Cheryl D
Cc: [redacted] ([redacted]@state.gov); NEA-Staff-Assistants-DL; [redacted]; Hicks, Gregory N; Maxwell, Raymond D; [redacted] Dibble, Elizabeth L; [redacted]; NEA-LIBYADESK; NEA-DAS-DL; [redacted]; Gordon, Philip H; [redacted]
Subject: RE: Libya update from Beth Jones

Greg Hicks just provided the following update about the three Embassy buildings in Tripoli:

- All 33 COM (State) personnel in Tripoli are accounted for and currently they are all at the Residential Compound.
- [redacted]
- No one is currently at the Embassy itself.

I passed on U/S Kennedy's recommendation that the personnel all move together to one compound in Tripoli; Greg said that suggestion made good sense and that he would discuss with the COS as to which compound is the most secure.

Other points:

- Greg said he has closed the Embassy tomorrow, and no one will travel from the residential compound into town except, as necessary, for him, the RSO and the DATT.
- Greg and the RSO held a Town Hall meeting in the last half hour to reassure the Embassy staff; they remain calm and are responding well.
- Greg has requested police protection for the Residential Compound [redacted]; at the moment, the police are protecting the Embassy. He is checking now on what the extra protection situation is with the Residential Compound [redacted] is in touch with the militias with which it works to ensure extra protection.

In Benghazi:

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- Greg is working with the COS to make sure he is aware of reports that another mob has gathered in Benghazi headed for the [redacted] compound. They will ensure extra protection there, too.

From: [redacted]
Sent: Tuesday, September 11, 2012 5:55 PM
To: [redacted]; Nuland, Victoria J; [redacted]; Burns, William J; Sherman, Wendy R; Macmanus, Joseph E (S); S_SpecialAssistants; Sullivan, Jacob J; Kennedy, Patrick F; Mills, Cheryl D
Cc: [redacted]; NEA-Staff-Assistants-DL; [redacted]; Hicks, Gregory N; Maxwell, Raymond D; [redacted] Dibble, Elizabeth L; [redacted] NEA-LIBYADESK; NEA-DAS-DL; [redacted]; Gordon, Philip H; [redacted]
Subject: RE: Libya update from Beth Jones

I just spoke again to Greg Hicks, who himself spoke again to the offices of the Libyan President and Prime Minister, asking them to provide firefighting equipment to the Benghazi compound. He said the PD shop at Embassy Tripoli has found postings on Facebook indicating that the "Tripoli Council" plans to carry out an attack on Embassy Tripoli. He said he was promised increased police protection but it had not yet materialized.

Greg said his team reports that the extremist group Ansar Al Sharia has taken credit for the attack in Benghazi. He heard reports that the February 17 Brigade is currently engaged in a running battle with Ansar Al Sharia; he asked the offices of the President and PM to pursue Ansar al Sharia.

On working to locate Ambassador Stevens, the RSO team and militia are still on compound, which is 50 acres – Greg expressed the hope that Ambassador Stevens is in hiding somewhere on the compound. The PO's residence is still on fire.

From: [redacted]
Sent: Tuesday, September 11, 2012 5:32 PM
To: Nuland, Victoria J; [redacted]; Burns, William J; Sherman, Wendy R; Macmanus, Joseph E (S); S_SpecialAssistants; Sullivan, Jacob J; Kennedy, Patrick F; Mills, Cheryl D
Cc: [redacted]; NEA-Staff-Assistants-DL; [redacted]; Hicks, Gregory N; Maxwell, Raymond D; [redacted] Dibble, Elizabeth L; [redacted] NEA-LIBYADESK; NEA-DAS-DL; [redacted]; Gordon, Philip H; [redacted]
Subject: RE: Libya update from Beth Jones

The fighting has stopped, DCM Greg Hicks just confirmed to me. He also confirmed one fatality: Sean Smith – a TDY'er from The Hague – has died. His body has been recovered. The five ARSOs are accounted for, but they're still trying to find the Ambassador. The Principal Officer's residence is still on fire with toxic smoke.

I have spoken to A/S Gordon and Liz Dibble is contacting the Charge at The Hague, [redacted], to inform them.

From: Nuland, Victoria J
Sent: Tuesday, September 11, 2012 5:25 PM
To: [redacted]; [redacted]; Burns, William J; Sherman, Wendy R; Macmanus, Joseph E (S); S_SpecialAssistants; Sullivan, Jacob J; Kennedy, Patrick F
Cc: [redacted] NEA-Staff-Assistants-DL; [redacted] Hicks, Gregory N; Maxwell, Raymond D; [redacted] Dibble, Elizabeth L
Subject: RE: Libya update from Beth Jones

We just asked NEA for hold lines for press. We are getting besieged.

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From: [redacted]
Sent: Tuesday, September 11, 2012 5:15 PM
To: [redacted]; Burns, William J; Sherman, Wendy R; Macmanus, Joseph E (S); S_SpecialAssistants; Sullivan, Jacob J; Nuland, Victoria J; Kennedy, Patrick F
Cc: [redacted]; NEA-Staff-Assistants-DL; [redacted]; Hicks, Gregory N; Maxwell, Raymond D; [redacted] Dibble, Elizabeth L
Subject: RE: Libya update from Beth Jones

+Cheryl Mills

From: [redacted]
Sent: Tuesday, September 11, 2012 5:13 PM
To: [redacted]; Burns, William J; Sherman, Wendy R; Macmanus, Joseph E (S); S_SpecialAssistants; Sullivan, Jacob J; Nuland, Victoria J; Kennedy, Patrick F
Cc: [redacted]; NEA-Staff-Assistants-DL; [redacted]; Hicks, Gregory N; Maxwell, Raymond D; [redacted] Dibble, Elizabeth L
Subject: RE: Libya update from Beth Jones

Just spoke again with Greg Hicks, who confirmed the party includes Ambassador Stevens plus three, not plus four. Hicks has been in contact twice with the Libyan President's office and twice with the Libyan PM's office; their offices assured him they are fully engaged and consider themselves personal friends of Ambassador Stevens. Hicks has been coordinating with the CoS, who has learned from the QRF about the status of the compound – currently they are clearing the compound and working to access the party.

I also urged Libyan Ambassador to the U.S. Aujali to engage on this immediately at the highest level.

From: [redacted]
Sent: Tuesday, September 11, 2012 4:49 PM
To: Burns, William J; Sherman, Wendy R; Macmanus, Joseph E (S); S_SpecialAssistants; Sullivan, Jacob J; Nuland, Victoria J
Cc: [redacted]; NEA-Staff-Assistants-DL; [redacted]; Hicks, Gregory N; Maxwell, Raymond D; [redacted] Dibble, Elizabeth L
Subject: Libya update from Beth Jones

All:

Beth Jones just spoke with DCM Tripoli Greg Hicks, who advised a Libyan militia (we now know this is the 17th Feb brigade, as requested by Emb office) is responding to the attack on the diplomatic mission in Benghazi. The QRF is in the compound, engaging the attackers, taking fire, and working its way through the compound to get to the villa, where Ambassador Stevens is in safe haven for extraction. The ARSO is also there in the compound. Greg spoke with Amb Stevens by phone 20 minutes before my call (which was about ten minutes ago. Greg will talk to the Prime Minister's Chief of Staff, and then speak with the Foreign Minister. I have spoken to Langley, who is also in touch with its QRF contacts to ask for engagement. Embassy is sending medical assistance to Benghazi to be on stand-by.

More updates to follow.

[redacted]

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EXHIBIT 11

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Jones, Beth E

From: [redacted]
Sent: Friday, September 21, 2012 7:51 AM
To: Jones, Beth E;
Cc: [redacted]
Subject: RE: Fw: [redacted]
Attachments: RE: Brigades in Benghazi

Ma'am,

Overnight, I received an e-mail from a Washington-based CNN reporter (Stacia Desheshku – a friend), claiming that gave my business card to a local CNN correspondent (Arwa Damon) and identified me as the official he met with wrt the story below. CNN would now like to speak (on the record or deep background offered) with me about the meeting, my discussion with the militia commanders, and whether I was warned that there would be an attack. I've alerted our PAO, who is reaching back to NEA press folks for guidance. Stacia gave me contact information for elise.labott@turner.com [redacted] the first person on this e-mail chain below. Of course, I'll do nothing until I've gotten clear instruction.

Again, there was no discussion of specific threats against us. [redacted] A/RSOs did not speak Arabic, and I wanted them there in case the meeting did turn to something about our security. has read some of the stories popping up now, and says and the other participants are mischaracterizing. I've attached a copy of the initial report about this meeting I sent to Amb Stevens in advance of his arrival. I worked the same substance into the Weekly Wrap-Up cable sent from Benghazi.

From: Jones, Beth E
Sent: Thursday, September 20, 2012 12:01 PM
To: [redacted]
Subject: Re: Fw: [redacted]

Got it, thanks.

From: [redacted]
Sent: Thursday, September 20, 2012 04:28 AM
To: Greg Hicks , Jones, Beth E
Subject: RE: Fw: [redacted]

Thanks, Greg. Just one clarification: If and are the same person (and it sounds like they are) he was a participant in the meeting I held with militia commanders and a few of their deputies. I did speak to him. RSO [redacted] A/RSO [redacted] and A/RSO [redacted] participated in the meeting. There was absolutely no discussion of threats against us or our facilities.

From: Greg Hicks
Sent: Thursday, September 20, 2012 10:49 AM
To: Jones, Beth E
Cc: [redacted]
Subject: Re: Fw: [redacted]

Beth: Please see 12 Tripoli 1098 paragraph 4. [redacted] remembers that a may have made a brief appearance in this meeting recounted in para 4, but did not speak to him. indicated that he may

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sometimes call himself . As you know, our reporting for the last month had shown that security in Benghazi was in flux, but we believed that it was Libyan on Libyan violence. Even the report in this cable indicated that Benghazi citizens wanted foreigners to return. Please be assured that no one told any COM personnel located in Benghazi or Tripoli that our personnel and facilities might be directly targeted. This guy is just another Monday Morning Quarterback. All the best, Greg.

On Thu, Sep 20, 2012 at 7:37 AM, Greg Hicks . wrote:
Let me check with [redacted]. We will get back to you. Greg.

On Thu, Sep 20, 2012 at 1:31 AM, Jones, Beth E <JonesAE3@state.gov> wrote:
Greg and [redacted]
I know you are heading into a frightfully busy day (again), but I need your help with the query below from S staff, who is asking on behalf of CNN. Maybe you can tell me what the facts are re this guy and any meetings and then we will sort out how best to handle with CNN. Please call me through Ops if that easier. Beth

---

From: Reines, Philippe I
Sent: Wednesday, September 19, 2012 07:19 PM
To: Jones, Beth E
Cc: Kennedy, Patrick F; Boswell, Eric J; Mills, Cheryl D
Subject: [redacted]

Hi Beth -

The below is from our CNN reporter, who says she has sources in Libya claiming to have warned us about the deteriorating security situation in Libya in the days before the attack. We don't know who us is, and don't have any more detail beyond the below. Can you please have the DCM check if anyone met with . before the attack. Or even if they know him.

Philippe

This email is UNCLASSIFIED.

From: Labott, Elise
Sent: Wednesday, September 19, 2012 6:54 PM
To: Reines, Philippe I
Subject: RE: Come Back In

Meeting was Monday - was on security/economic matters. On the Libyan side, a commander from Feb 17 was there - All I know so far on US side were "senior US officials" from embassy – trying to nail that down.

Elise Labott
CNN Foreign Affairs Reporter

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(202) 515-2881 work
[redacted] cell

@eliselabottcnn

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EXHIBIT 12

Esam Omran Al-Fetori/Reuters

A Deadly Mix in Benghazi

By DAVID D. KIRKPATRICK

December 28, 2013

A DEADLY MIX

Benghazi, Libya

A BOYISH-LOOKING AMERICAN DIPLOMAT was meeting for the first time with the Islamist leaders of eastern Libya's most formidable militias.

It was Sept. 9, 2012. Gathered on folding chairs in a banquet hall by the Mediterranean, the Libyans warned of rising threats against Americans from extremists in Benghazi. One militia leader, with a long beard and mismatched military fatigues, mentioned time in exile in Afghanistan. An American guard discreetly touched his gun.

"Since Benghazi isn't safe, it is better for you to leave now," Mohamed al-Gharabi, the leader of the Rafallah al-Sehati Brigade, later recalled telling the Americans. "I specifically told the Americans myself that we hoped that they would leave Benghazi as soon as possible."

Yet as the militiamen snacked on Twinkie-style cakes with their American guests, they also gushed about their gratitude for President Obama's support in their uprising against Col. Muammar el-Qaddafi. They emphasized that they wanted to build a partnership with the United States, especially in the form of more investment. They specifically asked for Benghazi outlets of McDonald's and KFC.

The diplomat, David McFarland, a former congressional aide who had never before met with a Libyan militia leader, left feeling agitated, according to colleagues. But the meeting did not shake his faith in the prospects for deeper involvement in Libya. Two days later, he summarized the meeting in a cable to Washington, describing a mixed message from the militia leaders.

Despite "growing problems with security," he wrote, the fighters wanted the United States to become more engaged "by 'pressuring' American businesses to invest in Benghazi."

The cable, dated Sept. 11, 2012, was sent over the name of Mr. McFarland's boss, Ambassador J. Christopher Stevens.

Later that day, Mr. Stevens was dead, killed with three other Americans in Benghazi in the most significant attack on United States property in 11 years, since Sept. 11, 2001.

The cable was a last token of months of American misunderstandings and misperceptions about Libya and especially Benghazi

THE DIPLOMATIC MISSION ON SEPT. 11, 2012

Four Americans died in attacks on a diplomatic mission and a C.I.A. compound in Benghazi.

As the attacks begin, there are seven Americans at the mission, including five armed diplomatic security officers; the information officer, Sean Smith; and

shadows of the earlier Sept. 11 attack. The United States waded deeply into post-Qaddafi Libya, hoping to build a beachhead against extremists, especially Al Qaeda. It believed it could draw a bright line between friends and enemies in Libya. But it ultimately lost its ambassador in an attack that involved both avowed opponents of the West and fighters belonging to militias that the Americans had taken for allies.

Ambassador J. Christopher Stevens. Both Mr. Smith and Ambassador Stevens die in the attack.

Months of investigation by The New York Times, centered on extensive interviews with Libyans in Benghazi who had direct knowledge of the attack there and its context, turned up no evidence that Al Qaeda or other international terrorist groups had any role in the assault. The attack was led, instead, by fighters who had benefited directly from NATO's extensive air power and logistics support during the uprising against Colonel Qaddafi. And contrary to claims by some members of Congress, it was fueled in large part by anger at an American-made video denigrating Islam.

A fuller accounting of the attacks suggests lessons for the United States that go well beyond Libya. It shows the risks of expecting American aid in a time of desperation to buy durable loyalty, and the difficulty of discerning friends from allies of convenience in a culture shaped by decades of anti-Western sentiment. Both are challenges now hanging over the American involvement in Syria's civil conflict.

The attack also suggests that, as the threats from local militants around the region have multiplied, an intensive focus on combating Al Qaeda may distract from safeguarding American interests.

A DEADLY MIX

In this case, a central figure in the attack was an eccentric, malcontent militia leader, Ahmed Abu Khattala , according to numerous Libyans present at the time. American officials briefed on the American criminal investigation into the killings call him a prime suspect. Mr. Abu Khattala declared openly and often that he placed the United States not far behind Colonel Qaddafi on his list of infidel enemies. But he had no known affiliations with terrorist groups, and he had escaped scrutiny from the 20-person C.I.A. station in Benghazi that was set up to monitor the local situation.

Mr. Abu Khattala, who denies participating in the attack, was firmly embedded in the network of Benghazi militias before and afterward. Many other Islamist leaders consider him an erratic extremist. But he was never more than a step removed from the most influential commanders who dominated Benghazi and who befriended the Americans. They were his neighbors, his fellow inmates and his comrades on the front lines in the fight against Colonel Qaddafi.

To this day, some militia leaders offer alibis for Mr. Abu Khattala. All resist quiet American pressure to turn him over to face prosecution. Last spring, one of Libya's most influential militia leaders sought to make him a kind of local judge.

Fifteen months after Mr. Stevens's death, the question of responsibility remains a searing issue in Washington, framed by two contradictory story lines.

One has it that the video, which was posted on YouTube, inspired spontaneous street protests that got out of hand. This version, based on early intelligence reports, was initially offered publicly by Susan E. Rice, who is now Mr. Obama's national security adviser.

The other, favored by Republicans, holds that Mr. Stevens died in a carefully planned assault by Al Qaeda to mark the anniversary of its strike on the United States 11 years before. Republicans have accused the Obama administration of covering up evidence of Al Qaeda's role to avoid undermining the president's claim that the group has been decimated, in part because of the raid that killed Osama bin Laden.

The investigation by The Times shows that the reality in Benghazi was different, and murkier, than either of those story lines suggests. Benghazi was not infiltrated by Al Qaeda, but nonetheless contained grave local threats to American interests. The attack does not appear to have been meticulously planned, but neither was it spontaneous or without warning signs.

Mr. Abu Khattala had become well known in Benghazi for his role in the killing of a rebel general, and then for declaring that his fellow Islamists were insufficiently committed to theocracy. He made no secret of his readiness to use violence against Western interests. One of his allies, the leader of Benghazi's most overtly anti-Western militia, Ansar al-Shariah, boasted a few months before the attack that his fighters could "flatten" the American Mission.

A DEADLY MIX

Surveillance of the American compound appears to have been underway at least 12 hours before the assault started.

The violence, though, also had spontaneous elements. Anger at the video motivated the initial attack. Dozens of people joined in, some of them provoked by the video and others responding to fast-spreading false rumors that guards inside the American compound had shot Libyan protesters. Looters and arsonists, without any sign of a plan, were the ones who ravaged the compound after the initial attack, according to more than a dozen Libyan witnesses as well as many American officials who have viewed the footage from security cameras.

The Benghazi-based C.I.A. team had briefed Mr. McFarland and Mr. Stevens as recently as the day before the attack. But the American intelligence efforts in Libya concentrated on the agendas of the biggest militia leaders and the handful of Libyans with suspected ties to Al Qaeda, several officials who received the briefings said. Like virtually all briefings over that period, the one that day made no mention of Mr. Abu Khattala , Ansar al-Shariah or the video ridiculing Islam, even though Egyptian satellite television networks popular in Benghazi were already spewing outrage against it.

THE C.I.A. ANNEX

A 20-person team from the Central Intelligence Agency is in the compound known as the Annex, about a half-mile from the mission, where the security officers Tyrone S. Woods and Glen A. Doherty are later killed.

Members of the local militia groups that the Americans called on for help proved unreliable,

More broadly, Mr. Stevens, like his bosses in Washington, believed that the United States could turn a critical mass of the fighters it helped oust Colonel Qaddafi into reliable friends. He died trying.

NEXT CHAPTER

A Rising Militia Leader

INTERVIEW OF DIPLOMATIC SECURITY AGENT #21

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, MAY 19, 2015

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

SHARON JACKSON, *Deputy Chief Counsel*
SARA BARRINEAU, *Investigator*
SHERIA CLARKE, *Counsel*
KIM BETZ, *Member Outreach Liaison and Counsel*
HEATHER SAWYER, *Minority Chief Counsel*
RONAK DESAI, *Minority Counsel*
KENDAL ROBINSON, *Minority Detailee*

FOR THE U.S. DEPARTMENT OF STATE

AUSTIN EVERS, *Senior Advisor*

Ms. Betz. It's 10 o'clock, and we'll go ahead and get started. This is a transcribed interview of Agent [redacted] -- how are you?

Mr. [redacted] I'm doing great, ma'am. Thank you.

Ms. Betz. -- 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 H.Res. 567 of the 113th Congress and H.Res. 5 of the 114th.

Would the witness please state his name for the record?

Mr. [redacted] My name is [redacted] -- I'm also known as [redacted] -- [redacted]

Ms. Betz. The committee appreciates your appearance at this interview this morning. My name is Kim Betz, with the committee's majority staff. And I'll take this opportunity to ask everybody to introduce themselves in the room, beginning with --

Mr. Westmoreland. I'm Lynn Westmoreland. I represent Georgia's Third District.

Mr. [redacted] Yes, sir.

Ms. Clarke. Sheria Clarke. I work for the majority.

Ms. Jackson. And I'm Sharon Jackson, and I work for the majority staff.

Mr. [redacted] Ma'am.

Mr. Evers. Austin Evers, State Department.

Ms. Robinson. Kendal Robinson, detailee to the minority staff.

Mr. Desai. Ronak Desai with the minority staff.

Ms. Sawyer. Heather Sawyer with the minority staff.

Ms. Barrineau. I'm Sara Barrineau with the majority staff.

Ms. Betz. Before we begin, I'd like to go over some of the ground rules and explain how the interview will proceed.

Generally, the way the questioning has proceeded previously 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 if they choose.

Questions may only be asked by a member or a designated staff member. We will rotate back and forth, 1 hour per side, until we are out of questions, and the interview will be over.

Mr. [redacted] Yes, ma'am.

Ms. Betz. 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 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 has not been an issue we encountered in the past, but I wanted to make sure that you are clear on the process.

Mr. [redacted] Yes, ma'am.

Ms. Betz. This session is set to begin as unclassified. If any

question calls for a classified answer, please let us know, and we'll reserve its answer until we move into a classified setting. Just so you know, this room is cleared for up to Secret.

Ms. Jackson. But this session --

Ms. Betz. But this session will be unclassified.

Mr. [redacted] Yes, ma'am.

Ms. Betz. You are welcome to confer with counsel at any time throughout the interview, but if something needs to be clarified, we ask that the witness make this known. If you need to discuss anything with your counsel, we will go off the record and stop the clock to provide you with this opportunity.

We'd like to take a break when it's convenient for you. 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, coffee, use of the facilities, to confer with counsel -- please just let us know, and we will go off the record and stop the clock. We want to make this process as easy and as straightforward as possible.

Mr. [redacted] Thank you, ma'am.

Ms. Betz. 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 nodding your head.

Mr. [redacted] Yes, ma'am.

Ms. Betz. I'm going to ask the reporter to please feel free to jump in in case you do respond nonverbally. Do you understand this?

Mr. [redacted] Yes, ma'am, I do.

Ms. Betz. Also, we should both try to not talk over each other -- I have a habit of doing that -- so it is easier to get a clear record.

We want you to answer our questions in the most complete and truthful manner possible, so we will take our time and repeat or clarify our questions if necessary. If you have any questions or if you do not understand any of our questions, please let us know. We will be happy to clarify or repeat our questions.

Mr. [redacted] Yes, ma'am.

Ms. Betz. And if you honestly don't know the answer to a question or do not remember, it's best not to guess. Please give us your best recollection. And if there are things you do not know or can't remember, just say so, and please inform us who, to the best of your knowledge, may be able to provide a more complete answer.

Mr. [redacted] Yes, ma'am.

Ms. Betz. You are required to answer questions from Congress truthfully. Do you understand that?

Mr. [redacted] Yes, ma'am.

Ms. Betz. This also applies to questions posed by congressional staff in an interview. Do you understand this?

Mr. [redacted] Yes, ma'am.

Ms. Betz. Witnesses that knowingly provide false testimony

could be subject to criminal prosecution for perjury or for making false statements. Do you understand this?

Mr. [redacted] Yes, ma'am, I do.

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

Mr. [redacted] Not at all, ma'am.

Ms. Betz. That is the end of my preamble.

Does the minority have anything to add?

Ms. Sawyer. We're all set. Thanks.

Ms. Betz. Good. Okay.

Ms. Jackson. I have one thing that I would like to add.

Ms. Betz. Yes?

Ms. Jackson. And that is sometimes this room gets a little stuffy. It could be the number of lawyers that are in here talking at any given time. So feel free to take your jacket off at any time, because it does get warm in here.

Mr. [redacted] Thank you, ma'am.

Ms. Betz. So the clock reads now 10:06, and we'll get started with our first hour of questions.

Mr. [redacted] Yes, ma'am.

EXAMINATION

BY MS. BETZ:

Q Why don't you start by just telling us a little bit about yourself.

A Yes, ma'am. How far back?

Q Well, what did you do prior to joining DSS?

A Prior to joining DS, I was an [redacted] police officer in [redacted]. I did that about a year and a month. Prior to that, I was a New [redacted] City police officer from 2000 to 2002. Prior to that, I was in the hotel business.

Q Oh, really.

A And before that, I was in college. And before that, [redacted].

Q Well, when did you join DSS, and what made you join?

A I joined DSS in [redacted] of 2003, ma'am.

Q Okay.

A The reason why I joined was because, when I lived in [redacted], I worked at a hotel called the [redacted], back then, on [redacted], that is in front of the U.N. One day, two gentlemen walked in. They said they had to pay for about 100 rooms. It blew my mind. Wow, 100 rooms in [redacted].

They introduced themselves as Diplomatic Security Service agents. I never heard of them. And they asked me if I had finished college, and I said, "Close to." So one of the gentlemen's name was [redacted], and he gave me his card and said, "You should fill out an SF1186," which is an OPM form, Office of Personnel Management. And I said, "Okay. Not a problem."

At that time, I was actually waiting to be called for the [redacted] Police Department. I was on the list, on the hiring list. This was 1999. And I never thought about it. One day, they called me to

do an interview, what they call a BEX panel, at the Pennsylvania Hotel. I went, took it. They said, "You did great." I never thought about it. I got called by the [redacted] Police Department, and I never gave it a second thought.

But after the September 11 attacks, I was a little burned out [redacted] and all the aftermath that I'm sure everybody here knows. My [redacted] called me, said, "Hey, why don't you come to [redacted]," and I did.

And then I got the first call from Diplomatic Security about their Basic Special Agent Course; I believe it was number 70. They called me for number 72. Then they called me for number 75. And they finally put a human resources officer, Ms. [redacted], and she said, "Hey, do you want the job or not? We don't normally call three times." And I took it.

That's how I got into DS, ma'am.

Q Where were your assignments?

A First assignment was the [redacted] field office in [redacted]. I was there for about a year and 2 months.

Q Okay.

A I did three temporary duty assignments at what we call high-threat posts: Kabul, Afghanistan; Kirkuk, Iraq; and Islamabad, Pakistan.

And I enjoyed doing that type of work, so they told me to think about going into our Mobile Security Deployment teams, which is our high-threat -- basically SWAT teams. So I curtailed my assignment from

[redacted], and I went to MSD [redacted]. And that's based out of Dunn Loring, here in Virginia.

Q Okay.

A After that, [redacted], so I had to go to a post [redacted] So I was lucky, and I got [redacted], [redacted]. I was the assistant regional security officer. I was there from 2008 to 2011.

[redacted] I chose to go to [redacted] after that. I didn't like [redacted] after coming back from all the time that I'd been gone --

Q Sure.

A -- so I requested an assignment that would get me out of [redacted], the sooner, the better. And they said, "We're opening up an embassy in Tripoli, Libya," and they said, "We need you there because of your skills." So I was assigned to Libya -- Tripoli, Libya, as the ARSO in 2012 to 2013.

And then, after I left Libya, they said, "Well, guess what? Let's send you back to the [redacted]." So I am now the special agent in charge of the regional office, what we call the resident office -- excuse me -- in [redacted].

Q So are you an ARSO, or you're the AIC?

A [redacted] kind of unique.

Q Right, yes.

A So we are considered RACs, resident agent in charge for the

resident office, that our administrative bosses are in the [redacted] field office.

Q Okay.

A But it's not an RSO spot because [redacted] a United States territory. It's not an overseas assignment.

Q Right. Okay.

So, just taking a step back, when you were talking about wanting to go to Libya, so were you recruited to go, or did you volunteer? How did you --

A Well, the way that our --

Q -- sort of, like, point to Libya?

A Well, the way that our bidding process works is, if there is a post that they need someone to, we put it on a "now" list. They call it, like, we need you now. And if you want to go, you can submit a bid for that post. If you are the best qualified candidate, then you're chosen. And that's how I was assigned to Tripoli, Libya.

Q And your assignment was not a TDY but a PCS?

A That's correct. That was the first permanent change of station posted ARSO at post.

Q And did you request the PCS position?

A Yes, I did.

Q You did, versus a TDY.

A Absolutely. Why go TDY when I can spend the whole year?

Q There you go.

What did you know about Libya before going?

A Well, I did my research, I mean, prior to getting to Libya. I always do research on the post that I choose to go to. Primarily I wanted to go there because [redacted] I love Roman history, and there's a lot of Roman ruins in Libya and all of North Africa, and Rome is about a 45-minute flight. So I figured, you know, at that time, it looked like it was going to be perfect, because anytime that I would have any leave I would go to Rome, and I had never been to Rome.

So I did my research prior to us arriving. The Embassy was in the center of town, and it was under the Qadhafi regime back in those days. I understood that the Embassy had been evacuated and that we were not going to go back to that same compound, but that was not a problem for me. It's a challenge I'm willing to take. And so that's how I ended up in Libya.

Q And that was a 1-year --

A Yes, ma'am.

Q -- assignment?

A It was a 1-year assignment, yes, ma'am.

Q Did you know anyone who had served in Tripoli before going?

A Not personally. I'd heard names, but not that I had met the individuals before.

Q So did you receive any special type of intelligence before going? Were you in contact with anybody from the Embassy before you went?

A Nothing at all, ma'am.

Q Nothing?

A All I did was contact HR about my whole movement, what was going to take place, [redacted], I could bring my orders -- the usual generalities that you take when you do a movement, but that was about it.

Q Did you receive any special equipment before you left? Did they give you a list of things to pack, what to bring, that kind of thing?

A Yes, ma'am. Because it's a high-threat post, you have to go through a high-threat training course. So, basically -- the [redacted] field office was kind of upset. They're like, well, you're going to leave early. So I ended up paneling for that position sometime in about November, December -- I'm not quite sure -- of 2011. And I was set up for the high-threat training course on or about February of 2012.

The high-threat training course at that time was about 6 weeks. And that is from our ITF. I'm sorry; there's a lot of acronyms. I forget what the exact words are, but the ITF. It's in Winches- -- well, it's not in Winchester, it's in West Virginia, but we normally stay in Winchester, Virginia. It's the Interim Training Facility. And that's where we do most of our high-threat training.

Q Okay. And was that the only training? Did you have to do FACT training or --

A Well, the FACT training that we took, I did that before I even deployed. With MSD, it's a 6-month training course, which is

basically all high-threat training. You do FACT training, survival training. MSD prepares you for any of those posts.

Q Okay.

So when did you arrive in Tripoli?

A April of 2012. I want to say April 25. It's been a while.

Q I know.

A But it was in April. And I remember because [redacted] prior to leaving for Libya, because I knew I was gone for a while [redacted].

Q And when you arrived, how many agents were in Tripoli?

A Wow.

Q If you can remember.

A On the ground, there were about two MSD teams, each one comprised of about five to six members. TDYers, about five. TDY is a temporary duty assignment, so it can range from 30 days to 60 days, depending. The RSO, [redacted]. There were about 25, 26 SF, Special Forces, from DOD.

Q SST?

A Yes. And that was about the whole contingent that I can remember of armed individuals on the ground.

Q Okay.

Mr. Westmoreland. Can --

Mr. [redacted] Yes, sir.

Ms. Betz. Uh-huh.

Mr. Westmoreland: Were there any [redacted] there?

Mr. [redacted] On the [redacted]?

Mr. Westmoreland. Uh-huh.

Mr. [redacted] But that -- I got confused. Our embassy was not attached [redacted]. There were two different compounds, sir.

Mr. Westmoreland. Okay.

Mr. [redacted]

Mr. Westmoreland. Now, did you know any of them?

Mr. [redacted] Personally? Personally, one-on-one? No. We tend to start learning about people once we start getting together in meetings and -- and we basically, "Hey, we have something going on on Thursday night," but --

Mr. Westmoreland. Uh-huh.

Mr. Evers. I just wanted to caution you about that this is an unclassified space --

Mr. [redacted] Right. I understand that.

Mr. Evers. -- and to the extent that you can provide answers, you should.

Mr. [redacted] And I'm sorry about that.

Ms. Jackson. Yes.

Ms. Betz. We can move later into a classified setting.

Mr. [redacted] Thank you. And I'm sorry about that.

Mr. Evers. If you can provide an unclassified answer --

Mr. Westmoreland. I shouldn't have asked the question.

Mr. [redacted] I'm sorry.

Mr. Evers. If you can provide an unclassified answer, you absolutely should do so.

Mr. [redacted] Well, the unclassified answer is there were about 30 to 40 individuals in that compound. I can't provide names or any other data.

Mr. Westmoreland. I gotcha.

BY MS. BETZ:

Q And so, when you arrived, you were designated as an ARSO --

A Yes, ma'am.

Q -- is that correct?

A Yes, ma'am.

Q And your supervisor was --

A [redacted], ma'am.

Q Okay.

Were there other, sort of, Western countries that you interacted with while you were there?

A Oh, yes. Our -- well, our best friends, if I can say, were -- number one was, believe it or not, the Canadians. We had a very good interaction with the Canadians. The RSO was awesome; she was really cool. They were based out of Palm City in a complex outside of Tripoli proper, actually. The British -- I'm sorry, I was going to say Brits, but, I mean, the British. Their compound was inside the city.

Those were our two main friends in regards to security, but then,

of course, we had the Dutch, the Germans, the Spaniards. And we would meet on a regular basis with all the original security officers.

Q On a regular basis. So weekly?

A Yeah. Like, maybe 2 or 3 weeks --

Q Monthly?

A -- we'd set up, like, a little meeting to talk about security.

Q Okay.

I want to shift a little bit and talk about -- so, at one point, you were designated acting RSO while you were in Tripoli. Is that correct?

A Yes, ma'am. How it works in DS is, if the senior agent leaves for whatever reason, whether it's personal, medical, official, he designates an acting RSO or an acting agent in charge. There is no set policy that says that the senior guy on the ground has to be it. It's just, hey, I'm going to designate this one individual for A or B reason. So I was designated the acting RSO when [redacted] left.

Q And that was pretty soon after you had arrived --

A Yes, ma'am.

Q -- in Tripoli. How long did you serve as acting RSO?

A Oh --

Q If you can remember.

A Maybe 2 or 3 weeks, depending on his leave. I can't remember exact dates.

Q And do you think you were chosen because of your previous training, your MSD training? Why do you think they chose you?

A Well, I was the permanent RSO on the ground, so you would -- I would think that he chose me because I was a permanent guy. I'm not going to leave in 45 days or 20 days or 15 days. He doesn't have to worry about me shipping out and then me leaving somebody else --

Q I gotcha.

A -- as acting.

Q Okay. And what were your responsibilities as acting RSO?

A Pretty much anything that falls within the RSO parameters: security, information, training, being the advisor to the Ambassador or the acting chief of mission, the DCM. Anything that's related to security falls within those parameters.

Q And was it at that point that you started interacting with the Benghazi Mission, or had you interacted with them as ARSO?

A Oh, yeah. No, we were interacting with the Benghazi Mission on a daily basis from day one.

Q Okay. But your responsibilities and your interactions, did they change when you became acting RSO?

A In the sense of being now the primary to give information, yes.

Q Did you also interact -- I think following up on Congressman Westmoreland's question, just generally, did you interact with the [redacted] more --

A Yes.

Q -- [redacted] more as acting RSO?

A When the RSO is on the ground, he normally goes with the Ambassador or the acting chief of mission or the DCM to the different briefings, which are classified.

Q Right.

A So, as he's gone, then whoever's acting has to basically represent, because you have to keep a chain of command and, as a matter of fact, of information. You can't just not have information because the head RSO is not on the ground.

Q Okay. So you were the recipient of that information?

A Yes, ma'am.

Q Did RSO [redacted] -- did you consult with him before he left? Did he provide any notes for you to help assist you in your --

A Oh, absolutely.

Q -- in your capacity?

A Yes.

Q What kind of notes did he --

A Just a debriefing, and, you know, these are the things that are of concern; these are, you know, the agents that are coming in; you know, make sure that before you take any action you discuss it with the chief of mission or the DCM; make sure that everything that we do is going up the chain, you can't just take unilateral action. Absolutely.

Q Uh-huh.

And, in your capacity as acting RSO in Tripoli, what was your

understanding of the relationship with the Benghazi Mission vis-a-vis Tripoli?

A In what regards, ma'am? I'm sorry.

Q Was it sort of an extension of Embassy Tripoli, or was it its own separate and distinct entity? For example, did the Benghazi Mission run everything up through Tripoli to D.C., or would they have their own conversations with D.C. independent of Embassy Tripoli?

A To better explain that --

Q Or what was the relationship that --

A There were two different missions.

Q -- as you understood it?

A There were two different missions, in the sense that the personnel that were set to go to the Benghazi went directly from wherever point they were coming to directly to Benghazi. They didn't stop in Tripoli to pick up weapons or anything, briefings. They went directly to Benghazi.

The Tripoli Mission was still the administrative hub because the RSO was there. Whoever was in Benghazi was just an acting RSO for that particular location. We knew it as a Benghazi office or as a Benghazi diplomatic, you know, entity in the sense that the officers there were all from the State Department.

To that point, when I got there originally, I didn't know about [redacted] that was in Benghazi, but we knew that the folks that were in our compound were all DS agents. And that was it. They were just directed there from their different locations, not from

Tripoli.

Q Okay. So it's safe to say the Benghazi Mission would make their own decisions --

A They would still --

Q -- as it relates --

A -- have to run it through the RSO --

Q In Tripoli.

A Exactly. Because they were still under the RSO's administrative duties.

Q Okay.

A They fell under the RSO.

Q Okay. But staffing decisions, would that come primarily from --

A That came from D.C., ma'am.

Q From D.C. --

A Yes, ma'am.

Q -- and not Tripoli. Okay.

What was your relationship like in Tripoli with the Libyan Government? Did you find them helpful? Reliable?

A Well, it depends.

Q As it relates to security.

A Well, it depends, I mean, because the problem that I saw in Tripoli was it depends on who was running the Defense Ministry or who was running the Interior Ministry or which tribe was in charge. We had a really good rapport with the Defense Ministry because they

were Zintanis, and they had a really good relationship with the Embassy. The Zintanis hated Qadhafi, so I guess they were our best friends, in that sense.

Q Okay.

Ms. Jackson. Was the same true in Benghazi, to your knowledge, the relationship with the government that was in Benghazi?

Mr. [redacted] Same interaction. They were very keen to our concerns in regards to, say, we needed a police officer here or a police officer there or security, based on what they could give. I mean, their biggest problem was there was no set government entity. The militias really ran their own show. So it all depended on who was in charge.

BY MS. BETZ:

Q Would you help facilitate requests on behalf of Benghazi with respect to the Libyan Government, or would they make their own requests?

A No. They would have to go through the chief of mission.

Q The chief of mission.

A Yeah.

Q Okay.

A The chief of mission was still in charge of --

Q Okay.

A -- anything that had to do with State Department entities.

Q Okay. So it would run up --

A Absolutely.

Q What kind of communication -- you said you were in daily

communication with the Benghazi Mission?

A Yes. I mean, over phone or Gmail. There was not really a set account. I mean, back then, we were trying to set up both the Embassy and maintaining this office open, so whatever we had available. I don't even think -- I don't even remember that the radios worked all the way over there, but the [redacted] did --

Q Okay.

A -- which was very important.

Q Why?

A Oh, because we used them for movements, and you can see the vehicles moving. Or you can [redacted] -- I'm just saying this --

Q No, no.

A -- and you can be seen over the screen. So the [redacted] actually worked.

Q So would Tripoli be able to track --

A Absolutely.

Q -- with this device in Benghazi?

A Yes.

Q Oh. Were there issues with the reliability? I think, at some point, were there problems with the [redacted] getting an adequate number?

A Well, the [redacted], like any other technology, are going to break down.

Q Okay.

A I mean, if you don't replace them on time or you don't get replacement pieces or batteries, they're going to break. I mean, it's not a -- how would I say it -- a full, 100 percent science.

So we did get replacements. Unfortunately, getting replacements is not as easy as getting them from D.C. to New York. It all depends on couriers, and it all depends on how fast you can get, you know, the equipment shipped.

Q Where did you primarily get the equipment from? Other posts in the area? Or --

A Sometimes. And one of our best friends was Cairo, so the folks from Cairo would come around and help us a lot.

Q When you were acting RSO, did you have the opportunity to travel to Benghazi?

A Yes, ma'am.

Q So what was your first trip, if you can remember?

A I don't know. It was in the summer, sometime in June. And I can't remember exact dates. Probably late June, early July, something like that, if I can remember. I was replacing [redacted].

Q Okay.

A He was the acting RSO at that time. And I was in Tripoli for about 3 or 4 weeks.

Mr. Evers. In Tripoli or Benghazi?

Mr. [redacted] Oh, sorry. Excuse me. Benghazi. I keep confusing.

Ms. Betz. Okay.

Mr. [redacted] Benghazi. I apologize about that.

Ms. Betz. Okay. And so you did not make a trip to Benghazi before that?

Mr. [redacted] No, ma'am.

Ms. Betz. So let me just --

[Discussion off the record.]

Mr. [redacted] Just to clarify, going to Benghazi, the RSO was already back on the ground.

Ms. Betz. Right. Yeah. Yes.

Mr. [redacted] I would not have left to go to Benghazi and left the major post unattended.

Ms. Betz. I just want to explore a document. And, for the record, I'm handing --

Ms. Jackson. You need to mark it.

Ms. Betz. Oh, I need to mark it. Sorry. We'll mark it as exhibit 1.

[[redacted] Exhibit No. 1

Was marked for identification.]

Mr. Evers. I think he gets the sticker. I get an unmarked.

Ms. Betz. Oh, that's right. Sorry.

Mr. Evers. So this one will --

Ms. Jackson. I'll take it.

Ms. Betz. And we'll just take a moment to let the witness review the document. But, for the record, it is State Department document

C05411628, produced to the House Select Committee on Benghazi.

Mr. [redacted] Yes, ma'am. I remember this document.

Ms. Betz. Okay.

Mr. [redacted] This was the operations plan I set in place for a mission to Benghazi.

Ms. Betz. Okay.

So, just for the record, this is an operations plan that was drafted by the witness for travel to Benghazi, dated June 2, 2012.

Mr. Evers. Is all that accurate?

Mr. [redacted] Yes, it is. I wrote this.

BY MS. BETZ:

Q So you are familiar with this document?

A Yes, ma'am. I'm completely familiar with this.

Q Okay. What was the purpose of drafting this memo?

A So we wanted to bring some equipment to Benghazi, and there were a couple of ways to do this. It was either ship it by boat, fly it over, or drive. So, together with the military folks, the DOD folks, and other security elements, we came up with what we thought was the best scenario, which was to drive to Benghazi and bring the equipment.

And that's what this operations plan was all about. And it basically delineated what equipment we were going to be bringing, which were FAVs, radios, satellite phones, trackers, [redacted], GPS, the weapons.

And I basically detailed in the summary the main points of the operation. I wrote this up, and I sent it up to the DS command center.

Q Did this trip occur?

A No.

Q Why not?

A So, in between making the trip and the ops plan going up the chain, there was a firefight in between Tripoli and Benghazi by militia elements and their counterparts. It had nothing to do with the U.S. Embassy.

And there was a buildup of military personnel, Libyan, halfway through Tripoli to Benghazi, at that halfway point. I cannot remember the name of the town or the city that the took place, but from Tripoli to Benghazi I believe it was about 1,100 kilometers. Somewhere, kilometer 500, I want to say, this firefight was taking place. And we thought, if that's the case, the main highway to where that firefight is taking place is less than 10 kilometers; we're not making this trip.

Q Were the firefights common?

A Oh, yeah. Absolutely. One every other 2 or 3 days.

Q Okay.

A But this was a major one.

Q A major one.

A So usually you'd have, like, three or four tribesmen taking pops at each other. But this was a major military buildup, to the point where we said, no, we're not taking this trip.

Q How did the FAVs and the equipment eventually get to Benghazi?

A Oh, yeah, well, that's the best part. So we hired

contractors that had nothing to do with the Embassy, and we had them transport the FAVs to Benghazi. The contractors know the place better than we do. They have their contacts, and we don't involve any of our personnel. So that was the best way to go.

Q So these were Libyan contractors?

A Libyan contractors, but the main boss was not Libyan. I cannot remember if he was Dutch or German. But he was the one that set it up and was able to bring those vehicles over to Benghazi.

Q Were they contractors that the Embassy typically used to --

A Whoever the contracting officer was would probably set that up. I wouldn't know, ma'am.

Q Okay. And were the shipments made pretty soon after this plan was put in motion?

A I don't recall, but while I was in Benghazi we received the FAVs.

Q Okay. So fairly soon after.

A I don't recall when he put it in effect.

Q Right.

A It could have taken them 3 or 4 days to drive up there. I don't know. But all I know is that when I was in Benghazi I received the two FAVs.

Q Okay.

While you were RSO in Tripoli, the June 6 IED attack occurred on the Benghazi Mission.

A Yes, ma'am.

Q What information did you receive about the attack? Were you in constant contact with RSO [redacted]?

A Yes. So [redacted] calls me and says, hey, we just had an IED off the wall. "Off the wall." Basically, it didn't go over the wall. It was placed on the wall. So "off the wall."

Q Okay.

A He said, there's video, there's, you know -- there was some communication. The alarm system went off, so the IDA, IDS -- I can't remember the acronym. But, basically, what happens is the guard sees what's going on, he presses a button, boom, the alarm goes off, "Get away from the walls, get away from the walls."

So they did everything by the book. They saw the vehicle, they saw a man deploy from the van -- from the -- it was a truck. He immediately pressed the alarm. Everybody pulled back. IED goes off, takes out a good 5 or 6 feet of the wall.

Q Uh-huh.

A In a circumference. Not the whole wall down, but a major hole --

Q Right.

A -- in the wall.

Q And RSO [redacted] -- as you just said, everybody did everything by --

A By the book.

Q -- the book. Were there any suggestions or changes that he made to you regarding additional security?

A Well, the local guard force on the ground, he basically alerted them, you know, said, hey, you know, we're going to double the guard; if you have one guard at post, now you're going to have two, three.

Q Uh-huh.

A The Martyrs' Brigade militia that was inside the compound providing security was alerted. They had their guys now working basically 24/7.

You know, we immediately sent out a contractor -- everything is contractors there, so -- immediately sent out a contractor to rebuild the wall as soon as possible. And we brought in elements from the militia, because basically that was the government, to provide security with police cars outside.

So he did everything that he needed to do to ensure that there was no penetration into the compound.

Q So requested additional staff --

A Yes, ma'am.

Q -- and Libyan support, as well.

At that point, did you have concerns with the Blue Mountain Group? Did you express concerns about the Blue Mountain Group?

A Yes. But there was a -- so the miscommunication came down from that. Some folks took it out of context.

So, basically, he calls me and says, hey, you know, what -- I go, what about those guards?

Where I came from, in the Dominican Republic, supervisors are all

armed. They carry shotguns, sidearms. Anyone below the rank of supervisor does not carry weapons. But, again, different post, different security elements. If you go to Panama City, they'll have a different security element. Mexico City has a different security element.

My understanding came from my experience as an ARSO in Santo Domingo. So I said, hey, where are the weapons on these guards? And they're like, they don't have weapons. I said, what? That got me a little concerned, as the acting RSO. I'm like, wait a second, there's no weapons on these guards?

The point being, I start making some inquiries, and I get the information that the Blue Mountain Group has problems with the GOL, which is the Libyan Government, in regards to their contractors. So I believe the company is British and they have British oversight, but the contractors are basically local employed staff. Well, the good news, I think -- and these are foreign nationals or basically British people doing security in their country without permission.

So they removed them from the Corinthian Hotel, which was a major hotel in Tripoli for diplomats, and the Palm City complex that housed the majority of the Western embassies. They said, we don't want them there. So another company came and took over, a Maltese company.

My information to [redacted] was, like, well, we shouldn't be using these guys if they have problems with the Libyan Government, my concern being we're the U.S. Embassy, we don't want to have issues with them. So let's find out what's going on. All of a sudden, I get an email

back saying, hey, we use them only as local guard force, they are not armed.

Q Uh-huh.

A I talk to the DCM and the chief of mission, and they're like, you know, as long as they know, the Libyans know, that these individuals are not armed and they're okay with that, we're good to go.

We don't have an issue with the contractors. We don't make contracts. My concern was the local guard force not being armed. But that was my concern as the acting RSO.

Q And just your concern --

A My concern.

Q And, just to clarify, so do you know why the major hotel stopped using the Blue Mountain Group?

A No, I do not know.

Q And, to the best of your recollection, did Benghazi get the additional local guard force and --

A Oh, yes, ma'am. I mean --

Q -- that they needed?

A -- you can have 30 local guards and you can put 20 to work as many hours as you want them, you know, within a reasonable amount of time so they can get some rest.

Q Okay.

A But whatever you have on the ground, you can double your guard. So if you're using 5 for perimeter security, you'd use 10. Basically, four eyes are better than two.

Q Right.

Was there any concern at that point in time about DS staffing in Benghazi in terms of the numbers that they had on the ground and a decrease in the number of agents that might have occurred after?

A Well, in Benghazi it was always a concern in regards to the number of agents. If you're a security officer, you feel that the more guns, the better, if I can say that. I'd rather have more in my team than in your team.

Q Uh-huh.

A So if we see two agents on the ground for that compound, we're going to say, hey, we should have at least five.

So my concern at that time was, if we need more agents, instead of D.C. sending me 10 DS agents TDYers, why don't we reroute 2 agents over there; I'll keep 8 here. You've got more bodies over there.

Q And did that happen?

A Yes, it did.

Q It did?

A Yes, ma'am.

Q So, at a point when the numbers were supposed to drop in June after the attack, additional TDYs were diverted to --

A Are we talking about Benghazi or Tripoli, ma'am?

Q Benghazi.

A In Benghazi, what we did was we supplemented with the agents coming in TDYer, and we sent two over there to cover.

Q Okay.

BY MS. JACKSON:

Q And who were those two that got sent over there?

A Ooh. They were actually there when I got there, one of them was. [redacted] was one that we diverted. And the other one, I'd like to say, was [redacted].

Q And when you joined them, what was the total number, then, in Benghazi in July of 2012?

A When I went to Benghazi, I had three agents on the ground and myself; that was four. And before I left, I got another one, and that was five.

Q And then when you left it dropped back down to four?

A It dropped down to four. And then they brought another one in maybe a week later, and then they were back up to five.

BY MS. BETZ:

Q But I want to take a step back and talk about immediately following the June 6 attack and the number of agents that were on the ground.

A Other than the two --

Q Do you recall? In Benghazi.

A Okay. On the ground when the attack took place, I would say there were probably three.

Q Okay.

A [redacted] and two other agents.

Q Okay. And did they beef up those numbers after the attack --

A Yes.

Q -- or did they stay constant?

A We diverted the TDYers from --

Q Okay.

A And, like I said, I get mixed up with the names because there were --

Q That's fine.

A -- so many coming in. But we did send additional resources to them based on the numbers of TDYers that were being assigned to Tripoli.

Q Okay.

Mr. Westmoreland. Can I?

Ms. Betz. Uh-huh.

Mr. [redacted] Yes, sir.

Mr. Westmoreland. When you said double the guards, the local guards, these are the guards that were inside the compound, correct?

Mr. [redacted] In Benghazi?

Mr. Westmoreland. Yes, in Benghazi.

Mr. [redacted] The local guard force, yes, sir.

Mr. Westmoreland. Yeah. Now, are you the one that doubled that number?

Mr. [redacted] No, sir. That was my recommendation speaking with [redacted], who was on the ground.

Mr. Westmoreland. So that was your recommendation --

Mr. [redacted] That's correct.

Mr. Westmoreland. -- but you don't know that they ever doubled it.

Mr. [redacted] I don't know what he did there when I gave him that information, but I'm sure that he must have sent out an email saying what he had done. If he reports to me that he's done the different things --

Mr. Westmoreland. So you weren't in Benghazi --

Mr. [redacted] I was not in Benghazi when the June 6 attack --

Mr. Westmoreland. Oh, okay.

Mr. [redacted] -- took place. I came afterwards.

Mr. Westmoreland. So you suggested to him to double the local guard force.

Mr. [redacted] Not verbatim. I said, "Hey, double the security. Do what you need to do."

Mr. Westmoreland. Okay. And would he have had to get permission or enter into a new contract to do that, or could he do that just based on what authority you gave him?

Mr. [redacted] No. He had full authority to do what he needed to do to secure that compound. He didn't have to ask permission from anybody.

Mr. Westmoreland. And he wouldn't have had to have negotiated any kind of contract?

Mr. [redacted] Not at all, sir.

Mr. Westmoreland. Okay.

Mr. [redacted] Not --

Mr. Westmoreland. But you don't know if he did that or not.

Mr. [redacted] I don't know what he did.

Mr. Westmoreland. Okay.

BY MS. JACKSON:

Q When you arrived in early July --

A Yes, ma'am.

Q -- how many guards were at each gate, or how many guards were on ground at the compound when you got there in either late June, early July?

A When I arrived in July, there were approximately 25 to 30 LGF.

Q Total that you could pick from.

A Total. Now, that's now my compound. I made sure that at the front gate you had five and that every gate had at least one or two. But that's me.

Q At the front gate, was that the local guard force or QRF or both?

A That was the local guard force.

What the QRF did was they would do the walk around the compound, armed, to ensure that everybody knew, hey, we got weapons in here, don't mess with this compound. And they would come and talk to the guards and say, hey, we're here.

And, at the very least, there were three Martyr Brigades individuals walking that compound on a daily basis and, at night, two, while I was there.

BY MS. BETZ:

Q So, going back to Tripoli, in your capacity as acting RSO, right after the June 6 attack was this June 8 Islamist rally that occurred in Benghazi. Does that sound familiar?

A Not that I can recall straight out.

Q Okay.

A There was a lot of different rallies. For example, the airport in Tripoli was a major one.

Q Okay.

A And we had issues at the Tripoli airport almost at the same time that we had that problem with Benghazi.

Q Okay. But a large --

A But I don't remember a large demonstration June 8, because I was not in Benghazi.

Q No, but it's not something that RSO [redacted] would have mentioned to you, expressed concerns about?

A If there was a major concern, he would have sent an email saying, hey, this is it, or he would do one of these, which are basically spot reports or reports.

Q A situation report?

A Yes.

Q Okay.

A Exactly.

Q Okay.

[[redacted] Exhibit No. 2

Was marked for identification.]

Ms. Betz. For the record, this is exhibit No. 2.

[Discussion off the record.]

Ms. Betz. And I'll give the witness a moment to read the document. But, for the record, it is State Department document C05389019, produced to the House Select Committee on Benghazi.

Mr. [redacted] Yes. Ms. [redacted] was the principal officer on the ground in Benghazi at that time.

Mr. Evers. Have you read it?

Mr. [redacted] No. I remember seeing this, but this wasn't sent to me.

Ms. Betz. Okay.

Mr. [redacted] But I remember seeing it.

BY MS. BETZ:

Q So, for the record, this is the Benghazi situation report, dated June 8, 2012, sent from [redacted] to a number of individuals, of which the witness is not listed. But --

A Yes.

Q -- in your capacity as RSO in Tripoli, would you have received the Benghazi situation reports?

A I would have -- yes. We would have read all of this, exactly. But, at that time, pretty much when she cc'd everybody, she might not have been aware of, well, hey, you know, [redacted] is the acting RSO. Because she's the principal officer in Benghazi, she's writing everybody that she's aware of, being [redacted]. And he would

have -- we would have discussed this.

Q So he would have forwarded this to you --

A Yes.

Q -- or something --

A And I remember seeing this, but it's not something that I received myself, personally.

Q Okay. But you did see a document --

A Yes.

Q -- similar to this.

A Yes.

And, in regards to these rallies, these rallies were not an everyday occurrence. So that was what was a major, you know, point of concern for her. It's not like it would happen on a Monday, it's going to happen on a Tuesday. They would say, hey, we're going to do a rally on whatever day a week from now, and they'd do the rally.

Q Okay.

So, for the record, we're going to focus on the first paragraph that is identified as "Islamists Rally in Downtown Benghazi."

And so were you -- refreshing your memory, were you aware of this rally that took place?

A Yes.

Q Did RSO [redacted] express concerns to you about the rally?

A In regards to the rally? No.

Q No.

A No.

Q They didn't feel -- the mission didn't feel threatened or wasn't concerned by the number of Islamists?

A Not that I recall. No.

Q Okay.

Ms. Jackson. The fact that this was an Islamist rally, did that pose any other concerns indirectly, as opposed to a direct concern as to the security of the compound?

Mr. [redacted] For us, in regards to the security, if we receive a credible threat and they are saying, hey, you know, down with America, you know, up with whoever, and we get that information, yes, it becomes a major -- like, a tripwire kind of thing, like, you know, hey, pay close attention because we're getting direct threats against American interests. But there was no direct threats against American interests based on them doing a rally.

And, again, their major thing in Benghazi and these areas is that every militia, every group has their own agenda. So them gathering around like this is obviously a security concern but not a security concern that we're taking that they're going to go against us as Americans or our compound.

BY MS. BETZ:

Q Well, let me just clarify. To that point, would your thoughts have changed in light of the June 6 attack on the U.S. --

A Oh, no, yes.

Q -- Mission in Benghazi? So you have a June 6 attack --

A We were already at a high --

Q -- and the June 8 --

A We were already at a high threshold --

Q Okay.

A -- in regards to security, because we already had an IED go off on our wall.

Q Okay.

A Absolutely. We didn't need this rally to get us already ramped up that we needed, you know, additional personnel or we needed additional guards.

Mr. Westmoreland. So it didn't really raise that much of a red flag that al-Sharia was one of the groups at the protest along with the 17th Martyr Brigade, which was the QRF, right?

Mr. [redacted] Right. I mean, again, we didn't have an issue with the Martyrs' Brigade, because they were actually helping us secure our compound. There was not an issue in regards to them helping us.

So this, what we saw here, what they saw here, there was no report that came back and said, hey, we feel that we've got to get rid of the guards or the security inside because of this. We didn't receive a report --

Mr. Westmoreland. Even though they were rallying with al-Sharia?

Mr. [redacted] And here's the other thing about this. We are getting a report here. Who is bringing the report? I don't know, sir, and I wasn't in Benghazi at that time. But you're going to get different reports from different sources at different times. It's

very hard to say, okay, this is accurate, this is not accurate, who's doing it, what's not doing it, because we don't really have folks in there among these rallies. So it's very hard for us to say, okay, yeah, we know that they're in there.

So she's writing the report based on the information that she's gathering. I don't believe in my -- I mean, I never saw -- I never went in Tripoli or Benghazi to a rally to see something like this.

BY MS. BETZ:

Q Would you have -- would one have confirmed the source --

A If we had a surveillance -- if we had a surveillance detection team, yes.

Q Okay. But those were, I guess, to the best of your knowledge, unconfirmed --

A Reports that were -- yes.

Q -- reports --

A Reports that were coming in.

Mr. Westmoreland. But having an Al Qaeda flag and the Islamic flag, I mean, that --

Mr. [redacted] In hindsight, sir, now, maybe. But, back then, we're talking about June of 2012, it was all depending on how things were on the ground. And the only thing she's giving us is a report. And we don't really have any eyes or ears in those rallies.

Mr. Westmoreland. But do you think Ms. [redacted] when she said that Mission Benghazi local staff and post contacts at the scene reported seeing the pro-Al Qaeda and black and white flags associated with

Islamic militias, did you have any reason to believe that Ms. [redacted] would be reporting this if she didn't have good evidence of it?

Mr. [redacted] I couldn't say about that, sir. I --

Mr. Westmoreland. But you didn't really believe it, did you?

Mr. [redacted] No, no. It's not that I wouldn't believe it. I really don't know who the individuals were from the mission --

Mr. Westmoreland. Right.

Mr. [redacted] -- or who exactly is -- I mean, she's only giving us a report based on what she's being told. Just like if one of my contacts calls me and says, hey, I saw this happening at 2 o'clock in the afternoon in the square, in the Libyan square, I'm going to report that based on my contact giving me that information. That's how we gather information.

But, from our sense, our own officers on the ground to see it, to verify it, I couldn't talk about that because I wasn't there.

Mr. Westmoreland. Okay.

[Discussion off the record.]

Mr. [redacted] And we do have emergency action committees that are gathered that are brought in together by the chief of mission to discuss all these reports. So the minute that there is an issue of security, we gather all the senior staff from the Embassy to discuss what's going on on the ground.

But, in regards to this, I couldn't say for certain what she's writing about, who wrote it.

Mr. Westmoreland. Okay.

Mr. [redacted] Sorry, sir.

BY MS. JACKSON:

Q You mentioned something about some sort of the surveillance team. Could you tell us what that is again?

A Well, surveillance detection teams are basically locally employed staff that we hire. We actually hire them directly from either the guard force or bodyguards that work outside of the compound in an undercover capacity to detect hostile surveillance against personnel or the annexes or the compound itself.

Q Were there any such teams in Benghazi?

A We just didn't have the personnel at that time to set up a surveillance detection team. It wasn't our primary focus at that particular time.

Q And what do you mean you didn't have the personnel? You didn't have the DS personnel?

A No. We will not use DS personnel for that. We use locally employed staff, because our personnel doesn't speak the language nor knows the culture outside of the compound walls.

Q I guess I'm just -- I want to explore why that couldn't be in place in Benghazi. I mean, did you need people to supervise the team, take their information, collate it? Or what does it take, from DS's perspective, to have such a team?

A Priorities. Number one, you have to have the local guard force fully stood up. So if you need -- and I'm just throwing out a number -- 150 local guard force officers stood up, I can't stand up

a [redacted] team of 10 when I need to hire 150 for local guard force. Then you have the Ambassador's protective detail.

So you have to prioritize what you can in regards to getting what team available. This embassy was just opening. We were constantly hiring. We've still got to vet the individuals that are coming in to work for us. We have to run them through the system; we've got to find how who they were. We don't want to hire a militant or an insider to do something. So it takes a process, and it's not easy.

Then they got to pass exams. They got to pass English tests. You can't have supervisors that can't communicate with the RSO or other security or the chief of mission.

So, based on that whole hiring process and vetting process, we just didn't have the bodies at the time to set up a surveillance detection team.

BY MS. BETZ:

Q Going back to something that you just mentioned, you mentioned EACs that may result from a series of situations --

A Yes, ma'am.

Q -- such as an IED. Did an EAC occur around this time?

A I believe so. I just don't have a full recollection of when and at what time they had set it up. But it would have been set up.

Q Would that have been something that you would have participated in?

A Absolutely, as the acting RSO, yes.

Q Okay.

Just to refresh your memory --

[[redacted] Exhibit No. 3

Was marked for identification.]

Ms. Betz. So I'm handing the witness what will now be exhibit No. 3. And, for the record, this is State Department document C05391161, produced to the House Select Committee on Benghazi.

And I'll give the witness a moment to review it.

Mr. [redacted] Yes, ma'am.

BY MS. BETZ:

Q So are you familiar with this document?

A Yes, ma'am, I am.

Q So was an EAC held on or around June 11?

A Yes. This --

Q -- 2012?

A -- email was prior to the EAC meeting, because the IP desk officer, the International Programs officer, who had the Libya portfolio, sent this to us. And, yes, this would have been brought up in the EAC committee meeting.

Q Were you familiar with the tripwires that were --

A Yes.

Q -- discussed?

A The tripwires are basically -- some of these, not exactly these -- these are recommendations. And they have to be put together by the EAC committee, and the DCM or the chief of mission has to approve that tripwire. And it gets sent up the chain to State through cable.

This was a suggestion, or these are the tripwires that we are considering based on whatever cable this came from originally, to go over these and decide, hey, are we at this point now, based on this event or events taking place.

Q Okay. So some of these tripwires were discussed in that EAC. Do you remember which ones? Do any of these --

A I would have to see the cable, ma'am. I'm sorry.

Q Okay.

A I can't recall exactly, but I am more than sure that we discussed several of these tripwires, including these events and the IED on the wall.

Q Do you remember or have any recollection of the outcome of that EAC, what next steps were discussed?

A Basically, at one point, I wrote a cable requesting personnel and equipment based on all of this information. I would have to see that cable to recollect exactly what I requested. And it went through the chain, whether the RSO or the chief of mission, up to D.C.

Q Okay.

A But, yes, we requested additional personnel, equipment. Our security posture was already on high alert based on this. This would have all come out of the EAC.

Q Okay. Do you remember what specific staffing recommendations you would have made?

A So, at this time, the SF folks were all leaving. Basically, they were like, hey, we got other mission priorities. They were

looking at this more like, okay, this is militia-on-militia infighting going on, everybody's jockeying for power, not exactly looking to do anything particularly to our embassy or our personnel.

They're jockeying for power, want to know who has more -- in Benghazi, the whole point was oil. So they are the ones that have probably, like, 60 percent of the oil in Libya. So there are some people screaming for independence. They wanted to divide the country into three different regions. I mean, this was ongoing.

I wrote a cable based on what I felt was personnel to make sure that we had security on the ground both in Tripoli and Benghazi, whether it was MSD teams, SF folks, weapons, equipment. We felt that since the Embassy was not letting go of TDYers and SF personnel and the MSD teams and this was going on, it's not going to be something that we want to -- we want to draw down. We want to build up security.

Q Okay.

BY MS. JACKSON:

Q And by "SF teams," you mean Special Forces?

A Right. The team that was in Tripoli was an SF team that was there for training.

Q Also known as an SST?

A Yes, ma'am. I'm sorry.

Q No. You're fine.

A There are a lot of acronyms. Yes, ma'am.

Q Just want to make sure we're all talking about the same thing.

A Absolutely. Yes.

Ms. Betz. Can we go off the record for 1 second?

Ms. Jackson. Sure.

[Discussion off the record.]

Ms. Betz. We'll go back on the record.

So I'm showing the witness what will be exhibit No. 4.

[[redacted] Exhibit No. 4

Was marked for identification.]

Ms. Betz. And this is an email that [redacted] sent to you regarding staffing following the EAC in June regarding Benghazi.

Mr. Evers. Is there a reason that we're skipping the cable?

Ms. Betz. I'm going to come back to the cable.

Mr. Evers. Okay.

Ms. Betz. So --

Mr. [redacted] Yes, I remember this email, ma'am.

Ms. Betz. So this is an email that is sent from [redacted], who is the desk officer in D.C., to [redacted], and the witness is copied on the email. And it's in regards to staffing in Benghazi.

BY MS. BETZ:

Q So you're familiar with this email?

A Yes, ma'am, I am.

Q And was this email with staffing recommendations the product of the EAC, or a result of the EAC?

A Okay. Just to explain, this EAC here is a Benghazi EAC with the principal officer and the RSO --

Q Okay.

A -- on the ground and whoever the agents were on the ground at that time. This is not the Tripoli EAC.

Q So there were two separate EACs?

A Absolutely.

Q Okay.

A Whatever happens at whatever post, whoever the principal officer is and the RSO on the ground have to have their own EAC.

Q So you would not have participated --

A Not in this one.

Q -- in the Benghazi --

A No.

Q Were you made aware of --

A I was made aware by the email that, hey, this EAC took place and this is what RSO [redacted] is recommending for Post Benghazi.

Q Okay.

A It has nothing to do with Tripoli.

Q Okay. Okay. Would you have concurred in his staffing recommendations?

A In his assessment?

Q In his assessment.

A Absolutely, yes.

Q Okay.

A Definitely.

Q And was this recommendation approved by D.C., do you know?

A I don't know about that, ma'am. All I know is that we were also pushing for at least five agents in Benghazi based on staffing patterns. But that's why we were trying to reroute agents from Tripoli coming TDY to Benghazi to try to maintain that status, at least five agents on the ground.

Q So this would have been the understanding regarding staffing necessity for both --

A If we had the bodies, yes, ma'am.

Q Okay.

Ms. Betz. We're close to the end of the hour, so I'll go ahead and stop. We're off the record.

[Recess.]

Ms. Betz. So we'll go back on the record. The time is now 11:20, and by agreement between the majority and the minority, the minority will continue --

Ms. Jackson. Majority.

Ms. Betz. Majority -- I'm sorry -- the majority will continue to interview the witness for another hour. We have got to get these things straight.

BY MS. BETZ:

Q Agent [redacted] correct? I want to say it right.

A Yes, ma'am.

Q When we broke, we were talking about specific incidents in Benghazi during your time as acting RSO in Tripoli?

A Yes, ma'am.

Q And we had identified the June 6 IED attack on the facility, the Islamist rally. Were there other attacks against Westerners that you were aware of or made aware of in that timeframe?

A There were. I just can't remember specifically. There was a diary that we kept specifying every attack that was major or had any impact or anything to do with security on the ground. I don't have access to that diary, but it would show by date any attacks during that month or during that timeframe.

Q And is that a diary that you, yourself, kept, started, or

was that a diary that was kept by all the RSOs?

A It was started by RSO [redacted], who instructed me to keep up with it, who I told to keep up with RSO [redacted]. And, as far as I'm concerned, during the whole time I was there, we kept it up, including up to the attack on Mission Benghazi on September 11.

Q And just probing a little bit more, the diary, was it more like an incident tracker? Or was this something where notes were kept regarding specific incidents, like a true diary, or more like a list?

A Okay. So to give you a background, so it could be understood about this diary, every embassy or every traditional post or embassy setup has a system by which the RSO maintains a record of incidents that will involve security, whether if there was a threat against personnel or annexes or even housing. I don't recall the name of the report off the top of my head, but it's in the system. It's in the computer system for the RSO. It's under the RSO Web link. You go in there. You put the date, name of the post, and you give a summary briefing of what happened. We didn't have access to that for Tripoli. Remember, we were setting up the system. So we kept a diary in the computer system, which basically on whatever date it would happen, if there was a major incident, we would say, okay, this major incident took place at 0900 hours on the 12th of whatever date and give a brief summary.

Q Was that a list that would have also been maintained in Benghazi?

A No, not that I'm aware of because even while I was in

Benghazi, what I did was it was in my domain or I would email it to myself, and I would keep the record myself. So whatever happened in Benghazi, we would write it into that diary, so it didn't really matter that it happened in Benghazi or anywhere else. It was going to go into that diary.

Q It was recorded in Tripoli?

A That is correct.

Q So would this diary have included the attack against the U.K. Ambassador's Envoy?

A Yes, ma'am.

Q Is that something that ROS [redacted] would have made you aware of, or would somebody else have independently talked to you?

A We would have probably received that information not only from RSO [redacted], but if it was the Brits, the Brits could have called the Embassy and said: Hey, we just had an attack on our principal.

Q Were there other incidents that occurred during that timeframe that you were aware of? Were there any threats against the Ambassador that you were aware of?

A Which timeframe?

Q In your capacity as acting RSO in Tripoli before you went to Benghazi.

A Are we talking about the threats against the Ambassador in Tripoli, or anything that we were hearing from in Benghazi?

Q Either/or.

A If there was, it would be in that diary.

Q In that diary as well?

A Yes, ma'am.

Q Okay. During your time in Tripoli as acting RSO, were you aware of the Department's weapons reductions program? Is that something that you would be familiar with?

A No, ma'am.

Q MANPADS program?

A Okay. Now I understand what you are asking but that's something that is --

Mr. Evers. It's classified.

BY MS. BETZ:

Q But you were aware of?

A Yes, ma'am.

Q So now I'm shifting focus and talking about your time in Benghazi --

A Yes, ma'am.

Q -- as acting RSO, when did you arrive to Benghazi?

A I can't recall the exact date, ma'am, but I know that I was there for at least the July 4 celebration.

Q So around July 3 or 4?

A Yes. I'd say July 2, 3, if not late June. I know that I was there for the July 4 because we cut a cake. We celebrated Independence Day at the compound.

Q Were you recruited to go to Benghazi to serve as the acting RSO?

A Well, I volunteered.

Q You volunteered?

A Yes, ma'am.

Q Why did you volunteer, just out of curiosity?

A I felt that the senior ARSO or the RSO on the ground should be in Benghazi. It was a compound that was directly linked to Tripoli. And, therefore, we should have the senior staff there.

Q What were your responsibilities in Benghazi as acting RSO?

A Pretty much the same responsibilities as you would have as the RSO in Tripoli, which number one would be security of the compound, security of the personnel, security of the information inside the compound. At that time, there was a principal officer on the ground, [redacted] and I cannot say his last name.

Q [redacted]?

A That's him, yes, ma'am. And there was an IMO officer, [redacted]

Q You had had conversations pretty much daily with RSO [redacted] Did you have any before he left regarding serving in this capacity as the acting RSO in Benghazi?

A Well, we always debrief each other. Whenever you take over the compound, if the RSO is on the ground, which is great, or anyone that's acting, they give you a debrief. And they say: Hey, these are the points of concerning currently. I suggest this, but now you're the RSO, so you're in charge. And we have our, whether it's a 1-day brief or an hour brief, and we go from there.

Q So you did debrief with him before?

A Yes.

Q In Benghazi, before he left?

A Yes, I was there before he left. He left the next day.

Q Was there anything that he made you aware of that you were not already aware of serving in Tripoli?

A Well, it's a difference when you're on the ground and you're hearing everything from emails and phone calls. Once you're on the ground, it's a whole different picture.

Q Exactly. And that was your first time in Benghazi?

A That's correct.

Q What were your first impressions when you arrived?

A Well, my first impression was getting on the plane in Tripoli, Afriqiyah airlines. I was just praying that the plane didn't go down. Sorry. I'd never heard of Afriqiyah airlines. So my first impression was "Wow." Number one, they didn't assign seats. Then I learned that Southwest doesn't do that either.

Ms. Barrineau. So it was just like Southwest.

Mr. [redacted] Just like Southwest, yes.

I got to Benghazi, and they didn't pick me up on time, so I ended up having an hour on the ground looking at everybody and people talking to me in Arabic, and I had no idea what was going on. I was okay. I mean, I had served in Baghdad, Kabul, Islamabad. It's not new to me. You just make yourself small. And about an hour and a half later, they picked me up.

BY MS. BETZ:

Q Who picked you up?

A So it was one of the local guard force officers. I want to say [redacted] and he picked me up with another local guard -- actually, he was one of the 17 Martyr Brigade officers. Excuse me. And I believe it was [redacted] because I knew [redacted] from Israel. We actually served together. Well, he was an intern then. But I knew [redacted] from 2006. So they picked me up, and I was like, thank you. It's about time.

Q Did they have problems getting there? Did they say why they were late?

A It was the traffic. They said: You're going to see how far we are from the compound. Okay. Cool. Not a problem.

Again, my experience with Tripoli, the airport was about 2 and a half miles. So you could get back to the compound within, what, 10, 15 minutes. But Benghazi, the airport was far. I think it took us about 45 minutes to an hour to get back to the compound. So that was my first impression of Benghazi. They let me wait there for about an hour and a half, ma'am.

Q Did you bring anything with you that Benghazi needed or didn't have?

A I don't recall what I brought. What I didn't bring was weapons.

Q You did not bring?

A No, absolutely not.

Q Were you issued weapons when you arrived to Benghazi?

A Yes.

Q At the airport or at the compound?

A At the compound. The officers that picked me up, picked me up, and we basically had the same standard in Tripoli as we did in Benghazi, which is we do not leave the compound unarmed.

Q When you arrived at the compound, what were your initial impressions of the compound?

A Based on my experience?

Q Yes.

A Wow. It's not an embassy compound that I'm used to. There's no Delta barriers. There is no big walls. There is no metal hard doors. I mean, the first impression that you get based on your first view of the compound.

Q Were these all things that you were aware of in theory but were different when you were on the ground, or were these new to you?

A Well, that's what I meant. It's different for you when you get on the ground and you actually see the compound, as opposed to people telling you: Hey, we don't really have those hardline doors. That's the impression.

Q So it's not a compound or a post that was similar to other posts where you had served?

A Absolutely not.

Q Were you aware of -- let me backtrack. A lot of these physical security vulnerabilities I think were being addressed

immediately prior to your arrival or during your arrival. Is that correct?

A Yes, we were in the process of addressing the different security vulnerabilities in both compounds, both in Benghazi and Tripoli.

Q Would you elaborate on some of those vulnerabilities?

A Well, first of all, you want to secure the perimeter. You want to make sure that the walls are high, that there is a way to not allow penetration into the compound, whether you want to put barbed wire on the walls, whether you want to put cameras up there, whether the IDS -- excuse me, I remember -- system is working. Anything that you can put out, we use, we call them bollards that are put against, on the road, to try to maintain a certain offset. We're always aware of IEDs or vehicle improvised explosive devices. Anything that can mitigate perimeter penetration, we want to work on that.

Q Were most of these measures that were employed what one would consider field-expedient measures?

A We work with what we have. At that compound, the front entrance had a zigzag, so you would have these Jersey barriers. I don't know if you're aware of Jersey barriers, but they're basically these cement blocks that you would put in a way that you would slow down a vehicle from, say, he's trying to ram it at 50 miles per hour. Well, guess what? We'll zigzag those barriers in a way that you're going to have to slow down to 3 miles per hour.

We had drop arms and a metal bore in the front gate, but there

were three gates. So the main gate had a big, big metal bore, and the other two gates had barriers inside the gates, but really we didn't use them for entry or exit points unless there was some type of emergency, or we wanted to change the way we would move out.

Q And just elaborating on some of the technological equipment, were those pretty much standard as you would find in other posts, or were these, again, sort of field-expedient measures?

A We didn't have those this Tripoli, so we wouldn't have them in Benghazi. Cameras, we had, what, maybe five cameras in Benghazi. We had an IDS system that actually worked. So, on the June 6 IED, it was working. Other than that, perimeter lighting very limited. There was a fence, a chain-link fence, that surrounded part of the compound with an offset of, I would say, probably maybe 15, 20 feet from the wall.

Q What recommendations or changes did you make while, if any, during your time there?

A Well, security-wise, we had FAVs and light armored vehicles. In reality, the best way that I thought to secure the compound was to put those vehicles at the gates just to hold back, you know, the gates from opening, or anybody trying to penetrate would have to go through those vehicles first. So we put three vehicles every night at the three different gates or two gates up front. There was one in the back. We always had a fully armored vehicle ready to go with the keys to egress. And we tried to put down one right next to what we called the Ambassador villa, obviously, where the principal

officer was, so we could egress to that vehicle and get out as quickly as possible.

We had the QRF, Martyrs Brigade guys working nights. We also trained them in how to deal with attacks and attack scenarios. The local guard force, whatever had been put in place with [redacted] stayed in place, so at the very least five guards. We had one officer in the TOC 24 hours, 7 days a week. He actually slept in the TOC. Those were just some. Other than that, everything else comes up to commonsense and luck.

Q Did you make requests of D.C. to help with some of these needs in Benghazi?

A The requests always go through Tripoli to D.C., yes. And those requests were for weapons and personnel and whatever security parameters we can build on, walls, alarms, cameras. But that all was a package. We were waiting for a lot of these things to come to post.

Q Were you aware of issues that may have been going on in D.C. in terms of procuring --

A Not that I'm aware of, no, ma'am.

Q So there were no delays or issues with the procurement process as it relates to --

A As far as I'm concerned, no, ma'am. I can just make a request. I don't know what happens out in D.C. or anywhere else at that point.

Ms. Jackson. Were there any funding limitations on the types of upgrades that could be requested or additional security measures that

could be requested?

Mr. [redacted] Whatever information I got, I would have put down on an email, or they would have sent that to me. I cannot recall exactly if they say: Hey, we can't do this now, or we cannot do that now. We can only make requests. If the funding doesn't come through, it's not something that we control. Sir.

Mr. Westmoreland. Previously, had you seen any requests for security upgrades that came through Tripoli?

Mr. [redacted] Oh, yes, sir.

Mr. Westmoreland. So you had seen those?

Mr. [redacted] Yes.

Mr. Westmoreland. And you had gotten to Tripoli in April of?

Mr. [redacted] 2012, sir.

Mr. Westmoreland. And this was July of 2012?

Mr. [redacted] Yes, sir.

Mr. Westmoreland. So, by the time you got to Benghazi, had any of these security upgrades been accomplished?

Mr. [redacted] That I can recall exactly what was upgraded, no. Maybe adding a camera, maybe adding barbed wire to the walls, but I cannot recall because I was not in Benghazi before July.

Mr. Westmoreland. Right. But when you got to Benghazi, did you notice that any of those security things that had been requested had been done?

Mr. [redacted] I can't say that I saw that.

Mr. Westmoreland. Did you see the video of the June 6 attack?

Mr. [redacted] Yes, I did.

Mr. Westmoreland. Did you think that camera was positioned in the correct position? I mean, the quality of the --

Mr. [redacted] I could clearly see the attack. So, to me, that shows me that the camera was positioned in a way that you saw the attack, but you didn't see the vehicle coming from whatever angle I would have wanted to see it as a security officer. But the camera was positioned in a place where we could see the attack.

Mr. Westmoreland. The other thing I wanted to ask you about was any defensive positions. I know that when you're dealing with security, you want to look at worst-case scenarios and especially with the limited number of agents actually at that facility. I'm assuming that if you're being attacked, you want to have some type of defensive positions, whether it be barricades, walls, sandbags, whatever?

Mr. [redacted] Yes, sir.

Mr. Westmoreland. What type of defensive positions did you have, if any, at the facility?

Mr. [redacted] Well, we had sandbags. We had some sandbags, not a full deployment of sandbags, in different locations. And I can't recall exactly where they were off the top of my head. But my main concern when I was there was, number one, the villa, the Ambassador's villa, because your principal officer is there. And number two is the TOC because that's where all your information is. Those two villas to me were the main complex buildings that needed to be defended. If it was up to me, I'd put T-barriers around those two compounds. And

if I could put a sniper in position, I would. And any security agent would tell you the same thing. Did we have that? No. So, whatever we had, if I had 20 sandbags, I would deploy them around the building perimeter so that I could have a firing position if anybody's coming to that front gate, give enough time for my fellow agents to egress to the vehicle and remove the principal officer. That would be the best, but I cannot answer for anyone because that's just my ideal. If we had that equipment, good to go.

It still doesn't mitigate the fact that we don't have 30 cameras instead of 4 or 5. I don't have angles. It's one entry point with an exit point. It's one long alleyway, basically, is what you had, and behind those, you have tall buildings that overlook the compound.

Ms. Betz. So just following back on Sharon's question regarding funding issues and issues in D.C., I'd like to show you an email that was forwarded to you from [redacted]. For the record, it's State Department Document C5391732. It's labeled as exhibit No. 5, and I'll give the witness a moment to read it, and it's the first email that I want to ask you some questions about.

[[redacted] Exhibit No. 5

Was marked for identification.]

Mr. [redacted] Yes, I remember this, and I remember [redacted]

BY MS BETZ:

Q So, for the record, this is an email that was forwarded, like I said, from [redacted], who was an ARSO in Benghazi, to the witness. And the subject is "Request and quote for additional security

lighting." Specifically I'd like to talk about the email or in the email the discussion on field-expedient method of making security upgrades and using the embassy procurement process.

A Okay.

Q Were you familiar with these two distinctions that were being made in D.C.?

A Absolutely. So this is not D.C., though. This is in Tripoli.

Q Oh, this is in Tripoli. Okay.

A If I may explain?

Q Yes.

A Yes. So [redacted] is a TDY agent coming out of the field office who has no idea of being an RSO. So they send you to RSO school so you learn exactly what to do in an embassy when you procure items or funding. He thinks, in my opinion, which I can see from this because I discussed this, hey, I need lighting. Absolutely. Here's lighting. Because that's how we are as agents. We want the equipment; we need the equipment. [redacted] was the facilities management officer at the Embassy in Tripoli. He's looking at it from the facilities management officer procurement process. He wants us to put the funding through a computer system to request to D.C. to get the money to the Embassy. [redacted] is doing exactly what he needs to do as an agent and requesting the security upgrades. And [redacted] is doing exactly what he's been taught, to wait for the procurement. This is what we call bureaucracy.

And you cannot work this way when you have an agent who's TDY,

who's never been through RSO school, who doesn't know what the Embassy works like and has never dealt with the headache of asking for funding and expect him to understand why [redacted] writes an email saying: We should use procurement processes instead of field expediency.

Q Would D.C. have required that you all use the procurement process, or would they have responded to this field-expedient method?

A I don't know, ma'am.

Q Did you believe or feel as though you were hindered in your ability to get the upgrades or security equipment that you needed to fully secure the mission?

A In regards to this request, the frustration is if I want lighting tomorrow and I'm not going to get it for another month because I got to do a procurement, yeah, you'd be frustrated. But then, again, this is the processes we have put in place based on policy and regulations, and we don't dictate that, ma'am.

Q And would that have been one of the issues in Benghazi in terms of better securing?

A Which is the reason why I requested to stay in Benghazi because I had experience as an ARSO in Santo Domingo. I understand what [redacted] wants, and I agree 110 percent on what [redacted] wants. And I understand what [redacted] is saying because I've been through that. Then, again, in hindsight, would I rather have you give me a petty cash of $10,000 and do my own upgrades? Absolutely. Would you give an agent $10,000 to do it? No one would. We have to do this through whatever systems are in place. The request was made. The lighting

was coming, but the funding needed to be procured from D.C.

Q Were you aware of any specific funding, line-item funding, made available specifically for Benghazi, or did everything have to go through Tripoli?

A Again, everything going through Benghazi had to go through Tripoli. Benghazi falls under the administrative, and, other than me sending a personnel over there, which has no issue, but funding requests cable, EAC, has to go through Tripoli. Tripoli is the Embassy. Benghazi is just the office.

Q Going back to your discussion on the staffing in Benghazi -- and I think you alluded to this earlier, but I want to clarify -- how many agents were on the ground when you arrived in Benghazi?

A If I recall correctly, there were three. And it would have been -- and I'm sorry, it's been a while -- but at the very least, [redacted]. I don't recall if there was a fourth one at this time, but eventually I got [redacted], who wasn't there when I arrived. And then I had another agent that came through, and I can't recall his name. All I know is he was about 6 foot 2 and would have punched me out with one punch he was so big. Really nice kid. He was a sheriff's deputy prior to being on DS, but I don't remember his name.

Q But [redacted] would have left?

A [redacted] left the next day. Right. We would have gone back down to three.

Q Were all of these agents each high-threat trained?

A High threat, I don't know. I don't know if [redacted] went through high-threat training or [redacted] did before they deployed to post. I don't know about that, ma'am.

Q All of them were at TDY?

A All the agents in Benghazi were TDYers. There was no permanent agents stationed in Libya other than myself on that particular timeframe.

Ms. Betz. Going back to your earlier discussion of the cable, the staffing cable, I'd just like to show you, this is a July 9 cable. This would be exhibit No. 6. And I'll give the witness a moment to read it.

[[redacted] Exhibit No. 6

Was marked for identification.]

Ms. Betz. And for the record, this is State Department Document C05261891 produced to the House Select Committee on Benghazi.

Mr. [redacted] Yes, I wrote this cable.

BY MS. BETZ:

Q So you're familiar with this cable?

A Absolutely.

Q You wrote this cable?

A Yes, ma'am.

Q This cable came out of Embassy Tripoli?

A Yes, ma'am.

Ms. Betz. And, for the record, it is a cable regarding request

for extension of TDY security personnel.

BY MS. BETZ:

Q What was the basis for writing this cable?

A Okay. With all the security situation on the ground going on and putting everything in place, and all the transition taking place in regards to American personnel leaving and coming in, and after discussion with the RSO and chief of mission, this was a cable suggesting at that time this is what we need to maintain operations in the best safe manner as soon as possible. We wrote this cable on July 9, prior to the Ambassador leaving for Benghazi.

At that time, MSD personnel were, when we started off with two teams; now there was less teams on the ground. Actually, I don't believe there was any MSD team on the ground. There was just TDYers and two permanent ARSOs on the ground. This is in July. I'm sorry. I'm confused on the dates. Not September. This is July 9. So, at this time, we had another ARSO on the ground that was permanent and myself and the RSO, which I believe at that time was [redacted].

Q So we wrote this in July because all these elements were leaving. MSD was leaving. The SST team was leaving, or they were going to change their mission from being in the Embassy to being outside of the Embassy so they could train the Libyan government military. So we came up with this as a suggestion, for example, in line 4, or paragraph 4, under the current arrangement, and this was the main one, 34 U.S. security personnel, the 16 SSTs, the 11 MSD, the 2 RSOs and 3 TDY RSOs, that was the number that we had there, and it was going

to drawn down to 27. And we said: Wait, we're basically losing people. We need people, specifically because security is not in the best position now.

We requested weapons permits and weapons for the local ambassador bodyguard detail, and funding for security. Yes, and this was the cable that we sent out in concurrence with the Ambassador?

Q Well, I would like to draw your attention to paragraph No. 5 and specifically the last sentence that says: 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 three security positions in Benghazi.

A Yes.

Q So my question is, so that would be a total of four --

A At the very least.

Q -- at the very least?

A In Benghazi.

Q In Benghazi. So that would be consistent with the June 14 email regarding staffing?

A Well, we wanted five.

Q Five but a minimum of four?

A A minimum of four would be great.

Q So why didn't you request five in this memo or cable?

A Again, going based on the numbers of agents that were going to Benghazi while we were averaging one, two, or three, and we never actually had five, we're suggesting: Hey, international programs, how

about you making sure that we always have three, and we're going to put a permanent RSO on the ground, and that would give us at least four if you cannot provide us with enough TDYers to do the job. That's basically why we went with that number. It was an average of the amount of agents that we had at any time at that post.

Q Was your thought also that Tripoli would be responsible for sending TDYs or somehow that Tripoli's numbers would be impacted by supplying Benghazi with TDYs?

A In regards to the numbers?

Q Uh-huh.

A Well, I was trying to separate Benghazi from Tripoli. I don't want you to spend me a TDYer to Tripoli so that I can detour him to Benghazi. Just give me my three TDYers in Benghazi, and I'll put a permanent RSO on the ground where I will continuously have four guys. If I can get two more detoured, that would be great; you're just giving me more numbers. But permanently give me this. N.

Ow, these cables are the beginning of the funding request. You got to pay for these guys and girls. So, again, we're trying to be as diplomatic as possible, but who's going to pay for it? So if IP gets this, they are going to have to come up with a budget to ensure that we are constantly having three TDYers in Benghazi in addition to the permanent RSO.

Q Which was included in the total number that you proposed?

A That is correct.

Q Vis-à-vis Tripoli.

A Correct.

Q So Tripoli's numbers would have included Benghazi?

A Absolutely.

BY MS. JACKSON:

Q And was this something that was supported by the Ambassador?

A Yes, ma'am. The cable can never leave post without the Ambassador okaying it.

Q Did the Ambassador express concerns to you regarding the need to have this much staffing in Libya, both in Tripoli and in Benghazi?

A Me personally, no.

Q To [redacted] or [redacted]?

A I would not know that, ma'am.

Q But you put it in this cable knowing that the Ambassador concurred with these recommendations?

A This cable gets drafted first, after concurrence of the RSO and the Ambassador, who are the two principal officers, or two principal officers or whatever EAC or whatever committee, him being the chief of mission, and him being the head security agent on the ground.

I look at the numbers. I come up with my ideas. I run it through them. They concur. We put it in a cable. I draft it. RSO concurs. Ambassador signs off. This was based on the numbers that we saw. I basically said, Hey, this is just minimum, ma'am. If it was up to me, we would have 200 guys on the ground, but we have to go with reality. Basically setting up an embassy, we're not going to be able to sustain

without the housing, without the proper equipment, 100 people inside that compound.

Q And what was the response from Washington after this cable went in?

A I don't know, ma'am. I didn't get a personal response. I just sent the cable out after concurrence with the RSO and the --

Q Did the bodies ever appear?

A No.

Q So the response was you didn't get what you asked for?

A I don't know, ma'am. I make a request. My request goes up. We still continue to get the TDYers. The TDYer flow never changed. We continued to get the TDYers into post and continued to send whatever TDYers we could to Benghazi.

Q But your numbers did not increase?

A But the numbers did not increase based on this cable, not that I'm aware of, no.

BY MS. BETZ:

Q And I would just draw your attention to paragraph No. 3 and specifically the second sentence: Despite field expedience, physical security upgrades to improve both the temporary Embassy villa's compound, neither compound meets OSPB standards.

Was this a concern in Benghazi as well or just solely in Tripoli, the not meeting the OSPB standards?

A Well, when I got to Benghazi, yes, it was a concern to me, and while I was in Tripoli, yes, it was a concern to me as well because

the standards for an Embassy would have never been met. The standards are 100 meters offset. You didn't have 100 meters offset anywhere. I don't think that there's even an embassy in the world that meets that, other than the new embassies. It's like being in Tel Aviv. The Embassy in Tel Aviv is right off the beach and on the roadway. There's 20 different buildings overlooking the Embassy. It doesn't meet these standards.

Q And the increase in danger pay from 25 percent to 30 percent?

A Based on all the attacks, based on all the things that were going on, and totality of the circumstances, a request was made to increase the danger pay, yes, ma'am.

Q And did you feel that that was an adequate increase. Did it reflect --

A In pay? I would request 50 percent, but there is a limit, ma'am. I request the highest.

Q But in terms of danger and the security environment?

A Based on what we follow and, again -- this is up to secret here, right?

Mr. Evers. No this transcript is unclassified.

Ms. Betz. We can talk later. We'll come back.

Ms. Jackson. Was the danger pay increase granted?

Mr. [redacted] Yes, it was, ma'am.

Ms. Jackson. So it was recognized that Libya was becoming a more dangerous place and had a corresponding increase in the danger pay?

Mr. [redacted] I can't speak for them, but I believe that I thought

it was a dangerous place, yes, ma'am.

BY MS. BETZ:

Q Okay. During your time as acting RSO in Benghazi, were there frustrations in terms of getting DS agents to Benghazi?

A Me personally, yes, I was frustrated.

Q Was D.C. frustrated? Were there other frustrations?

A We're a small agency. We don't have 5,000, 10,000 agents. It's very hard to get TDYers with everything else that's going on. It's not that they're denying us agents; it's that we have to get the bodies. We actually make fun of the body snatcher, the poor person doing that job. But you have to protect the Secretary of State. You got to protect the U.S./U.N. Ambassador. There's a lot of details going on. There's a lot of work that has to be done. There's a lot of embassies that have work to be done. We're fighting a fight getting bodies, and we have to hire the best and brightest. Right? So I understand that. I didn't feel that we were being denied. I just feel that we just didn't have the personnel for it.

Q Do you know why -- let me ask you this. Was Benghazi a priority for the desk to fill?

A Absolutely. It was considered a PSP post, which is a priority staffing post, absolutely.

Q Do you know why there may have been problems in getting staff to go to Benghazi?

A Other than shortage of personnel, no. Because a TDYer or anyone serving in Benghazi or in Tripoli, they're all volunteers. You

can't be directed to any of these posts. All of these individuals wanted to be there.

Q Was there concern expressed about diverting resources or staffing from Tripoli to Benghazi or vice versa in terms of how that might appear to D.C.?

A No. No. Whatever we requested, they were trying to get it for us, as far as I was concerned.

Ms. Betz. I would like to just show you an email of what you were just copied on just to get some clarity. And this will be exhibit No. 7.

[[redacted] Exhibit No. 7

Was marked for identification.]

Ms. Betz. For the record, this is State Department Document C05396031. And I'll give the witness a chance to familiarize himself with the document.

Mr. [redacted] Yes, ma'am, I remember this email chain.

BY MS. BETZ:

Q So this is an email regarding RSO TDY staffing for Libya, and the email is sent from the witness to and [redacted] In it I want to refer you to an email inside the email chain that is sent from [redacted] to you and [redacted] and specifically the second, or what would be I guess third paragraph: If we currently have five DS agents on the ground in Benghazi, then it becomes hard to justify keeping resources in Benghazi when we have all the TDY ARSOs working QRF and TOC due to the departure of the second

MSD team.

Do you understand what he was referring to?

A Yes. And this is coming from me. I wrote the email prior to that email, which was July 9, which is on the second page. And, basically, I'm saying I'm volunteering to stay in Benghazi. I said I don't have a problem filling in as the RSO here if the bosses agree. Obviously, I can't make that decision. These decisions have to be made by the RSO. I don't rule myself. Chain of command. And I'm writing to [redacted] as the IP desk officer and the RSO, and I'm saying I defer to [redacted] and [redacted] to make that decision. I'm telling them I'm going to be taking leave from the 14th to the 1st, but I'm willing to say here -- you know, continuity, senior RSO on the ground. His answer is not based on the fact that they're trying to take resources out, but the fact that when I leave, there's going to be five guys still on the ground in Benghazi, and the new RSO coming in needs to be debriefed. So [redacted] is saying: I want you two permanent guys to be here in Tripoli when the RSO comes in because all I have to work with is TDY agents who do not understand the full concept of embassy operations, while you both have gone through RSO school. [redacted] doesn't have all the experience, but you do. And I want you here to brief [redacted].

That's basically what he was trying to say. I volunteered to stay, but they needed me in Tripoli in order to brief the new incoming RSO, who was [redacted].

Q So there wasn't concern about numbers on the ground and the

appearance of having too many in Benghazi --

A No.

Q -- vis-à-vis Tripoli?

A No. His whole thing was: Hey, you are the senior ARSO. I want you here to brief [redacted] about what's going on, including what's going on in Benghazi. And, once you're here, we'll determine how this is going to break down.

And that's basically what his reply is to me, and that's how I understood it.

Q Okay. So there wasn't concern about resources?

A Not at this time.

Ms. Betz. We'll go off the record for one second.

[Discussion off the record.]

Ms. Betz. So we'll go back on the record.

BY MS. BETZ:

Q Just moving away from the staffing because I think we have hit that pretty hard, one of the main events while you were in Benghazi was the July 7 election?

A Yes, ma'am.

Q How did that go?

A It went great. I couldn't think of anything better. It went great.

Q So no issues, no anything that you made note of, informed Tripoli regarding security incidents, that kind of thing?

A No. Well, we were always letting Tripoli know what was

going on. You have to let the RSO know what's going on. Our biggest concern with the elections, because you're talking about several election polling sites, thousands of people -- I'm sorry, sometimes I do the agent lingo -- all the crazies come out.

Mr. Westmoreland. That's our lingo too.

Mr. [redacted] We are always concerned that these are the places of opportunity for them to create chaos and death and anything else that they want to bring upon us. So what we did was we looked at the sites that we were going to bring the principal officer to.

I took this job because I believe in what we do, and I wouldn't do the job if I didn't think we could do it. So to me is if the boss wants to go to the site and we can take him to the site, after we advance it, we take him. If we can't take him, we wont take him. And if he wants to go on his own, he can sign a form that says: Hey, I take this upon myself to do it.

That's as far as I was trained. So I personally went out to the sites. I took the advance agents. I looked at the sites. I looked at the locations. I determined how many bodies in regards to protection we needed for him, and we took him to, I believe, about seven or eight sites that whole day, and we did great. And we rolled heavy. What we call heavy is a full follow limo, advance agents. Every site had someone there to say, hey, this is safe; this is not safe. It was a good day.

BY MS. BETZ:

Q Great. Was the Ambassador supposed to travel, or was there

any intent on the Ambassador travelling to Benghazi while you were there serving as acting RSO?

A There might have been some talk specifically for that particular date because it was a, you know, it was election day, and he really liked Benghazi, but that didn't materialize.

Q Do you know why?

A I cannot recall exactly why, but I'm glad he didn't.

Q Why?

A More bodies -- if you bring in the Ambassador, now instead of me going out with -- and I don't mean to say the principal officer is not important enough -- everybody knows who the Ambassador is. Nobody really knows who [redacted] is. Now you're putting more cameras, like, "Oh, my god, the Ambassador of the United States is coming over," and now instead of utilizing 10 guys, now I got to utilize 50. To me, as the security officer, I'd rather have the Ambassador stay home.

Q Was there any concern about -- I think during that time there may have been the Facebook posting on threats to the Ambassador?

A Yes.

Q Did that play into the decision?

A It could have played into the decision in Tripoli. It didn't play into my decision in Benghazi.

Q Okay. Let me ask you this. I think you might have moved back to Tripoli. Did you go back to Tripoli from Benghazi straight?

A Yes, I left I think the 24th -- the 24th I left.

Q The maximum state of alert that was issued I think toward

the end of July, beginning of August, did that state of alert prompt either you or Tripoli to anticipate engage in any additional heightened security measures?

Mr. Evers. Do you know what she's referring to?

Mr. [redacted] No.

Ms. Betz. Okay. So that you don't have a recollection of the Libyan state of alert that was issued?

Mr. [redacted] Not that I can recall, no.

Ms. Betz. So moving back to Tripoli, I just want to talk briefly --

BY MS. JACKSON:

Q Before that, if I can just interject, did you have any VIP visitors to Benghazi while you were there, such as the Deputy Secretary of State or anyone from the White House?

A To Benghazi --

Q To Benghazi. Or were there any VIP visits to Tripoli that you were aware of?

A As far as the compound and as far as our protection detail, it didn't go beyond [redacted]. I don't remember moving anybody or come anywhere near doing a protection detail for anyone else.

Q Do you remember any VIP visitors to Tripoli while you were in Benghazi?

A No, ma'am.

BY MS. BETZ:

Q Following on Sharon's question, when you were in Tripoli,

were you interacting with any senior, or was the RSO interacting with any senior State Department officials, that you're aware of?

A Not that I'm aware of.

Q What would you say that your relationship was, now that you're back in Tripoli as an ARSO, were you in greater constant contact, if I can say that, with Benghazi given your role there previously? Did you feel like you were in, had a greater sense of what they were experiencing, being the primary contact with regard to issues?

A Yes. Obviously, once you're on the ground, you can say: Hey, let me go back and say we need this. We need that. We need personnel. It just reemphasized what we wrote in that cable in July.

Q And would the RSO, [redacted], would he refer or rely on you with regard to what you knew from your time in Benghazi, just to some of the issues that they were experiencing?

A I can brief the RSO daily and say, "Hey, this is what's going on," but I don't know what decisions the RSO takes or who he would talk to about it.

Q I'll try to move along here. So you went on leave between August 14 and September 1?

A That is correct.

Q And so you were there the night -- you were in Tripoli in the Tripoli TOC?

A I came back about September 5 or 6, if I can recall. And, yes, I was in the TOC after the attack happened.

Q Not during?

A Now, during the attack, yes. But the attack started at a certain time. I got the call. I reported to the TOC after the attack started.

Q And can you take us through what you remember of being in the TOC during the attack?

BY MS. JACKSON:

Q If we could take one step back, what were you initially told when you were told to report to the TOC? Who called you, and what did they say to the best of your recollection?

A Okay. Well, that evening I got a call from a contact saying that there were some issues going on in Cairo, in Egypt, and I relayed that message to the RSO and said there's stuff going on in Cairo. It's not like we sat down in front of the television and watching anything that's going on. You got your contacts. They call you. The individual that called me was my APD bodyguard head, the head of APD. His name is [redacted]. The gentleman goes: Hey, we're looking at the news, and there's stuff going on in Cairo, Egypt.

Q Was he a Libyan contact?

A Yeah. He was the head of the Ambassador's Protective Detail. We had been working with him for a long time. He had been working for the Embassy way before -- he probably worked for the Embassy more than 7 or 8 years.

Q So he was a locally employed staff?

A That is correct. So he gave me that call because I ran the APD, and I ran the guard force. So my instructions to my supervisors

were if you hear the minimum thing, you better call me and let me know what's going on. So he calls me. I called the RSO and said: Hey, there's stuff going on in Cairo. You may want to call the guys in Benghazi because it might end up spilling up over there. The RSO goes: Hey, good call. Go ahead and call Benghazi. So I called [redacted] about 7:30 that night.

Q When you say "spilling over," what do you mean by that?

A Again, that's law enforcement lingo. You think that if it happens here, the proximity to where we are, it's going to come over. Something like that. I mean, there's no direct knowledge. It's just like: Hey, just be aware. This is going over there, and it's close to where you guys are at because Benghazi is here; Cairo is here. The border is closer to Benghazi than it is to Tripoli.

Q Was that the only conversation that you had about Cairo?

A That's the only conversation that I had with [redacted], just letting them know that information was coming in.

Q And what was [redacted] response?

A He said that he was looking at it and that he was aware, and he would do whatever he needed to do.

Q Any inkling that something similar was going to be happening in Benghazi?

A No. He didn't give me any other detail.

Q Any other social media reporting, either at your end in Tripoli or on his end in Benghazi, that protests were planned in Libya?

A Nothing like that, no, ma'am.

Q Were you aware that in Cairo, that there had been prior planning of the protests?

A No, ma'am. The only thing I heard from Cairo was that there was a lot of commotion, and they were at the Embassy or something. And from what he told me, I said: Hey, you know what, let me tell the RSO so he could tell Benghazi. That's all the information I got on that call.

BY MS. BETZ:

Q So just going back, so after the Cairo call --

A He said, you know, he was aware of it. He was looking at the TV. I guess it was in the channels or something. I said, Okay, not a problem. I went to check on the TOC. The TOC was operational. The guards were operational. Everybody was where they were supposed to be. I went to my villa.

Q And then what happened after that? You were in your villa --

A I'm in my villa, and at 9:30 comes an RSO knocking. Benghazi is under attack. Get up. I'm ready to roll in about a minute and head right to the TOC.

Q So when he said Benghazi is under attack, is that all he said to you?

A Yeah. This is not a drill. Benghazi is under attack. He's on the phone talking with -- I don't know exactly who was talking with on the phone, but he was on the phone saying Benghazi is under attack. I assume that he's talking to one of the agents that is calling

back saying, Hey, they're rolling in.

Q So you report to the TOC?

A I report to the TOC.

Q And what happened from there?

A Commotion. Everybody is coming into the TOC. I couldn't tell you how many people were in the TOC. I couldn't tell you exactly who was in the TOC. I can tell you everybody who was anybody in that Embassy was in the TOC in 5 minutes.

Q Does anything stand out in those conversations during that time while you were in the TOC?

A So, hey, commands are coming in: Call [redacted], the Annex. Call the Annex over there. Call QRF. How do I respond? These guys are taking fire. One agent was, there were two agents on the computer systems looking at the screens, making calls to the command center. The RSO was trying to talk to the agents on the ground in Benghazi. The comms of the radios are not working. There's no comms between radios from there. The only way to communicate is via phone line or shooting a quick email, and that all depends on if the power is on.

My first thought was, if it's happening in Benghazi, it's going to happen in Tripoli. So I immediately called the guard force commander. I called the Ambassador's head bodyguard. I said: I want everybody on the grounds ASAP. Call the militia. Call the Defense Ministry. Call the Interior Ministry. I want perimeter security now, now, now.

Q Did you have a reason to believe that would happen in

Tripoli, or just this was your hunch?

A This is my hunch, and I've seen it, and so, to me, it's coming. I don't take chance.

Ms. Jackson. You said that two agents were looking at a computer. What were they watching or monitoring on a computer?

Mr. [redacted] Well, so we have this major screen, which you probably see in any command center, that has the [redacted] of any movement that's outside of the Embassy. And because we can actually see movement in Benghazi, they focused their attention on the Benghazi, reading them to see if those [redacted] were going to be up and running or what was going to go on. That's about as best as you can go to. We're not talking about live-feed satellite or anything. It's just the [redacted].

Ms. Jackson. And were those working?

Mr. [redacted] They were working, but I couldn't tell you if there was any movement in Benghazi because I was not at that screen. I was more concerned about perimeter security for the Embassy in Tripoli.

BY MS. BETZ:

Q Given that you were recently in Benghazi and had some contacts, did you make any calls to anyone in Benghazi?

A I called the QRF at the Annex.

Q You called the QRF? At what time was that about? At the Annex?

A That's correct.

Q Not at the mission?

A No. In Benghazi.

Q In Benghazi?

A The QRF in the Benghazi Annex.

Q And why did you make that call?

A Because it's Benghazi getting hit and not Tripoli.

Q No. I understand that, but why the Annex QRF?

A Because if the agent is on the ground talking to the RSO, he's not going to pick up a phone call from me. He is dealing with that issue right there. I'm calling the Annex to see if they're going to have people --

Mr. Westmoreland. Not the Annex. You're talking about the mission?

Mr. [redacted] No.

Mr. Westmoreland. You're talking about the Annex?

Mr. [redacted] The Annex.

Ms. Jackson. You were asking for additional support from the Annex to go to the mission?

Mr. [redacted] We wanted to know if they were responding and they had received the call. Right. If I may clarify, there were two annexes. There was one in Tripoli, which was next, close to us; and there was the Annex that was in Benghazi, which was about, without traffic or concern, you get in within 5 minutes. Both annexes had QRF personnel that could respond to an emergency. That Annex, I called this one in Benghazi immediately after getting to probably about 2200 hours.

Ms. Betz. I'm over my time.

Ms. Jackson. Let's just go off the record for a minute and talk about logistics for a while.

[Discussion off the record.]

Ms. Betz. We'll go back on the record.

BY MS. BETZ:

Q Where we left off we were talking about you being in the TOC during the night of the attack and specifically a phone call that you made to the Benghazi Annex. Were there any other calls that you made during that time?

A No, other than to the local guard force commander to make sure that the supervisor has guards on the ground, the APD head officer to make sure that he had bodyguards on the ground. No. That was it.

Q So in Tripoli.

A That was Tripoli.

Q Any other calls to Benghazi.

A That was it.

Q Did you have any conversations with any of the others regarding Benghazi, vis-à-vis their phone calls to Benghazi?

A No, no.

Ms. Jackson. From your time in the TOC, what did you learn of the attack?

Mr. [redacted] So the RSO is on the phone with whoever it is that he's on the phone with, and then you have the -- I can't remember his name, but he could have been an officer in the Marine Corps. I mean,

this guy was great. [redacted] He was a political officer. I mean, he took charge of the situation too. And there was a Mr. Hicks. So all three of them are on phone calls, but I don't know who they're talking to. You're getting the blowback from the conversation, and I believe that Mr. [redacted] was talking to one of the agents on the ground in addition to the RSO talking to another agent on the ground. So there were two simultaneous phone calls at the same time, and I believe Mr. Hicks was calling everybody that he could to get government support for the guys there. Those were the three most interactive conversations you could have heard going back and forth.

Ms. Betz. Do you know who [redacted] was talking to, or RSO [redacted]? Was he on the phone as well?

Mr. [redacted] He told me he was talking to [redacted]. That I recall. Then all of a sudden, about -- it was 2200 hours, I still remember 2200 hours -- someone had the great idea, which was it was a great idea, to start keeping a diary of the whole situation going back from the first time that they heard about the attack through that, you know, through that long night. And so this one person -- I can't remember his name, but he was taking notes. And it was like a lot of, "Hey, I'm talking to this guy," "I'm talking to this guy."

Mr. Westmoreland. [redacted], did anybody ever call the TOC from Benghazi?

Mr. [redacted] From Benghazi to our TOC? Yes, absolutely. We would have never known --

Mr. Westmoreland. But you wouldn't have answered that?

Mr. [redacted] I would have not answered that, sir, because I was not in the TOC. When the original attack started, I wasn't there.

Mr. Westmoreland. But after you were in the TOC, did anybody from Benghazi ever call and talk to you in the TOC?

Mr. [redacted] Personally, no.

Mr. Westmoreland. So there was not any communication from TOC to TOC. It was from --

Mr. Evers. I'm sorry. I was just being too expressive.

Ms. Jackson. Not to him but to others.

Mr. Westmoreland. But I thought he was working the TOC in Tripoli?

Mr. [redacted] No, sir, I was not working the TOC in Tripoli. There were already agents in the TOC assigned for that evening.

Mr. Westmoreland. Okay.

Mr. [redacted] All I did was check up on them, and then I went to my villa, after making my calls to Benghazi about -- excuse me, I don't want to go into military time -- 7:30 at night. After that initial call to Benghazi telling them, "Hey, there's something going on in Egypt, just be aware," which was very basic and to the point, I went to my villa. At 9:40 p.m., the RSO [redacted] comes knocking on my door and says: Get up, get up, there's an attack in Benghazi -- somewhere along those lines, not verbatim -- this is not a drill. Let's go.

That's when I responded to our TOC.

Mr. Westmoreland. And so you went to the TOC then, but you were not manning the TOC?

Mr. [redacted] That is correct, sir. No, sir.

Mr. Westmoreland. You were just in there?

Mr. [redacted] That is correct.

Mr. Westmoreland. And you were hearing these comments?

Mr. [redacted] This is all going on at the same time. There's a lot of commotion, a lot of confusion. However, during that particular first 10 minutes in the TOC, I called our local guard force commander to ensure that we have perimeter security and bring everybody in. That means if they're available, bring them in. I called the bodyguard head to bring his guys in, whoever was available, and also to make calls to the different Libyan government entities that can provide security for the compound in Tripoli.

Mr. Westmoreland. I guess where my confusion is, is who was head of the, I mean the TOC is the control kind of officer, I guess?

Mr. [redacted] Right.

Mr. Westmoreland. So there was a TOC officer in Benghazi?

Mr. [redacted] That's right.

Mr. Westmoreland. And there was an officer, I'm assuming, in Tripoli?

Mr. [redacted] That is correct, sir.

Mr. Westmoreland. But that guy was there, and do you know who he was talking to?

Mr. [redacted] Personally, no, sir.

Ms. Jackson. But [redacted] would have been in charge -- overall responsibility and in charge that night because he

was the RSO.

Mr. [redacted] He would have been the incident commander because he is the RSO, but in charge of the compound itself would be Mr. Hicks because he's the DCM. So whatever happens, the RSO as the incident commander has to coordinate with the deputy chief of mission since the Ambassador is not on the ground.

BY MS. BETZ:

Q And so your role that night was really focused on Tripoli?

A That's correct.

Q And the phone call to Benghazi Annex was the only call that you made?

A That is correct because, at the same time, I was concerned, and I wanted to know if they were responding to the attack ongoing on the compound. I also had my contacts.

Q Did you call -- and were those the only contacts you called that night?

A That was the only individual I called at that time, and he probably shut the phone and said: Hey, we're taking fire, click.

And that was the last time I called because you can't call if you're under fire.

Q Does anything else from that night stand out for you?

A Besides the whole commotion, confusion, running around, checking the walls?

Q Uh-huh.

A At some point during that evening, a decision was made to

evacuate that compound and take all personnel to the Annex compound, which is about a mile and half down the road, down the main highway.

Q Do you know who made that decision?

A No, ma'am.

Q But you were a part of making that decision?

A Whatever the RSO tells me to do, that's what I'm going to do. When he said to secure the compound, whether he tells me that or not, my first thought is going to be what is it that I can secure here that's more important. To me it was weapons, ammunition, personnel and information. So I went to the vault, and we took out all the weapons and all the ammo and threw it into a Suburban to make sure that we didn't leave anything for the bad guys.

Q When the decision was made to evacuate the Annex and come and bring everybody to Tripoli, were you a part of the --

A Evacuate the Embassy.

Q To the Annex, sorry. Were you a part of that decision?

A No.

Q So, subsequent to the attack, how long was everybody in Tripoli; the evacuees from Benghazi came to Tripoli?

A Are we talking after the attack?

Q After the attack; correct.

A Okay. After the second attack, because we got information about that, so after everything is over, we are standing by inside the Annex, and about -- I can't say don't quote me on this, but I'm going to think I didn't sleep, but I would say early hours because of the

dawn. The sun was coming out. I would say about 0700, between 0700 and 0800, the DCM, Mr. Hicks, gathers and confirms that both Sean Stevens, the IMO, and -- excuse me, both the Ambassador, Ambassador Stevens and Smith, the IMO, are confirmed dead. That's what he said, and maybe more casualties. And everybody was shell shocked right there.

Q Did he say anything else about the attack?

A He didn't go into any more details, and if he did, my mind wasn't on those details. Just on the fact that we had now two confirmed casualties.

Q Did he happen to mention anything about a protest or anything like that?

A Nothing like that, no, ma'am.

Q Did you talk to anyone in that timeframe from Benghazi? Did you happen to talk to any of the ARSOs --

A I had no comms with Benghazi.

BY MS. JACKSON:

Q At some point everyone was evacuated from Benghazi and came to Tripoli. Is that correct?

A Yes, ma'am, it is.

Q Were you part of the contingent that met them at the airport and brought them to the Annex in Tripoli?

A Yes, I was.

Q Did you have any conversation with any of the agents who were on the ground in Benghazi.

A Yes, I did.

Q Did they or anyone else who had been in Benghazi that evening relate to you what had happened?

A Yes.

Q And who related something to you?

A I spoke with [redacted], and he said that he didn't know where they came from, that he lost the Ambassador, and they were in the grounds in seconds. He was shell shocked. I don't know if what he was telling me was accurate or not because, going through one of those situations, I'm not one to determine whether he was in his right mind or not.

Q Did you talk with anyone else?

A I spoke with [redacted].

Q What did [redacted] tell you?

A He said the same thing. He said: Man, I saw them coming, and we just couldn't react.

Q Did you talk with anyone else?

A Besides [redacted] and [redacted], no.

Mr. Westmoreland. Were you in the TOC the whole time in Tripoli during the first attack and the second attack, the whole time?

Mr. [redacted] Yes, but with interim times out to make sure the local guard force was on the ground and make sure we did a whole compound check. We had to walk the perimeter. We wanted to make sure there was nobody trying to come up those walls. Then I would come back to the TOC, and I would go back out.

Mr. Westmoreland. When the team left Tripoli to go to Benghazi --

Mr. [redacted] Yes, sir.

Mr. Westmoreland. -- and they caught a plane and landed in Benghazi, then it was about an hour and a half or maybe a 2-hour delay of them being able to leave the airport in Benghazi to go to the Annex. Who was supposed to pick them up at the airport? Do you know?

Mr. [redacted] No, sir. No idea about that.

Mr. Westmoreland. But you knew who the QRF guy was at the Annex. Correct?

Mr. [redacted] Which annex, sir, at Benghazi?

Mr. Westmoreland. Yes, in Benghazi. Because you called him to make sure?

Mr. [redacted] Yes, sir, he was one of my contacts, yes, sir.

Mr. Westmoreland. Okay. But you don't know who the contact would have been to escort these guys from the airport?

Mr. [redacted] To the compound.

Mr. Westmoreland. To the compound?

Mr. [redacted] No, sir.

Mr. Westmoreland. Was there any conversation going on in there, in the TOC?

Mr. [redacted] In the Tripoli TOC?

Mr. Westmoreland. Uh-huh.

Mr. [redacted] That I'm aware of or that I remember like that, no.

Mr. Westmoreland. So there wasn't anybody calling saying, "Hey,

we can't get any cover to go"?

Mr. [redacted] I didn't hear any of that, sir.

Mr. Westmoreland. Okay.

BY MS. BETZ:

Q So, after the attack, after you met folks at the airport, they were eventually evacuated to Germany. Were you involved in that evacuation?

A Yes.

Q Did you help? And you had the conversations. So did you remain in Tripoli after they left to go to Germany?

A Yes, ma'am, I did.

Q And what sort of conversations occurred with regard to the attack after they left, if any?

A Well, none of the individuals involved in the attack remained in Tripoli.

Q Right. But, with RSO [redacted] did you have a conversation with him about the attack?

A There was a lot of conversation. I can't tell you verbatim what the conversations were, but they were not typical "Let's go out for coffee." It was just a whole: Hey, what the hell just happened?

Q Did anything stand out from those conversations?

A You know what --

Q From what he heard and what he then conveyed to you?

A He said: Hey, be ready to go back to the airport. We're going to get, you know, support coming in.

We started discussing this FAST team coming in. He said: Be aware of all these individuals. You're on the ground now.

There were no other RSOs except for the TDYers. We needed them in the TOC for security. We weren't going to leave any of the gates without armed personnel because we didn't have armed personnel. None of the guards were armed. So it was on the TDYers. So I got ready to take the convoy back to the airport to pick up the Marines.

Q And brought them back to --

A That's right. We brought them back. We went right to the Annex because the Embassy was still red zone. So, once in the Annex, we spoke with the captain, and he said: All right, I want to go and clear the compound because we got to bring these people back.

So I went with the Marines, and we cleared the Tripoli compound. There was no penetration into the compound. No one came in through the gates. Everything was just like we left it other than, of course, the burnt paper and whatever it is. There was no hostiles in the area. There was nothing. The perimeter security was being held by the Ministry of Defense, which were the Zintanis. They had big guns. They brought out an army almost. It was probably about 50, 60 guys manning the whole perimeter. So we came back with the Marines, did a whole compound check. And, once we cleared it, we decided to bring everybody back the next day.

Q Were you involved at all with the FBI. Were you a point of contact with the FBI coming in to do their investigation?

A [redacted]

[redacted], I had nothing to do with the FBI.

Ms. Betz. So we'll go off the record.

[Recess.]

Mr. Desai. Let's go back on the record. The time is approximately 1:46.

Agent [redacted] good afternoon.

Mr. [redacted] Good afternoon, sir.

Mr. Desai. Let me reintroduce myself. I'm Ronak Desai. I am one of the counsels with the Democratic staff. I am joined today by my colleagues Heather Sawyer --

Mr. [redacted] Ma'am.

Mr. Desai. -- and Kendal Robinson.

Mr. [redacted] Ma'am.

Mr. Desai. And on behalf of the entire minority, we want to thank you first for your appearance here today and also want to thank you for your service. You have a very distinguished record, and we're very grateful for your time and what you've done.

Mr. [redacted] Thank you, sir.

EXAMINATION

BY MR. DESAI:

Q Let's jump right into this. One of the things that you said in the last session that struck me was that, you know, you believe in what you do, you believe in the job, and that if you can get the job done, you'll do it. And, in those instances where you can't, you can't in the context of security. And I think you were saying this with

respect to the July 7 election when you provided security and did all this advance work and took the PO around.

And it appears as if that sentiment was consistent with what happened in the June 2012 ops trip, where there was this plan to effectively drive from Tripoli to Benghazi to drop off some equipment, and it appears that you and your team were monitoring the security situation, amending the security plan as necessary. And at some point, you guys received some very specific intelligence and there were some developments with respect to some militia fighting. And as a result, there was a call that was made that effectively resulted in the trip being cancelled. Is that right?

A That's correct.

Q So security was a primary reason for the trip being cancelled?

A Absolutely.

Q And who makes that call? Is that something that you do unilaterally, is there a group of folks?

A You can't really make unilateral decisions, especially in a setting like that, because security is not only through the RSO and, say, the Diplomatic Security staff, but also through local law enforcement, whether it's the military, whether it's the police, and also other military assets that we may have in country. So it's not just, Hey, we're going. No. You have to ensure that everyone is on the same page so that if something happens, you have enough assets on the ground to respond.

Q So the decision to cancel -- or the decision to put on the trip and the decision to cancel are collective decisions --

A That's correct.

Q -- that are based on security? And once that decision was made to cancel that trip, did you ever get any pushback? Was there anyone that disagreed with the decision, that challenged the decision, or were folks generally supportive on the ground of that ultimate call?

A That comes down to the folks on the ground deciding whether we can move or we cannot move, whether what we need or not need, it has to come from the ground.

Q So folks in Tripoli, folks even in D.C. were just supportive and agreed with your collective assessment that the trip should be cancelled?

A Pretty much on that, yes.

Q Okay. If I can refocus your attention to exhibit 6, and this is one of the documents that my colleagues in the last hour had introduced. And my colleagues in the last hour reviewed with you various paragraphs. One portion of the document that I wanted to refocus your attention was the first paragraph of exhibit 6, the very first paragraph. And if you could just take a few moments to read that first paragraph.

A Okay.

Q Great. One thing that you conveyed to us in the last session was that the way these cables are written is that there's initial drafts that are authored by someone like yourself that are in

the Embassy that are involved with security, the Ambassador then gets involved with the draft, but ultimately, the final version will not be sent out without the concurrence of the Ambassador. Is that right?

A That is correct.

Q So he has the final signoff?

A He has to have the final signoff, him or the DCM, depending on who is the Chief of Mission at that particular point in time.

Q So the DCM or the Ambassador. Very good. If you recall, with this specific cable, exhibit 6, how involved was Ambassador Stevens in its drafting?

A That, I don't recall. My direct concern with this particular document was with the RSO after conducting assessment with other security folks on the ground, but after that, I don't go beyond that. That's the RSO and the Chief of Mission.

Q And would it be fair to say that if the Ambassador has any feedback, any thoughts, wants to make any changes, that those changes will be incorporated into a draft, which will then be reflected in the final version?

A Well, again, I cannot talk about the Ambassador. If the Ambassador feels that he cannot agree with this draft, then it's not sent out.

Q Okay. So I had -- I would focus your attention to the first paragraph. And what this first paragraph says is there's requests for various things, security-related personnel for Tripoli. And the second sentence here says: Post assesses a minimum of 13 TDY U.S.

security 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.

Now, the way I read this is that you've enumerated, or the cable enumerates several things that are going to be required for security, and it's some combination thereof. So it's not necessarily saying we absolutely need X number of DS agents and X number of DOD SST, but here are the numbers generally. We want to provide you with the flexibility to provide us with some combination thereof of these security related personnel. Is that right?

A The number that we have here is just minimum requirements.

Q Yes.

A Obviously, if it was up to the RSO through me, I request 100 personnel.

Q Right.

A But we know we can't get that just based on the fact that we just don't have that personnel. So what we're looking for in this cable is officers that have experience or that have gone through a certain training. For example, DS MSD -- that's most secure deployments -- that is your top of the line DS agents that are trained an additional academy, basically, because it's 6 months. The HT is the high-threat training course, which when I went through it, like I said, was between 5, 6 weeks, if I can recall, for DS agents. The

DS SPSers, those are the security specialists that came out of places like Baghdad, Kabul, Islamabad, that used to be contractors that stayed incorporated into a DS mission specifically for the reason we don't want them to be contractors. And DOD/SST, those were those personnel that were already on the ground.

So basically saying if you give us a minimum of these individuals with this training, we can support operations.

Q Okay. So it's: If you give us these numbers with this training, we can support operations, and it can be the portion that says or a combination of these personnel --

A Absolutely.

Q We leave up to you what combination of these folks.

A As long as they are trained --

Q Right.

A -- like this, in this particular scenario, yes, we can do this operation.

Q Okay. If I can now refocus your attention to the night of the attacks themselves. And, again, this is a topic that my colleagues -- oh, please.

BY MS. SAWYER:

Q Just before we leave this, I'm just -- I know you talked a little bit about it in the last hour.

A Yes, ma'am.

Q Were you then involved in the subsequent discussions about kind of what combination and who would be sent and when they would be

sent?

A Yes, ma'am, I was.

Q Okay. And who did you have those conversations with?

A With the RSO.

Q Okay. And do you recall how it was worked out?

A Specifically, no, but our discussions would be just like: Hey, I'm your assistant. This is what I'm asking you for, you know.

My primary concern with the Embassy in Tripoli and Benghazi was having enough personnel that were trained to conduct the security operations. We needed to stand up a local guard force, which we're still working on during this time. I mean, we were still working on it when I left. The bodyguards and a sustainment of training, we just don't train you, and then put you on the side, give you a gun and go out. No. You have to sustain the training.

So, in order to do that while the Embassy was being built up, whether the walls, whether the perimeters, we needed this type of individual to be there to help us.

Q And you were working primarily with Mr. [redacted] at the time, or who --

A Well, this particular cable, Mr. [redacted] was still on the ground, yes.

Q And those efforts would have, then, continued after Mr. [redacted] went with Mr. [redacted]?

A Absolutely. It would have been taken over by the new RSO, [redacted].

Q And were those efforts amongst your staff and the folks working on it supportive and collaborative?

A Yes.

Q And did you -- did you feel that way throughout the range of folks you were working with on trying to get the appropriate staffing?

A Yeah. I mean, the -- in regards to getting all of this together, the RSO that was leaving, who had started to put this whole work together in concurrence with the new RSO, everybody was on the same page. The new RSO didn't really change any of this. He actually built on it.

Ms. Sawyer. Okay.

BY MR. DESAI:

Q So to refocus your attention to the night of the attacks -- and my colleagues got into some of this with you, and if I ask a question that you've already answered, apologies. It's just to clarify for the purposes of the record.

So the attacks began. You described the atmosphere in the TOC as there was commotion going on, folks were rushing in as this is unfolding. And I believe, and please correct me if I'm mistaken, you said in the last session that you made one phone call to personnel in Benghazi. Is that right?

A To the QRF at the Annex in Benghazi.

Q So it was one phone call to the QRF in the Annex located in Benghazi?

A That is correct.

Q Did you make any phone calls to any American personnel in Benghazi on this evening?

A Just the first call that I made to [redacted] at 7:30 that night.

Q Right. And that was before the attack had begun. Is that right?

A That's correct.

Q Okay. So there were no discussions or phone calls with anyone -- American personnel -- on the night of the attack?

A No.

Q To the extent that you can talk about that phone call you had with the members of the QRF at the Annex in Benghazi, did they ever indicate to you that they would not go to assist the mission that was currently being attacked by -- that was under attack that evening?

A No. It was a short call: Hey, hey, we're taking fire. We're getting fire.

Q And that's all they said?

A That's it. So that tells me that they were taking fire.

Q Right.

A I wasn't going to call back.

Q Fair enough.

Another thing that you indicated in the last session was that this commotion's beginning in the TOC and you then focus your attention on Tripoli's security, that your primary priority at that point becomes

ensuring that Mission Tripoli is safe, that the post there is safe and secure. Is that right?

A That's correct.

Q And one reason behind that was because your concern was you've gotten this phone call at 7:30 that same evening about possible, I think the term you used was spillover, that there could be spillover from Cairo to Libya, which is what prompted you to phone Benghazi in the evening to say, Hey, be aware of this. And now that Benghazi has, in fact, been attacked, your concern is about spillover from Benghazi to Tripoli. Is that fair?

A No. And the call was not at 7:30. I got a call about 7:15.

Q Okay.

A I called the ARSO in Benghazi at 7:30. It's not about a spillover at Tripoli. As a security officer, if I feel that one post is under attack, automatically I'm going to assume that we're all under attack. You're attacking one of my compounds, you basically have something else in mind.

So I am not in Benghazi. I am in Tripoli. I need to ensure that Tripoli is safe and secure. So my focus from those initial calls and the initial entry into the TOC then -- went back to the Tripoli compound. That's when we called the local guard force commander, the Ambassador, Protective Detail, our FSNIs, who are Foreign Service National Investigators: Hey, get everybody onboard, let's go, let's go, let's go. I mean, there is no, you know, what-ifs. It's happening.

Q Right. So that's the assumption you make, and you then

initiate -- or take a number of steps to ensure the safety of Tripoli.

Is it reasonable for Washington to take a similar perspective; that is, they're getting information from the TOC in Benghazi or the TOC in Tripoli that one attack is now taking place in Benghazi, it's reasonable for them to make the same assumption that this could also take place in Tripoli as well?

A I wouldn't know, because I don't know what D.C. is watching or what they're hearing or what they're going -- I can only attest to what's going on in Tripoli.

Q Okay.

BY MS. SAWYER:

Q So just about the call that you had made to your contact in Benghazi, you said it was a QRF at the Annex. Was that a QRF who was a member of the February 17th? Like, who are the QRF contacts that you have?

A No. The QRF's are American personnel.

Q So it was an American --

A That's correct.

Q -- person that you had called? I --

A Right.

Q -- misunderstood that based on --

A Both the QRF in Benghazi at that Annex and the QRF in Tripoli at the Annex are Americans. Our QRF inside our compound were Martyrs Brigade individuals. We are the only ones that had those inside our compound.

Q And do you recall the approximate time that you made that call to U.S. personnel who were acting as QRF?

A In Benghazi?

Q In Benghazi to the mission.

A I would say about 2200 hours.

Q And, at that point, their response was just a quick, we're taking fire?

A We are getting -- we're under fire. Shots fired. You know, it -- the -- all I heard was bullets going and the gentleman screaming. I said, good to go. He hanged up the phone. I never called back.

BY MR. DESAI:

Q I will redirect your attention again. If we can now talk about the Accountability Review Board. When was the first time you learned that Secretary Clinton had convened the Accountability Review Board in response to the attack in Benghazi?

A That is a good question. I don't have an exact date --

Q Okay.

A -- but it was some time after maybe a few days after the attack and after all the personnel had left to Frankfurt.

Q Okay.

A All the personnel that were involved or nonessential personnel left for Frankfurt.

Q Okay. And what was your understanding of the purpose of the ARB?

A Well, there was an email that came out and said: Hey, you know -- the basic email, and I don't know verbatim -- again, you know, we're going to investigate, you know, the -- what happened this evening or whatever happened that night, and come up with a conclusion, like a normal ARB. I mean, it's not the first one. That's basically what we do when we have an incident of this nature.

Q Okay. And did you speak with the ARB?

A Yes, I did.

Q And do you recall approximately when you spoke with them?

A That's a good question, too, sir. I'm sorry. I don't have exact dates.

Q No.

A But I did speak with them via VTC.

Q VTC just for the record is?

A Video teleconference. So I didn't go back to D.C. for the ARB. I did the ARB interview at post via teleconference.

Q So it was done remotely?

A I'm sorry?

Q It was done remotely?

A That is correct.

Q And do you recall who you spoke with and who was present when you did this over VTC?

A I don't recall their names. And I tell can you it was approximately about five folks, and it was something like this, five individuals sitting in front of a conference table, big glass behind

them, and right in front. That's about it. I don't remember their names. And I'm sure they introduced themselves, I'm just -- I'm sorry.

Q No problem.

Once you spoke with the ARB, did you find that the Accountability Review Board was receptive to what you had to tell them and receptive to the information that you provided them during your VTC?

A Well, I read the ARB report, but it's a report based on a lot of interviews and conclusions. I mean, there's -- I can't say: Hey, I said that, it's in there. I couldn't tell you.

Q No, no. Fair enough. And --

A But, based on their whole conclusion, it appears that they took everybody's interview and incorporated it into the report.

Q So you never felt as if they weren't receptive to what you had to say. Forget about the report generally, but even during your VTC with them, you felt --

A Well --

Q -- as if they were listening and intent?

A -- I believe that they took what maybe I said, and I saw it in the ARB. And one of the things that I said was that you needed to have experienced agents, which is basically what we requested, for posts like these, PSB or high-threat posts, which are HTP posts.

Q Okay. And you just mentioned that you read the unclassified version of the report?

A That's correct.

Q And at least for -- from what you just articulated, you felt

as if it did reflect some of the things that you --

A It's been a while since I read that report. I couldn't tell you if I remember the first sentence or the last. It's a long report, and it's been almost 2 years.

Q Sure.

A I'm sorry.

Q And the portion -- that experience that you just were talking about --

A I do recall that because that was incorporated into that report.

Q Okay. And you felt as if you were fully forthcoming with the ARB?

A Yes, I was.

Q And you didn't withhold any information from the ARB?

A None at all.

Q And did you ever withhold any information from Congress in connection with this attack in Benghazi?

A No.

Q At any point, Agent [redacted] were you ever asked or ordered not to provide information to the ARB?

A No, sir.

Q And you were never asked or ordered not to provide information to Congress at any point. Is that right?

A No, sir.

Q One of the things that my colleagues discussed with you in

the last session focused on some of the staffing issues that the mission in Benghazi was experiencing at various points during the year, and this was one of the areas that the ARB also examined and looked into. And the ARB made a number of findings that directly sought to address the staffing issue that was taking place in Benghazi and made a number of recommendations in connection with that. And, again, something that just stuck out at me from the last session, if I can redirect your attention to exhibit 7. And if I can turn your attention to page 2, and at the top of that page, it appears that there's an email being sent from yourself to [redacted] and to [redacted]. Is that right?

A That is correct, sir.

Q And if you could just, let's see, read for me what's effectively the fourth paragraph starting with, "I will advise"?

A I will advise a senior agent be sent here as acting RSO for at least 60-day TDYs to have some type of continuity and overall supervision of the security situation on the ground.

Q Wonderful. And this was, in your view, a way to address and mitigate some of the staffing issues that were taking place and to really help encourage continuity in between TDY assignments. Is that right?

A Yes, and furthermore, to have someone with experience based on that particular compound. This compound, in my opinion, and this is why I sent this email, should not have just TDYers staffing it.

Q It should be folks with more experience?

A Or in --

Q In requisite --

A Permanent RSO on the ground.

Q And the reason I just found that striking was because the ARB made a handful of recommendations in connection to staffing shortages. One of the things that it recommended was that it, you know -- well, first of all, it endorsed the Department's request for increased DS personnel for high- and critical-threat posts and for additional mobile security deployment teams as well as an increase in DS domestic staffing in support of such an action.

The other thing the ARB said is that it recommended that key policy program and security personnel should be assigned for a minimum of 1 year and a minimum of 120 days for temporary-duty assignments. And it sounds in a lot of ways that if you were -- you're on top of this, you know, several months even before the ARB came out. So, based on what the ARB has recommended here, do you think what they've enumerated would be helpful in addressing some of these staffing shortages and promoting experienced agents, having continuity there on the ground?

A For a PSB post or an HTP post, based on that, yes.

Q Okay. Are there any other recommendations that you think we should think about or we should consider with respect to staffing shortage?

A Hire another 5,000 agents.

Q Yep.

A But that's not up to me, sir.

Q Okay. I'm going to switch gears now. We've come to the end. I'm going to go over -- I'm going to ask you about a series of allegations that have been made in connection with the Benghazi attacks. And these allegations have been made publicly, and it's my understanding that the Select Committee has been looking into these allegations for quite a bit of time. And, as a result, we ask every witness that we interview about these allegations. There is a handful of them. And the way that I want to proceed is I will convey to you what the allegation is and then I'll ask you whether or not you have any information or any evidence that would support the allegation. And if you do not, we'll just move on to the next one until we finish.

A Okay, sir.

Q Great. Secretary of State Hillary Clinton ordered Secretary of Defense Leon Panetta to stand down. 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, sir.

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, sir.

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 give 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 Sorry, sir. I got thrown over the Pinocchios.

Mr. Evers. Do you want him to repeat the allegation?

Mr. [redacted] I'm sorry. I just -- I got lost in that.

BY MR. DESAI:

Q The Pinocchios are confusing, yeah.

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

A No, sir.

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, sir.

Q It has been alleged that Secretary Clinton misrepresented or fabricated intelligence on the risks posed by Colonel 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 risks posed by Colonel Qadhafi to his own people in order to garner support for military operations in

Libya in spring 2011?

A No, sir.

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 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 I don't know anything about that, sir.

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 don't have any information about that either, sir.

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 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?

A Not at all, sir.

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 Which annex are we talking about, sir, Tripoli or Benghazi Annex?

Q The Annex in Benghazi.

A Can you repeat the question now?

Q Sure. So 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, sir.

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 evidence, sir.

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 Not that I'm aware of, sir.

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, sir.

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 faithfully performed our duties 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, sir.

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

A No, sir.

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, sir.

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 President -- that the President was virtually AWOL as Commander in Chief or missing in action on the night of the attacks?

A I wasn't there with the President, sir.

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. 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 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 the House Armed Services Committee report that there was no standdown order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi?

A None, sir.

Q It has been alleged that the military failed to deploy

assets on the night of the attack that could have saved lives. However, former Republican Congressman Howard Buck McKeon, the former chairman the House Armed Services Committee, conducted a review of the attacks, after which he stated, given where the troops were, how quickly things all happened, and how quickly it dissipated, we probably couldn't have done more than we did.

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

A No, sir.

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

A Not that I'm aware of, sir.

Mr. Desai. Unless my colleagues have anything else.

Ms. Sawyer. I think we're set.

Mr. Desai. Thank you very much for your time, sir.

We can now go off the record.

[Whereupon, at 2:18 p.m., the interview was concluded.]

1 Ms. Betz. So we'll go back on the record. It is now
2 2:41, and we have reassembled in Room 302 in a classified
3 setting. As we discussed previously, this will only go up to
4 the Secret level.
5 Am I correct?
6 Mr. [redacted] Yes, ma'am.
7 Ms. Betz. Okay.
8 Mr. Evers. And if the witness believes his answer
9 requires a higher level of classified information, he'll say
10 so.
11 Ms. Betz. Thank you.
12 Ms. Jackson. Everyone in the room is cleared up to the
13 TS level.
14 Mr. [redacted] Yes, ma'am.
15 BY MS. BETZ:
16 Q Agent [redacted], I want to go back to a few questions
17 that were asked previously by our minority counterparts. And
18 one of the questions that they discussed with you was the ARB
19 and your ARB interview.
20 A Yes, ma'am.
21 Q You mentioned that it was conducted over a VTC. Is
22 that correct?
23 A That is correct.
24 Q And were you aware, did you know, was that VTC
25 secure?

A Yes, it was.

Q It was secure.

A Yes, ma'am.

Ms. Jackson. Did you discuss classified information with the ARB members that you recall?

Mr. [redacted]. Not that I recall.

Ms. Jackson. Thank you.

Ms. Betz. That was going to be my followup question.

BY MS. BETZ:

Q Shifting gears a bit -- and this is just a point of clarification for us. We had a lot of conversation on your phone call during the night of the attack to the QRF in the annex.

A That's correct, ma'am.

Q It was noted that these were American personnel. I just wanted to know for the record, were those the GRS folks?

A Those were the GRS, yes, ma'am.

Q Okay. And so, in terms of communication with any Libyans or Libyan security forces, did you have any of those?

A Not in Benghazi.

Q Okay.

Staying on the night of the attack, you had mentioned that there were monitors in which observers could look at or observe [redacted].

A That's correct, ma'am.

1 Q Were those observations solely limited to the
2 compound? Were you able to identify or follow the tracking
3 devices off compound?
4 A Yes. You can follow the [redacted]
5 offsite [redacted] Yes.
6 Q Okay. And so, just sort of keeping with that
7 thought, were those monitors kept on for the duration of
8 both?
9 A Well, the monitors were always on.
10 Q Okay.
11 A The monitors were always on, and depending on what
12 time the movements were. So if you said you were moving at
13 10 o'clock at night, obviously you had to have someone in the
14 TOC to monitor the movements and have radio traffic in
15 Tripoli or coms in Benghazi.
16 Q Okay. And so were all of those [redacted]
17 accounted for as they were being observed that night?
18 A Prior to the attack or before the attack or after
19 the attack?
20 Q Well, during the attack, as you're monitoring them
21 on the screen, and then after the attack.
22 A During the attack, I didn't monitor [redacted]
23 [redacted]
24 Q Okay. What about after?
25 A After the attack, we could still see -- coming back

1 to the Embassy, after evacuation --

2 Ms. Betz. Just for the record, before we continue with

3 the question, I'd just like to note for the record that we're

4 now joined again by Congressman Westmoreland from the Fourth

5 District of Georgia.

6 Mr. [redacted]. So, going back, prior to the attack, any

7 movement [redacted] on any vehicle or person

8 had to be called into the TOC if there was any movement.

9 During the attack, I didn't track any of those monitors

10 because I was not assigned to the TOC. I was just doing the

11 phone calls that I had to do and ensured that there was

12 security with Tripoli.

13 After the attack, the Embassy was evacuated [redacted]

14 [redacted]. And then, coming back, when we turned the

15 monitors back on and we made accountability of the trackers,

16 there were two Benghazi [redacted] still on in the

17 system.

18 Ms. Betz. Do you know which trackers those were

19 assigned to?

20 Mr. [redacted]. I couldn't tell you that, ma'am. I don't

21 have that information. But they were on for a few days.

22 BY MS. JACKSON:

23 Q Would there be a log somewhere of which two

24 trackers were still on after you returned to the Tripoli

25 Embassy?

1 A Probably with the Tripoli TOC. But anything that
2 was in Benghazi, I wouldn't know.
3 Q [redacted]
4 [redacted]
5 A Yes, ma'am.
6 Q --[redacted]
7 [redacted] Is that correct?
8 A [redacted] yes, ma'am.
9 Q Okay.
10 A That would be the way to do it. [redacted]
11 [redacted]
12 [redacted]
13 Q And would the Ambassador generally have [redacted]
14 [redacted]
15 A All depending on whoever was on the ground, ma'am.
16 I don't know that.
17 Q Okay.
18 And when you turn the system back on, you can go back in
19 time and -- can you go back in time and see the location of
20 those trackers over a course of hours or days or even weeks?
21 A As long as the system is functioning properly, yes,
22 you can track those.
23 Q And how long do those records -- how long are those
24 records maintained?
25 A That I don't know, ma'am.

1 Q Okay.

2 A I was not an expert in regards to that particular

3 technology. All I can tell you is that those trackers were

4 on for a few days.

5 Q Okay. And moving around Benghazi?

6 A Yeah. We actually were, like, trying to track

7 those particular trackers until the battery died and there

8 was no longer a way to track them.

9 Q Okay.

10 Was there anyone in the Tripoli TOC that night that was

11 watching [redacted] as you were dealing with the

12 events that were unfolding in Benghazi?

13 A Yeah. There were two DS agents on board of that

14 TOC dealing with the monitors and phone calls and radio coms.

15 Q And who were those agents?

16 A I don't remember the other one, but I remember one.

17 [redacted] -- short kid. I could describe him to you, but I know

18 his name is [redacted] [redacted] or [redacted] I

19 cannot remember his last name off the top of my head.

20 Q Okay. And would the RSO also have that

21 information, have that information available to him?

22 A If he were able to get all the records, yes.

23 Q Do you know, [redacted], can they

24 also be monitored by the DS command center?

25 A They should, yes.

Q Back here in main State?

A Absolutely. [redacted]

Q Okay. Do you know if they make any type of recording or log of the movements? Do they have the same information that would be captured in Tripoli?

A I've never worked in the DS command center myself, so I don't know exactly what kind of records they keep. But I know, because I've been there, [redacted]

Q Okay.

And of the two [redacted] that you were looking for after you were back at Tripoli Embassy, where had they traveled to [redacted]?

A [redacted] I mean, we had gone out as far as Cyrene [redacted], which is about, I want to say, maybe 100 miles from post.

Mr. Evers. Did you mean ever or after the attacks?

Ms. Jackson. After the attacks.

Mr. [redacted] Oh, that, no. Those [redacted] did not move from that Benghazi particular area at all.

BY MS. JACKSON:

Q They stayed -- but they moved about within the city of Benghazi?

1 A We saw them moving. Yes.

2 Q Were you able to backtrack and see where they had

3 been on the night of the attack?

4 A No, ma'am.

5 Q You couldn't go back that far, or you just didn't?

6 A [redacted]

7 [redacted]

8 [redacted]

9 [redacted]

10 [redacted]

11 [redacted]

12 [redacted]

13 [redacted]

14 Q What I'm trying to get at is, can you go back in

15 time and trace someone's movements historically?

16 A I don't know, ma'am. That I don't know. Couldn't

17 answer that question.

18 Ms. Betz. But there would be points. Could you

19 identify points?

20 Mr. [redacted] Present? Yes. Presently, if you saw the

21 movement, you can identify points [redacted].

22 BY MS. JACKSON:

23 Q But you cannot go back historically?

24 A That I'm aware of, no.

25 Q Okay.

1 So the night of the attack, while you were still in the
2 TOC, do you know whether anyone was recording in any way the
3 location of the [redacted]?
4 A That I'm aware of, only the officers that were
5 monitoring the TOC were taking notes, but I can't answer for
6 them.
7 Q Okay.
8 [[redacted] Exhibit No. 8
9 was marked for identification.]
10 BY MS. BETZ:
11 Q Shifting gears now, focusing on the documents that
12 we gave you to review -- and, for the record, we'll be
13 looking at exhibit No. 8, which is State Department document
14 C05391952. It is an email from [redacted] directed
15 to [redacted] [redacted], the witness, and the
16 Benghazi RSO. And it is designated Secret/NOFORN.
17 Are you familiar with this document?
18 A No, ma'am.
19 Q After reviewing it, does it --
20 A Not this particular document. If I can explain?
21 Q Okay.
22 A [redacted]
23
24
25

1 You couldn't download information; you couldn't record
2 information. You could only receive and send.
3 The only way that you could check emails was to go up
4 there, [redacted], sit down, and review every email that
5 came through classified. Now, personally, myself, I didn't
6 check classified every single day. In this particular
7 timeframe of September 1, I was not at post.
8 Q Okay.
9 A So I couldn't say that I went back there and
10 checked all the maybe 40 or 50 Secret messages that were
11 probably there when I was gone from post. And coming back, I
12 did not open up this particular email.
13 Q Were you aware of certain threats, whether or not
14 as indicated in this particular document or others, of
15 certain threats concerning U.S. and Western interests?
16 A In regards to the particular threats, yes, they
17 were discussed.
18 Q Okay.
19 A We would normally have our briefings. Mornings, we
20 would have a briefing with the Ambassador or whoever the
21 chief of mission was, and we would sit all the officers down
22 and say, hey, what's going on, and we would discuss what we
23 have heard with regards to threats, analysis, and so forth.
24 [[redacted] Exhibit No. 9
25 was marked for identification.]

1 BY MS. BETZ:
2 Q So looking, then, at what would be exhibit No. 9,
3 which, for the record, is C05390684, State Department
4 document, of which -- sent from [redacted] to [redacted]
5 [redacted], Benghazi RSO. And you are one of two that is
6 copied on it.
7 A Yes. This email I do remember. But I don't
8 remember opening up this email on this particular day.
9 Q Okay.
10 A It was one of those emails that was opened up
11 afterwards, after the attacks.
12 Q Okay.
13 And, for the record, this document is labeled "Secret"
14 and has to do with [redacted]
15 recent travel to Libya.
16 So, going back to exhibit No. 8 and exhibit No. 9, how
17 common were these threats that you were receiving in terms of
18 during that time period?
19 A Through classified?
20 Q Uh-huh.
21 A If we got one threat a week, that may be
22 reasonable. And if it was something of that nature that was
23 very serious, it would be discussed at the classified
24 briefing [redacted]
25 Q And when you say "reasonable," what do you mean by

1 "reasonable"?

2 A Okay. So -- and, again, policy and regulations.

3 So there is a policy in the State Department that if there is

4 any credible threat against any American or any American

5 facility, it has to be disseminated to every American at that

6 particular post.

7 We didn't have any specific threats directed at any

8 American or any American personnel [redacted] or so forth,

9 building or whatever. I never saw that prior to the attacks.

10 We did receive some intel like this from

11 [redacted] -- and I know him -- but it wasn't a common

12 thing, not through the classified system that I myself,

13 particularly, was tracking. Maybe the RSO, but I can't speak

14 for him.

15 Q When they sent you this type of information, would

16 then someone track down the credibility or confirm the

17 threat? I mean, did you act upon these threats?

18 A It would be acted upon once it was discussed [redacted]

19 [redacted] because this is something that you wouldn't

20 call about; you would actually go out there and say, hey, we

21 got this, look at it, what do you guys have? And they'll

22 bring out their own assessment, discuss it, and then move on

23 with that.

24 Q Do you know if -- regardless if you remember this

25 particular email, but this particular threat, were there

1 other sort of credible sources that were similar to this
2 threat --
3 A That I saw myself? No.
4 Q Or that you were [redacted]
5 A In the TOC, yes, [redacted]
6 Q Okay. So they were receiving this type of --
7 A Absolutely.
8 Q -- threat information.
9 A Yes, they were, ma'am.
10 Q Okay.
11 And, based on these threats, did you or Benghazi
12 recommend heightened security, even additional heightened
13 security measures be employed at the facilities?
14 A Well, to the extent of any threat, after the June 6
15 IED, the level of security was at the highest point.
16 Whatever those security measures were implemented had already
17 been in place since June 6. Nothing had changed. The only
18 problem that we had was getting the personnel, TDY personnel,
19 to Benghazi. But in regards to the security parameters and
20 the control of local guards and any other assets, they were
21 at the highest level.
22 Mr. Westmoreland. When you were in -- when did you
23 actually leave Benghazi?
24 Mr. [redacted] Sir, I left Benghazi May 1 of 2013. I
25 mean -- Benghazi -- sorry, Tripoli. Benghazi? July 24 or

1 25, 2012.

2 Mr. Westmoreland. Okay. I thought you -- okay. So you

3 got there early July --

4 Mr. [redacted]. And I left, right, so that I could brief

5 the RSO.

6 Mr. Westmoreland. [redacted]

7 [redacted]

8 Mr. [redacted]. During the time that I was there?

9 Mr. Westmoreland. Uh-huh.

10 Mr. [redacted]. Yes, sir, I did.

11 Mr. Westmoreland. Did you all communicate on a regular

12 basis?

13 Mr. [redacted]. Yes, sir, we did. We actually had someone

14 that was always going out there every single day gathering

15 any information. We would always work in pairs, so he would

16 go out with either one of the QRF folks or one of the agents.

17 [redacted] but we had a daily

18 communication with them.

19 Mr. Westmoreland. Okay. Did they ever inform you of

20 any information that they may have received [redacted]

21 that you may not have gotten from the State Department?

22 Mr. [redacted]. Not really. Actually, one of my biggest

23 complaints [redacted] was, "You

24 guys don't have any information at all," in a joking manner.

25 But, in reality, there was -- you know, one of the reasons

1 why I didn't go a lot to [redacted] and I sent other agents
2 were because they never gave me any information that I
3 thought was relevant to security or any threats against the
4 compounds or any threat against their compound. No one ever
5 said, hey, we're tracking this or we're tracking that.
6 Mr. Westmoreland. So you shared more with them than
7 they shared with you?
8 Mr. [redacted]. Absolutely. Yes, sir.
9 BY MS. BETZ:
10 Q Why do you think that was?
11 A I don't know, ma'am. I mean, we had a good rapport
12 with them. I mean, we'd go out there and we'd have BBQs, and
13 they'd come over to us and we'd have BBQs. We'd talk and
14 discuss, I mean, as colleagues and friends. But in regards
15 to information, I felt that I never got any more information
16 than they needed. I mean, if you have a credible threat
17 against the complex or someone and you didn't share it with
18 me, I wouldn't even know that because they never told us,
19 hey, we have this info, change your routes or, you know, walk
20 this path or don't go here or don't go there.
21 As a matter of fact, when we had the elections and we
22 did the whole advances to the different locations, they
23 didn't have any credible threats against us. They didn't
24 have any information in regards -- we discussed it with them.
25 So, no, we didn't receive anything that could have told

1 us that they were tracking any particular person or movements
2 or anything like that.
3 Q Do you think they didn't have the information or
4 they were unwilling to share it?
5 A No, I would never think that they were not willing
6 to share information, ma'am. I just think that they didn't
7 have any information. That's my opinion, ma'am.
8 Q Okay.
9 BY MS. JACKSON:
10 Q So, in your opinion, they weren't collecting in
11 areas of interest to you for your purposes in providing
12 security?
13 A We never thought about them being our security. We
14 never saw them as our security.
15 Q But a source of intelligence for you to make
16 decisions regarding your security.
17 A No -- yes, I understand that part. There was
18 really nothing that we were expecting from them, other than
19 if you have something that is important and relevant for us
20 to be here or not to be here, I expect you to share it with
21 us. That was a communication on a daily basis. I don't
22 think that they withheld any information, ma'am. I just
23 don't think that they had any information.
24 Mr. Westmoreland. Did they ever express any concerns to
25 you or other members of the people at the facility of any

1 possible security issues as far as the lighting, the size of
2 the compound, positions? Or, I mean, I'm assuming you all
3 had some good rapport. You know, I mean, did they ever give
4 you any sense that they were maybe worried about the number
5 of agents you had or how big the compound was or anything
6 else?
7 Mr. [redacted]. In security respect, [redacted] we
8 always had daily conversations in regards to what we thought
9 was best. None of us ever said, "This is a great compound to
10 be in." Not even their compound. I mean, I think their
11 compound was probably in a worse position than our compound.
12 They were surrounded by residential areas. They were not off
13 of any major route or highway to egress if they had to. They
14 were in the middle of the city. I think that we actually had
15 a better egress point.
16 However, they did have more vehicles. They did have
17 more personnel. [redacted]
18 We never had that. So, in regards to the security for the
19 compound, yeah, we believed that their compound was more
20 secure than ours. Everybody knew that. I mean, that was
21 just the common knowledge, something that we always
22 discussed. If it was me talking [redacted] I'd
23 say, hey, you know what? [redacted]
24 [redacted] I mean, you
25 can only wish.

1 But in regards to the compound security, we always knew
2 and I always thought that their compound was more secure than
3 ours because of the personnel and the equipment that they
4 had. They had vehicles, they had weapons, they had training.
5 I mean, every [redacted] is prior military or something. I
6 mean, it's just common knowledge.
7 In regards to our compound, the talk was, if we get hit,
8 you know, we're going to egress to you; if you guys get hit,
9 you egress to us. We combine our forces, and we repel the
10 attack. That's always been talked about.
11 BY MS. JACKSON:
12 Q Was there also an agreement that you would come to
13 each other's aid, if you didn't have the opportunity to
14 egress [redacted], that they would then come to your aid
15 and assistance?
16 A Yes, ma'am.
17 Q Okay. And what was that agreement?
18 A Well, nothing in writing or anything that said,
19 hey, you're going to do this, but just, again, [redacted]
20 [redacted] You come help me, I'll come help you, and we know
21 that we're Americans. When it comes down to it, it's just
22 like being in a combat zone. You take care of the guy next
23 to you, and the guy next to you takes care of you.
24 Q And you expected that response to be immediate?
25 A Absolutely.

1 BY MS. BETZ:

2 Q Following on that, were you aware of or involved in

3 any discussions on collocating [redacted]

4 A Me personally, no.

5 Q Either in your position in Tripoli or in Benghazi?

6 A It was discussed in the meetings that we had with

7 the Ambassador and all the staff when we had our EAC meetings

8 or anytime that the committee got together. Yes, collocation

9 was a major, major point.

10 Q And was there a desire to collocate? I mean, were

11 there -- I know that there were steps taken. Were you aware

12 of any formal decision to collocate?

13 A I don't know of any formal decision, nor did I hear

14 anything like that, but it was always discussed, and that was

15 the plan. That's why the Embassy in Tripoli was being built

16 up and they had their own villa set up already and we were

17 building all of that, to try to get the collocation as soon

18 as possible.

19 Q Collocation in Tripoli or collocation in Benghazi?

20 A In Tripoli. In Benghazi, not that I'm aware of.

21 Q So you were not involved in discussions about

22 collocating in Benghazi.

23 A Not in Benghazi.

24 [[redacted] Exhibit No. 10

25 was marked for identification.]

1 BY MS. BETZ:

2 Q So, shifting gears to exhibit No. 10 -- and, for

3 the record, that is State Department document C05393382.

4 It's an email from [redacted] to [redacted] and [redacted]

5 [redacted], and you're copied on it. It's marked "sensitive

6 but unclassified," but within the email chain there is a

7 Secret/NOFORN designation.

8 And it's the email on the second page that I'd like to

9 discuss with you.

10 We talked a little bit in our earlier, unclassified

11 setting about the QRF in Benghazi and their role. Did you

12 have concerns about the loyalty, trustworthiness of the QRF?

13 A At the particular time that I was there in

14 Benghazi, no.

15 Q Okay.

16 A In regards to how they worked with us, I mean, they

17 did everything we asked them to do. They provided good

18 security for us while we were on the ground.

19 Again, you know, the local guard force, the FSN staff,

20 the Brigades, these were all local nationals. I mean, these

21 guys didn't even exist before the toppling of the regime.

22 You know, they just came back together and made a band, like

23 a bikers gang, the Bandidos. And I'm just using an example.

24 These guys got together and called themselves the 17 February

25 Martyrs Brigade.

1 When we had these individuals at the compound, at least
2 as I'm concerned, we had vetted them. We had requested their
3 information. [redacted]
4 [redacted]
5 [redacted] They would have never been in the compound
6 had we had any thought that they were not going to be loyal
7 to us. But we understand our limitations. We don't speak
8 Arabic. At least I didn't. None of my agents did.
9 So did we have a problem with them? No. If I would've
10 had a problem with them, I would've had them out of the
11 compound the day I got in.
12 Q So were you surprised when you were copied on this
13 email regarding the concerns that [redacted] had
14 articulated?
15 A With the email itself, was I surprised? No. We
16 had issues in the past with personnel that were in the
17 compound. I didn't know [redacted]
18 [redacted]
19 Q Okay.
20 A But we -- going back to the June 6 attack, we
21 always thought that that was an inside job. We always
22 thought that that was somebody that we had fired that was
23 upset, whether it was local guard force, whether it was an
24 employee in the past. And it was in our mind, hey, you know
25 what, this guy came and put that IED in there and took

1 advantage of the fact and took off. We always thought that.
2 And I shared that view with my agents as well as the RSO.
3 In regards to this, it could have been. I don't know.
4 I didn't follow up on this. I don't know if the RSO followed
5 up on that. But it wouldn't surprise me if he had a family
6 member or a friend or somebody that was fired and he wanted
7 them back in the compound.
8 Q So you weren't aware of any counterintelligence
9 issues among the 17th Feb Brigade or the QRF --
10 A That I'm aware of, no.
11 Q Okay.
12 Ms. Betz. So, at the end, we have a question that we
13 like to ask the witness. Is there anything that you'd like
14 to tell us that we didn't ask that you want to note for the
15 record?
16 Mr. [redacted] No, ma'am.
17 Ms. Betz. Nothing? Well, we thank you for joining us
18 today. I know it's been a long day, at least on our side,
19 but appreciate your willingness to come and talk to us.
20 Mr. [redacted] Yes, ma'am. Pleasure, ma'am.
21 Ms. Betz. I'll turn it over to our counterparts.
22 Ms. Sawyer. Great. Thank you. I just have a couple of
23 followup questions.
24 BY MS. SAWYER:
25 Q I just wanted to redirect your attention to

1 exhibit 9.

2 I don't know if it was mentioned. I think you mentioned

3 that you didn't recall reading it on the date that it may

4 have been sent. And I'm not sure that that date was actually

5 reflected in the record. I just wanted to make clear that

6 the sent date on this is Tuesday, September 11, 2012, at 8:51

7 a.m.?

8 A Yes, ma'am.

9 Q So that would have been the same day -- that would

10 have come in on the morning of the day that the attack

11 occurred?

12 A Here is my line on these particular emails. This

13 email is coming from Mr. [redacted] He's in D.C. So I

14 don't know if that sent time and date is based out of D.C. or

15 Tripoli. I'm sorry, I'm not the expert when it comes down to

16 Outlook.

17 I didn't see this email on that particular day. The

18 only email that I read on that particular day didn't come

19 classified. It came from [redacted] in regards to

20 having folks surveilling the compound. That is as much as I

21 can remember about September 11 prior to the attacks in

22 regards to emails.

23 Q Right. And if the timestamp is D.C., it's safe to

24 say that --

25 A It would be 6 hours into the future, I think,

1 depending on -- 6 or 7 hours, depending on the time, whether
2 it was the daylight savings time, in Baghdad. So this would
3 be 9 o'clock; it would be 3 o'clock in the afternoon,
4 4 o'clock in the afternoon on September 11.
5 Q And just directing your attention down in the third
6 paragraph -- it's a short one -- it says, "DS/TIA/ITA notes
7 this cable does not contain direct threat information and was
8 forwarded for your situational awareness only."
9 Can you explain for us -- it clearly says it's not a
10 direct threat, and you talked a little bit about direct
11 threat. But what would that mean as far as situational
12 awareness?
13 A The same thing about calling anyone and saying,
14 hey, there's something going down, just be aware. I don't
15 really have a direct threat against you, but this is
16 happening in Derna, which is right outside Benghazi, and
17 we're letting you know -- not just right outside, but
18 basically some miles down the road. Derna was a really bad
19 place. It had always been a bad place since I had been
20 there. That's where most of the Islamists were located.
21 So we're keeping you aware of the situation; this is
22 basically how I am reading this. It's not telling me, you
23 know, a particular name or person or group is targeting you
24 specifically, but keep aware and make sure the security is up
25 in place.

1 I mean, this is what we do. We let you know what's
2 going on. But if we were to take every cable like this or
3 every email like this, I mean, you would never make any
4 movements and you would never do anything because you're
5 thinking, hey, tomorrow they're going to end me, today
6 they're going to hit me.
7 So that's why we say "situational awareness."
8 Q And then that last paragraph, the first sentence,
9 again, starts with those acronyms. [redacted]
10 [redacted]
11 [redacted]
12 So a little in line with what it sounds like you're
13 describing. Was it your sense that you would get further
14 updates as additional intelligence came through about these
15 potential threats?
16 A Well, that is correct. If you look at the subject
17 line, just to make a reference to this, [redacted]
18 [redacted]
19 I mean, this was ongoing. They hated Qadhafi and his group
20 and his people. So whenever they could target them, they
21 would take them out. I mean, this is all outlined in that
22 diary that we kept.
23 So it's not like they were trying to target Americans
24 specifically in these particular emails that they're saying,
25 but at the same time they're taking out all the Qadhafi

1 regime figures. We didn't have anything to do with that.
2 They were not our friends.
3 Q So seeing this cable would have triggered,
4 certainly, situational awareness.
5 A That's correct.
6 Q Be alert; be watching it. It would not have
7 triggered a desire to immediately pack up and leave a
8 particular location?
9 A If we felt that way, we would have called for an
10 EAC saying, hey, the tripwire has been triggered. This is
11 not a tripwire.
12 Q So that didn't happen in this?
13 A On a single account? No.
14 Q And then, just briefly, I think you were asked,
15 with regard to the what sounds like reciprocal arrangement
16 between the mission facility and the annex in Benghazi to
17 come to each other's assistance --
18 A Yes, ma'am.
19 Q -- you were asked whether you expected an immediate
20 response, and you said, yes, we would have expected that.
21 A Yes, ma'am.
22 Q I want to explore with you a little bit, based on
23 your pretty vast and impressive experience in law
24 enforcement, in terms of, if you are on the receiving end of
25 a call --

1 A Yes, ma'am.
2 Q -- if you were in the annex and you're receiving a
3 call from the mission saying, we need assistance, from your
4 perspective, is it reasonable for that person in the annex to
5 take time to assess the risk to the annex that might be posed
6 at the same time?
7 A You'd be expected to. It could be a setup. It
8 could be a trap. You could be walking into an ambush. The
9 minute you open that door, an IED will go off. You'll lose
10 another four or five guys on the ground before you even
11 respond. You have to assess the situation.
12 Q So it would be reasonable, certainly, to consider
13 the risk to the annex.
14 What about the risk to the responding team? You're
15 sending your security personnel to respond. Would it be
16 reasonable to try to get a sense, not just at your facility
17 but between here and there, whether there's a risk of
18 friendly fire, which is different than an ambush, or a risk
19 of ambush?
20 A There's always a risk, ma'am.
21 I wasn't there in that particular situation, if you're
22 asking my opinion. It's not like a 911 call when you're a
23 cop and you're responding because someone is beating up on
24 somebody. But even on a 911 call, when the operator says, we
25 believe this person is armed and dangerous, no police officer

1 walks right into a shooting situation. You have to assess
2 the situation, even while you're getting there.
3 We didn't expect them to respond within the second. We
4 expect our agents or officers to be able to withstand a
5 certain amount of time until we can come and get you.
6 Ms. Sawyer. I think that's it, from our perspective. I
7 would just join my colleagues in thanking you for your time.
8 We do appreciate it. We know you also had to travel a good
9 ways to get here, so we thank you --
10 Mr. [redacted]. That's fine, ma'am.
11 Ms. Sawyer. -- for taking the time to do that. We
12 appreciate it.
13 Mr. [redacted]. Not a problem.
14 Ms. Jackson. Okay. I think we're done. Thank you.
15 [Whereupon, at 3:18 p.m., the interview was concluded.]
16
17
18
19
20
21
22
23
24
25

Certificate of Deponent/Interviewee

I have read the foregoing 127 pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

[redacted]

Witness Name

03/25/2016

Date

EXHIBIT 1

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BUREAU OF DIPLOMATIC SECURITY

US Embassy Tripoli
Operations Plan
Travel Mission to Benghazi

Date: June 2nd, 2012

To: DS Command Center/DS-IP-NEA

From: Acting RSO – [redacted]

Subject: Operations Plan for Travel Mission to Benghazi

MISSION SUMMARY:

On June 3rd 2012, US Embassy Tripoli security elements consisting of RSO/SST personnel accompanied by LES Ambassador Protective Detail (APD) bodyguards will travel via land to US Mission Benghazi in support of the Defense Attaché's (DATT) mission on behalf of the Ambassador, to transfer military supplies from the USG to the Government of Libya (GOL).

Additionally, the two transport vehicles being utilized for this operation will be delivered to US Mission Benghazi and the security personnel will return to US Embassy Tripoli via air travel.

PERSONNEL:

RSO- TDY ARSO [redacted]
SST- LTC [redacted] (DATT)
SST-
SST-
SST-
APD
APD- [redacted] (LES)

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EQUIPMENT:

Vehicles: FAV Suburban (2 qty),
Libyan Diplomatic license plate number (s), **26-163** and **26-164**

Radios: Kenwood hand-held (7 qty)

PSC 5 (Sat Com Radio) (1 qty)

Phones: Thuraya Satellite Phone (2 qty)

Iridium Satellite Phone (2 qty)

Cell phones (7 qty)

Trackers: [redacted] (7 qty)

GPS: [redacted] (1 qty),

[redacted] (1 qty)

[redacted] (2 qty)

[redacted] (3 qty)

WEAPONS:

M4 Rifle (5 qty)

Glock 19 (4 qty)

Sig Sauer P229R (1 qty)

[redacted] (1 qty)

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MISSION DIRECTIVES:

US Embassy Tripoli security personnel comprised of RSO/SST/LES APD will accompany the DATT to US Mission Benghazi. The security elements will transport themselves in two FAV suburban vehicles.

The detail will leave US Embassy Tripoli (Villas) at 0400 on June 3rd and plan to arrive into US Mission Benghazi at approximately 1700 hrs.

The detail plans to re-fill the two FAV's twice during the mission. One fuel stop is planned near the city of Sirte. The second stop will be determined by the road conditions between Sirte and Benghazi.

MISSION OBJECTIVE:

The DATT will transfer USG equipment to GOL representatives in Benghazi. Once the DATT's mission is complete, the detail will leave the two FAV's in US Mission Benghazi. The detail will travel back to US Embassy Tripoli via air travel, [redacted] flying out of Benghazi.

MISSION INTEL:

The approximate distance to US Mission Benghazi from the US Embassy in Tripoli, is 1,017 kilometers (635 Miles). Total travel time will be approximately 13 hours.

An advance team deployed on June 1st and reported light traffic conditions on the highway between Tripoli and Sirte. The advance party encountered three checkpoints on the highway. All three checkpoints were manned by GOL elements. The team reported the highway road between Tripoli and Sirte is well paved with minimal damage. There is, however, no present Intel about road conditions between Sirte and Benghazi.

The advance team returned to US Embassy Tripoli without incident.

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CONTINGENCY PLANS:

In the event one of the two FAV's is disabled, the team will cross load into the second vehicle and return to US Embassy Tripoli if they have not passed Sirte.

In the event a vehicle is disabled between Sirte and Benghazi, the team will proceed to US Mission Benghazi in the second vehicle.

The disabled vehicle will remain at the location off of the highway. The Management and GSO officers in US Embassy Tripoli will be called to determine the safest and most efficient way to retrieve the vehicle from the location including the use of local tow truck companies.

The RSO will assist in whatever manner possible in order to facilitate the recovery of the disabled FAV.

MISSION PROGNOSIS:

This is the US Embassy Tripoli's first attempt to travel via land to US Mission Benghazi.

The RSO and SST have conferred and determined this mission will be completely successful if the following conditions are met:

The highway road is well paved and there are light traffic conditions.

There is a fair weather condition.

The GOL assists the US Embassy in obtaining any and all documentation requested that will facilitate the crossing of checkpoints without incident.

The FAV's do not break down in transit.

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Communication systems carried by the USG personnel work properly in order to relay pertinent information to the Tactical Operations Center (TOC) in US Embassy Tripoli and US Mission Benghazi.

The [redacted] trackers function properly so TOC (Tripoli and Benghazi) and DS Command Center personnel may track the detail's movements.

POC:

Acting RSO Jon [redacted] [redacted]@state.gov, [redacted]

US Embassy Tripoli TOC, [redacted]@state.gov, [redacted]

US Mission Benghazi TOC, [redacted]@state.gov, [redacted]

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EXHIBIT 2

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[redacted]

From: [redacted]
Sent: Friday, June 08, 2012 6:36 AM
To: SES-O; SWO-Cables; NEA-MAG-DL
Cc: [redacted]; (DCHA/OTI); [redacted]; (DCHA/OTI); [redacted]; (DCHA/DRG/EPT); [redacted]; Stevens, John C; [redacted]
Subject: Benghazi Situation Report - June 8, 2012

For your information and distribution - from U.S. Mission Benghazi.

Benghazi Situation Report – June 8, 2012

(SBU) **Islamists Rally in Downtown Benghazi:** In an unprecedented show of force, close to 1,000 Islamist militia members rallied in Benghazi on the evening of June 7. They arrived in 150-200 heavily armed technical vehicles and congregated at the downtown courthouse. Mission Benghazi local staff and post contacts at the scene reported seeing pro-al Qaeda flags and banners as well as the black-and-white flags associated with Islamic militias. The fighters represented the more extremist wings of several militias, including Ansar al-Sharia, the 17th February Martry's Brigade and the Libya Shield, as well as the Preventive Security Services who are associated with the Ministry of Interior. Lesser-known militias were also present. The fighters came from Benghazi, Derna, Ajdabiya and even as far as Miserata.

(SBU) Banners at a stage set up at the courthouse square proclaimed the rally to be the "First Conference for Islamic Sharia." While overt anti-western rhetoric was absent, contacts report seeing young men wearing t-shirts in support of Abu Yahya al-Libi, the Libyan-born al Qaeda leader who was killed in Pakistan earlier this week, as well as pro-Osama bin Laden t-shirts. Some demonstrators denounced democracy as a western tool, charging that sharia law was the only way forward for Libya.

(SBU) The demonstration appeared to be well-organized, and there were no reports of violent actions. Contacts and Mission personnel report no real government presence at the rally to counter the demonstrators. Many onlookers, however, denounced the rally and its message. Comment: There was very little advance notice of the rally, and post contacts from across the spectrum expressed shock and outrage that such a large demonstration could take place without the government's knowledge. This is the first such demonstration of Islamist groups in Benghazi since the revolution, if ever. End comment.

(SBU) **Mission Benghazi IED Attack Update**: Two days after the attack, local security forces remain in place around the Mission compound. Post has requested extra night patrols for an indefinite period. The wall reparations were completed last night (June 7). There have been no new claims of responsibility. Post is seeking an update on the investigation, but has little expectation of any arrests or conclusive findings. PO continues to receive messages and phone calls of support from contacts.

[redacted]
Principal Officer
U.S. Diplomatic Mission
Benghazi, Libya

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Office: +1 240 553 9321
Mobile: [redacted]
Email: [redacted]@state.gov

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EXHIBIT 3

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[redacted]

From: [redacted]
Sent: Monday, June 11, 2012 5:06 PM
To: [redacted]
Cc: [redacted]
Subject: DS/IP recommends you request a combined EAC

Classification: UNCLASSIFIED
SensitivityCode: Sensitive
SMARTCategory: Working

[redacted]

DS/IP recommends that the mission holds a combined EAC with Tripoli and Benghazi to go over the security situation in Benghazi. It seems we have crossed a tripwire for consideration of authorized departure, which also makes it fall into events triggering heightened security posture (12 Tripoli 504 see link). Please highlight any additional security support that is requested as part of the EACs "Measures to consider" under heightened security posture and/or considerations for authorized departure, such as requesting additional DS TDY support.

http://repository.state.gov/archive/2012/06/10/1e93d599-b799-4c7e-9e70-f15896a28617/12-TRIPOLI-504.eml.PDF

Events triggering consideration of authorized departure:
- Demonstrations and incidents of social unrest, including protests related to the election, become large-scale and widespread, with the greater likelihood of violence.
- Sustained fighting among various militias, tribes or factions, particularly in major urban areas.
- Use of armed force by separatist elements against the central government.
- A dramatic increase in violent crime, including looting and home invasions.
- Small-scale attacks by Qadhafi loyalists or terrorist elements in or around Tripoli, Benghazi, and major urban areas.
- Major international carriers halt service to Libya.
- Sustained disruption of airport services, inability to land USG flights at Tripoli International or Mitiga Airports.
- Sustained disruption of overland evacuation routes to Tunisia and Egypt.
- Severe shortages of fuel, food and/or a disruption of city water supplies (or any combination of these three factors) due to conflict or sabotage.
- Dissolution of the TNC or cabinet due to political infighting.
- Attempted violent overthrow of the transitional government.
- Refusal of the TNC to accept results of the new election and step down from power.
- Assassination of a leading political figure.
- Attack on U.S. facilities or personnel, resulting in injuries.
- Inability of central government to respond to Embassy emergencies or security needs.

Measures to consider:
All measures listed in conjunction with a heightened security posture, plus:
- Hold an EAC to consider authorized departure
- Cancel all but mission-essential TDY visits
- Temporarily suspend non-emergency public services
-Limit movements to mission-essential work only
- Meet with USG funded implementing partners to review their security posture, encourage drawdown of their staff if appropriate (particularly if Embassy is drawing down via authorized departure status)
- Establish 24-hour command post at the Embassy to monitor and report on the ongoing situation, including Consular, security, public diplomacy and USAID elements as appropriate.
- Set up a regular reporting schedule with Washington (either via telephone or written reports) and ensure that headquarters officials from all agencies respect that reporting timeline.
- Establish a duty schedule to ensure staff have adequate rest time.
- Prepare evacuation paperwork.
- Convene a conference call with NEA/EX, Crisis Management, Consular Affairs, appropriate military authorities to consider contingency measures for the evacuation of private American citizens.

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- Consult friendly embassies on possible evacuation plans.
- Request additional Diplomatic Security TDY personnel.
- Review and reduce classified holdings.

Thank you,

[redacted]
Desk Officer | DS/IP/NEA
Office Ph: 571.345.3475 | Mobile Ph: [redacted] Fax: 571.345.3400
Email: [redacted]@state.gov

SBU
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EXHIBIT 4

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[redacted]

From: [redacted]
Sent: Thursday, June 14, 2012 12:07 PM
To: [redacted]
Cc: [redacted]; [redacted]; [redacted]
Subject: FW: Staffing

Importance: High

Classification: UNCLASSIFIED
SensitivityCode: Sensitive
SMARTCategory: Working

[redacted]

Please let us know if you concur with this recommendation.

Thank you,

[redacted]
Desk Officer | DS/IP/NEA
Office Ph: 571.345.3475 | Mobile Ph: [redacted] | Fax: 571.345.3400
Email: [redacted]@state.gov

SBU
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From: [redacted]
Sent: Thursday, June 14, 2012 11:40 AM
To: [redacted]; [redacted] [redacted]
Cc: Benghazi RSO
Subject: Staffing

Good Morning,

Please see below recommendation and follow up justification for staffing at US Mission Benghazi.
PO departed post today, June 14, and the three agents on the ground are adequate until the fourth arrives next week, at approximately the same time the TDY PO from Tripoli arrives.

Please let me know if you have any questions.

Summary:

Due to the uncertainty of the security environment preceding the upcoming elections, RSO Benghazi recommends a minimum of 5 agents be deployed at Post, with an MSD team on standby. The parliamentary

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elections are currently scheduled for July 7, 2012, having been postponed once already. Any further delays will likely increase tension on the ground, creating a more volatile security environment.

Details:

US Mission Benghazi convened an informal EAC meeting which included RSO, PO, and Acting MGMT officer. The committee agreed that the RSO office should be staffed by a minimum of **4** agents to properly support the mission given the heightened threat level. Four agents can adequately support the mission and should be the core/minimum in order to maintain effective security in an unpredictable environment. Recent attacks have intensified in frequency with the active targeting of diplomatic personnel (e.g., the IED attack on the U.S. compound, the complex attack on the UK Motorcade, and a recent rally by heavily-armed Islamist militia members).

At this time, US Mission Benghazi has three agents on the ground with a fourth en route. This core team necessity is based on threat reporting, Host Country Support and facilities/accommodations (morale) within the mission. A balanced schedule meets core staffing levels in the most consistent manner possible based on established criteria:

1. TOC maintained 24-hours a day with shifts split between 4 agents
    a. An additional agent would allow for the implementation of a regular shift schedule
2. One Principal Officer
3. Two LES Drivers for PO movements
4. LGF staffing levels are maintained
    a. Five Guards per shift, with +1 LGF Commander on duty from 0800-1600
    b. Total of 21 Guards on a scheduled rotation
5. QRF remains a viable asset on ground
    a. Four Militia members acting as QRF working/living on U.S. Mission property
6. Host Country Support (SSC) for security
7. Threat level reporting (tripwires)

Staffing requirements for TDY/MSD support to compensate for unplanned/uncontrollable changes in theater of operations should be done weekly and projected monthly, based on the threat environment and needs of personnel on the ground to include the below criteria:

- Threat level, change in method of operations
- Active Targeting of Westerners
- Active Threat against US Mission
- Day attacks vice night time attacks
- Pre-Election violence/rallies (delays in elections may create tension)
- Increase in political violence

RSO will continue to monitor and assess staffing needs weekly based on the threat assessment of events in theater, taking into consideration the 5-6 week lead time needed for VISA processing for Libya.

Thanks!
[redacted]

TDY RSO [redacted]
Cell - [redacted]
RSO Desk - 240-553-9328

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EXHIBIT 5

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[redacted]

From: [redacted]
Sent: Wednesday, July 04, 2012 6:09 AM
To: [redacted]
Subject: FW: Request and quote for additional security lighting

From: [redacted]
Sent: Tuesday, June 19, 2012 4:26 PM
To: [redacted]
Cc: [redacted];
[redacted]
Subject: RE: Request and quote for additional security lighting

To all;
I would suggest waiting on sending the funds for additional security lighting. I asked Benghazi to prepare a statement of work on the requirements for the additional lights. I asked them to be specific on the type of light fixtures and the electrical circuits to support the additional lights. I also asked that the statement of work also specify the type of lighting controls (manual\automatic) and possible 3-way controls where the lights could be controlled from two locations.
To date, I have not seen a statement of work, for my review, or a purchase request with the attached quotation.
I am sorry, but the field expedient method of making security upgrades needs to change and we need to begin using the Embassy Procurement process.

Thanks,
[redacted]
OBO Facility Manager
US Embassy, Tripoli

From: [redacted]
Sent: Tuesday, June 19, 2012 3:02 PM
To: [redacted]
Cc: [redacted];
[redacted]
Subject: RE: Request and quote for additional security lighting

Thank you sir.

From: [redacted]
Sent: Tuesday, June 19, 2012 2:59 PM
To: [redacted]
Cc: [redacted];
[redacted]
Subject: RE: Request and quote for additional security lighting

[redacted]

FYI DS/PSD is going to fund this request in the amount requested. They will be sending the money to Tripoli shortly.

Amount in USD is $2,219.17

Regards,

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[redacted]
Desk Officer | DS/IP/NEA
Office Ph: 571.345.3475 | Mobile Ph: [redacted] | Fax: 571.345.3400
Email: [redacted]@state.gov

SBU
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From:
Sent: 7/9/2012 9:17:25 AM
To: SMART Core
Subject: TRIPOLI – Request for extension of TDY security personnel

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 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. Post also requests continued TDY support of 2 DS 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 efforts to normalize security operations have been hindered by the lack of host nation security support, either

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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 (reftels 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 booths 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 MoI officers at the aforementioned properties. However, despite assurances of support from throughout the MoI, 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

Drafted By:
Cleared By:
Approved By:
Released By:
Info: SECDEF WASHINGTON DC*ROUTINE*; CDR USAFRICOM STUTTGART GE*ROUTINE*;

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EXHIBIT 7

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[redacted]

From: [redacted]
Sent: Monday, July 09, 2012 10:50 AM
To: [redacted]
Cc: [redacted] TEMP TRIPOLI)
Subject: RE: RSO TDY staffing for Libya

Will do chief. I'll ask to set it up.

[redacted]

Acting RSO [redacted]

US Mission Benghazi

Benghazi, Libya
[redacted] (Mobile)
[redacted] (Duty phone)

From: [redacted]
Sent: Monday, July 09, 2012 4:06 PM
To: [redacted]
Cc: [redacted] (TEMP TRIPOLI)
Subject: RE: RSO TDY staffing for Libya

[redacted]

Plan to come back to Tripoli NLT the morning of the 24th of July.

[redacted] will be here on 24th July. I have to move my departure up a few days to **July 26th** from July 29th in order to accommodate a family event on the 28th. As such, I recommend that you and [redacted] both be in Tripoli so that you can fully brief [redacted] on post once I depart. With you, [redacted], plus 3 TDY ARSOs, there is a knowledgeable and stable base for the RSO transition. It may be that you would need to go back out to Benghazi but that will be up to [redacted].

If we currently have 5 DS agents on the ground in Benghazi, then it becomes hard to justify keeping resources in Benghazi when we have all the TDY ARSOs working QRF and TOC due to the departure of the 2nd MSD team.

[redacted]
Regional Security Officer
U.S. Embassy
Tripoli, Libya
[redacted]
http://libya.usembassy.gov/

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SBU
This email is UNCLASSIFIED.

From: [redacted]
Sent: Monday, July 09, 2012 2:51 PM
To: [redacted]
Subject: RE: RSO TDY staffing for Libya

[redacted],

I will be in Benghazi until July 25th. I don't have a problem filling in as RSO here, if the bosses agree. I defer to [redacted] and [redacted] to make that decision.

However, I am taking leave in August from the 14th through September 1st.

I will advice a senior agent be send here as Acting RSO for at least 60 day TDY's to have some type of continuity and overall supervision of the security situation on the ground.

Regards,

[redacted]

Acting RSO [redacted]

US Mission Benghazi

Benghazi, Libya
[redacted](Mobile)
[redacted](Duty phone)

From: [redacted]
Sent: Monday, July 09, 2012 2:41 PM
To: [redacted]
Cc: [redacted] (TEMP TRIPOLI); DS-IP-NEA
Subject: RSO TDY staffing for Libya

[redacted],

Last week we lost two Agents that were scheduled for Benghazi in Aug & Sept. I moved Two Agents from Tripoli to Benghazi for that time frame ([redacted] and [redacted]).

We still do not have an RSO assigned for Benghazi Aug thru Nov.

At the bottom of the spread sheet you can switch between Tripoli and Benghazi.

Regards,

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EXHIBIT 8

This exhibit was not cleared for public release.

EXHIBIT 9

This exhibit was not cleared for public release.

EXHIBIT 10

C05393382-MOU

[redacted]

From: [redacted]
Sent: Monday, August 13, 2012 8:17 AM
To: [redacted]
Cc: [redacted] DS-IP-NEA; [redacted]
Subject: RE: QRF Issue 2

Classification: UNCLASSIFIED
SensitivityCode: Sensitive
SMARTCategory: Working

[redacted]

I did a search of my email files and I could not find anyone named , I only have one reported [redacted] incident that did not have this person named.

Regards,

[redacted]
Desk Officer for Near Eastern Affairs
Diplomatic Security International Programs
Office Ph: (571) 345-3475
Mobile Ph: [redacted]
Email: [redacted]@state.sgov.gov

IAW E.O. 12958 this email is authorized up to SECRET

Sensitive
This email is UNCLASSIFIED.

From: [redacted]
Sent: Friday, August 03, 2012 3:44 PM
To: [redacted]
Cc: [redacted]
Subject: QRF Issue 2

~~SECRET/NOFORN~~

[redacted]

Today a "public affairs" officer from the 17th February Brigade came to the mission and delivered a typed message with official seal stating that our new QRF member would be [redacted]. The ARSO at the gate explained that we had requested a list of names that we could choose from and interview, but the Brigade officer basically stated that this is who we were getting.

We asked the QRF team leader if he knew and he said he did. stated that he did not like this person, he was not a team player, and furthermore he worked here before and was fired (RSO has been unable to confirm this thus far)

We are in the process of going back to the Brigade and requesting someone else. I'm not sure why the Brigade is sending us someone we've already fired, [redacted] In addition, QRF team morale/cohesion will drop.

– *any institutional* knowledge with an working here before? We'll do our best not to hire this guy, but we may have no choice as we don't have much pull with the Brigade.

Regards,

INTERVIEW OF DIPLOMATIC SECURITY AGENT #13

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, MAY 21, 2015

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

DANA CHIPMAN, *Chief Counsel*
SHARON JACKSON, *Deputy Chief Counsel*
MARK GRIDER, *Deputy General Counsel*
SARA BARRINEAU, *Investigator*
KIM BETZ, *Member Outreach Liaison and Counsel*
HEATHER SAWYER, *Minority Chief Counsel*
RONAK DESAI, *Minority Counsel*
BRENT WOOLFORK, *Minority Senior Professional Staff*

FOR THE U.S. DEPARTMENT OF STATE

AUSTIN EVERS, *Senior Advisor*

Mr. Grider. Let's go on the record.

I'm going to read through some information here, a prelude here.

This is a transcribed interview of Agent [redacted] 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 and House Resolution 5 of the 114th Congress.

Special Agent [redacted], could you please state your full name for the record.

Mr. [redacted]. [redacted].

Mr. Grider. On behalf of the committee, we're happy that you're here today. We appreciate you coming.

My name is Mark Grider. I'm one of the counsel on the committee's majority staff. And we're going to take a moment and go around the room and let everybody introduce themselves.

Ms. Jackson. Good morning. I'm Sharon Jackson. I'm also one of the counsels on the majority staff.

Ms. Betz. Kim Betz with the majority staff as well.

Ms. Barrineau. I'm Sara Barrineau with the majority staff.

Mr. Desai. Ronak Desai with the minority staff.

Mr. Woolfork. Brent Woolfork of the minority staff.

Ms. Sawyer. Heather Sawyer with the minority staff.

Mr. Evers. Austin Evers, State Department.

Mr. Grider. So these are some general ground rules, and

sometimes they move a little bit just based on timing. But, generally, the way the questioning proceeds is that a member from the majority will ask questions first for up to an hour. We may not do that hour timeframe. We may go on. But we'll figure that out.

And then minority will have an option 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 a designated staff member. We'll rotate back and forth until -- we possibly will rotate back and forth. We'll figure that out.

So let me move to sort of the testimony aspects. During your career as possibly a law enforcement officer, you may have testified in a deposition or in Federal court. This is a little different.

The committee format is not bound by the Rules of Evidence. So we may ask your opinion on things. We may ask hearsay. And all of that is admissible in a transcribed interview before the congressional committee.

Do you understand that?

Mr. [redacted]. Yes.

Mr. Grider. At any time you or your counsel may raise objections for privilege subject to review by the chairman of the committee. If these objections cannot be resolved in this interview, the witness 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 has not been an issue we encountered in the past, but I'll make sure you're

clear on the process.

This session is to begin as unclassified. If any questions call for a classified answer, please let us know. We'll reserve that answer until we move into a classified setting or you can talk to your counsel during the break and we can sort of figure it out from there.

In preparing for your interview, I don't believe any of my questions will go into classified information, based on the documents that I reviewed. But if you feel it does, please feel free to confer with your counsel.

As you know, you're welcome to confer with your counsel at any time that you'd like. But if something needs to be clarified, we ask that you make this known to me. If you need to discuss anything with your counsel, we'll go off the record, stop the clock, and provide you this opportunity.

We'll also take a break whenever it's convenient for you. This can be after every hour of questioning. It can be in 30 minutes. It can be in 5 minutes. So we just want to make sure that you're comfortable. So if you ever need a break, just let us know. We'll stop. Once again, during the round of questioning, if you need to go to the facilities, if you need a cup of coffee, please just let us know.

As you can see, to your right an official reporter is taking down everything you say and I say to make a written record. So we ask that you give verbal responses to all questions, yes and no, as opposed to -- you know, I think some of us do nods of the head or whatever.

So I'm going to ask the reporter -- I think I told her this

before -- please feel free to jump in if you do not respond, if you give nonverbal responses, or if I'm talking way too fast. So she'll let us know if we're doing things correctly.

Also, we should try not to talk over each other so it's easier to get a clear record. We want you to answer our questions in the most complete and truthful manner possible. We'll take our time and repeat or clarify our questions, if necessary. If you have any questions or don't understand any of our questions, we'll be happy to clarify those points.

As you know, we want a clear understanding of what you know from your time in Benghazi, Libya. So we're going to ask you to give us your best recollection. We fully understand that a few years have passed so that things may not be crystal clear. So feel free take your time.

If you honestly don't know the answer to a question, if you do not remember it, it's best not to guess. Please give us your best recollection. And if there are things you do not know or can't remember, just say so, and please inform us to the best of your knowledge. And you may be able to provide a complete answer to the question at a later point or something to that effect.

Do you understand that you have an obligation to answer questions from Congress truthfully?

Mr. [redacted]. I do.

Mr. Grider. This also applies to questions posed by a congressional staff in an interview.

Do you understand that?

Mr. [redacted]. Yes.

Mr. Grider. Witnesses that knowingly provide false testimony could be subject to criminal prosecution for perjury or for making false statements.

Do you understand that?

Mr. [redacted]. I do.

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

Mr. [redacted]. No.

Mr. Grider. Okay. I believe that's the end of my preamble.

We always like to give the minority a chance. Anything?

Ms. Sawyer. We're set.

Mr. Grider. Excellent.

Mr. Grider. Okay. The clock reads 9:08. Okay.

EXAMINATION

BY MR. GRIDER:

Q Do you mind if I say "Agent [redacted]"? Is that the best?

A That's fine. Whatever.

Q Agent [redacted], can you just give us just your law enforcement -- your background history before prior to DS.

A I have a bachelor's in criminal justice from [redacted]. Former Marine, U.S. Marine Corps. I was in the infantry, and then I was in the MSG program, Marine Security Guard Program.

Q What years? Can you give me that just so I have a --

A Sure. College, [redacted]. Marine Corps, [redacted]. I was in Kuwait when the African bombings took place. So I put my application in with Diplomatic Security at that time. So I ES'd in January 1999 and started Diplomatic Security in [redacted] of 1999.

Since I've been in Diplomatic Security, I started out in the Dallas resident office. I was there for a year. I went to the Secretary's protective detail for 3 years, guarded Secretary Albright and Secretary Powell.

I went to [redacted], as the Assistant Regional Security Officer in 2003. I curtailed from there after about a year and a half to serve in [redacted] in 2005 as the Deputy of the High Threat Protection Office. I served a year there. And then I went to the [redacted] Joint Terrorism Task Force, and I served in [redacted] for 3 years.

I then moved [redacted] and then moved myself to [redacted] and became the RSO in [redacted] for a year. I returned to [redacted] and served 2 years in the [redacted] resident office. And while I was in [redacted] is when I did the TDY to Benghazi.

Q Two questions.

I understand 2003 you were in [redacted] --

A Sorry.

Q That's fine. That's fine.

I just want to know -- you were on the Secretary's detail with Albright and Powell.

What timeframe was that?

A 2000 to 2003.

Q Okay.

A So I went back into Secretary Albright's tenure and then did the transition.

Q Okay.

A And then [redacted] was May '05 to '06. And then [redacted] would have been May '06 to May '09. And then [redacted] would have been '9 to '10. And [redacted] was '10 to '12.

And then I was the Assistant Special Agent in Charge in [redacted]. I got to go up there and deal with the [redacted] from 2012 to 2014. And then I came to [redacted], July of 2014.

Q I'm always going to pause a little bit because I have an excellent co-counsel here that's helping me.

Mr. Grider. Anything that you need clarification on that timeline? Okay.

BY MR. GRIDER:

Q So let's -- very impressive service. And not just impressive, but we really appreciate your service on a number of key issues here.

But I want to direct your attention to sort of your time in Benghazi. You were in [redacted] in 2010. Is that correct? Can you tell us, how did the Benghazi assignment come about? Was it TDY? Just if you can start with that piece.

A Yeah. At that time, Benghazi was relatively fresh, and they were looking -- headquarters would send out emails soliciting TDY support.

If I remember correctly, I was slotted for -- UNGA was in that time period, U.N. General Assembly in New York. So I had already been slotted for a detail there.

And I think I got an email from one of my partners in crime from headquarters asking if I would be interested in going to Benghazi for a short duration. So I figured it seemed interesting, and I didn't have to wear a suit. So I chose to go to Benghazi.

Q By any chance, do you recall who --

A It was someone from one of our headhunters, one of our IP desktop servers. I don't recall the name.

Q Okay. Can you give me the dates that you accepted, and then sort of -- can you walk us through sort of the process. And approximate. I mean, I think I recall the time that you were there.

A Yeah. I arrived in Benghazi on or about mid-September, the 12th, 15th, something like that.

Q Of 2011?

A Of 2011.

It was a pretty quick turnaround time, if I remember. Because, like I said, I was already slotted for UNGA and I had to pull chocks to do this different assignment. So it was a pretty fast -- you know, get your passport ready and pack out.

I didn't have to pack much, but I had to get some gear and reach that post. So it would have been maybe a month window tops prior to that, so August.

Q Perfect. So three things with that.

Can you just sort of tell me just generally the gear that you packed to get ready to go. Can you tell me how you got there, sort of once we're in country. Then we can go from there.

A There was a bit of an anomaly with my gear issue. I guess we'll call it that. Leaving [redacted], I wasn't able to bring my high-threat gear. So I ended up leaving it in [redacted] for my successor.

So when I went to [redacted], I didn't figure I was going to need the high-threat gear. Who would have thought about the recent riots in [redacted], though?

But, nonetheless, when the Benghazi thing came downrange, I reached out to DAV. DAV is our, for lack of a better term, defensive equipment, armored vehicle program. That's where we get all of our body armor and stuff like that, helmets.

So I reached out to a friend there to see if I could get a supplemental pack just to go to Benghazi. So I was in the process of that. And then, in my coordination with Benghazi at the time, my predecessor, he advised that there was sufficient gear there that I could mooch from.

I think there was a hiccup in the shipment of the gear. Something got lost in the sauce or UPS misplaced it or something. So I ended up going in without it. But I had -- like I said, there was gear in country.

Now, that said, I didn't go straight to Benghazi. I went to -- I want to say Souda Bay or Crete. It was one of the military bases out

there. That was our hub. So I was there for a couple days and then took one of our flights -- our support flights into Benghazi 3 or 4 days later.

Q Excellent.

One last thing before we get in country. You had mentioned that you had contacted someone at post when you were at St. Louis.

Do you recall who?

A Email? Just email through my successor -- or my predecessor was [redacted].

Q And what -- [redacted]. What was his title?

A He was who I was following. So at the time I thought I was going to be an AIC, agent in charge, of the presidential envoy at the time. But I think there -- we call ourselves RSOs over there, but he was a senior agent there.

Q All right. Very good.

When you landed in Benghazi, what was your first impression? What was your sense? You've done -- you've been in a number of different countries. What was sort of your first impression or your thoughts?

A I guess the same that I got in other environments, similar to [redacted]. You know, it's not Kansas. I can tell you that.

It seemed like we had -- I don't recall how to place it. It was normal. I didn't have any -- no sense of alarm at the time when I got there. And literally [redacted] left. I met him at the airport.

So we basically did a little handoff at the airport. He gave me

his helmet. I took it. He hopped on a plane, and I went on to post.

Q Did he give you any turnover notes or anything else?

A We had a few emails exchanged, just kind of a baseline of what the day-to-day operations were. Nothing too elaborate. We had maybe 10 agents there at the time. So each person had their own, I would say agenda, programs.

Q Let's walk through -- so let's go in country.

Can you sort of walk me through who was there. Who were the employees? Were they all DS?

A No. We had, I think, 10 agents, counting myself. We had the Envoy, Ambassador Stevens. We had a political officer. I don't recall his name. We had an IMO. I can't think of his name either. And then we had -- I can't think of the [redacted] name either, but there was a guy there for [redacted], whatever it was, some kind of a -- he was there to support some kind of [redacted] or something.

Q [redacted]?

A [redacted]. I don't remember if it was a White House thing or a congressional thing, but he was out there to support [redacted] and -- what's the word I'm looking for? -- [redacted].

Q So that sort of covers the State employees, generally.

[redacted]?

A [redacted]?

Q [redacted].

A [redacted]?

Q Yeah. At the compound. Or let's say in Benghazi, to your knowledge.

Mr. Evers. To the extent you can answer in an unclassified setting.

Mr. [redacted]. [redacted]

BY MR. GRIDER:

Q I want to back up real quick.

Did you take high-threat -- are you familiar with the term "high-threat training"?

A Uh-huh.

Q Did you have a chance to --

A Yes. I took one of the initial high-threat training courses in '05 prior to [redacted], 8 weeks. And then, prior to [redacted], I took another -- a refresher course from mid- to senior level, which is about 4 or 5 weeks. So that would have been in '09. And I hadn't taken it since. '09 was the latest I had.

Q Okay. Very good.

There are some terms that I've just read that I don't know. So I'm just going to ask you.

Are you familiar with the term SPS?

A Uh-huh.

Q Can you explain to me, who are they? What do they do?

A SPS is a contingent of Diplomatic Security. They're not

agents, but they're -- Special Protective Services I think they're called. They're given credentials. They're not given badges, I think.

It was kind of a way -- this is my recollection of the program. It was a method that we were bringing in, I would say, more senior personnel to cover what we traditionally would have done as contractual.

So, like, not phasing Blackwater and DynCorp and Triple Canopy out, but this was a component to bring in some of those personnel, those skill types, under the State Department or Diplomatic Security umbrella, give us a little better management tool than sending them to a contracting arm, a lot cheaper.

Those personnel go to high threat. That's all they do. They go to high-threat arenas and do close protection and then they supplement the RSO shop.

Q So they're similar to contractors like Blackwater, I mean, security --

A The concept was that they're similar to. I mean, the fact that we pulled them away from the Blackwater arm or the DynCorp arm, they had the skill sets. They're very similar to us.

It gets their foot in the door. It's a lot easier to get into the SPS arm. And then a lot of them actually come onboard with us, become agents down the road.

It at least gets their foot in the door. It gives them a government paycheck. It's a little bit more actually fulfilling than

a contractual basis where they can get pulled anytime.

Q Sure.

In your mind, what was their primary purpose? I mean, is it security?

A From my understanding of the program, it's primarily close protection. So they're augmenting what a regional security officer would do in a high-threat environment.

We put a lot of ownership on close protection under the SPS umbrella. That's their purview. That's their specialty. When they go through basic SPS course, that's all it is. It's geared towards high-threat and close protection.

Q When you were present there, was there anyone from SPS?

A Two of my 10 were SPS. I didn't delineate them between us and them.

Q Sure.

But State-wide, from a personnel perspective with respect to the State Department, if anybody said, "Raise your hand if you're a DS agent," would they raise their hands?

A Yes.

Q They would?

A Yes. Well, if they didn't raise their hand, I'd make them.

Q Sure. Fair enough. I understand.

But there was a distinction between a DS agent and essentially --

A From my understanding, there is a distinction. Yes. It's all personality-driven.

Q Sure. Fair enough.

To your knowledge, do you know, once you got into 2012 -- and I realize that you left in 2011 -- this is more just wondering if you know this or not -- do you know if SPS was continued or do you know if they sort of stopped the SPS program at some point?

Mr. Evers. Do you mean in Benghazi or across DS?

Mr. Grider. In Benghazi.

Mr. [redacted]. I don't know what -- manpower-wise, I don't know who they -- would have filled those positions.

BY MR. GRIDER:

Q So during your time, the two individuals with SPS, when you left, were they still there?

A I believe one was still there when I left, if I remember. They were TDY'd as well. So they were TDY'd from where ever. I think Kabul was one of them. One was maybe Iraq or something like that. But I don't recall. But I think one of them had left.

Q Do you recall those names?

A Yeah. I say yes. Last name was [redacted].

Q You said [redacted]?

A [redacted], [redacted].

Q Okay.

A I can't think of the first name offhand.

And the other one was [redacted], [redacted]. [redacted], first name.

Q And, as you recall, when you left, was it [redacted] or [redacted] that still remained? If you recall.

A I don't recall. I think one of them left, and I'm trying to think who left first. Because there was kind of -- I want to say mass exodus. But when I left, out of the 10 bodies, we went down to, I think, 6 right about the same timeframe. So one of them might have left before me and one left the day after. I don't recall, though.

Q I just want to establish -- I think I know.

But when approximately did you leave in country?

A Right before Halloween in 2011, 30th or 29th, something like that.

Q Are you familiar with the name [redacted]?

A Uh-huh.

Q Can you tell us what you know about him and his role.

A I think, if I recall right, [redacted] -- I'm much better with faces. I believe he was kind of our -- what we would have called our local hire at most embassies.

He would have been kind of our conduit to whatever government we're in, the TNC or whatever it was in Libya at the time. He was our eyes and ears, if I remember correctly. In other words, he was wired for the city, and we would use him as such.

Q You mentioned, obviously, the PO. You mentioned the Envoy.

How much interaction did you have with the PO, the IMO, and the Envoy?

A I had a lot of interaction with the Envoy. Chris and I shared a hooch or shared a villa together. The political officer, I would see him frequently. It was a small compound.

Q Sure.

A And the IMO as well. We had day-to-day interaction. But I couldn't tell you the names. I apologize for that.

But, yeah, some of what my office did when we did security for the political officer, we would go out. And, once again, I'm good with faces, but I don't remember his name.

Ms. Jackson. Does the name [redacted] --

Mr. [redacted] Yep. [redacted]. Yep. That name rings a bell.

We had USAID there, too, I think. It's coming back to me. Female. She was there. I mean, people were phasing in and out all the time. So it was -- but I remember because we used some of their vehicles, from what I remember.

BY MR. GRIDER:

Q I want to say this on the record, I mean, as I continue on my questions. I fully understand some of these questions -- obviously, there were four Americans that passed away. And I'm attempting to gather as much facts and recall as possible.

So I want to tread very lightly about the relationship that you have, and I fully understand that. So please let me know if you need to pause or if the question is not coming out correctly. But I want to do everything with full respect for your service and the four Americans. So I just want to make sure that that's clear.

A Sure.

Q You mentioned -- in light of that, you mentioned that you shared a hooch, a villa, with the Ambassador.

What, if anything, in your own opinion, was the reason why we were there? Did you have a sense of the purpose of being in Benghazi?

A I guess my sense, from a knuckle-dragger point of view, the Ambassador -- he was there because, if I recall correctly, he had been there before, I believe. I'm pretty sure of that.

And then he had had some pretty good contacts. And because of the way the country was evolving, if you will, at that timeframe, he seemed like the right person to be breaking bread and establishing a foothold for the U.S. Government.

My perspective of that, watching him interact, spot on. I think he had a lot of friends and allies in country, and he knew exactly what buttons to push during my timeframe there. He was highly regarded.

If anything, it made my job difficult because he was such a -- you could call him a rock star at the time. Knowing his mission or his intent and what he was going to get accomplished, it was difficult to provide a safe passage for him, if you want to call it that. But we made it happen. We made it work.

Q So can you give me, if you can -- I fully understand what you're stating of him being sort of a, quote-unquote, rock star and, from a security standpoint, it was difficult because you have to sort of discern.

So can you paint the picture a little bit of -- can you think of a scenario, like he wanted to go X and --

A Well, there was a couple -- I don't remember what exactly the days were. But there was a couple big days where there was a lot

of Libyan nationals.

He was invited to a couple larger -- I say functions. They were at a soccer field, so a massive amount of people. Anytime you put that many people in there, that 10 percent grows and it's difficult to secure.

And because we didn't have the traditional assets in place as far as the who's who in police and security infrastructure, we had to kind of adapt on our own. And there were some times where he wanted to go to certain things for a certain period of time.

So we would adjust his visits accordingly just to minimize our time in place, particularly, and if there was a potential threat, to ensure that they were on their heels instead of on their toes.

You know, after Qadhafi was caught and captured and killed, there was a lot of hoopla. There was a lot of fireworks, AK-47 rounds being shot and what have you, but a lot of visitors at the time. And we kind of welcomed that because I think, from the U.S. Government standpoint, we were involved with that.

And I understood from his point of view that he needed to be involved. So we made it work as well. We had a guest list and we brought people in, and we coordinated with people that we could coordinate with.

Q Now, I'm not following my traditional outline because I think what you're telling me is just fascinating and riveting. So I'm sort of jumping off and just sort of going with what you're telling me here.

So you had the 10, including yourself, DS agents that I imagine were doing movements with the Ambassador. Was there a local guard force, Feb. 17? Was there anybody else assisting from a security standpoint?

A So we had 10 bodies on compound, nine plus myself. All 10 did not go strictly with the Ambassador at all times. We changed up. We changed our footprint up and our packages up.

Plus, we had to support the USAID mission there as well as [redacted] movements periodically as well as the other general -- I can't think of his name -- [redacted].

The 17th Feb. guys, we only had three, but we used them as best we could. Traditionally speaking, in the RSO function, we would have what we would call an FSNI, Foreign Service National Investigator, there.

It was not an official RSO shop. So we adapted. So I used one of the upper ranked -- I don't know what his rank was -- but the most senior of the three -- I used him periodically as a pseudo-FSNI.

Ms. Jackson. And what's the role that an FSNI would play?

Mr. [redacted]. Well, RSOs are assigned to about 275 posts worldwide. And so FSNIs -- because we rotate so often, we hire a local national that is wired to the city. But, normally, he's a former police officer for that particular country or for the city.

And he is our -- I'd say our eyes and ears, but he also -- he's the facilitator for whatever we need as far as from the U.S. Government standpoint, whether it be investigation purposes, supporting the

AMCITS that come in and get mugged or intel driven, like, "Hey, there's a potential demonstration coming" or whatever else.

So that's the traditional norm. We normally have one or two per post. And Benghazi -- because it was somewhat of a quasi-RSO office, I didn't have that resource or ability. So I used this guy because -- and there was a transition there. I mean, no one knew who was who. They seemed to have much more of an arm hold onto Benghazi itself. So I used him and his counterparts to facilitate movement at that time.

BY MR. GRIDER:

Q Do you recall that name?

A If you had a picture.

Q For some reason, I have a name in my head, and this may just be from [redacted].

[redacted] or anything like that? Does that right --

A [redacted] was one of them.

Q [redacted]?

A I think it's [redacted]. That might be my Missouri-talk, too.

Ms. Jackson. Was there another name, [redacted]?

Mr. [redacted]. [redacted] was another. Yeah.

Ms. Jackson. But neither one of them was the guy in charge.

Mr. [redacted]. I think [redacted] was the younger one, if I remember correctly. I think [redacted] was the older one. He might have been the one in charge. [redacted]

[redacted].

But, once again, managing 10, I had an agent that strictly that was his program. So I didn't have a lot of face-to-face with him other than when I met with his bosses.

BY MR. GRIDER:

Q Two questions.

Let's just stay on the Feb. 17. Were you present when that sort of agreement or arrangement with Feb. 17 sort of came about?

A No. They were there before I got there. So there was already somewhat of an agreement. Most of our agreements there were verbal. Might have been just kind of a known entity.

Q To your knowledge, do you recall if there was an MOU or some type of --

A I know that there was an MOU being drafted, but I don't know if there was technicalities -- but there were some issues there -- that we did not sign during my timeframe.

Q So while you were there, do you know if the MOU -- it was being drafted during your timeframe?

A I know it was being drafted. It wasn't, I would say, high on our priority list. We were going day to day there, and I was just hoping to put a roof on their head.

Q And where did the three members of the Feb. 17 -- where were they located? Where did they stay?

A We initially had them in my hooch. At the villa, there was a little guard shack, if you want to call it that, a squatter house.

It had a little kitchenette in there and a patio. But I think they -- don't quote me on this, but I think we got them moved to a vacant -- more of a structure, a more villa-oriented house, on the compound.

Q And were they armed?

A They were armed.

Q Do you recall what --

A What kind? I think AK-47.

Q Just to clarify your role maybe -- and you may have said this already, but what was your -- so you had the 10.

Were you in charge of the 10?

A Yes.

Q Can you sort of explain just from -- what was sort of the chain of command? So you came in. Nine people reported up to you. So can you just sort of walk me through just generally. This is just --

A I think I was just the senior guy there. I was one of those guys. I volunteered too quickly. I was clearly the senior, time and service, age, the whole gamut.

As far as the -- like I mentioned earlier, when I got solicited to go out, I was supposed to be the agent in charge of this detail. So I assumed -- as you know, you don't want to do that too often -- that the 10 would be part of my bodyguard staff and that's all I would have to deal with.

So when I got close to the drop date or the day I arrived, they basically said, "We don't know how long we're going to be here. So

we're going to make you the RSO, and we're going to make your number two the AIC," at which time I tried to get back on the airplane.

But, nonetheless, it was myself and my number two. Rank-wise, he was senior. He did more of the movement portion with Ambassador Stevens, but I did the overall security aspects of the job, access control and all the policy crap.

Q Sure.

Who was the number two -- you made mention of that -- if you recall?

A [redacted].

Q Is he still with DS, to your knowledge?

A Yeah. I couldn't tell you where he's at. He was in Atlanta, but we move every 2 years.

Q I understand.

I think we covered prior to you going to Benghazi, but let me just ask this again.

Any intelligence reports? Any reading prior to being in country?

A No. Unfortunately, we were just trying to keep the home fires burning. So when I got the call saying I was going to go there, most of my logistics were either curtailing from my UNGA assignment and/or prepping my family for a 60-day hiatus.

Q What about once you were in country? Any weekly intel reports? Any documents that you were reading?

A I don't know how weekly. I think it was just sporadically as needed. The Envoy, he would get reporting from different places,

and he would make me apprised of it when he thought it necessary. I wasn't in that pipeline, unfortunately. But we had a good relationship with those that were in country.

Q Sure.

Are you familiar with the SITREP, situation report?

A Uh-huh.

Q Were there ever any prepared? Did you ever have to prepare any?

A I don't recall during my timeframe anything reaching to the level of the SITREP. I'm pretty open book. So when something were to happen, I let headquarters know just to keep them apprised. But I don't recall any major instances when I was there that reached the level of what we called a spot report.

Q Spot report. Very good.

When you talked about letting headquarters know, who was sort of your primary point of contact at headquarters?

A We had what we call a desk officer. My desk officer was [redacted] and then [redacted].

Q [redacted]?

A [redacted], [redacted] or [redacted].

Q How often did you communicate with [redacted]?

A I think as needed. I didn't -- you know, I wasn't Chicken Little out there, but I would let him know if there was issues or considerations to who's arriving when, departure notices, per diem issues, chow hall issues, things like that. But I didn't have a set

time to coordinate with him.

Q Was it sort of a two-way street? Would he be giving you information or asking you questions?

A That's what they normally do. Yes.

Q What types of information would he be feeding you?

A Well, most of it had to do with manpower, as far as -- like I said, because there were 10 of us and we were on these 60-day rotations, we didn't all rotate at the same time.

So in a given week, I had somebody either coming in or going out. So a lot of the logistics part of that was coordinated through him. He would be my point person for requests for whatever upgrades and whatever as well.

Q Based on your training, experience and -- you know, you stated there were 10 agents, including yourself, there.

Do you feel like that was too many or would you -- let the record reflect that the witness raised his eyebrow when I asked that question.

So let's talk manpower. What was your opinion? Did you need less, did you need more, or the status quo was fine?

A Depending on the day. We were trained to do with what we had. We can Monday-morning-quarterback it all you want and say we added extra people. If those people aren't trained properly, then those 10 people -- you might as well leave them on the airplane.

We made do. The 10 people wasn't based on our footprint in Benghazi at the time. I think if we would have raised our profile much more, then it would have been insult to injury.

Q I'm sorry. You would have been what?

A It would have added insult to injury by adding people because, one, we didn't have the facilities and I think we would have been stepping on each other. It's much easier to run lean in a place like that, from my perspective.

Q Sure.

A There's different agents out there that would tell you the more the merrier. There's other agents who would say "I'd rather go in there with a team of five." I appreciated the people I had; so, I used them accordingly.

As we downsized to a lesser number, it's more difficult to run, keep up with the off-tempo. That's where the 10 bodies kind of helped because, with additional bodies there, I could farm them out to support USAID interests [redacted] or [redacted] and what have you.

But as you start reducing those resources, then you have to prioritize your missions. So I don't know. I couldn't tell you what the golden number is --

Q I understand.

A -- for an environment like that.

Q Good.

BY MS. JACKSON:

Q You stated that, when you left, the numbers reduced to 6?

A I think it was 6 or 7.

Q Was it going to stay at that level or was it going to go back up to 10?

A No one seemed to know. If I recall correctly, we were still in this situation where we didn't know how long Benghazi was going to be. Tripoli was kicking off. And so there was a lot of interest in supporting that. So we were trying to figure out -- or headquarters was trying to figure out where to prioritize our deficiencies, if you want to call it that. So no one knows.

I mean, we were planning for the worst, phasing people out and trying to figure out how best to support the mission there. If I remember correctly, with the Embassy being opened -- it opened towards the latter part of my tenure there. So the Envoy lost his, quote-unquote, status because there was now an Ambassador in country.

And I remember -- I think Ambassador Stevens actually left right before I did -- I'm pretty sure of that -- for a vacation, but he'd just gotten appointed as the Ambassador down the road. So nobody really knew. I think they were going to bring in a political officer, probably my rank. I'm pretty sure he was my rank. He was going to be the foothold there in Benghazi for the short term, but no one knew how long.

And because of that -- my perspective again -- this next person probably didn't have the rock star status as Ambassador Stevens. So you're not going to put all your eggs in that basket if your rock star is moving now as well and if you want to minimize your equipment. That's why we were kind of doing the dance.

Q So was it your assessment that, when Stevens was there because of his being well known, that required additional protection?

A I don't know if it required additional protection. I think at the time when we were there, we were the only active USG role. And then, once they opened the embassy in Tripoli, he lost that -- I don't want to say --

Q Focus?

A Well, I don't know if it was focus either. I think he was still doing what -- he was now being managed by Tripoli. And so, when you're away from the flagpole, it -- he didn't want to overstep his bounds when there was an Ambassador in country.

So I'm sure that he took the vacation at the time to figure out where we, as an embassy -- I'll call it a mission -- what our priorities were or what our function was.

And I think, for the most part, our priority in Benghazi was just to be the eyes and ears for that new government that was supposedly developing there, if I remember right.

Q In your perspective, the Ambassador then needed -- was the focus as the U.S. Government presence in country?

A In Tripoli?

Q Well, in Libya, just overall.

A Well, I think that's what normally is the case. So, I mean, you wouldn't want -- you definitely wouldn't want a country with two Ambassadors in it. I think it would cause some conflict. That's my perspective.

I know he -- once that opened up, I know that the mission itself in Benghazi -- they were trying to figure out from a headquarters

perspective what we were. I mean, looking at the reports, they didn't know whether to call us a consulate or a mission or whatever, an annex.

I know that they wanted to keep the position there because -- or they were talking about keeping the position there because of the foothold we already had and because that was the -- I can't remember -- the TNC or the government stronghold, if you will, and figured that was a good, influential place to be, but no one knew how long.

Q And was the Envoy part of those discussions back at Main State regarding what was the future of Benghazi?

A I couldn't tell you that. I don't know. I know -- I mean, I'm sure he had his own agenda as well. I don't know who he was dealing with, whether it was Main State or --

Q Did he have regular and routine contact with people at Main State? I mean, was there a daily call? Was there a weekly call?

A I recall him having quite a lot of interaction. But I don't -- whether they were -- not videoconferences, but telecoms and stuff like that. But I don't recall how often it was or how scheduled it was.

Q And were you aware of who he was talking with?

A No. No, ma'am.

Q Was he able to communicate in writing in any way through email? As I recall, you may not have had the ability to send cables from Benghazi.

A I don't recall doing a lot of cables from there. I don't

know why. That was not the place, but we had emails set up and -- I don't recall.

Maybe some of the high-side emails were shut down periodically just for system failures. I think, for the most part, we all maintained some kind of connectivity with headquarters.

Q Was the Envoy a prolific writer? I mean, did he spend hours at a laptop or computer screen?

A He wrote me a nice evaluation.

I think he was. I think he was pretty savvy across the board. From my perspective, I think he was much more of a personal person. But I'm sure he wrote plenty of papers and whatever else. I mean, you don't get to that position and not.

Q By "personal," you mean he was a talker?

A He's a talker. Articulate, intellect, yes.

Q Once Tripoli was reestablished as the active embassy in country, do you recall if there was any change in the reporting that you all did in Benghazi, meaning did it then start flowing through Tripoli and up to Main State, or did you, as the acting RSO, continue to report directly to Main State? And, as a corollary, did you notice any change in the Ambassador's reporting?

A That was a long one.

Q I know. Very complex. Let's start with your --

Ms. Sawyer. Sharon, just to clarify, are you asking the Special Envoy? Because the Ambassador would not have been Mr. Stevens at that point. I don't know which one --

Ms. Jackson. Oh. I may have --

BY MS. JACKSON:

Q Let's start over. And in the words of Peter Kenny, we're going to unpack this a little bit. Let's talk about your reporting as the acting RSO in Benghazi.

Once Embassy Tripoli reopened while you were there, did you continue to report directly to Main State or did you start reporting through Tripoli?

A Well, with Tripoli opening, that, too, affected my purview, if you want to call it that. So now, with Tripoli opening, there was an RSO in Tripoli, [redacted]. So I did what I could to support his interests as well, very similar to what I would imagine Ambassador Stevens was doing -- or Envoy Stevens was doing.

Did I go through him all the time? Probably not. Should I have? Maybe. I don't know. He was cc'd on everything I did when I was there.

But I think opening the shop, especially in Tripoli with the focus and the limelight, it's difficult, to say the least. So I used -- my interaction with him was just to augment his needs.

So whether we were looking at upgrading my facility or his, we tried to kill two birds with one stone, whether it be equipment -- you know, I just plussed the equipment request up by 10 or 6 or whatever we had to make it a little easier, more efficient.

Q And then, if you were in a position to know, did you notice any change in Envoy Stevens' reporting? Did he talk only with the Ambassador in Tripoli or did he continue to have conversations with

persons directly at Main State?

A I don't recall. I mean, I think -- I would presume that they were pretty joined at the hip, I would presume. I mean, knowing what I know of him, I think he wasn't going to be on his own agenda.

While I was there, the Ambassador did come up maybe twice, and it was mainly just to meet and greet with some of -- Ambassador -- or Envoy Stevens' contacts. But I think they were two of the same.

Ms. Jackson. Back to you.

Mr. Grider. Thank you.

BY MR. GRIDER:

Q Ten more minutes. Are you okay? Do you want to take a break?

A I can handle it.

Q I know you can. Ten more minutes before we probably just take a break.

Are you familiar with any other procurement process as it relates to sort of the contracting of security guards? I think we have already addressed the Feb. 17 and the possible, you know, MOU that was being developed. Was there any other contracting going on with security? Was there another contract -- life services contract?

A There was a life services contract or some sort of, but it wasn't -- and I don't know all the particulars on it. But I recall one of our little issues with Benghazi was the chow hall.

If I remember correctly, the guy that was in charge of the life services, the local national that was in charge of that contract,

oversaw the chow hall as well as the LGF component that was there when I was there.

Q And was --

A What?

Q Go ahead.

A I don't recall the contractual, what we paid. Between us, we didn't get what we paid for. I can guarantee that. But I ended up sitting in on a couple of the meetings with them regarding the guards -- the equipment of the guards.

Q So let me just be clear just in my own mind.

You're saying the local person that was there over the life services contract -- obviously, he was over the chow hall, and then you're saying the LGF as well?

A I believe the LGF --

Q And excuse my ignorance here. So the Feb. 17, that's different.

A Completely different.

Q So when you say LGF, who were the --

A I don't remember the name of the contract, and I don't remember the name of this gentleman either. But there was an LGF contract, if you will, or a component there when I was there. I don't know if it was -- the numbers, I want to say 10, 12, something like that, unarmed guards.

Q Unarmed guards. Okay. All right. Good.

So where were they stationed on the compound or were they?

A They were posted on the grounds.

Q Okay. Yeah. Posted.

So where were they posted?

A They put them at -- I would say vulnerabilities -- but our access control gates.

Q And were you privy to any discussions that this contractual arrangement would change in the future? I think later -- this is all public knowledge -- later I think they ultimately hired Blue Mountain Group.

A Correct.

Q Did you know about BMG? Did you put any recommendations in to sort of say, "Hey, we're not getting what we're paying for"?

A No. I mean, while we were there and probably my successor, there was not issues, but there was -- LGF always gives you issues. I mean, if you're not on top of them, they're going to give you issues, no matter where you're at. So that's always, I would say, a thorn, but that's always a program you've got to stay mindful of.

But knowing this particular person and the way the contract was we were paying, I remember several times that the guards were not equipped like they were supposed to be per contract. But, once again, you're only there for 60 days. You don't have the time to delve into contractual baloney.

So you make it happen. You get your 17 Feb. guys to peruse the grounds periodically to make sure to keep them honest, and you get some of your ambitious agents to do the same thing. And it keeps them awake,

usually.

Q And this is more just a broad State Department -- you were in [redacted]?

A I was.

Q Did they have sort of LGF there and then sort of -- I don't know what the term for Feb. 17 would be. So if I said rings of security, I mean, would the outer ring be sort of LGF?

A The inner ring would have been LGF.

Q And then host nation?

A Correct. Usually.

Q Usually. Not always. And then would you say DS?

A Well, if you had the best of everything, you'd have the Marines and then you would have DS as the core.

Q And them, within DS, you would have sort of the SPS or whatever you talked about?

A Depending on what post. I mean, out of the 275, you're looking at maybe 30, 35 posts that have SPS.

Q So not all posts have SPSs?

A Correct.

BY MS. JACKSON:

Q You've said a couple times that there wasn't the traditional host nation support. Can you elaborate on that.

A Well, we were a quasi-RSO office at best, so -- meaning Benghazi was unique in the fact that Benghazi really didn't know who they were either. I mean, from my point of view, they were still

jockeying to figure out who was going to be in power and who wasn't.

So, normally speaking, you would have already known that when you go into an environment. If you were going to establish yourself or an embassy, you'd already know who your minister of security is or who your DOD counterparts would be.

There it was a little different because you had different -- I'll say tribal, for lack of a better term. But you had different groups there and sects that you were trying to figure out who were friendly and who weren't.

And, I mean, for all intents and purposes, we thought everybody was friendly at that time. But, from my perspective, we didn't want to befriend one group versus somebody else without -- you know, we didn't want to cause an international incident.

At the time, 17 Feb. had already stepped up and said that they were going to be the point people for diplomatic interests or security purposes under this function.

So my interest while I was there was trying to plus that contingent up because -- knowing they only had a LGF contingent of 10 people or 12 or whatever it was, unarmed and poorly equipped and poorly trained, I wanted at least some firepower. At least I could put them to at least have a presence.

But we only had three at the time. So I was trying to befriend them, trying to get more activity, more interest, additional bodies, because three bodies on 24/7 is long days, long weeks.

Q And were you able to accomplish that in the time that you

were there?

A I pushed a lot of buttons and I squeaked a little bit, but I never saw six additional bodies come, no, while I was there.

Q Were you in contact with any of your successors?

A We periodically were. I don't think the first -- I didn't stay in touch with the next successor, but I knew some others that went downrange after the fact.

Because a lot of the stuff that I had kind of laid the groundwork on was now being resurfaced. Like I said, it's all personality-driven. We're not all cut from the same cloth.

BY MR. GRIDER:

Q Before we take a break, I just want to make sure I have my notes -- so the general range of security, local guard force, host nation, Marines, DS, SPS, generally? I'm not saying that was in Benghazi. But anything I'm missing on that?

A Yeah. I mean, if you're looking at general, I would even leave SPS off. SPS is -- I don't want to say an anomaly, but there are very few posts.

Mr. Grider. Okay. Why don't we take 5 minutes.

Ms. Jackson. Let's go off the record.

[Discussion off the record.]

Mr. Grider. We're back on record.

BY MR. GRIDER:

Q Let's turn to any security incidents during your time there. To your knowledge, were there any minor or significant security incidents during your time in Benghazi?

A I don't recall anything that was hair-raising.

Q And just so we're clear, what would be your definition of a security incident? I know you've been over in different countries.

A Well, I don't recall any specific threat information that was dictated towards us during the timeframe I was there. I don't remember any surveillance activity that would've been something that would've been a sense of alarm for my outfit or for the headquarters.

I don't even remember any real major security incident with any of our allies or counterparts, the Brits and whatever. We had a pretty good relationship with them, and I don't recall anything that was alarming or their concern at the time. I don't recall.

Q Once you left Benghazi, did you stay in touch, or, sort of, were you apprised generally about what took place in 2012, you know, in January, February? Did you sort of stay in contact?

A No, I -- unfortunately, no, I didn't. It's one of those things you kind of, you have to respect the guy that follows you.

Q Sure.

A You don't want to be micromanaging from afar, or, "If I would've been there, I would've done this" kind of thing. So, professionally speaking, we normally don't do that.

I have friends that were there after the fact, and occasionally there would be, you know, an email or two coming out, "hey, you remember this," or, you know, "what did you do about this," kind of thing, but just randomness.

Q Were you aware -- not discussing what happened in September 11 -- prior to that, in 2012, of just general security incidents that took place?

A No.

Q Okay.

You had mentioned that there was, you know, fireworks. You called it fireworks. Can you just explain what was that?

A One of their, I'd say, their pastimes was they would, whether it be a soccer game or, you know, whatever, they would shoot the AK-47s up in the air. It's fairly common in that environment, in that part of the world. We call it fireworks because it sounded like fireworks. And periodically you would see tracer rounds go up.

Q Do you think that -- in your opinion, was there any correlation between the amount of agents that you had, 10 agents, and, sort of, the amount of security incidents? Would you make a correlation or not?

A No. No. I don't know who came up with the 10 number. Like

I said, I was the second or third group boss, RSO or AIC, that came through there, I think. And I think it just evolved. There's a system. Prior to me, prior to -- I think they were in the hotel at one point, and, you know, we slowly gravitated towards the villa. And whether we had 10 or 6, I don't know. I don't know if there was a reason why they had that particular number.

Q All right. So you had the QRF, LGF, host-nation support on the security ring. I'm just going back to that briefly --

A The QRF?

Q Quick -- no? Quick response?

A That's what it called --

Q Okay.

A -- but I didn't say I had a QRF.

Q Right. You didn't. You didn't. I --

BY MS. JACKSON:

Q Did you have a QRF?

A No.

Q Okay.

A Not in the traditional sense, no.

Q And what would be the traditional sense of a QRF?

A Well, I don't know if there is a traditional sense, honestly. In different environments, you of course have a component that we call QRF, whether that be our MSD guys or our -- in [redacted], we had a contingent of Blackwater guys that we would call our QRF. But, in different environments, you would have a QRF in your E&E plan, your

security framework.

But there, I guess we used [redacted] as somewhat of our QRF per se. They weren't the -- that was a contingency upon a contingency kind of thing. And that was, once again, developed over personalities, depending on who was there at the time and what kind of relationship you would build.

Q Would the SPS officers have filled that role? Could they have filled that role?

A Like I said, the SPS guys, I didn't delineate them between the SPS and one of my agents. We were all part of the one-team-one-fight kind of concept. And so, no, they wouldn't have -- traditionally speaking, no.

From my point of view, SPS, most of those guys are what we call the trigger pullers or operators, and you would want to rely on them more so than you would your generalized special agent in class. Because you know what you got with them, for the most part.

Q Did you make any distinction between your unarmed guards and the February 17 guys?

A "Distinction"?

Q Were they all considered local guard force by you?

A No. No, no.

Q Okay.

A We have an LGF component, and we had the 17th Feb.

Q Okay.

A They were a separate entity.

Q And what was the distinction between their duties and responsibilities?

A Well, the LGF, knowing that they were under a contract, I had a little bit more of a thumb on them, or responsibility, you know. Because I was paying them day to day, I could at least hold whatever his name was accountable.

17th Feb was more of a diplomatic dance, I guess, from my point of view, because you didn't want to tick them off. I mean, they could easily walk, and I had no say at the time. So, if anything, I was trying to build alliances with them, from our perspective.

Q At many embassies, are there armed bodyguards that are locally employed staff?

A I don't know if "many" is a good word, but several. Several embassies have -- sometimes the local host country will provide you a guard or a bodyguard contingent, primarily for your chief of mission, and then the government will pay them a stipend. But it's not -- I wouldn't say it's the norm. It's occasional, at best.

Q Was the 17th Feb sort of in that role? I'm trying to understand the role that they played, as you saw it, at the time that you were there.

A The time I was there, we used 17th Feb as a force multiplier. With no armed guard presence, 17th Feb, knowing how the country was evolving or the perception of how it was evolving, I wanted somebody that at least could reach out and touch somebody in their government or the militias or whoever, somebody I could rely on to, if the shit

hit the fan, I could rely on them to at least call some of their buddies and help, you know, support our interests.

The LGF component, they were strictly there for that outer ring or that mid-level ring, just to give a perception of security, if you want to call it that, and maintain that access control component. Because my ARSOs, we didn't have time and we were busy doing other things, we couldn't post ourselves out on the gates. And nor would we normally do that. We wouldn't do that anyway.

BY MR. GRIDER:

Q Okay. There are about five to seven points that I just want to sort of blow through.

Budget issues. With respect to [redacted], your desk officer, did budget issues ever come up requesting -- was any communication, to your knowledge, about budget issues? That's sort of broad, but we're trying to move it along here.

A Yeah. I mean, I didn't get into the intricacies of, you know, how much funding was going to be allocated to us. There was, based on our timeline of how long we were going to be there, there was things, as an RSO, that you would like -- you know, there was things you would like to have and want to have or need to have, kind of thing. And we'd push that out periodically and just say, hey, if we're going to be here for a little longer, we need to fortify this or that.

So I didn't get into the weeds as far as how much money is being allocated to Benghazi and how much is going towards Tripoli or, you know, the big scheme of things. But I would show them that these are

some vulnerabilities, and if we're going to be here for an extended period of time, we need to maybe reinforce the gates, or maybe we need to put the planters down, or maybe we should buy gym equipment for our agents. But --

Q And that was my second question. With respect to requests, you said reinforce the -- you know, do you recall some of the requests that you made based on your overview there?

A Yeah. I mean, we had, when I was there -- it was much different than what it developed into, but I had a large, 3-acre -- or it was more than 3-acre compound; it was 13 acres I think is what it was, three villas. So we tried to -- you know, from headquarters' perspective, we were trying to maintain this low profile, but if you look at the villas, it wasn't a low profile. We didn't have a flag flying, but anybody who was anybody knew that that was where the Americans were.

So we tried to do what we could as far as, you know, I remember asking for some planters -- we call them big, big box planters -- to put down in somewhat of a serpentine just to slow down any potential attempt to progress the building.

I remember asking for some reinforced kind of gate mechanism to put on the inside of our gate. I didn't want to fortify the outside and make it look like we're trying to keep people out, but I wanted to put it on the inside of the gate. And it was cost-effective.

Lighting, I remember lighting was a big concern just because of the size and scope of what we were trying to defend. When push came

to shove, it was pretty dark there. There was a vineyard, there was an orchard, there was a variety of -- it was a nice place, but very partially lit.

I wanted to have some fighting -- or I wouldn't say fighting positions, but some lookout positions, because we were surrounded by a wall, but you could easily have a bunch of people outside of the wall and no one would know. So I wanted to put some LBs, just little platforms above, you know, so a normal-size person could see over the wall.

Just some basic stuff.

Q And just to be clear, so you're saying approximately 13 acres?

A I don't recall. It seems like that number was in my head for some reason.

Q Sure.

A I know there was three villas and it was pretty large.

Q And then, in 2012, it's your understanding that it was reduced. It wasn't 13 acres anymore; it was sort of reduced to smaller size. Is that correct?

A From what I know. I know it went down to -- I think they pushed the -- where I actually live, they cut that out of lease, I think.

Q Right.

And with respect to these requests -- I know you were only there for a short period of time. Were these requests fulfilled during your time or --

A I know they weren't filled during my time.

Q Okay.

A I remember, actually, one of my last things I did was shake the branches again to see where we were on it. I think there was funding -- I believe that there was funding allocated for some of those upgrades.

Q Sure.

A But, once again, the rotation, that component of our job, the new RSO that came in, maybe he had different priorities. Maybe he knew that there was a -- that they there were on a downsize. So if I wanted to upgrade this particular gate and we're not going to use that villa, it would be silly to spend money on that gate.

Q But lighting --

A But lighting would be a key one, you know, and maybe fortifying the walls.

Q Gate mechanism, fortifying the walls.

A Yeah.

Q And those were requests in 2011. And there possibly could've been requests -- you wouldn't know this or not -- in 2012 of the same type and same nature.

A Correct.

Q Okay.

Tripwires, did you all have any background on that or --

A "Tripwires," that's a phrase that we always use. As far as I know, none of us ever tripped any tripwires while we were there.

Q Okay.

A That gives us the framework, the tools to do our daily duties, but I don't recall anything that was alarming to the nature that we needed to pull chocks --

Q Right.

A -- or reinforce things.

Q Was there a general evacuation plan in place?

A One of the things we actually did -- that was one of the policies, if you will, or one of the frameworks of a traditional RSO shop, you would come up with different E&E plans or EAP plans, emergency action plans. So I did have one of my SPS guys do an E&E contingency plan that dealt with, you know, the QRF concept, dealt with rally points and dealt with LZs and, you know, even overland moves to -- we were going to go to Egypt, I think.

But, yeah, there was a -- the framework was there.

Q Sure. Sure.

A We never rehearsed it. I don't think I ever got it actually approved. But we at least did the due diligence during that 60 days to figure out what our vulnerabilities were and how we would mitigate to the best of our ability.

Q And I've just got about two more, and I'll have my colleague help me on this last one.

But, you know, the SPS, you mentioned just the word "trigger pullers." The basic question is: There's a distinction between the SPS, trigger pullers, and LGF, the local guard force, correct?

A Is there a distinction between them?

Q Yes.

A I would hope so, yeah.

Q Okay.

A Yeah.

Q Okay. And then would you say there's a distinction between, sort of, the SPS and the host-nation Feb 17?

A Well, for sure, yes. Same distinction with the agent and the Feb 17.

Q Right.

And, as an RSO, would you prefer to have the SPS in a high-threat location, or would you prefer to rely on the local guard force or the host-nation security?

A Oh, I think without a doubt I would rather have an S -- I mean, he's a cleared American, and you know what their training background is. So you don't have that initial -- not liability, but you already know what his framework is. I mean, like I always say, everyone has that 10 percent, but at least you know where that 10 percent is coming from.

From an LGF component, sometimes you're getting the bottom feeder, so then you have to do -- then you have to stay on them on training and stuff. So SPS, you already know they've been trained. Most of them have a pretty graphic background, so you already know what you got, kind of. You can steer them. It's a lot easier to steer somebody than prod them.

BY MS. JACKSON:

Q What was your assessment of the capability of the Feb 17th guys that you had?

A I think they were understaffed. I think, at the time we were there, they seemed to be extremely loyal to us, to our interest. I mean, you'd have been hard pressed to find someone else, even an American, to stand out there for 8 hours a day and have no days off for, you know, an indefinite amount of time.

Q Uh-huh. What about their capabilities and skills?

A Average compared to most, but I'd much rather have someone with average capabilities than no capabilities.

So we brought them into our security team and tried to offer training as much as we could. I think I even had one of my agents that did some marksmanship training or at least some basic concepts of, you know, sight picture and, you know, point A and point impact kind of thing, but we didn't actually shoot. We gave them the fundamentals.

We also gave them some bodyguard training, if you will, just to include them in part of the team. I think it's a big thing when you're in an environment like that. You have to develop your team, and you have to ensure that everybody's part of it.

Q Did you run drills with them in addition to the training?

A Didn't really do a lot of drill rehearsing with them. But we did get them involved with some of our guard oversight just because -- I would say language, but I think the guards responded to them a little bit more than they would from me just because -- I don't

know why. But we incorporated them into the -- not drills but checking, oversight, the guards.

Q Uh-huh.

Let me switch gears on you a little bit. You stated that the Ambassador from Tripoli came twice while you were there?

A I believe he came twice. I think he came once when Envoy Stevens was there, and then I think he came again when -- what was his name? -- so he brought in somebody else to fill in for Ambassador Stevens right after he left, a guy named [redacted] maybe? Ambassador [redacted]? And I believe he came up during that timeframe, as well, just a day or two.

Q Okay. Was that Ambassador Cretz?

A Yes.

Q Okay.

A Uh-huh.

Q Did you have any other VIP visitors, Members of Congress, other people from the State Department, anyone from Department of Defense, the White House, any other VIP visitors in Benghazi while you were there?

A Short answer, no. I think there was a -- Secretary Clinton was supposed to come out. And I don't recall -- you know, maybe she did. I guess I should've known that. I don't think she came to the -- I know we had an MSD team come up because they stayed in my house to supplement her visit. But I think she ended up just going to -- goddamn, I should know that. I think they just went to Tripoli,

if I recall.

Q But it was planned for Benghazi?

A Initially, it was, yeah. And she very well may have came, but I don't recall her coming up. But I do remember there was people there from MSD to support a visit, and I think that's when the Ambassador just came up instead. It was right before I left.

Q Okay.

A Like, literally the day before or a few days.

Q So it would've been mid- to late October?

A Uh-huh.

Q Okay.

Ms. Jackson. That's all.

Mr. Grider. Okay. Checking with my colleagues, looking at the minority staff.

Heather, are you doing okay? On time, are we okay? I don't know where I am. Like, do I have 5 more minutes, 10 more minutes, or --

Ms. Sawyer. Yeah, just finish. Take the time you need to finish.

Mr. Grider. All right. Let me just consult with my colleague real quick.

Ms. Jackson. Let's go off the record.

[Discussion off the record.]

Mr. Grider. All right, back on the record.

BY MR. GRIDER:

Q I'm foregoing just, sort of, some issues here. I think

you've touch on just some of the manpower concerns, and we've already addressed that issue. We talked about the funding.

And then the only last -- the only thing pertaining to what I have in my hand, an email, is your knowledge of when the mission was ending in Benghazi. Was that clear for you during your time period?

A No. I mean, I think it was kind of -- well, I know it was up in the air, because there was some email back and forth regarding, you know, one, if we're going to be asking for equipment and stuff, why are we going to put money into it if we're going to be leaving next week?

So no one really knew. There was some uncertainty in headquarters. And I remember Ambassador Stevens, or Envoy, was -- I remember him saying that we were going to probably keep this open as long as we can because, like I said, this is a foothold already, we're already established here, this is where their government is being seated, if I remember right.

So I would go back to headquarters and say, listen, it sounds like, from boots on the ground, it looks like we're going to be here a little longer than not. But I don't recall. There wasn't a drop-dead time of when we were going to get out or pull out or downsize, for that matter.

BY MS. JACKSON:

Q Do you know who back at main State would be making that final call?

A No. It wasn't any of my people. It was --

Q Right.

A We were --

Q Uh-huh. I just didn't know if, in conversation with Envoy Stevens, that he made any mention of --

A No. I mean, he just, more of a generalized, you know, we'd like to stay here as much as possible. I mean, just in the same breath when he said, you know, FYI, I just got Ambassador to Tripoli; would you like to be my RSO there? Just one of those, in hindsight, maybe surreal moments, but --

Q Uh-huh.

A I don't remember how long we were --

Q And he never mentioned who he was talking to back at main State?

A No.

Q Okay.

You mentioned that you were in [redacted] when the embassies in East Africa were bombed.

A Uh-huh.

Q What, if any, awareness did you have, role you played in that?

A I don't even remember what I did yesterday. 1999 --

Q Sometimes long-term memory is better than short-term memory.

A -- I was an MSG at the time. So, other than being a Marine Security Guard in a relatively high-threat environment, [redacted] was pretty -- on somebody's radar at the time. I remember it being a little

bit more of a secured compound during that timeframe.

But regarding the African bombings, it was just an instance where we all kind of rallied the troops here in [redacted]. It didn't really impact us, other than I remember we changed some of our SOPs, more of our operational -- you know, we had to stay on compound for extended periods of time. And I don't remember having -- we didn't have any extra military or anything like that. It wasn't a full-blown security concern for us.

But I do remember that, at that timeframe, when it happened, I remember [redacted] being somewhat on the radar. And I thought that it was -- the potential was hitting Kuwait, as well, at the time. Being a young Marine, I was going, oh, okay, enthusiastic, very energetic about that.

But, you know, things happen for a reason. That's the only reason why I'm in security now. If that hadn't happened, I'd have probably stayed in the Corps or maybe done something else, played professional rugby or something.

Q In your years with Diplomatic Security, from Marine Security Guard to now being a DS agent, can you sort of compare and contrast Diplomatic Security from the time of the East African embassy bombings to then Benghazi or other events, major events, attacks that have gone on? Any changes that you've seen in Diplomatic Security? Any shortcomings that you still see?

One of the things this committee is going to do is make recommendations for improvement.

A Uh-huh.

Q You've lived through a lot in your career at Diplomatic Security, so we'd be interested in your suggestions, opinions. There's always room for improvement.

A Sure.

I'd say Diplomatic Security has changed a lot. When I came on in 1999, there was 760 of us. We had approximately 16 offices domestically. Now we have 2,200 of us, more or less, and we have about 32 offices domestically. We're stationed at 275 posts worldwide.

I think I'd say our professionalism, our training is, bar none, better than anyone else in the Federal law enforcement. I'm a little biased, but the training packages that we have in place, some of the stuff we get to do is, you know, something you should write about because it's pretty impressive.

I think, like any other democracy or any other Federal law enforcement or, you know, any other agency, you're going to have some growing pains here and there. I think, you know, personally speaking, we have some of our hierarchy or some old-timers, as we call it, that haven't lived through -- or they've lived through the changes, but they didn't experience some of the changes. There were different levels on that totem pole, and they didn't get to actually take part in some of the training initiatives that we have in place. Maybe they're not as well-versed in our investigative portfolio now.

But I think we're evolving. I think we've got young agents, my level guys, who are starting to put our thumb on things, and I think

we're starting to develop those skill sets that will, you know, further our missions down the road.

Regarding the training aspect, I think we're constantly evolving. The post-Benghazi deal, after the ARB, they came out and they recruited some of us to come back and revamp the high-threat training. So it went from -- I mentioned I did the high-threat training post-'05 in Iraq, so it was pretty aggressive, but we still didn't know where we were going with it. And some of the old-timers got involved, and they phased some of the stuff out, or they condensed it into a 4-week package. It was cheaper, quicker to get out and do God's work overseas. But I think, in doing that, it kind of marginalized some of our scopes, I guess, if you will.

So we took a hard look at it, and we bumped it up to 10 weeks again. And we've put in things that there's pass/fail. It used to not being pass/fail. It used to be you attended and you muscled it out for 4 weeks and you got your gear and you went on. Now you actually have to pass the course, which I think is good. It goes back to that concept that we're not all cut from the same cloth.

Personally speaking, I don't think we need -- we should be able to go into cones like the rest of the Foreign Service. They have cones, specialties. You know, you have your pol cone, your com cone, econ, and a variety. Diplomatic Security doesn't have that. We have a variety of scopes, if you will. We have investigative. We have overseas, RSO work. We have high-threat. We have training; our training contingent is huge. And we have protection, of course.

And I think if we were allowed to specialize, I think that would be a win-win for all of us. I mean, because we're -- a lot of us knuckle-draggers, we call ourselves jacks of all trades because we move so much. And I think if they allowed us to do a 10-year cycle where you actually got a flavor of everything after 10 years or so, and then you could specialize and say I want to be a law enforcement agent or I want to be a trigger puller in high-threat or I want to be protection guru and work on the Secretary's detail, I think there's mechanisms there that we should be able to focus our career paths on.

But, all in all, I think DS is -- one of our main, major strengths is our diversity. I mean, we recruit across the globe, and we pull skill sets from all different climes and places. But one of our weaknesses is our diversity, as well, because we're -- because of that -- if they don't allow us to bring those trigger pullers for a trigger-puller environment and they put in a guy that's, you know, a schoolteacher or, you know, a creative writing specialist into an environment like that, I think it sets us up for failure.

And so, if I was king for the day, that's what I would --

Q Okay.

One of the recommendations of past ARBs -- and it, in fact, came out of the East African embassy bombings ARB -- was that Diplomatic Security should be elevated within the bureaucracy of the State Department and that there should be an Under Secretary for Diplomatic Security so that security has an equal seat at the table.

What's your feeling on that recommendation?

A I highly support it. I think we've been marginalized, so to speak, under management. I think it would definitely give us much more juice at the table. It would give us more interaction with some of our counterparts.

And we already have that, but like I've mentioned before, that's all at post level. It's personality-driven. And most of us, in my era and below, have developed those relationships at post level, but I think by bringing this up to that level at the table, it would allow us to have direct lines with DOD and with our intel counterparts and what have you. So I think it would streamline some of our effectiveness and information flow.

Ms. Jackson. That's all I have.

Mr. Grider. Okay.

We do thank you for your time and for coming, and we sincerely appreciate all of your service. I have family that live in Boston. Appreciate your commitment, your service there, as well.

So, for us, that's all the questions that we have, so I think we can go off the record.

[Recess.]

Mr. Woolfork. So we'll go ahead and go back on the record. It's currently 11:10 a.m.

EXAMINATION

BY MR. WOOLFORK:

Q And, Agent [redacted], my name is Brent Woolfork. And I'm joined this morning by Heather Sawyer and Ronak Desai on the minority

staff.

A Okay.

Q So we certainly appreciate you coming this morning. I understand that you came from [redacted]; is that correct?

A That is correct.

Q Okay. And, like, how long a trip is that?

A Three-and-a-half hours to [redacted] and [redacted] to here, so --

Q Okay. And then, given that you're out, are you having to find a replacement to kind of cover for you while you're there?

A I have ARSOs and ARSO-I.

Q Okay.

And given that, you know, the attack was a few years ago, 3 years ago, it probably took some time for you to kind of review the documents --

A Pardon me?

Q Given that the attack was a few years ago and your time in Benghazi was actually even further, did you have to take time to review documents, or not too much?

A Unfortunately, I don't have a lot of -- no documents, actually, but --

Q Okay.

Well, I want to kind of go through as expeditiously as possible some issues that have already been covered. And the first one is dealing with your relationship with Ambassador Stevens and your discussions as it related to the security environment.

Earlier, I believe you said that Ambassador Stevens, then-Special Envoy Stevens, was a rock star, and that made passage difficult. Is that correct?

A I'm not sure that it made passage difficult. It just -- it increased our footprint more than most security experts would -- or security professionals would want. Because he's well-known and well-liked, anywhere he went he was -- it was like guarding Colin Powell. I mean, he was very similar. But in an environment like Benghazi, it's a little more hinky. So, yeah, that caused some added concern.

Q Okay.

And given the environment that you were just describing, I guess, what were the discussions that kind of took place between you and Special Envoy Stevens?

A "Discussions"?

Q In terms of, perhaps, possible movements on a particular day?

A I think he knew or he understood where I was coming from. I go back to the time and place predictability. Minimizing our footprint, he understood my concerns for that.

I mean, living there with him, our discussions were not as formal as maybe some RSOs and ambassadors are. I mean, we discussed over coffee in the morning, watching TV, basketball or whatever on TV, or during our daily runs.

But I kind of got the gist of where he was wanting to go with

things, and then I would assess things as much as we could at the time based on our resources. And then we would just try to mix it up. We'd roll the dice, and we made it work.

Q And if you provided a particular security assessment, did Special Envoy Stevens heed that advice?

A Every time.

Q Every time. Okay.

And during the course of your period, you had mentioned that when you first arrived you had about 10 agents; is that right?

A Uh-huh.

Q And you had about six when you left?

A I think there were six when I left. I don't know the particular number or the exact number. Like I said, people were shuffling about, and some people got extended based on flight itinerary, whatever. But there was six or seven of us, I think, when we left.

Q Just given the number of agents that you had, was it your sense you were able to carry out your mission in terms of providing security?

A Like I mentioned before, you know, we deal with what we have. And, you know, it's mission first. I mean, we're there for a reason. We're not there just to draw a paycheck. So we would prioritize our missions based on resources and manpower, focusing primarily on what the Ambassador, or the Envoy, wanted to do, and then we would work our way down from there.

Q So, essentially, you had to change, I guess, what you said earlier, the operational tempo?

A Uh-huh.

Q Okay.

And earlier when you were describing, I guess, the personnel that were in Benghazi at the time, you had mentioned that there's an individual in Benghazi [redacted]; is that right?

A Yeah. And I apologize, I don't remember his name. I think and I'm pretty sure that he was contractual. He was there on some kind of, you know -- way above my pay grade, whether it be a White House initiative or congressional initiative, I don't remember. But it was something [redacted].

But I'm pretty sure he was a [redacted] of some sort. A nice fellow, [redacted]. [redacted] we tried to support where we could.

Q I just want to step back for a second. So what are MANPADs?

A That's something that -- for layman's terms, I think MANPADs is a surface-to-air rocket that was used by -- well, it's used by numerous people, but there was apparently an abundance of these things. I mean, I don't know numbers, and I don't know what nomenclature they were or whatever, but there was a lot there, and they didn't want it to fall in the wrong hands.

Q Okay. I guess, what type of threat do MANPADs pose?

A I think they can pose a variety of threats. I mean, you

could use them for whatever you wanted. I mean, the sky's the limit, no pun intended.

Q And you said you think it's the number in Libya that was, I guess, a focus?

A I don't -- once again, I don't know all the particulars on it. I know that there was some concern on the Hill or the White House. I don't know what it was. But they wanted to make sure that we had, we, the U.S. Government, had some kind of oversight on the numbers, [redacted]. I don't know all the particulars, [redacted] --

Q Okay.

And just given that understanding, were you aware of -- did you have any evidence that any illegal, kind of, gun-running was happening from Libya to Syria or anything like that?

A No.

Q Okay.

Now, I wanted to ask -- because you had said you came in mid-September of 2011; is that right?

A Yes.

Q And then you left shortly before Halloween?

A Right before Halloween, yes.

Q Okay. So that was about --

A About 45 days, 50 days, something like that.

Q Okay.

A Well, I thought it was closer to 60, but I think the hiccup was that I had to stay in Souda Bay, or wherever it was, Crete, on the way through, so I think I was there for 5 days on the way in. So I don't think I actually landed, but I don't remember. But I think there was a 5-day window that I had to stay somewhere else other than Benghazi.

Q Okay. So that was about maybe 11 months before the attacks on September 11, 2012, roughly speaking?

A Give or take.

Q Okay.

And you had also said earlier that you had some friends that succeeded you in Benghazi; is that correct?

A Yes.

Q Okay. And I'm just going to run through a few questions, hopefully easily and quickly.

So, after you left in October 2011 -- and I'm just doing this to kind of make sure I have a clean record on this -- any firsthand knowledge about the security resources, you know, requests that might have come up, staffing or equipment in Benghazi?

A No.

Q Okay. Any firsthand knowledge, again, about the means of communication in Benghazi?

A "Means of communication"?

Q The types of communications that might have been available?

A No.

Q Information about, kind of, the availability of certain

types of intelligence regarding, kind of, conditions on the ground?

A No.

Q Okay. And any firsthand knowledge about, kind of, militias or any other entities that were acting in Benghazi?

A No.

Q Okay.

BY MS. SAWYER:

Q You were asked a fair amount about SPS, and I think you said --

A Security protective services?

Q Security protective services. Once you had left in October, did you have any awareness about any discussions of whether there would be additional SPS staffing in Benghazi?

A No. No.

Q You also acknowledge that there was conversation ongoing or decisions certainly had yet been made about the continued presence of the U.S. in Benghazi. And I think you acknowledged earlier, but I just want to make it clear, that once you left, you also had no involvement in those conversations?

A That's correct. I had no involvement, right. We were aware that the situation was changing, but we didn't know how fast or what.

Q And once you had left, you left at a time where then-Special Envoy Stevens was not yet the Ambassador. Did you have any ongoing contact with Special Envoy Stevens after you left?

A Not that I recall. I think there was maybe an email exchange between he and I about a letter of reference of some sort or something like that with one of my other agents who was there. He was trying to identify where he was or something, but I don't recall the particulars. It was just a very baseline, "Hey, [redacted], do you happen to know where such-and-such went?"

Q And beyond that, you don't recall any particular contact with the Ambassador?

A Unfortunately not, no.

BY MR. WOOLFORK:

Q Now, I know after the September 11, 2012, attacks, as you were discussing earlier, there was an Accountability Review Board that was convened. I'm just going to ask you a couple of questions regarding that board.

Were you ever asked or ordered to not provide information?

A To not provide?

Q To not provide information to the ARB.

A No.

Q Okay. Were you ever asked to conceal or destroy information from the ARB?

A No.

Q And I was wondering, just given what you had talked about in terms of the changes that you've seen in DS during the course of your time within the Department, did you ever have an opportunity to read or review the ARB?

A I did, yes.

Q Okay. And did you have anything that you thought should be, I guess, included within that or things that were not sufficiently covered?

A I read it a while ago, and --

Q I understand.

A -- I didn't retain a lot of it. I mean, I think, for the most part, they hit some things on the head.

Like I mentioned, I was part of the revamping of the high-threat training, so I think, you know -- not to say that that's going to be the best training ever, but I think it's definitely evolving, and I think there's a lot of positive takeaways on that.

I think there was a 160-day, a mention of, minimum requirement for TDY. I think that's a little excessive, but I think the big takeaway on the -- I think what they're trying to do, or my understanding or my perception of it, was that the issue of the lack of overlap that I mentioned. When my predecessor was leaving, we met at the airport, so there was no overlap, per se. And I think that was one of the key takeaways that we probably could have focused on instead of the extended period of time.

It's hard enough to get people that are engaged in other activities to do a 60-day TDY, let alone 120. So there's really no incentives to do that, and it's hard to uproot your family and leave your family for that period of time. So I think the 60-day would've been sufficient as long as they incorporated a 10-day window when

they're there. But that was just -- that's me talking.

But other than that, there was some -- I don't know all the other specifics, but those are two areas that I thought was a little bit of a knee-jerk.

Q Given that you're an RSO in [redacted] right now, do you think that there's been overall improvement since the report came out?

A Yeah. I mean, I think there's definitely -- it's unfortunate that we have to go through a situation like that, but I think it's -- it will take some time to really see if those improvements pan out, but at least it brought things to head, to surface. I think it takes a situation like this, i.e., 9/11/2001, to really take a hard look at what we do.

And Diplomatic Security, we are spread thin at times, and we're forced to react. We're much more reactive than proactive. So I think, if anything, hopefully that will allow us to be a limit bit more proactive in the future.

Q I appreciate that. And, you know, as my majority colleagues had mentioned, one of the tasks of this committee is to kind of look at possible recommendations to the Department. So the recommendations provided earlier are certainly helpful in that regard.

BY MS. SAWYER:

Q Can I ask you a general question? You know, one of the things the ARB recognizes is that there is no way to eliminate 100 percent of the risk and that we do sometimes operate and presumably need to continue operating in places that are high-threat.

There have been a lot of questions about, certainly posed in hindsight, why were we in Benghazi. But, certainly, the ARB's recommendation was that we should all work together to try to make places as safe as possible, understanding that we can't eliminate 100 percent of the risk.

You've had a vast amount of experience at DS and in law enforcement. Do you agree with that perspective? Do you think we should be abandoning places that are high-threat?

A I don't like to use the word "abandoning." I think we are -- I mean, that's what we've been paid for. We're paid to assess the situation, and if it's dictated that we need to be in a certain clime and place, then we'll make it happen.

I think giving us the tools that we're requiring, I mean, the baseline, that helps us do that. Manpower helps us do that. But, at the end of the day, if the government wants us to be someplace, then we ought to probably do that. I mean, people that are much higher above my pay grade determine why we're in certain spots. And if it needs to be that way, that's why they have us, or some of us, that are willing to go do that. We just need the support.

Q And while you were in Benghazi, you had indicated certainly vis-à-vis Ambassador, then-Special Envoy Stevens that he was, sounds like, quite respectful of your on-the-ground assessments?

A Sure.

Q Did you have any feeling while you were in Benghazi that anyone was not respectful of your on-the-ground assessment and

recommendations?

A No. I don't think "respect" is the word. I think there's -- at times, we jokingly said, you know, after Tripoli opened up, we were "Ben Who?", not "Benghazi." So if you call it respect or call it what you will, it's prioritizing. And based on the interests of the government or State Department or whatever, that's where DS and whoever will focus their efforts on.

So if you're fortunate or unfortunate to be in Benghazi during that timeframe, you just have to do a different dance. You have to figure out what buttons to push and then make it work, you know. That's what we get paid for. If we didn't make it work, then there's no point in going out there.

Q And it was your understanding that the government had valid reasons and wanted to continue to be in Benghazi as well as Tripoli?

A That's my perspective of it. I mean, it makes sense, I guess, at the time, with, like I said, the government seat being in Benghazi, or that's where the takeover initiated from. So I think there was a stronghold already there, and I think it was good or it behooved us being involved and kind of, I won't say manipulating, but at least moving eyes and ears in one spot versus -- it made sense to me, but it doesn't mean it's the right thing to do.

BY MR. GRIDER:

Q Agent [redacted], I'm going to go through a series of public allegations that have made over the course of the last few years. And so these are not allegations that I or my colleagues or members of the

minority side necessarily believe to be true, but as part of this committee, which is apparently investigating these allegations.

So I'm going to kind of go through them as quickly as possible. So this is just whether or not you have any firsthand knowledge or evidence regarding these allegations. So please bear with me.

It's 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 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's 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, quote, "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 Not that I know of, 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 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," end quote, and that 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.

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 causes and the appropriateness of that delay. The House Intelligence Committee issued a bipartisan report concluding that the team was not ordered to, quote, "stand down," but instead that 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 ordered 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 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 And let me ask these questions as for documents that were 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 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 was, quote, "virtually AWOL as Commander in Chief," end quote, on the night of 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.

Q It has been alleged that a team of four military personnel of Embassy Tripoli on the night of the attacks who were considering flying on the second plane to Benghazi were ordered by their superiors to, quote, "stand down," meaning to cease all operations.

Military officials have stated that these 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's 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 attacks that could have saved lives but that the Pentagon leadership intentionally decided not to deploy?

A No.

Mr. Grider. Okay. Well, thank you very much.

And then we'll go off the record.

[Whereupon, at 11:35 a.m., the interview was concluded.]

INTERVIEW OF GRS–1

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, MAY 22, 2015

Excerpts of the foregoing interview were cited in the Report of the Select Committee on Benghazi. The Central Intelligence Agency declined the Committee's request to declassify the interview transcript.

INTERVIEW OF GRS–2

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, MAY 22, 2015

Excerpts of the foregoing interview were cited in the Report of the Select Committee on Benghazi. The Central Intelligence Agency declined the Committee's request to declassify the interview transcript.

INTERVIEW OF GRS–3

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, MAY 29, 2015

Excerpts of the foregoing interview were cited in the Report of the Select Committee on Benghazi. The Central Intelligence Agency declined the Committee's request to declassify the interview transcript.

INTERVIEW OF CIA OFFICIAL

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, JUNE 2, 2015

Excerpts of the foregoing interview were cited in the Report of the Select Committee on Benghazi. The Central Intelligence Agency declined the Committee's request to declassify the interview transcript.

INTERVIEW OF DEPUTY CHIEF OF BASE

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, JUNE 4, 2015

Excerpts of the foregoing interview were cited in the Report of the Select Committee on Benghazi. The Central Intelligence Agency declined the Committee's request to declassify the interview transcript.

DEPOSITION OF SIDNEY BLUMENTHAL

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, JUNE 16, 2015

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

PHILIP G. KIKO, *Staff Director and General Counsel*
CHRIS DONESA, *Deputy Staff Director*
DANA CHIPMAN, *Chief Counsel*
SHARON JACKSON, *Deputy Chief Counsel*
CRAIG MISSAKIAN, *Deputy Chief Counsel*
MAC TOLAR, *Senior Counsel*
CARLTON DAVIS, *Counsel*
BRIEN A. BEATTIE, *Investigator*
SUSANNE SACHSMAN GROOMS, *Minority Staff Director*
HEATHER SAWYER, *Minority Chief Counsel*
PETER KENNY, *Minority Senior Counsel*
LINDA COHEN, *Minority Senior Professional Staff*
DANIEL REBNORD, *Minority Professional Staff*

FOR THE WITNESS

MICHAEL BORDEN,
SANA MUNASIFI,
JAMES COLE,
Sidley Austin LLP

Mr. Davis. Let's go on the record.

This is a deposition of Sidney Blumenthal conducted by the House Select Committee on the events surrounding the 2012 terrorist attack in Benghazi.

This deposition is occurring under a subpoena issued by Chairman Trey Gowdy as part of the committee's investigation into the attack on U.S. diplomatic facilities in Benghazi, Libya, that resulted in the deaths of four Americans, including Ambassador Christopher Stevens.

Could you please state your name for the record?

The Witness. Sidney Blumenthal.

Mr. Davis. Good morning, Mr. Blumenthal. My name is Carlton Davis, and I am a counsel for the committee's majority staff.

I will ask everyone around the room very quickly to introduce themselves as well, starting to my right.

Mrs. Brooks. Congresswoman Susan Brooks from the Fifth District of Indiana.

Mr. Jordan. Jim Jordan, Ohio 4.

Mr. Donesa. I'm Chris Donesa. I'm the deputy staff director for the committee.

Ms. Jackson. Sharon Jackson, and I'm with the majority staff.

Mr. Westmoreland. Lynn Westmoreland, Georgia 3.

Mr. Chipman. I'm Dana Chipman with the majority staff.

Ms. Sawyer. Heather Sawyer with the minority staff.

Mr. Kenny. Peter Kenny with the minority staff.

Mr. Rebnord. Dan Rebnord with the minority staff.

Ms. Cohen. Linda Cohen, minority staff.

Mr. Missakian. I'm Craig Missakian, majority staff.

Mr. Borden. Michael Borden, Sidley Austin.

Ms. Munasifi. Sana Munasifi, Sidley Austin.

Mr. Cole. James Cole, Sidley Austin.

Chairman Gowdy. Trey Gowdy, South Carolina.

Mr. Roskam. Peter Roskam, Illinois.

Mr. Pompeo. Mike Pompeo of Kansas.

Mrs. Roby. Martha Roby, Alabama.

Mr. Davis. Sir, the committee appreciates your appearance at this deposition. As we continue to gather facts surrounding the attacks in Benghazi and Libya, your relationship with Secretary Clinton offers unique insight that is extremely valuable to this committee.

Some of the questions asked today may appear basic. This is not intended to demonstrate disrespect for your experience or your time, as members and staff are well-versed on these issues. Rather, these questions are intended to provide a clear record that can help inform all members and staff about specific areas we are exploring in our investigation.

Before we begin, I would like to go over the ground rules and explain how the deposition will proceed.

The way the questioning proceeds is the majority will ask questions first for up to 1 hour, and then the minority will have an opportunity to ask questions for an equal period of time if they choose.

We will firmly adhere to the 1-hour limit for each side. Questions may only be asked by a member of the committee or a designated staff attorney. We will rotate back and both, 1 hour per side, until we are out of questions and the deposition will be over.

Unlike a deposition in Federal court, the committee format is not bound by the rules of evidence. You or your counsel may raise objections for privilege or classified information, subject to review by the chairman of the committee after the deposition has adjourned. Members and staff of the committee, however, are not permitted to raise objections when the other side is asking questions.

You are welcome to confer with your counsel at any time throughout the deposition, but if something needs to be clarified, we ask that you make this known. If you need to discuss anything with your counsel, we will go off the record and stop the clock to provide you this opportunity.

We'd like to take a break whenever is convenient for you. 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'll go off the record and stop the clock. We would like to make this process as easy and as comfortable for you as possible.

This deposition is unclassified, so if a question calls for any information that you know to be classified, please state this for the record as well as the reason for the classification. For example,

please state whether it is classified for national security reasons. Once clarified, to the extent possible, please respond only with the unclassified information. If we need to have a classified session later, that can be arranged.

There will likely be votes called during the course of this deposition. If votes occur, we will break until votes are completed and the members return.

We encourage witnesses who appear before the committee to freely consult with their counsel. And your counsel is present today.

And could your counsel please state his name for the record?

Mr. Cole. James Cole.

Mr. Davis. Thank you.

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 please feel free to jump in in case you do respond nonverbally.

Do you understand that?

The Witness. Yes, I do.

Mr. Davis. Also, we should both try not to talk over one another so it is easier to get a clear record.

We 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, please just let us know. We will be

to happy to clarify or repeat our questions.

If you honestly do not know the answer to a question or do not remember, it is best not to guess. Please give us your best recollection. And if there are things you do not know or you cannot remember, just please say so and inform us who, to the best of your knowledge, may be able to provide a more complete answer to the question.

This deposition is under oath. You are required to answer questions from Congress truthfully. Do you understand that?

The Witness. I certainly do.

Mr. Davis. This also applies to questions posed by congressional staff in a deposition. Do you understand this?

The Witness. Yes

Mr. Davis. Witnesses who knowingly provide false testimony could be subject to criminal prosecution for perjury or for making false statements. Do you understand this?

The Witness. I do.

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

The Witness. No.

Mr. Davis. Pursuant to committee rules, the witness will be sworn in before providing testimony during a deposition.

Chairman Gowdy. Mr. Blumenthal, I'm going to ask you to raise your right hand.

Do you swear or affirm to tell the truth in your testimony, the

whole truth, and nothing but the truth?

The Witness. Yes, I do.

Chairman Gowdy. May the record reflect the witness answered in the affirmative.

Mr. Davis. Okay. That is the end of my preamble. I will ask the minority staff if they have any opening remarks they would like to make.

Ms. Sawyer. Only welcome, Mr. Blumenthal. Thank you.

The Democratic members hope to join during the course of the day. There were several scheduling conflicts, between hearings and matters that are scheduled to be on the floor a little later today, but it is their hope that they will be able to attend at various portions of the day.

So we thank you for being here.

The Witness. Thank you.

Mr. Davis. Okay. The clock now reads 10:41. So we will get started with the first hour of questioning.

EXAMINATION

BY MR. DAVIS:

Q I was hoping you could start off by walking us through some of your professional history up until the time when you served in the White House.

A Before I was in the White House?

Q Before you were in the White House, yes, sir.

A Well, I was a journalist. I worked in Boston for many years

as a journalist after I graduated from college. I went to Brandeis University, and then I became a journalist in Boston. Worked for a number of newspapers. I wrote feature articles at one point for the Boston Globe Magazine. I wrote some articles for the New York Times Magazine.

And then I worked in the '83-'84 campaign for the New Republic as the national political correspondent. And, at the same time, I worked for the NBC "Today" show. I was an on-air commentator.

I was then hired to work on the national staff of The Washington Post, and I worked at the Post until 1989. And then I went back to the New Republic as a senior editor and worked there until, I'd say, December 1992 and then worked at The New Yorker Magazine.

And I worked at The New Yorker -- well, I also worked at Vanity Fair as a contributing writer in the early '90s. And then I worked at the -- I worked at The New Yorker, and then I went to work at the White House.

Q During your time as a journalist with all these organizations, did you come into contact with many high-level officials in European governments, as your role?

A I did.

Q Okay. Can you explain some of those contacts and how you came to make them?

A Well, living in Washington, I met a lot of people in the normal course of events. I was invited to various events. But, in particular, I became friendly with Tony Blair and Gordon Brown.

I was invited by the political attache of the British Embassy, Jonathan Powell, to a lunch with them in, I'd say, February of 1993. We had a very long lunch. They had come to Washington as younger members of the Labour Party interested in the election of Bill Clinton. And there were -- and Jonathan Powell had arranged a lunch for them to discuss what had gone on. And we became very friendly. Jonathan and I were friends, and Tony and I became friends.

I went over to London a number of times. Working at The New Yorker, Tina Brown, who was English, staged various events in London and elsewhere in England, including debates. We held debates in Oxford at the Cheltenham Literary Festival. We would debate members of British news organizations.

And I'd see my friends in London. I had many friends there. I've been there over the years since 1972. And I would see Tony and meet his staff and see Gordon. And that developed into a friendship.

I encouraged Tony, who was then the Interior Minister -- Home Minister, it was called -- to come to the U.S. and meet with Justice Department officials and discuss policy and see what American policies were. When he came over, I held a dinner at my house for him. It was attended by Tom Foley, other Members of Congress, members of the press.

And I stayed in touch with Tony. Jonathan -- you're interested in all this?

Jonathan became his chief of staff --

Q I read it through your interview with the Miller Center several years ago --

A Yeah.

Q -- so I'm familiar with a lot of what you're saying.

A Yeah.

Jonathan became his chief of staff. And I went back and forth a lot to London. I wrote for The New Yorker a very long piece about British politics and Tony when he became Labour leader.

A So --

Q And then -- if I may --

Q Sure, sure.

A -- I introduced Tony to Bill Clinton.

Q So, outside of your relationship with Mr. Blair, with Mr. Brown, what other contacts did you make, you know, as a journalist in Western European or Eastern European countries at that time?

A I had contacts in Germany. I had gone to Germany for the Aspen Institute of Berlin in 1986 to participate in seminars. I was then on the staff of The Washington Post. It was then that I went over into East Berlin at the suggestion of a friend of mine who was a Georgetown law professor who was at the Wissenschafts-Kolleg in Berlin named Norman Birnbaum.

He had been banned from the East because of his contacts with dissidents, and he asked me to go over there, which I did. I don't speak German. I made my way and found my way in the darkness to their apartment. I spent all evening with them. I'm happy to tell you all about it.

These became the leaders of Neues Forum, who overthrew the East

German regime. I sat with their children. I happened to have a pocket of American change. I went through every coin and explained the picture of every American President and what he had stood for.

When I came back, I was incarcerated inside a cell in the Berlin Wall. I was held; my notes were taken. I had been followed by the Volkspolizei. These people were spied on by the Stasi. I wrote it up in The Washington Post. You can find the story.

During that trip, I became very friendly with a German, a member of the foreign service there named Wolfgang Ischinger. Wolfgang became a friend of mine. He eventually became the director of the entire German foreign service and eventually the German ambassador to the United States.

So he was my principal German friend. Over time, I became friends with many Germans, including Joschka Fischer, the Foreign Minister, and others.

Q Moving south geographically just a bit, what type of relationships were you able to build with people in the Middle East up until the mid-'90s? Were there individuals in the Middle East that you came in contact with through your role as a journalist either here in D.C. or while you were --

A In my role as a journalist, I have not been to the Middle East.

Q Okay. And what about Africa or Northern Africa? Had --

A No.

Q -- you spent any time there?

A No.

Q Okay.

Between the time you left the White House up until the 2007 or 2008 timeframe, approximately that 6 or 7 years time period --

A Which period is this?

Q Between the time that you left working at the White House --

A Yes.

Q -- up until 2007 or 2008, that was roughly 6, 7 years --

A Right.

Q -- can you talk about what your employment was at that time? What different sources of income did you have?

A I worked as a journalist. I worked for The Guardian of London as a columnist, as the American columnist. It's a daily British newspaper. I worked for Salon.com as the Washington editor.

I was for 6 years a senior fellow at the New York University Center on Law and Security -- and I would go back and forth to New York -- principally on issues on the war on terror.

I made two movies. The first movie I made with a Dutch-born English friend of mine named Menno Meyjes, who was the -- who had won an Academy Award for writing "The Color Purple," and a Hungarian American named Andras Hamori. And the movie is called "Max." It's about the rise of Hitler. It's a feature film, and it stars John Cusack. We made this in Budapest. You can see it on Netflix or -- I think it's a really interesting movie.

Then I made a documentary with Alex Gibney, the documentary

filmmaker. It's called "Taxi to the Dark Side." It's about torture. I was the executive producer; I originated and organized this. And this movie won the Academy Award and the Emmy.

And that all happened in this period.

Q Is "Taxi to the Dark Side" something that we would find on Netflix, as well?

A Absolutely. I hope so. The distributor was really bad, I will say, if I can testify truthfully for the record.

Q Let me ask, during this time period where you were work at Salon.com, you were working with The Guardian, you were making you movies, can you describe your relationship with Hillary Clinton, I guess then-Senator Clinton at the time? How often did you see her? What were the nature of those contacts?

A I'd been in regular contact with Hillary since before she was First Lady. It's been intermittent sometimes, but the contact's been pretty regular. When she became a Senator, I would see her in her Senate office, and I would talk to her on the phone from time to time.

Q Did you see her outside of the Senate office much during that time period?

A I had her to dinner.

Q Over --

A At my home.

Q At your home? Okay. Are they neighbors? Is their house in Washington close to where you live in D.C.?

A Their house is -- yeah, it's about 10, 15 minutes from where I live. And I would -- I visited her a couple of times. And I was friendly with her mother, as well.

Q How often would you see her in her Senate office?

A Very intermittently.

Q And how often would you speak with her on the phone during that time period?

A I couldn't say. Not infrequently but not frequently.

Q Okay.

A From time to time. She's busy, but we would talk, and we maintained our relationship.

Q Once a week? Once a month? It varied depending on --

A It would depend -- depend on the period. And it was up to her.

Q What do you mean, "It was up to her"?

A She would initiate the calls.

Q Okay. You never called her on the phone during that time period --

A No.

Q -- that you remember?

A No.

Q At some point she announced her candidacy for President. Did you work on her campaign?

A I did.

Q And can you explain what your role was on the campaign?

A It was a senior advisor, working on strategy.

Q So did your interactions with her become more frequent as a result of your role in the campaign?

A Yes.

Q And would you talk with her? Would you email with her? Would you see her in person? All of the above? How would you describe the content of those relationships?

A Almost exclusively telephone calls.

Q Were you located here in D.C.?

A I was.

Q Okay. And did you work in Arlington? Did you work out of your house? Did you have another office?

A I mainly worked out of my house.

Q Did you ever travel with her to different campaign stops?

A I was in New Hampshire briefly, and that was about it. I mainly stayed in D.C.

Q At the time that you were working on her campaign, did you have any other concurrent employment at the same time?

A No.

Q Okay. So you worked for her campaign exclusively.

A Yes.

Q At the conclusion of her campaign in the summer of 2008, what did you do for employment at that point in time?

A After the campaign ended, I returned to journalism. And I worked with Tina Brown, who had been my editor at The New Yorker,

on the startup of what became The Daily Beast -- Newsweek. And I was an editor there.

Q And when did you start working with Tina Brown, if you can remember? 2008?

A I think -- I think likely. I don't remember precisely. Something like that.

Q And did you spend --

A Yeah. Whenever it started up. We -- we had initial conversations.

Q And that was your only employment at the time post the 2008 campaign?

A Yes.

Q Okay.

After the Presidential --

A I think so. I think -- I didn't -- I didn't go back to Salon. I didn't go back to writing. So it was just editing. That's as I recall it.

Q Okay.

After the Presidential election in 2008, at some point in time did you learn that Hillary Clinton would be nominated for Secretary of State?

A Yes.

Q And how did you learn that piece of information?

A From her.

Q Okay. And did she call you to inform you of that fact?

A Yes.

Q Okay. Do you recall approximately when that phone call took place?

A No.

Q Okay.

A Whenever she was offered that position.

Q So do you recall how long that phone conversation lasted? Was it brief? Did you have an extensive conversation?

A We had an extensive conversation.

Q Okay. And, during the course of that conversation, did she mention to you at all that she would like you to work for her at the State Department?

A No.

Q Did you have any subsequent conversations where she mentioned that she would like you to work for her at the State Department?

A Much later.

Q Okay. And what were those conversations? What did she tell you she would like you to be doing?

A She asked me to work at the State Department as a consultant to the State Department on European issues.

Q Was she the only person that you spoke with about this position, or was there anybody else?

A I spoke to Cheryl Mills.

Q And do you know how many times you spoke with Cheryl Mills

about this position?

A I'd be guessing.

Q A handful? A dozen?

A No. Maybe two or three.

Q Okay. Do you know how many times you spoke with Secretary Clinton about your possible employment at the State Department?

A Not much. We just had a conversation or two.

Q So, after that initial conversation, you might have had one or two additional conversations with her about that topic of your employment at the State Department?

A Yes.

Q But you never ended up working at the State Department.

A That's right.

Q Can you explain how that happened?

A What I understand is that there were members of the political staff in the Obama White House who still held some feelings left over from the 2008 primary campaign, and they felt that I was on the political side. And that's what I understand.

Q How was that information conveyed to you?

A In a phone call from Cheryl Mills.

Q Did you ever speak with Secretary Clinton, Hillary Clinton, about this issue, you not working at the State Department?

A I did.

Q Okay. And can you describe that conversation, to the best that you remember it?

A She thought that I should work there, that I could contribute a lot on these issues involving European policy given who I knew and contacts and so on, and that she regretted that this had happened.

Q In your conversations with Secretary Clinton and Cheryl Mills, did you have any -- this is when you were still being considered for the position -- did you have any conversations about payment from the State Department or how that would work, with your role as a consultant?

A It never -- to my recollection, it never got there.

Q Okay. So you don't know whether or not you would have been a full-time State Department employee or whether you would be a special governmental employment or a separate consultant?

A You know, I think it was consultant.

Q Okay.

A I think that's how it was supposed to be.

Q At the time this was occurring -- and this is around late 2008, early 2009 timeframe? Does that sound right?

A No. More like 2009.

Q 2009.

A Not 2008 at all.

Q 2009. Okay. Do you recall whether or not you had a security clearance at the time?

A I did not.

Q Okay. Did you ever fill out any paperwork for a security

clearance?

A I had never filed any paperwork.

Q Okay. Did you file any type of paperwork for your employment at the State Department?

A I never filed any.

Q Okay. Did you ever receive any?

A I received it, but it never went anywhere.

Q Okay. Did you fill it out, if you recall?

A Never got to the end.

Q Okay.

A Never got there.

Q Did you ever suggest, either to Hillary Clinton or to Cheryl Mills, anybody that you thought might be a good fit in their State Department?

A No.

Q Okay. So you don't ever recall recommending anybody for employment to Cheryl Mills or to Hillary Clinton at the State Department?

A No.

Q Did you recommend anybody for employment at the State Department to anybody else that you can recall?

A Yes.

Q And who was that individual that you recommended?

A I recommended a young man named [redacted], who had been at the NYC Center on Law and Security. He would have been a law

student at NYU.

He was a brilliant young man and knew a great deal about energy policy. He was involved in the seminars at NYU. And he spoke multiple languages -- spoke Arabic, Farsi, romance languages. Incredibly brilliant young man.

And I suggested that he should work on the energy issues. And, eventually, he was hired as a deputy assistant on Central Asian energy issues in the Special Envoy on Energy's Office, as I recall.

Q So who did you suggest -- who did you make the suggestion to that Mr. [redacted] would be a good employee of the Department?

A I suggested it to him.

Q Oh, to him?

A To him. Yeah.

Q Did you make a recommendation on his behalf to anybody?

A I may well have, but I don't recall it.

Q You say at some point he was hired to the Special Envoy's Office?

A Yes.

Q Was that shortly after you had made the suggestion to him, or was that at any other point?

A I don't know the dates.

Q So, while this was occurring, you were being considered for a position at the Department, you were still working with Tina Brown at this point?

A Yes.

Q And then did you at some point begin receiving any compensation from any other source?

A No.

Q At some point, you started -- I'm sorry.

Have you ever received any compensation from the Clinton Foundation?

A Yes.

Q And when did that compensation begin?

A That began in the fall of 2009.

Q Okay. And how did that come about, that you started receiving compensation from them?

A I had had a discussion with people at the foundation about new programs involving educational programs about the Clinton Presidency that they wanted to start.

Q Okay. And who did you speak with at the foundation?

A Doug Band, then the president of the foundation.

Q Okay. And how much was the compensation you were receiving at that time from the Clinton Foundation in the fall --

A Well, when I was hired, I was paid 120 a year as a salaried employee.

Q And has that since changed?

A Well, I don't work at the foundation anymore.

Q So you no longer work at the foundation.

A No.

Q And when did you cease your employment at the foundation?

A Earlier this year.

Q Was your salary at the foundation, 120,000 a year, was that consistent from the time you began working there up until earlier this year?

A It changed about a year and a half ago when I turned 65 and I went on Medicare and I went off the proper payroll of the foundation and became a consultant. But nothing changed except that, instead of receiving the medical benefit from the foundation, I went on Medicare.

Q So at the time --

A That's what happened.

Q Sure. So, at the time you began working for the foundation in 2009, they provided you health insurance?

A Yes.

Q And did provide you any additional benefits on top of health insurance that you can remember?

A I know that there were other benefits, and I don't think I took advantage of them.

Q Okay.

Did you have a written agreement or a written contract with the Clinton Foundation?

A I'm sure I did.

Q Did the Clinton Foundation provide you with an office from which to do work?

A I worked from my home.

Q So, during the 4 years that you worked at the -- how long

did you work at the Clinton Foundation? Was it 4 years? Five years? Some time in between?

A I'd say about 5 years.

Q Okay. Had you received any other sources of income during those 5 years that you worked at the Clinton Foundation?

A Yes.

Q Okay. And what were those other sources of income?

A The sources of income were payment for books from Simon & Schuster.

During this time, I have been also writing on my own a very large work on the political life of Abraham Lincoln. I have written about a million words. And Simon & Schuster seems to think that this is something they want to publish, right now in four volumes. They're very long books. The first volume will be published in April of 2016. And I received advances on those books from Simon & Schuster.

Q So, in addition to the advances that you received, in addition to your salary at the Clinton Foundation, were there any other sources of compensation for you between 2009 and 2014?

A No.

Q Did you ever receive any payment from an organization called Media Matters?

A Oh, yes. I did -- I did receive payment in that period from Media Matters.

Q Okay. And what was your relationship with Media Matters at that time period?

A I was a consultant to Media Matters. I'm sorry I --

Q That's okay.

A I overlooked that.

Q When did you become a consultant for Media Matters?

A I would say the very end of 2012.

Q Okay. And how did that come about, that you became a consultant for Media Matters?

A I have had a very long friendship with the chairman of Media Matters, whose name is David Brock, from before he founded this organization, and I have sustained that friendship. And he asked me to help provide ideas and advice to him and his organizations.

Q So you began your relationship, your paid relationship, with Media Matters at the end of 2012.

A Right.

Q Does that continue to this day?

A It does.

Q Okay. And what is your salary or your contract with Media Matters? How much money are you earning from them?

A I'd say it's about $200,000 a year.

Q And has that been roughly consistent from when you began receiving payment from Media Matters?

A I would say it's -- I'd have to check. I think it's increased a little bit. It's increased some.

Q Okay.

Are you familiar with the organization American Bridge?

A Yes.

Q Have you received any compensation from American Bridge over the last 5 years?

A Yes.

Q Okay. And how much compensation have you received from American Bridge?

A Well, when I talk about that amount of money, I mean all of those organizations.

Q So all of David Brock's entities --

A Right.

Q -- combined are 200,000?

A About.

Q Okay.

A Something like that.

Q Okay. So there's American Bridge.

A Yes.

Q There's Media Matters.

A Right.

Q Are there any other organizations on which you have done work for Mr. Brock?

A Correct the Record --

Q Okay.

A -- is another organization.

Q Okay.

A And then there's the American Independent Institute, which

is a journalistic foundation.

Q So, when you receive your paycheck, who signs the paycheck? Where does that come from?

A It's deposited directly. I imagine it comes from David Brock.

Q Okay. Not David Brock personally but one of his --

A Whoever -- whoever is responsible for that payment.

Q Okay.

When you were working at the Clinton Foundation, did you have any financial disclosure requirements you were required to submit?

A I don't know.

Q Did you ever submit any financial disclosure requirements to the Clinton Foundation?

A No.

Q When you were working at the Clinton Foundation, were you required to vet through the foundation any other sources of income that you may have had?

A I don't know.

Q Okay. Did you vet the additional source of income from David Brock through the Clinton Foundation while you were working there?

A I would say that people at the foundation knew about my relationship with David Brock and that I advised him, but there was no discussion about any money.

Q Okay. And when you say the people at the foundation knew

of your relationship, are you talking specifically about Mr. Band, or are you talking about anybody else?

A I think Mr. Band certainly knew.

Q Before the end of -- the very end of 2012, when you started drawing a paycheck from Media Matters, did you have any type of informal relationship with the organization?

A I've always had a friendship with David Brock.

Q Okay.

A I have written about it publicly in a memoir called "The Clinton Wars," and he has written about it in his memoir. It's not a secret relationship.

Q Sure.

Mrs. Brooks. I have a couple questions.

Mr. Blumenthal, can you describe for us your work at the Clinton Foundation? What was the nature? What was the portfolio of your work? What kind of work did you do?

The Witness. Yeah. Thank you.

I did educational work for the Clinton Foundation. I began by designing, framing, and implementing programs on the nature of the Clinton Presidency. The Clinton Library is part of the foundation, so when we say the Clinton Foundation, it includes the library. And I was the one who wrote and then helped implement programs to educate people about what had happened.

We had seminars. We had panels. There were lectures. There were large events. There were small events. Universities were

involved. Various think tanks were involved. And this went on all the way to the end. And I can talk to you about those various events.

Mrs. Brooks. So who did you report to at the Clinton Foundation?

The Witness. I reported to Valerie Alexander, who was the communications director.

Mrs. Brooks. And so, besides the educational programming, were you also involved in the communications side of the Clinton Foundation, the messaging side, so to speak?

The Witness. Well, I would talk to her.

Mrs. Brooks. And that was her role?

The Witness. Yes.

Mrs. Brooks. And did you have employees who worked for you during --

The Witness. No.

Mrs. Brooks. -- that time?

The Witness. I had no one working for me.

Mrs. Brooks. Okay.

And, during that time, in putting on these programmings, did you have interactions with others in Europe or the Middle East in putting on any of the programs?

The Witness. I'd say -- I would say not.

Mrs. Brooks. Did you have focuses on U.S. foreign policy --

The Witness. There was one --

Mrs. Brooks. -- at the Clinton -- under the Clinton Presidency?

The Witness. Yes. We staged, for example, at NYU, in February

of 2011, a day-long event of a series of panels about Bosnia-Kosovo War and the Dayton Peace Accords. And it involved many of the principal actors from the administration, and there were Bosnian officials, journalists like Christiane Amanpour, President Clinton participated, Madeleine Albright, Sandy Berger.

Mrs. Brooks. And you arranged those days and those --

The Witness. This whole idea was mine.

Mrs. Brooks. And did you have regular interaction with President Clinton and Secretary Clinton during that time that you were working for the Clinton Foundation?

The Witness. I had -- I had occasional contacts with President Clinton, and I was in touch with Secretary Clinton.

Mrs. Brooks. Would you confer with them about what your role was and what kind of programming, maybe asked them for what kind of suggestions they wanted to see in the educational programming?

The Witness. With President Clinton. Only with him.

Mrs. Brooks. Directly?

The Witness. Yes. Sometimes.

Mrs. Brooks. When, specifically, did you leave the foundation? You --

The Witness. March.

Mrs. Brooks. -- said earlier this year.

The Witness. March.

Mrs. Brooks. Okay. In March.

I don't think I have any more questions.

BY MR. DAVIS:

Q Did the Clinton Foundation provide you with a cell phone with which to work?

A No.

Q Did they provide you with any other type of electronic device?

A No.

Q Did they provide you with an email address?

[Voting system bell tolls.]

The Witness. You all okay?

Mr. Davis. We're okay. We're used to it.

Mr. Cole. It's sort of like Pavlov.

The Witness. They provided me with an email address, but I never used it.

Mrs. Brooks. What email address did you use during that time that you worked for the Clinton Foundation?

The Witness. I used two email addresses. I used one, an AOL account, which I more or less stopped using after I was hacked by a foreign criminal operating from a Russian server who stole my emails, which is the subject of a Federal criminal suit of which I am a victim with Colin Powell and Dorothy Bush, the sister of President Bush.

Mrs. Brooks. And what email was that?

The Witness. That was -- you want the address?

Mrs. Brooks. Uh-huh.

The Witness. It's sbwhoeop[redacted]

Mr. Davis. What does that mean, "sbwhoeop"?

The Witness. It was the long-term [redacted] address I had had from the time I had been in the White House. It was not a White House address, but it contains an acronym of various White House words that I kept just out of convenience and also because no one knew what it was.

And then I switched to a [redacted] account after I was hacked.

Mrs. Brooks. And so what did that acronym stand for?

The Witness. Sidney Blumenthal, White House Office, Executive Office of the President.

Mrs. Brooks. Okay. And then you switched, and what was the next email address?

The Witness. [redacted] A little less obscure.

Mrs. Brooks. Okay.

Chairman Gowdy. Carlton, do you have a lot of questions about the circumstances surrounding Mr. Blumenthal's separation from the foundation?

Mr. Davis. You can ask those questions if you would like to.

Chairman Gowdy. No, no, no. You do it. I just want to make -- I just want to understand, if you left in March, I want to understand the circumstances behind the separation.

BY MR. DAVIS:

Q So you just testified that you left in March --

A Yes.

Q -- of 2015. Do you recall the exact day where you severed your relationship with the Clinton Foundation?

A I don't.

Q Okay. And how did that severing occur? Was that on their end or on your end?

A The programs that I was working on had come to an end. We had just stopped doing those educational programs.

Q Are there any specific educational programs that had come to an end?

A Well, the ones about the Clinton Presidency and its legacy.

Q Okay. And when exactly did those programs come to an end?

A I would say my contribution to them came to an end in -- they came to an end with his last lecture at Georgetown, which he gave in April.

Q And that was in April --

A And that was, I think --

Q -- of 2015?

A -- the third or the fourth in a series that I had participated in helping him with.

Q So, when the relationship with the Clinton Foundation ended, did you pick up the phone and call the Clinton Foundation and say, my work here is finished? Did they call you and say that your work here is finished? Can you describe the conversations you had with the folks at the Clinton Foundation regarding your separation?

A It came from their end.

Q It came from their end. And who called you?

A Valerie Alexander.

Q Okay. And what did she tell you, as you recall?

A That these programs had come to an end, and thank you very much, you know, but -- that's it.

Q Okay. You don't remember exactly when in March 2015 --

A I don't.

Q -- this occurred?

A I don't.

Q Okay.

Mrs. Brooks. A couple more questions.

Did you do speechwriting for the President? When he was addressing, for instance, in April, was that part of your work, as well?

The Witness. I suggested some of the topics for these university lectures that were related to this program. I was not involved in any of his other speeches.

Mrs. Brooks. Okay.

Would you communicate with the President or the Secretary during this time about the work that you were doing and copy the other or copy others if you emailed them about the work?

The Witness. I copied people at the foundation who I worked with on this. There were a group of people. There were weekly conference calls. There was a lot of work. There were other people who were full-time on this. Same time that I left, there were other people who had worked over a similar period who also ceased working.

BY MR. DAVIS:

Q And do you recall who those people were?

A Tom Friedman, who was a former -- another assistant to the President, to President Clinton, who was in the White House and former colleague of mine, and he had been involved in this program also.

Q Was there anybody else in addition to you and Mr. Friedman?

A Mark Dunkelman is, I think, still at the foundation doing other work. He was involved in this. Valerie was involved. But there were many other people involved in this program.

Q Is Mr. Friedman still at the foundation?

A No.

Q So he left around the same time that you did?

A Well, I don't think he -- he was a consultant to the foundation. He had his own private business.

Mrs. Brooks. Do you have any idea how many employees the foundation has?

The Witness. No, I don't.

Mrs. Brooks. Any idea how many they had in March when you left?

The Witness. No, I don't.

Mrs. Brooks. Okay.

The Witness. I could only guess. I don't know.

Mrs. Brooks. Any all-team meetings ever take place?

The Witness. No. The foundation's pretty vast.

Mrs. Brooks. Okay.

The Witness. I think it's more than 1,000 people.

Mrs. Brooks. Okay.

The Witness. So the calls that I were on were, you know, a dozen

or so.

Mrs. Brooks. Okay.

BY MR. DAVIS:

Q Have you had a chance to review your emails that have been produced to us by the State Department in the course of our investigation?

A The State Department emails?

Q Correct. Have you had a chance to review those?

A No.

Q Okay.

Chairman Gowdy sent you a request for additional documents on May 29 of this year. On Friday, your lawyer responded with 179 pages of emails. Do these 179 pages comprise every responsive page pursuant to Chairman Gowdy's request?

A Yes.

Q We have seen some documents and communications -- I believe there are five -- that we have received from the State Department that are responsive to the request that Chairman Gowdy sent you, but your lawyer did not produce them last Friday. Do you know why that is the case?

A I don't know specifically.

I do know that I only have what I have, what I saved. I was hacked, as I told you. I got rid of my previous computer. I was visited by the FBI, the Secret Service, and the Diplomatic Security of the State Department. And I was very unhappy about having my privacy invaded

by somebody who the FBI told me was probably part of a foreign intelligence operation.

And I had kept my emails, as far as I knew, from Hillary and deleted a lot of -- most of my [redacted] account and switched to a different computer. And I'm not tech-savvy. I did this all on my own. I didn't have anyone helping me. I was very unhappy and disconcerted.

Q Why did you keep your emails from Hillary?

A I thought that at some -- even though they had been hacked, I thought that, at some point, given that I'm a historian, I might write about this, and it might be significant at some point as a historical matter.

I kept emails from [redacted]. But the rest just -- it was not a rational process that I dealt with in this immediate aftermath of being hacked. And I was visited by the FBI and the Secret Service, and I was very upset.

Q The production that your lawyer made on Friday, looking at that side-by-side with the production that we received from the State Department, it's relatively clear you and Secretary Clinton had significant communications regarding Libya in 2011 and in 2012.

Do you recall having any other -- or any communication with anybody else in the executive branch in that timeframe, 2011 to 2012?

A About Libya?

Q About Libya, yes.

A No.

Q So she was the only person in the executive branch that you

were interacting with?

A Yes.

Q Did you have any communications with Andrew Shapiro about Libya in 2011-2012?

A Thank you for reminding me of that. I -- this involves a lot of explanation.

Q Sure.

A I made a phone call to him in, as I recall it, early 2012 asking where to receive -- where I could find information about ITAR.

Q And why were you interested in finding information about ITAR?

A Let me give you his answer. His answer was to go to the Web site.

I had been involved in a so-called business interest, and I say "so-called" because it began as an idea from a Libyan in a conversation to someone I knew for humanitarian aid in the middle of the Libyan revolution. Tens of thousands of people were being killed and wounded. There was a lot of violence. There was a lot of distress about the absence of medical care. He raised this idea. I discussed it with another friend. And we can go into it if you like.

But what happened was that they set out to try and provide this humanitarian care, medical care. I thought it was a wild idea. I thought -- I had minimal involvement beyond acting as an early facilitator in this. There were some conversations. There were some emails. I had a very limited, marginal role. I had no expectations

this would ever work out in such a crazy environment as Libya. I didn't really know these people. And it never got off the ground.

And even when it never got off the ground, I'd forgotten about it, and a person who was in touch with one of these people said they had thought that they might bring medical supplies that somehow might be covered by ITAR and did I know anybody. So, as a friendly gesture, I made a call to Andrew Shapiro and asked where to find that information. That's what I did.

Q So why did you call Mr. Shapiro and not ask Secretary Clinton?

A Well, I knew that -- I knew Andrew Shapiro from Hillary's Senate office. He had been an aide, and I knew that his position was -- involved that area. We had been friendly. We were acquaintances. And I just was seeking information.

Q Okay.

You mentioned that -- mentioned that there was an idea that was started by a Libyan contact. And who was that individual?

The Witness. What do you want to do about this name?

Mr. Cole. I think you can give him the name, and then we can talk about the redactions if we need to.

The Witness. Okay.

This Libyan's name was [redacted]. He was a Libyan businessman. I think he was living Amman, but he was Libyan.

Mr. Davis. Okay.

The Witness. He was someone who was known by someone I knew whose

name was Cody Shearer. Cody Shearer was a journalist and had been involved in an education -- international education program in Washington, which he had students from around the world.

One of them was a Libyan who happened -- and this person was the father of this student. And when the Libyan revolution broke out, the student and the father got in touch with Mr. Shearer. And that's how I learned about this.

BY MR. DAVIS:

Q And Mr. [redacted] was the father of one of the students --

A Of one of the students --

Q -- in Cody Shearer's programs?

A That's right.

Q Okay. All right.

And you mentioned, I believe, that you discussed this venture with another individual?

A Yes.

Q Was that Mr. Shearer, or was that somebody else?

A That individual was Tyler Drumheller.

Q Okay. We'll come back to this during our next hour of questioning.

A Sure.

Q We can explore it a little more in depth.

BY MR. DAVIS:

Q You mentioned the phone call that you placed to Mr. Shapiro about ITAR. Did you ever have any type of email communication with him about Libya in the 2011 to 2012 timeframe?

A I don't know because I don't have those emails. I just, you know, my emails were a catastrophe.

Q But it's possible you did have email communications with him during that time?

A Well, yes, it's possible.

Q You mentioned, back in early 2009, when you were being considered for a position at the State Department, you talked with both Hillary Clinton and Cheryl Mills at that time. Do you recall ever exchanging any emails with Cheryl Mills about the topic of Libya in the 2011 or 2012 timeframe?

A I did not.

Q And how can you state so definitively?

A I know I didn't.

Q You didn't. Okay. So the 179 pages we received from your lawyer on Friday is the universe of everything that you have that is responsive to the chairman's request?

A Yes.

Q But there might be other emails that are responsive to the chairman's request that you do not have as a result of the hacker? Is

that possible?

A It's conceivable. I'll just say I've done my best here.

Q Sure. The emails you produced, did you look at the production before your lawyer sent it to Chairman Gowdy?

A I turned it over to my lawyer.

Q So the emails don't have any header information, to or from, subject, time. It's extremely limited compared to most other email printouts that we have seen. What is the reason for that?

A It's just how I save things over time. It's just -- I have not done this on, I guess, on a systematic basis. It's just what I did.

Q So when you say it's how you saved things over time, did you save your entire email file? Did you save individual emails? How did you save these emails?

A I cut and paste things in a folder, and this is what there is.

Q And so you cut and paste -- did you cut and paste the emails into a separate Word document and save them as Word documents? What do you mean you cut and paste?

A I'm almost out of my technical expertise here. I just cut and paste things. I put them in a folder, and a lot of them were Word documents, and that's what they were.

Q So that's why the associated header information is not available because you printed off Word documents that you had saved?

A This is just what I did.

Mrs. Brooks. Can I ask a clarifying question? In some emails, did you cut and paste just part of the email and save it in a folder? Or when we are seeing these emails, is that the entirety of the email in all likelihood?

The Witness. In all likelihood, you're seeing what there is.

Mrs. Brooks. So you didn't cut and paste certain parts of an email and put it in a folder?

The Witness. Right.

BY MR. DAVIS:

Q Did you personally review every email that you had, or did you have your lawyer do that on your behalf?

A Well, I compiled this myself and submitted it to my attorney.

Q Is there anything responsive to the request that you did not submit to your attorney?

A No.

Q We only have about 6 minutes left before our hour is up. So, very briefly, I was hoping we could discuss the hacking incident that you have alluded to on several occasions. Were any emails from your account, were any of them publicly disclosed as a result of the email hack?

A Yes.

Q And how many of your hacked emails were publicly disclosed?

A I don't know.

Q Have you seen any of these emails that had been publicly

disclosed?

A Some of them.

Q And were they, in fact, your emails?

A Yes.

Q Did any of these emails include emails sent to Hillary Clinton?

A Yes.

Q Following the discovery of the hacking, did you notify Secretary Clinton about the hack?

A Yes.

Q And why did you notify her?

A Because her emails had been hacked also.

Q Her emails, you mean your emails to her?

A Yeah. But I believe she had already been notified because I was contacted by the Secret Service and the FBI, and they would have contacted her immediately. And I was not the only one who was hacked. Colin Powell was hacked. Dorothy Bush was hacked.

Q How did you find out that your email account had been hacked?

A Well, I was sitting at home, and I got a phone call from somebody from a Web site called SmokingGun.com. And he said: I'm calling you up to let you know your email account has been hacked by somebody named Guccifer.

And I said: What can you tell me about this?

He says: Well, he's hacked your email account, and we're going to report it.

And then my emails were the next day published on the account on the Web site of Russia Today, coincidentally, the propaganda organ of the Putin government, and on Gawker.com, those two Web sites. I was, as I said, very upset. And then, subsequently, if I may add, there were other emails that kept coming out that I had not seen.

And I was in contact with the FBI, DS of the State Department. They came to see me. They were very upset themselves. They regard me as if -- they intend to extradite this criminal, who is sitting in a Romanian prison right now, under a Romanian sentence, and try him in the Federal Court in Alexandria in the Eastern District of Virginia. There's an indictment of him. And they were very solicitous of me as somebody who would testify in that trial and wanted to protect me. And I had appreciated that.

And I asked them what could be done about this. They said that there was very little that could be done, but that the media organizations that had published this material had been investigated by the Federal Government as part of this hacking and that that might be introduced as evidence if there were a trial. So that's what I was told by the Federal investigators.

Q So after your account had been hacked, were you able to log back into your account at some point?

A It was a mess. You know, I switched almost all my personal emails to [redacted]. And it took me a while to do that because I had so many people who communicated with me by email, just like everybody else.

Q What do you mean you switched almost all of your personal

emails to [redacted]?

A Well, I only have personal emails. I'm a private citizen.

Q Sure. But did you transfer everything from your [redacted] account to [redacted]?

A No, I didn't transfer a thing.

Q Did you print out any emails that you wanted to save?

A No.

Q You cut and paste?

A I have these folders, and that's what I have.

Mr. Davis. We're coming up on 59 minutes. So we'll stop the clock and go off the record.

[Discussion off the record.]

Ms. Sawyer. We'll go back on the record. It's 11:55.

Again, Mr. Blumenthal, I'm Heather Sawyer. I'm one of the counsel for the minority members of the select committee. I am joined here today by my colleagues Peter Kenny, Susanne Grooms, and Linda Cohen, Dan Rebnord. As I mentioned earlier, many of the Democratic members were hoping to be able to attend. We're fortunate that the scheduling worked out.

Representative Schiff is here. He's going to have to leave for a matter scheduled for the floor today in a few minutes. So, while he was here, I certainly wanted to open by giving him an opportunity to speak with you and ask you some questions.

Mr. Schiff. Thank you very much.

And thank you for being here today, Mr. Blumenthal. I'm not sure

I've ever started questioning of a witness by making an apology, but I feel, on behalf of several members of the committee, we have to apologize to you for the manner in which you were brought before the committee, which I want to ask you a bit about. But I understand that you never had a chance to volunteer to appear before the committee and were subpoenaed without any prior notice. And I think that is a course of action that should never have taken place.

So I wanted to start out by expressing my regret for how you were brought before this committee. So let me begin by asking you a bit about that. Would you have been willing to appear voluntarily in the absence of a subpoena?

The Witness. Yes.

Mr. Schiff. Were you ever given the chance, or were you ever called to ask whether you'd be willing to come in and meet with the committee?

The Witness. No.

Mr. Schiff. Did you ever receive a letter asking you to come and appear before the committee?

The Witness. I did not receive that letter before I received a subpoena.

Mr. Schiff. So the first invitation you got to appear before us was in the form of compulsory process?

The Witness. Yes.

Mr. Schiff. Had you ever indicated, prior to receiving that, that you were somehow unwilling to cooperate with the investigation?

The Witness. No.

Mr. Schiff. Let me ask you about the service of the subpoena itself. Who was it that came to your home to serve the subpoena?

The Witness. Two U.S. marshals came to my home.

Mr. Schiff. Were the marshals armed?

The Witness. I don't know. I didn't see them. My wife answered the door.

Mr. Schiff. And did they end up serving your wife?

The Witness. Yes.

Mr. Schiff. The committee could have come and either sent you the process or delivered it to your home. Did you ever give the committee any reason to believe that you would not have willingly accepted service from the committee instead of U.S. marshals?

The Witness. No.

Mr. Schiff. Well, I guess I just want to reiterate that I think serving you a subpoena without any effort to invite you to come before the committee as a willing witness is a terrible disservice to you. And I think utilizing the marshals when that was unnecessary is a waste of taxpayer resources. And I deeply regret that it happened. And I want to extend apologies on behalf of several of my committee colleagues to you and your family.

The Witness. Thank you. If I can add one thing. My wife is an elected official in the District of Columbia. She's elected by voters, by constituents. She's an advisory neighborhood commissioner. She represents our neighborhood, which is Glover Park. And as

inappropriate as it was for her to be handed the subpoena, she's also a public official. She's elected. And they came in the middle of the day. There were neighbors walking by. They didn't know what this was about. It could have been anything involving her. There could have been an aspersion of wrongdoing about her and her public service. So I was doubly unhappy that there was any cloud cast over my wife.

Mr. Schiff. Thank you for sharing that experience with us. And, again, my profound regret that it had to happen at all.

You have been subpoenaed here to testify as part of the subcommittee's investigation of the September 2012 Benghazi attacks. The committee has conducted a series of interviews since February and publicly prided itself on interviewing eyewitnesses to the attacks or people on the ground who could relay firsthand knowledge of security in Benghazi or the attacks.

I take it, Mr. Blumenthal, you're not in that category of the percipient witness of these attacks? You weren't present at the time?

The Witness. I was not.

Mr. Schiff. Were you ever in Benghazi between the spring of 2011 and the night of the attacks?

The Witness. No.

Mr. Schiff. Were you involved in any way in discussing, formulating, or implementing security for U.S. facilities or personnel in Benghazi?

The Witness. No.

Mr. Schiff. Did you receive any warning before the attacks in

Benghazi that an attack was imminent?

The Witness. No.

Mr. Schiff. Were you involved in any way in the administration's military response or readiness on the night of the attacks?

The Witness. No.

Mr. Schiff. So there have been a number of issues over the last couple years that have been raised about Benghazi that, notwithstanding all the evidence to the contrary, we seem hard-pressed to put to rest. So let me ask you if you have any firsthand knowledge about any purported military standdown order, that military assets were ordered not to intervene when they could have intervened?

The Witness. No.

Mr. Schiff. One of the other myths about Benghazi is that there was illicit gunrunning by the CIA. Do you have any personal or firsthand information about any illegal gunrunning by the CIA in Libya or Benghazi?

The Witness. No.

Mr. Schiff. Do you have any firsthand knowledge about who perpetrated the attacks in Benghazi?

The Witness. No.

Mr. Schiff. Any light you can shed from any personal experience you might have on those who either planned or participated in the attacks?

The Witness. No.

Mr. Schiff. In May of 2014, we adopted a resolution in the House,

567, that set up this select committee. The Speaker at the time explained the select committee was needed because there were, quote, "so many unanswered questions," unquote, about the attacks. Specifically he said there were three areas the select committee would investigate.

The first he said were the events leading up to 9/11/2012, the number of requests for more security and why it was not provided. Do you have any firsthand knowledge of the number of requests for more security and what was done with those requests for more security?

The Witness. No.

Mr. Schiff. So you can't add any personal information, firsthand information, as to the Speaker's first stated purpose of the committee?

The Witness. I have no such information.

Mr. Schiff. Second, the Speaker said the select committee would investigate, quote, the events of the night of September 11, 2012, what happened, and why there was no response.

I think you already said you had no firsthand knowledge prior to the attacks that they were going to take place. Right?

The Witness. Yes, that's what I said.

Mr. Schiff. Do you have any firsthand knowledge about what kind of military response the U.S. provided or failed to provide on the night of the attacks?

The Witness. No.

Mr. Schiff. The Speaker then listed the last question he wanted our committee to answer as, thirdly, why did the White House describe

this in a way I believe they knew was false?

Do you have any firsthand knowledge about the White House's formulation of how they would describe the attacks?

The Witness. No.

Mr. Schiff. Were you involved in crafting the infamous talking points for Susan Rice or anybody else in the administration?

The Witness. No.

Mr. Schiff. Were you involved in crafting how Secretary Clinton would speak about the Benghazi attacks?

The Witness. No.

Mr. Schiff. Similarly, when the select committee was stood up, our chairman identified other questions he believed the select committee should answer in addition to those the Speaker posed. One of those questions was: I would like to know why we, number one, were still in Benghazi when everyone else pulled out?

Mr. Blumenthal, do you have any firsthand knowledge of why the U.S. or why Ambassador Stevens was in Benghazi on the night of September 11, 2012?

The Witness. No.

Mr. Schiff. Our chairman had a second question, which was: Why was our security footprint so light despite the repeated request for more security?

Do you have any firsthand knowledge about our security footprint in Benghazi or repeated requests for more security?

The Witness. No.

Mr. Schiff. I have to say I'm not surprised by any of your answers. It does surprise me that you would be the first witness that we would subpoena to depose, given that you don't have firsthand information, through no fault of your own. And I have to say it just highlights the concern I have that our select committee's focus is not on trying to get at the facts of what happened that tragic night, which we know all too well, but rather trying to get at any facts that can be used in the Presidential campaign against a likely Democratic nominee. And that is I think a terrible abuse of this select committee process.

Let me ask you a little bit about one other aspect of the select committee's work. Initially the select committee was supposedly to focus on the events of that night in Benghazi. I think failing to find anything particularly new about the events of that night, the select committee is attempting to broaden its jurisdiction to look at all of Libya policy.

This seems to me a strange use of an investigative select committee. We might as well have a select committee on what's happening in Yemen or a select committee on what's happening in Syria or Iraq or countless other places, in Egypt. That's really not what the select committee was supposed to be about. And, indeed, the very beginning of our meetings, some of the first meetings we held were with those who lost family members that night. And what we committed to do was to uncover any facts yet to be uncovered about the tragic events of that night.

So I'm not sure why a broader look at Libya policy is in order here, except for, I suppose, the degree that it can be utilized during a Presidential campaign. But, nonetheless, we are where we are. And so I suppose we're going to spend some part of our committee time looking at policy decisions that were made more than 4 years ago in the spring of 2011 to support U.N. intervention against the former Libyan dictator, Muammar Qadhafi. That U.N. intervention was nearly a year and a half before the attacks in Benghazi. And I think we need to also remember what was going on on that evening of September 11 in other capitals of Muslim countries around the world. But at the time, many high-profile Members of both parties, high-profile Republicans, including Senators McCain and Graham, urged the United States to support the rebels. And Congress asked for and received information on the administration's policy decisions back in 2011. Secretary Clinton's policy stance was public at the time, so it's not as if we need a select committee to investigate what the public policy was.

I understand that several of the recently announced Republican candidates for President have expressed an interest in debating whether these foreign policy decisions were the right ones. And there's an appropriate place for that. In my view, that is not here, in a committee entitled the Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi, Libya.

That said, because the select committee is going beyond, in my view, its clear mandate, let me ask you to confirm a few things on the record about your involvement or lack of involvement.

Mr. Blumenthal, were you directly involved in formulating the Secretary's or the administration's policies regarding Libya?

The Witness. No.

Mr. Schiff. Did you ever discuss with Secretary Clinton or any of her staff the decision to have a diplomatic presence in Benghazi?

The Witness. No.

Mr. Schiff. Do you have any evidence that the information that you sent to Secretary Clinton actually influenced any of the decisions that she or the administration made related to Libya?

The Witness. No.

Mr. Schiff. Apart from your longstanding relationship to the Clintons, Mr. Blumenthal, do you have any idea why you're here?

The Witness. Hope to find out.

Mr. Schiff. You and I both.

The Witness. I hope to clarify some matters if I can and any questions people have. That's why I'm here. I'm here to answer the questions.

Mr. Schiff. There have been leaks from the select committee that in addition to the emails that were produced by the State Department, that there were additional emails that you produced that had not yet been produced by the State Department. Do you have personal or firsthand information why the State Department would not have produced the emails that you produced?

The Witness. No.

Mr. Schiff. Were you at all a part of the State Department's

document production?

The Witness. Could you repeat?

Mr. Schiff. Apart from providing your own emails, were you at all involved in the State Department's vetting of their own emails to determine what was relevant to preparing document requests from this committee?

The Witness. No.

Mr. Schiff. That I think exhausts the questions that I had. I think I will turn it back over to staff. And, once again, I appreciate your being here. I apologize for the manner in which you were brought here.

And I hope once the select committee satisfies itself that you're not a percipient witness, don't have any firsthand information about the events of that night, that it will allow the Presidential political process to do its job and restore the focus of this committee on the events of that tragic night and get out of the Presidential campaign business.

Thank you for the opportunity to ask you questions.

The Witness. Thank you, Congressman.

Ms. Sawyer. Again, good morning, I have some questions for you.

And it's our hope that the ranking member, Mr. Cummings, will also be able to join us for a few minutes during our round of questioning.

We were advised via press release of a possible intent by the chairman and the majority to release the emails that you have produced to the committee publicly. Now, with the production that was given

to this committee, your attorney, Mr. Cole, had sent a letter asking that before documents be released publicly, there be an opportunity to clarify a few items in those emails that there was concern about being publicly released because of potential risk to particular individuals with regard to personally identifiable information.

Ms. Sawyer. Mr. Cole, has anyone reached out to you about your request?

Mr. Cole. Yes, the chairman told me that requests would be honored.

Ms. Sawyer. And did he, when he told you that, did he also advise you of the intent to release the emails publicly?

Mr. Cole. He said, before anything was released, we would make sure that those redactions were taken into account.

Ms. Sawyer. Well, the first that any Democrats -- Ranking Member Cummings was not advised of the intent to release the documents, nor were any of the other Democratic members or staff. The first we had heard of it was in the public release. We just wanted to confirm that that had been your request. And certainly our intent on our side of the aisle to honor the request that before there be any public release, there be a discussion with you, on behalf of Mr. Blumenthal, to ensure that nothing that is released publicly by this committee puts anyone at risk, and we honor your request.

Mr. Cole. Thank you.

EXAMINATION

BY MS. SAWYER:

Q Now, a quick question before I shift gears a little bit. In the last hour Representative Brooks had asked you a question. When you were describing your production to your lawyer so that they could produce documents in response to Chairman Gowdy's request. And she had asked you whether or not when you preserved those documents, whether they had been changed in any way from how you believed you had potentially sent them to Secretary Clinton or anyone else. And I think you said that you did not recall having altered any of the documents. Is that the case?

A To my knowledge, I'm not aware that I altered anything. That's what I had. I turned over what I had.

Q Okay. Sitting here today with us, would you be able to, looking at any of those documents -- many of them don't bear the typical, to the extent they were sent by email -- and sitting here today can you even tell us whether each and every one was sent by email that you have turned over to this committee?

A Yes, they were sent.

Q Could you tell us, sitting here today, looking at those documents, which ones, whether or not they are in the exact format that they were sent to whoever they were sent to?

A They were sent to -- how I preserved them. I mean, they were -- how I sent them to the committee is how I had them in their preserved state.

Q Okay. Thank you. Now, I think, as my colleagues indicated, that we haven't gotten actually to the communications that

you did produce, but I wanted to ask you in the last hour, but I did want to ask you some general questions about those. You have said very little publicly about both the request that you appear, not the request but your compulsory appearance here, or the documents. But you did indicate in a public statement just released by your attorney that you had sent this information as a private citizen and friend. What did you mean by saying that you were sending this information to Secretary Clinton as a friend and private citizen?

A I sent them to her because I thought they were possibly helpful or useful to her and for her to use as she saw fit and for her to have evaluated any information that was there on her own.

Q Now, many of the emails or documents that you produced are styled in a manner that's like a memo, and they contain a fair amount of information in them. Did you write, author those actual -- I'm going to just call them memos -- that you sent to Secretary Clinton? Were you the author of those?

A No.

Q Who was the author?

A Tyler Drumheller.

Q Can you explain to us who Mr. Drumheller is and your relationship with him at the time that you were sending. First, who he is if you could explain, give us a little background on who Mr. Drumheller is.

A Tyler Drumheller is the former chief for Europe of the CIA. He has held many responsible positions in the CIA, had a lifetime career

in the Agency, received its most distinguished awards. He is an old friend of mine.

Q And you described him as an old friend. Is he also in any way a business associate of yours? It has been alleged in some of the press reporting about the emails that he potentially was a business associate of yours. Was he writing these memos in particular as part of some kind of business venture that you were engaged in together?

A The memos that he wrote began before there was any discussion of the so-called business interest, which was a humanitarian idea, concept.

He had initially shared with me a memo of the Egyptian situation, which I thought was very interesting, and I sent it on to Secretary Clinton. So there were a number of memos on Egypt that I sent. And then when the Libyan revolt broke out in the so-called Arab Spring, he shared with me his information on Libya. And this preceded any discussion of this, as I put it, so-called business interest.

Q And what was your understanding, to the extent you had one, of why Mr. Drumheller was writing and collecting this information and who he was doing that for?

A Mr. Drumheller has spent his lifetime inside the CIA. He's been a station chief in various places. He was chief of all of Europe, operational and analytical. And he collects information. He gathers information from his many sources. He has clients. I don't know who they are. And he also simply collects information.

Q And at the time -- let's just limit this to the time period

of spring that's covered by the production that you sent the committee, which I believe starts in February of 2011 and goes through 2012, so just during that time period. What was your understanding? Was Mr. Drumheller, when you said he has clients, are these private persons? To the extent you know, are these governmental entities?

A I don't know what they are, but my understanding is he has large corporate clients, American clients, but I couldn't tell you who they were. He has not shared that with me.

Q And you indicated that Mr. Drumheller provided these informational memos to you. You then passed them on to Secretary Clinton. Did Mr. Drumheller know that you were passing the information to Secretary Clinton?

A Yes.

Q And he had no objection to you doing that?

A No.

Q Did he ever ask for any attribution for you to indicate to the Secretary that these had come from him?

A She knew their source, that they came from Tyler Drumheller.

Q To the extent you know, what was her understanding of who Mr. Drumheller was and why he was producing these informational memos?

A I introduced Tyler Drumheller to Hillary Clinton when she was a Senator. I brought him into her Senate office to brief her at great length in 2007 on the intelligence that had led up to the Iraq war. He had an intimate knowledge of that, was directly involved. And I thought it would be useful for her to hear firsthand from him, given

his central involvement in this, what had happened. So she knew Tyler Drumheller, and she knew that these memos were written by Mr. Drumheller.

Q So Mr. Drumheller was the author of the memos and not you. Were you involved in any way in gathering the underlying information that was contained in the informational memos that were sent to the Secretary?

A No.

Q So you have no firsthand knowledge of any of the information that was contained in the memos that you sent on to the Secretary?

A I have none.

Q Now, some of those memos that were sent bear a mark at the top, a number of them, the informational memos, that just say in block letters the word "confidential"?

A Uh-huh.

Q What is your understanding of why that stamp was on some of those memos?

A Thank you. It was not a stamp.

Mr. Drumheller would send me his reports. And I would cut and paste them into an email. And I would just write "confidential" on them. It didn't mean they were classified. It didn't mean anything like that, just that I was sending them to Hillary and for her and her use only. That was my intention.

Q So just to be absolutely clear on the record, the fact that that word was on some of these informational memos was in no way meant

to signify nor did it actually mean that the Federal Government had classified any of the information in the memos or the memos themselves?

A That's correct.

Q What did you expect? What was your expectation as to what Secretary Clinton was going to do with the information that you sent her?

A I don't know. I simply sent it on to her for her to use if she found it helpful, to do what she saw fit with it.

Q And do you know what she actually then did do with any of the informational memos or documents that you may have sent on to her?

A No, I do not. I was never told.

Q Now, in some of the documents that we have seen, there is sometimes a brief note back from the Secretary to you that says a thank you or keep it coming. Beyond those exchanges, do you recall having any discussions with the Secretary about the content of the information contained in the documents that you've provided to the committee?

A We had no such discussions.

Q Now, when asked about the emails that you sent her, Secretary Clinton has described those emails as, you know, unsolicited emails that she passed along in some instances. Do you generally agree with her characterization of the communications as unsolicited?

A They were unsolicited in the sense that she wouldn't know she was receiving them or when she was receiving them. I would simply send them. And they would also be intermittent.

Q And did she, to the best of your recollection, ask for you

to cover a particular topic in any of the memos that you sent? Did she task you to do particular research?

A No.

Q Now, when Representative Schiff was here, he asked you, touched on this question, and while it is, you know, probably true that some of the information that you were sending her was consistent with or may have been inconsistent with other information that she was receiving, I just wanted to ask you whether or not you had any evidence that the information that you were providing to the Secretary changed her mind on any particular policy decision or was really the tipping point or the factor on issues that she was considering with regard to, let's say, in particular, Benghazi, the subject matter that this committee is supposed to be investigating?

A I have no idea what her decisionmaking was. She never communicated that with me.

Q And would your answer be the same, speaking more broadly, to policy of the Secretary or the administration in Libya, more broadly?

A Yes.

Q Now, there has been speculation in the press that you asked for, received, expected, some sort of benefit in exchange for providing information to Secretary Clinton. Was that the case? Did you expect to receive any sort of benefit back from Secretary Clinton?

A Not at all.

Q And did you, in fact, receive a benefit back from Secretary Clinton?

A No.

Q Now, one of the implications in the press -- and you have been questioned in the last hour about your association with the Clinton Foundation -- and one of the allegations in the press seem to be that -- at least the implication is that your employment with the Clinton Foundation was somehow meant to be an end run around the inability to be hired into the State Department directly. Was that in any way the reason why you're sending these memos, the relationship that had been established?

A There was no relationship between my sending emails to Hillary and the educational work I did at the Clinton Foundation. The position I had been offered at the State Department was about European affairs, and the work at the Clinton Foundation was very different. It had no overlap whatsoever.

Q We touched on this briefly, and your kind of more broad response covers it, but I do want to because it has been alleged widely in the press, I do want to talk with a little bit greater specificity about what you have referred to as the potential -- and I'm probably misquoting it -- but the business venture that was considered with regard to some folks who wanted to potentially provide -- I think you had indicated it was humanitarian aid -- in Libya post the fall of Qadhafi.

According to some press reports, the memos, the informational pieces that you sent to Secretary Clinton came from a group of business associates. Now we spoke just moments ago about your understanding,

and you indicated that you did not know whether or not Mr. Drumheller had, in particular, been creating these informational memos for any particular group of clients. Is that true?

A That is true. Mr. Drumheller, as I said, began sending memos before there was any discussion of humanitarian assistance. And I didn't know the sources in any of his reports.

Q And did he continue -- I don't know when that business venture ceased having any kind of realistic expectation of being successful. Do you recall when that was?

A Well, I believed at the beginning it had no prospect of being successful. It seemed completely improbable and implausible to me. At the start, I was involved in some of these conversations. And there were emails. And then some people went off. I didn't know much of what they did. And it never got off the ground. It was completely undeveloped.

I never had any expectation. No money was ever exchanged. I never made a penny. I invested nothing, and I received in the end what I thought I would receive in the beginning, which is nothing. Nothing happened. I was not surprised.

Q And two businesses in particular have been identified in the press. One is Osprey Global Solutions. Did you have any formal arrangements with Osprey Global Solutions?

A No, I had no contract with them.

Q Did you ever, to the best of your knowledge, have any direct contact with them about the work they hoped to do in Libya?

A I knew about it.

Q But did you yourself ever speak with them about that work.

A I had one encounter with the head of Osprey, is a retired general named David Grange. I had met him when he was very briefly in Washington. And he indicated he wanted to do this. And that was my contact with him. And I had no financial arrangement with him or his organization.

Q Did he in particular ask you to reach out in any way to Secretary Clinton on his or Osprey's behalf?

A No.

Q Did he ask you to reach out, to the best of your recollection, to anyone else in the State Department on his or Osprey's behalf?

A No.

Q The other business group that's been mentioned in the press is Constellations Group. Did you have a formal business relationship with Constellations Group?

A I had no contract with Constellations Group. Constellations Group, as I understand it, is a group run by a man named Bill White, who was the director of the USS Intrepid Museum in New York. And I've never met him and never spoken with him.

Q Did you ever ask Secretary Clinton to do anything on behalf of Mr. White or Constellations Group?

A No.

Q Did you ever ask anyone else in the State Department to do

anything on behalf of Mr. White or the Constellations Group?

A No. I asked for nothing.

Q Now, just more broadly speaking, I'd just like to give you the opportunity to answer a charge that has been made in, among other places, on Fox News, the senior editor at large, Peter Schweizer, kind of alleged with regard to you -- and when I quote the "he" in this is you, Mr. Blumenthal -- says, quote: And so he's providing these so called intelligence reports in an area he is not expert for while at the same time he's working with this company that is seeking contracts from the Libyan Government, and Sid Blumenthal was pushing them. I mean, talk about a massive conflict of interest. If this isn't one, I don't know what one would be.

I'd just like to give you an opportunity to respond to that allegation that, one, you were pushing business on behalf of business associates and, two, that this was a massive conflict of interest?

A Well, I never pushed anything. I never requested anything. There was no relationship between my emails, sending emails to Hillary and either my work at the Clinton Foundation or this misbegotten venture.

Q Some of the press reporting, including press reporting as late as this morning, indicated in different ways as it's described, that you had set up and were running in essence a shadow intelligence entity for Secretary Clinton. Was that the case? Had you set up and were you running kind of a shadow intelligence agency for the Secretary?

A No.

Q One of the other issues that this committee has -- at least the majority of the committee has indicated an interest in investigating is Secretary Clinton's use of a personal email address. The documents you were sending, it appears went to a personal email address. With regard to that, I just wanted to ask you, do you have any reason to believe that Secretary Clinton set up or used that email account in order to circumvent Federal laws regarding preservation of Federal records?

A Not that I'm aware of.

Q Do you have any reason to believe that Secretary Clinton set up or used that email account in order to circumvent State Department or broader administration rules or regulations relating to the preservation of Federal records?

A Again, not that I'm aware of.

Q And was your intent when you communicated with Secretary Clinton at the email address that you had for her to cause or to assist her in any way in circumventing requirements for Federal records?

A No.

Q Excuse me for my delay. I just want to mark these for you.

Ms. Sawyer. Mr. Blumenthal, I'm going to show you what I have just marked as deposition exhibit 1 for purposes of identification.

[Blumenthal Exhibit No. 1
Was marked for identification.]

The Witness. Yes.

BY MS. SAWYER:

Q That document for identification purposes in the bottom right-hand corner bears the number State-SCB0045280. It's a 3-page document.

A Right.

Q At the top, it has a to/from email that is from "hrod" to an individual [redacted]@state.gov. Do you know who that individual is?

A Yes. That should be [redacted], who was Hillary's secretary and personal assistant.

Q Understood. And that email just has the communication in the body that says PLS, presumably "please print," and right below that is an email indicating from Sidney Blumenthal, and it has your email address, to H. Was this a communication that you had sent to the Secretary?

A It is.

Q And the time sent on that says September 12, 2012, 12:50 a.m. Do you recall sending this to Secretary Clinton?

A I don't recall sending any particular report to Secretary Clinton. I recall sending reports, but I don't recall individual ones.

Q Okay.

A But I'm sure I sent this.

Q And we had talked more generally about some of the information that you had sent Secretary Clinton, and I had indicated during that discussion that some of the emails that you sent were kind of in a memo style?

A Right.

Q This one seems to be in that type of memo style, and we talked a little about those. Was this one of the informational memos that Mr. Drumheller had authored?

A Yes. Mr. Drumheller is the author of this memo.

Q And he had passed it along to you?

A Yes.

Q And then you in turn passed it along to Secretary Clinton?

A Yes.

Q Do you recall with regard to -- so you had no firsthand knowledge, as you indicated for the others, of the information contained in this particular email that you sent the Secretary?

A That's right.

Q Now, in that, I'm just going to direct your attention to the body of the first page there. And it says in that first paragraph that the new interim President of Libya, Mohammed Yussef el Magariaf , spoke in private with senior advisers, including the members of the Libyan Muslim Brotherhood, to discuss the attacks by demonstrators on U.S. missions in Tripoli and Benghazi. That's in that first sentence.

The third sentence down goes on to say: During this session, a senior security officer told el Magariaf that the attacks on that day were inspired by what many devout Libyans viewed as a sacrilegious Internet video on the Prophet Muhammad originating in America. The Libyan attacks were also inspired by and linked to an attack on the U.S. Mission in Egypt on the same day.

Now, you likely have heard because it has been alleged on several

occasions in the time since the attacks, the allegation that the administration fabricated and perpetuated a false narrative that the attacks in Benghazi were somehow related to an Internet video or the protests in Cairo, which had been inspired by the Internet video?

A Uh-huh.

Q Do you have any reason to believe that Mr. Drumheller fabricated the information that he included in this memo that he sent to you that you then sent to the Secretary?

A No.

Q And do you have any evidence that Secretary Clinton read this particular memo -- and specifically the description and the sentences that I just read to you -- and relied on that in formulating her view of or response to the attacks in Benghazi?

A I don't know that.

Ms. Sawyer. Now I'm going to show you what we have marked as deposition exhibit 2 for identification purposes.

[Blumenthal Exhibit No. 2
Was marked for identification.]

Ms. Sawyer. That document bears, down in the bottom right-hand corner, the identifying information State-SCD0045280.

Mr. Cole. 2877?

The Witness. It says 6 here.

Mr. Cole. First page is 286.

BY MS. SAWYER:

Q I picked up the wrong exhibit. Yes. Thank you.

SCD0045286, and it's a 2-page document. At the top of that document, it does have the email stamp. It says, "From Sidney Blumenthal to H." I assume, like the first exhibit we discussed, this was an email that you sent to Secretary Clinton?

A Yes.

Q And that email indicates it was sent Thursday, September 13, 2012. Do you recall sending this particular email to the Secretary?

A No.

Q As with --

A But let me add, I'm sure I sent it.

Q Understood. As with exhibit 1, did you author this? Again, it is styled as kind of in a memo format. It has the "confidential" that we talked about earlier. That was not meant to indicate that this was classified information by the Federal Government. Is that correct?

A Not classified.

Q And I assume that was also true about exhibit 1. It bore that mark of "confidential." That also was not meant to indicate that it had been classified by the Federal Government?

A It was not. I had no classified information nor any ability to classify information nor access to any.

Q Turning back to exhibit 2, did you author the email information that you sent to the Secretary that's represented in exhibit 2?

A No.

Q And did Mr. Drumheller, was he the author of this information?

A Yes.

Q So, again, you had no firsthand knowledge of any of the information contained in this document?

A That is correct.

Q I just want to draw your attention substantively to that first paragraph that's in the actual body on page 1, and in the second sentence there it says, quote: "Libyan security officials believe that the attack was carried out by forces of the Islamist militia group calling itself the Ansar al-Sharia Brigade; working out of camps in the eastern suburbs of Benghazi," end quote.

The very end sentence of that same paragraph says: These officials do believe that the attackers, having prepared to launch their assault, took advantage of the cover provided by the demonstrations in Benghazi protesting an Internet production seen as disrespectful to the Prophet Muhammad.

The second paragraph goes on to say: The immediate events were set in motion by a statement made by a Muslim cleric in Egypt saying that the Internet film was going to be shown across the United States on September 11 in an effort to insult Muslims on the anniversary of the attacks on the New York World Trade Center in 2001. This statement inspired increasingly hostile demonstrations at the U.S. Embassy in Cairo and at diplomatic facilities in Libya.

Now, again, as I indicated you likely had heard, there had been allegations since the Benghazi attacks that the administration fabricated a false narrative that the attacks in Benghazi were somehow related to an Internet video or the protests in Cairo that had been inspired by an Internet video. Do you have any reason to believe Mr. Drumheller fabricated the information that I have just read to you from that memo?

A No.

Q So Mr. Drumheller was just reporting on what sources had reported to him. Is that the case?

A My understanding is that he was simply reporting what information he learned at that time.

Q And beyond sending this email, which you indicated you believed you had done, did you have any discussion about this particular email with Secretary Clinton?

A No.

Q And do you have any evidence that Secretary Clinton read this particular memo -- and specifically the description that I just read to you -- and relied on it in formulating her view or response to the attacks?

A No.

Ms. Sawyer. I think we're almost at the end of our hour, so I just want to consult quickly with my colleagues, and then we'll have a discussion with our majority colleagues about whether -- and with you guys, of course -- as to whether now makes sense for a time to break

for lunch or to press forward.

Mr. Blumenthal, I think we don't have questions for now. I did want to give Mr. Cummings his chance to thank you for being here with the committee. He was able to get here from a hearing that had been scheduled in conflict over in -- the deposition was in conflict with a hearing over in Oversight and Government Reform, so I was glad that he got an opportunity to join us at least for this portion of the day.

Mr. Cummings. I just wanted to take a moment to say thank you. I know that you were cooperative, and you were subpoenaed. And I understand the marshals came to your home, and I just want to thank you for your cooperation. I've not heard anything ever that said you weren't cooperative. And to you and your wife, I want to thank you.

The Witness. Thank you very much, Congressman.

Ms. Sawyer. Thank you. I think it is certainly our, the hope of the Democratic members, that to the extent your emails are released publicly, that they are done so in conjunction with the transcript of this deposition because we do think it provides valuable context to what anyone in the public domain might be thinking about the documents that the committee might like to release.

So, again, thank you. At this point, we'll go off the record. And we can discuss what makes sense.

[Recess.]

Mr. Westmoreland. Mr. Blumenthal, I'm Lynn Westmoreland, again, from Georgia, and I kind of sympathize with you. I just turned 65 last month. So I've been through the Medicare and the insurance and the whole thing. But I am from the same generation about emails and technology and different things. So I just wanted to ask you just a couple questions about the emails.

The Witness. All right.

Mr. Westmoreland. Mr. Drumheller, were you on a -- like, was this a newsletter he sent out? Because, you know, you're just a private citizen. Was this a newsletter that he sent to different people? Or how did you get on that email list, I guess is my question.

The Witness. It was not a newsletter. He wrote these reports and sent it to me.

Mr. Westmoreland. Just one day you woke up and there it was?

The Witness. Well, I was a friend of his. I'd known him for many years.

Mr. Westmoreland. Did he email you about a lot of other stuff going on too or just --

The Witness. Yes, he did.

Mr. Westmoreland. Okay. Did you ever email him back?

The Witness. I'm sure I emailed him. But I didn't send him reports.

Mr. Westmoreland. No, I know that, but, I mean, did you email him with any response that you might have to some of his reports?

The Witness. I don't recall --

Mr. Westmoreland. Okay.

The Witness. -- doing that.

Mr. Westmoreland. The other thing I was going to ask you about is you said you were a historian.

The Witness. Yes.

Mr. Westmoreland. And that at some point in time you saved these emails because you might want to write about it. Now, you know, if you go buy an antique or something and some of it gets an adjustment or a repair or something, that antique's not worth near as much if it was in its original state. And I would think, from a history standpoint, that would be true with these emails. I mean, you know, why wouldn't you take the email as it was written so people could see who it was from, who it went to, what time and what date versus the cut and paste? Because I've cut and paste too, and I -- you know, it took me forever to figure it out because the only time I did it was to keep somebody from seeing who the email had originally come from and who all it had went to, and I'm not saying that was the case of yours.

But why -- from a history standpoint, why would you want to cut and paste rather than keep the actual email, especially if you were going to write about it or, you know, do some type of historical value? Wouldn't the original emails have been worth more to the validity or the realistic part of this?

The Witness. Well, I just -- I did what I did. And that's how

I did it. And that's what I kept, and the -- that's the information I have.

Mr. Westmoreland. But from a historical or, historian point of view, would it be the same value no matter if you were writing about it and you --

The Witness. Well, I think what matters is not so much unless -- you know, emails are not like original letters. I deal with original letters. I've worked in the Library of Congress and the Archives and I've seen -- and they're not quite like that. They're very -- digital forms are very different. Not that I had given it any thought when I did this, I just did what I did. But what was important was just that it existed and had information, and I had no idea, you know, what I would ever do in the future.

Mr. Westmoreland. And the other thing, talking about our generation and technology is, it's so much easier just to hit forward and put H than it is to do all the cutting and pasting and all the other things. I mean, that would be, in my opinion, just from my standpoint, if I want to give something to somebody, I'll just hit forward and punch the button.

The Witness. Well, I think that's good advice. I do. Thank you.

Mr. Westmoreland. No. Thank you.

Mr. Roskam. Mr. Blumenthal, Peter Roskam. Just a couple questions. This is following up on the discussion from the last hour.

What was your understanding of the nature of the work that

Mr. Drumheller was putting together? And this is what I mean: He was preparing a document that was going to you. Was that a work product that he was giving to other people as well? Did he have a group of paying clients, for example, or were you the exclusive beneficiary of that information?

The Witness. I don't know the answer to that.

Mr. Roskam. Do you have -- have you come to an opinion about it?

The Witness. I could only guess.

Mr. Roskam. What's your guess?

The Witness. My guess is sometimes, and I couldn't tell you which.

Mr. Roskam. What is it that made you come to that opinion?

The Witness. Just because I -- you're asking me to engage in --

Mr. Roskam. Total speculation.

The Witness. -- total speculation. I don't know who his clients are, but I do know he has clients. That's all I know. So I assume that if you have clients, you produce information. It may not even be in that forum. I don't -- I really don't have a clue.

Mr. Roskam. So you never had a discussion with him about it, for example?

The Witness. No.

Mr. Roskam. And you mentioned early in your testimony -- or I wrote down in my notes, and I want to make sure that I'm understanding what your testimony was before the break.

You said that you had no discussion with Secretary Clinton about

the memos. Was that your testimony?

The Witness. I had no discussion with her about those reports.

Mr. Roskam. About the reports. The emails that we've been largely discussing for the past couple of hours. Is that right?

The Witness. Yes.

Mr. Roskam. But you did have discussions with her about Libya. Isn't that right?

The Witness. I don't recall specific conversations with her about Libya.

Mr. Roskam. Whether or not you recall the specific discussions about Libya, you recall having discussions with her and the subject being Libya.

The Witness. I'd be speculating, honestly.

Mr. Roskam. Do you recall seeing her for the first time after the Benghazi attacks, for example? Do you remember seeing her for the first time after the attack of September --

The Witness. Do you mean on TV?

Mr. Roskam. No. Seeing her personally.

The Witness. I didn't see her for months after that.

Mr. Roskam. And there is no discussion that you had with Secretary Clinton about the events of Benghazi?

The Witness. I had no discussion with her about what happened in those events.

Mr. Roskam. And we've already established that you had no discussion with her about the memos, the emails, the Drumheller

documents. Is that right?

The Witness. Yes.

Mr. Roskam. You mentioned before that there -- shifting gears now to the Clinton Foundation. You said that there was no subject matter overlap between the job that was proposed to you at the State Department and this job that you subsequently took at the Clinton Foundation.

The Witness. Right.

Mr. Roskam. Why does that matter?

The Witness. It means that there was no relationship between the position I was offered at the State Department, the kind of work I would have done there, and the work that I did at the Clinton Foundation.

Mr. Roskam. Isn't it a possibility that someone could have offered you a position at the Clinton Foundation as compensation for not getting a job in the State Department regardless of the subject matter? Isn't that possible?

The Witness. Well, the reason I got the job was to perform specific tasks --

Mr. Roskam. I know, but you --

The Witness. -- to engage in a specific program that had begun, and I thought I was well-qualified to do so.

Mr. Roskam. But you asserted this earlier in the hour before the break, and I just thought it was a curious thing to assert. And so I was asking you why you asserted that.

The Witness. I think I --

Mr. Cole. As a point of order, could we see what question he was asked when he answered with that assertion. Because I think that -- putting it in context, Congressman, may make all the difference.

Mr. Roskam. Fair enough. That's why I asked him to recall his own testimony, but if we --

Mr. Cole. Well, but you're not putting it in context of what the question is.

Mr. Roskam. Well, fair enough. We need to go back to the record.

[Discussion off the record.]

Mr. Roskam. Let's go back on the record.

The Court Reporter. Question: Now one of the implications in the press, and you have been questioned in the last hour about your association with the Clinton Foundation, and one of the allegations in the press seemed to be, at least the implication, is that your employment with the Clinton Foundation was somehow meant to be an end run around the inability to be hired into the State Department directly.

Was that in any way the reason why you're sending these memos other than the relationship that had been established?

Mr. Roskam. And what was his response?

The Court Reporter. Answer: There was no relationship between my sending emails to Hillary and the educational work I did at the Clinton Foundation. The position I had been offered at the State Department was about European affairs, and the work at the Clinton Foundation was very different. It had no overlap whatsoever.

Mr. Roskam. So my question is: Why would you make an assertion about the overlapping subject matter as an answer to a criticism of the Clintons taking care of you?

The Witness. It was a response to the question of whether it was an end run, and the short answer is no.

Mr. Roskam. You said that you didn't expect or receive a benefit from Hillary Clinton. That's my memory of what your testimony was Hillary Clinton before the earlier hour as a result of sending the emails or the memos.

Counselor, are you okay if I characterize his question in that way? I'm going to ask him a question about it.

Mr. Cole. Keep going.

Mr. Roskam. Did you receive a benefit from anyone other than Hillary Clinton?

The Witness. A benefit from other than Hillary Clinton for?

Mr. Roskam. Sending the emails or the memos to her.

The Witness. No.

Mr. Roskam. So there was no implied promise?

The Witness. None.

Mr. Roskam. Was there an expectation on your part?

The Witness. None.

Mr. Roskam. Was this just something that you were taking the initiative and trying to be helpful and that's all?

The Witness. Yes.

Mr. Roskam. You said that the memos -- or Hillary Clinton has

said that the memos were unsolicited and that you agreed with that. This was in the prior -- the break before the lunch. Do you recall that general --

The Witness. Generally.

Mr. Roskam. Okay. And you said that, in part, they were unsolicited because they were intermittent.

Couldn't something be solicited and intermittent?

The Witness. Theoretically. By "unsolicited," I meant that she didn't know what she would receive or when she would receive it.

Mr. Roskam. Did she have an expectation that she was going to be receiving something from you?

The Witness. No.

Mr. Roskam. Okay. Thank you.

The Witness. Thank you.

BY MR. DAVIS:

Q I want to go back a minute. We were discussing your hacked emails in our last hour. When you made reference to the fact that you had seen some of these hacked emails on the Internet, and then you made another comment about how other emails started showing up, can you elaborate on what you meant by "other emails started showing up"?

A Yes, I can. There was an article in Gawker Magazine, qawker.com, about 2 months ago. I don't know the exact date, but possibly -- fairly recently, and it contained emails that had not appeared before. And I was disturbed by this because it seemed to me that somebody had collected these emails and had them, and I called

the FBI because they asked me to cooperate with them, and I spoke with the agent who I had originally spoken with, and he told me to tell the media organizations not to publish material that had been illegally obtained. And I said I didn't think that was going to do much good, telling the media to behave.

So then I got a call from the Bureau and asked if they could come by and see me, and an agent came by, different agent, and someone from DS, from the State Department Diplomatic Security, who, it turned out, I had not known before had been involved centrally in the international part of this Federal investigation, because it involves more than me. It involves some other people like Colin Powell and Dorothy Bush and a former member of the joint chiefs. And this was a very extensive thing. And I've told you what happened at that meeting.

Q All right. The emails, the new emails, the ones that you recently discovered within the last couple months, were those, in fact, emails that had come from your account?

A They appear to.

Q They appear to. Okay. Do you have a Clinton email dot com email address?

A No.

Q Were you ever offered a Clinton email dot com address?

A No.

Q Have you ever been to Libya?

A No.

Q Never?

A No.

Q Okay. When did you first become interested in Libya?

A Well, I'm interested in international affairs. So I've, from time to time, been somewhat interested in Qadhafi. I remember when President Reagan bombed Libya. I remember it very distinctly. I remember the Lockerbie bombing. I remember what Qadhafi has done. I pay some attention to this. I'm a member of the Council on Foreign Relations, and I was a journalist who sometimes wrote on international affairs. So, you know, Libya appears, from time to time, as an issue.

Q When did you first start closely tracking what was occurring in Libya in early 2011?

A Well, in early 2011.

Q But that's not something you had on your radar in 2010?

A No.

Q Okay. Do you recall when you sent your first email to Secretary Clinton about Libya?

A Well, you should have it. So I don't know what the exact date of it is.

Q Okay. Well, let's take a look at it.

[Blumenthal Exhibit No. 3
Was marked for identification.]

BY MR. DAVIS:

Q This is exhibit 3. Do you recognize this document?

A It is -- it's a document that I produced for this committee, yes.

Q And is this, in fact, your first email that you sent to Secretary Clinton about Libya?

A Must be.

Q Must be. But it's the first one that you had in your records that you sent to her?

A Yeah. Must be it.

Q Okay. So let's look at this email for a minute. "I just received this. More to come." The very first line of your email.

Was this something that she had asked for, intelligence on Libya?

A No.

Q Was this something that she was expecting?

A No.

Q Okay. So you just decided to send it to her out of the blue?

A Correct.

Q Did you receive any type of response from her about this email?

A No.

Q Okay. Had you been sending her intelligence on other countries prior to this initial email?

A Yes.

Q Okay. And which countries were those?

A Egypt from Mr. Drumheller. I think that was the first one. She and I often talked about European affairs. I certainly wrote her emails about Britain, Northern Ireland, subjects of which I knew something.

Q Did you know much about Libya at the time?

A No.

Q Okay. The second line of this email says, "This is just in from Italian intel." How were you able to acquire this reporting from Italian intel?

A This is Mr. Drumheller's report?

Q Yes. But you ultimately sent it to Secretary Clinton.

A Yes.

Q So you acquired it from Mr. Drumheller, and he acquired it from Italian intel?

A It's what it says.

Q Okay. But you don't know for a fact whether he acquired it from the Italian intel.

A I couldn't tell you what his sources are.

Q Did you ask him whether or not this came straight from Italian intel?

A No.

Q Okay. Did Secretary Clinton ask you how you were able to obtain information from Italian intel?

A No.

Q Are you aware of the general nature of the relationship between our intelligence community and the Italian intelligence community?

A No.

Q Okay.

A Other than we're NATO allies.

Q Sure. Did you tell anybody at the CIA that you were passing along information from the Italian intelligence community when you sent this email to Secretary Clinton?

A No.

Q Okay. Do you recall what email address you sent this to?

A To the email address I was provided.

Q Okay. And who provided you that email address?

A Hillary Clinton.

Q Okay. And how many email addresses did she provide you?

A One.

Q Was that hdr22@clintonemail.com?

A Well, I believe that was it.

Q You believe that was it. Okay. Might there have been another one that she could have provided you?

A No, I only sent it to one email address.

Q Okay. Did you ever email her on an official State Department account?

A No.

Q Okay. Were you aware that she had a private server for her email?

A No.

Q Did you ever ask her why she was not using an official State Department address?

A No.

Q Did you find it odd that you were sending her information in her role as Secretary of State and she was not using a private email address?

A No.

Q I'm sorry. She was not using a public email address?

A No.

Q Okay. So you had no qualms about sending her this information on her own private email address?

A I did not.

Q Okay.

Chairman Gowdy. Carlton, can I ask a question?

Mr. Davis. Yes, sir.

Chairman Gowdy. Mr. Blumenthal, had you ever emailed Secretary Clinton prior to this Drumheller intelligence memo that you sent?

The Witness. About anything?

Chairman Gowdy. About anything.

The Witness. Yes.

Chairman Gowdy. What were the circumstances under which she gave you a new email address? Because this email address came into existence, I believe -- well, I don't know when it came in. Is that the one that you always used?

The Witness. I used one email address.

Chairman Gowdy. One for the entire time you corresponded with her?

The Witness. Well, until I was hacked. After I was hacked, she

changed her email address, too.

The Chairman. Okay.

The Witness. So it was that -- that one address.

BY MR. DAVIS:

Q Did you use that same email address prior to her becoming Secretary of State, or was there another email address you corresponded with her on?

A I don't recall at all.

Q What prompted you to send this piece of intelligence to her?

A I thought it might be helpful or useful. Seemed interesting.

Q Okay. Did she ever ask you to gather intelligence for her on Libya?

A No. No.

Q Did anybody ever ask you to gather intelligence for her or for them on Libya?

A No.

Q Did anybody at the State Department ask you to gather intelligence on Libya?

A No.

Q So you just sent an email out of the blue to the Secretary of State about Libya. An email that came -- the information came from the Italian intelligence service?

A I did.

Q Okay. And her response was what?

A I didn't get a response.

Q Okay. But you continued to email her this intelligence?

A Yes.

Q Okay. She -- Secretary Clinton has stated in the press that your emails to her were unsolicited.

Why would you send emails about intelligence in the Libya to somebody who did not want to receive them?

A Well, I don't know that "unsolicited" means unwanted.

Q Okay. Do you know that she did want to receive these emails from you?

A I didn't know that she wanted them in particular. I just sent them.

Q Okay. Did she ever tell you not to send them?

A No.

Q Did she ever tell you to send more emails?

A No.

Q Did she ever tell you to send fewer emails?

A No.

Q Okay. Did she ever thank you for sending any of these emails on Libya?

A She may have in an email.

Q Okay.

A There may be one where --

Q Did she ever suggest any avenues of inquiry for you to gather intelligence on as it relates to Libya?

A I don't recall. I don't believe so at all.

Q Okay. You don't recall, but it's possible that she could have asked you to gather intelligence on a particular area?

A I'm searching my mind.

Q Sure.

A And there may have been -- and I could be wrong, but you ought to have the documents where -- there was one document where she was skeptical, and it may have been interpreted or seemed to be, you know, get more intel or -- but I never sent anything. Never. There was no -- there was no more.

Q So you never followed up on that one particular inquiry that she gave you where she was --

A I don't know if it was an inquiry, but whatever it was, I never followed up.

Q Okay. Her response to you --

A It would be in the documents.

Q Okay. We'll get to those.

A Yeah.

Q Okay. You said that you were not paid for these -- for these emails that you were sending. Is that correct?

A Right.

Q Okay did you receive any type of compensation whatsoever other than monetary compensation for these emails that --

A I didn't receive monetary compensation.

Q Other than monetary compensation. Did you receive any

compensation other than monetary?

A No. Hillary Clinton is a friend of mine of 28 years.

Q But what about from anybody else other than Hillary Clinton?

A No.

Q You never received any type of compensation?

A For sending these emails? No.

Q Okay. Did you ever discuss these emails, these memos you were sending her outside of the email setting? Did you ever discuss them in person or over the phone?

A The contents of these emails here?

Q Correct.

A No.

Q Not just this one in particular from February 21, 2011, but any of the -- any of the, you know, 60, 70, 80 emails that you may have sent her.

A The Libya emails?

Q The Libya emails, that's correct.

A That's what you're referring to?

Q I'm talking specifically about the Libya emails.

A I don't believe so. No.

Q Did you ever text with Hillary Clinton --

A Never.

Q -- during Libya?

A Never.

Q Were you aware of anybody else that may have been sending

her emails regarding Libya from outside of the State Department organization?

A No.

Q Are you aware of anybody else sending her unsolicited emails in regards to Libya?

A No.

Q Were you aware of anybody else outside of official government channels sending her intelligence reports as they related to Libya?

A No.

Q Were you aware of anybody outside of the official State Department structure sending her intelligence reports relating to any other country?

A I was not, but I always assumed, having been in government myself, that she spoke to a wide network of people about all sorts of matters.

Q Do you have any idea who these -- do you have any other names of individuals you feel she may have been talking with about Libya outside of the State Department structure?

A No, I don't.

Q Okay. Did you stand to benefit in any way from any decision she made with regards to Libya?

A No.

Q How about any other actions she might have taken in regards to Libya?

A No.

Q How about from any referrals she may have made to you or anybody else in regards to Libya?

A No.

Q How about any connections she may have had in regards to Libya? Did you stand to benefit in any way from any of those?

A No.

Q Okay. I'm going to introduce exhibit 4.

[Blumenthal Exhibit No. 4
Was marked for identification.]

BY MR. DAVIS:

Q This is exhibit 4. So this appears to be an email. The bottom email, it's -- this is a production from the State Department document SCB-0045588 through 0045591. It is an email originally from you to Secretary Clinton, Saturday, October 6, 2012 at 6:18 p.m. And then she responded the following morning. And then you responded 9 minutes later.

So the subject of this email -- is this an email exchange that you had with Secretary Clinton, to the best of your knowledge?

A It is.

Q So the subject of this email says, "H: Great to see you. Drop in again. Here's Libya. Sid." Did Hillary Clinton drop by to see you on or about October 6, 2012?

A She did.

Q Okay. You had just testified in an exchange with Mr. Roskam

that you hadn't seen her for months after the Benghazi attacks?

A Oh.

Q Does this refresh your recollection on a conversation you may have had with her?

A It does. It does.

Q Okay. Now where did she drop in to see you?

A At my home.

Q Okay. And how long did that conversation take place for?

A She had been to a high school football game of a nephew of hers, and she had come by afterwards.

Q Okay. And --

A And she was there for an about hour or so.

Q About an hour.

A It was a social visit.

Q And did you discuss Libya in any way during this visit?

A I have -- no, not that I recall.

Q Do you recall discussing the Benghazi attacks in any way?

A No.

Q So you had sent her dozens of emails on Libya up until this point. The attacks had occurred 3 to 4 weeks prior. You didn't discuss this with her?

A No. My wife was present, and my wife had been the -- knows the Clintons as well. We're very friendly with them. My wife had been the director of the White House Fellows Program in the Clinton administration, and Hillary came over and we had pretty much a social

talk.

Q Did you have any conversations between the time of the Benghazi attacks on September 11 and the date of this email, October 6, 2012, with Secretary Clinton about the Benghazi attacks?

A No.

Q Did you ever have a conversation with her about the attacks?

A No. I did not have any conversation with her about the attacks themselves.

Q Okay. Did she stop by frequently to see you at your home?

A No.

Q Do you recall the last time you saw her prior to this email, October 6, 2012?

A Probably a long time before.

Q So before the Benghazi attacks?

A Well, I may -- yes. Before. Long before.

Q During this conversation, did she ask you to stop sending her intelligence reporting on Libya?

A No. She never brought it up.

Q Okay. Did she ask you to keep sending her intelligence reports on Libya?

A No. She never discussed it.

Q Okay. So she never thanked you for sending intelligence reports on Libya?

A No. We gave her some tea. She thanked us for that.

Q Do you ever recall having any discussions with Secretary

Clinton about any frozen assets from the Qadhafi regime?

A I believe that there is one email about that.

Q Okay. But that discussion would have taken place only over email?

A Yes.

Q And that -- you would not have had a phone discussion with her?

A No.

Q What about an in-person discussion?

A No.

Q Okay. You mentioned a friend of yours, Cody Shearer, in the first hour.

A Yes.

Q Can you talk about your relationship, how long you've known Mr. Shearer?

A I have probably known Cody Shearer about 40 years.

Q Okay. And --

A His --

Ms. Sawyer. I'm sorry. Can I pause for a moment just to check in on the propriety of the presence of non-committee members or staff at a deposition called by the Select Committee on Benghazi.

Chairman Gowdy. Yeah. Let me speak to Chairman Issa outside.

Mr. Davis. Could we go off the record.

[Discussion off the record.]

Mr. Davis. We'll go back on the record.

BY MR. DAVIS:

Q I'm sorry. So you said you had known Mr. Shearer for 40 years?

A Something like that.

Q Have you ever had any type of business relationship with Mr. Shearer?

A No.

Q Okay. You currently don't have any business relationship with him?

A No.

Q You never had a business relationship with him in the 2011 or 2012 timeframe?

A No.

Q Okay. Did you ever ask Mr. Shearer to send you any information on Libya?

A He did.

Q But did you ask him to?

A Did I ask him to? We -- I was -- I think I introduced him to Mr. Drumheller, and initially we had lunch in Georgetown to discuss Mr. Drumheller's memoir. Cody has many ideas about how to do things, and he had an idea he would somehow turn this into a movie, which never happened.

Q And that meeting took place around what timeframe?

A Oh, maybe 2007.

Q Okay.

A Years earlier.

Q Have you ever been part of an organization or worked for an organization that had any business relationship or partnership with Mr. Shearer?

A No.

Q What about a -- have you ever worked for an organization that had a business relationship or partnership with an organization that Mr. Shearer worked for?

A No.

Q How often did you communicate with Mr. Shearer in the 2011, 2012 timeframe?

A Occasionally.

Q Occasionally. And did you ever discuss Libya with him?

A Yes.

Q Libya-related issues with him?

A Yes.

Q Okay. What specifically?

A Well, he, as I mentioned, knew -- had this Libyan student and he had a father, and so he was interested in Libya as a result.

Q So he was interested in Libya solely because he had a Libyan student who had a father?

A And the events were happening. They were -- it was a big story. He was a journalist, and he was interested in these events.

Q Okay. Do you recall ever having any conversation with Mr. Shearer about frozen assets in Libya?

A No.

Q Okay. Have you ever paid Mr. Shearer a salary for any reason?

A No.

Q Have you ever provided him with any type of compensation for any reason --

A No.

Q -- over the course of your 40-year relationship?

A No.

Q Not that you can remember?

Let's go back for a minute. Can you explain [redacted] is again?

A He is the father of the Libyan student who was in the program, international student program, Cody directed.

Q Okay. Mr. [redacted] lived where?

A From what I gathered, he lived in Amman.

Q Okay. And why did you gather that he lived in Amman?

A I believe that's that Cody Shearer told me.

Q Okay. Do you know if Mr. [redacted] was affiliated in any way with the Transitional National Council in Libya?

A I don't really know.

Q Do you know if he was affiliated in any way with the Libyan National Council?

A I don't know.

Q So what is the relationship, to the best that you can share,

between Cody Shearer and [redacted]?

A He was someone he knew.

Q Just someone he knew?

A That's as far as I know.

Q Okay. Do you know if they ever met?

A I don't know.

Q Do you know how long they knew each other for?

A No.

Q Do you know if they had any type of business relationship with one another?

A No.

Q Okay. Did you ever communicate with [redacted]?

A No.

Q Do you know if Tyler Drumheller knew who [redacted] was?

A I believe he did.

Q Okay. And how do you -- why do you think that he knew who [redacted] was?

A Because I had introduced him to Cody Shearer.

Q You had introduced Mr. Drumheller to Cody Shearer.

A Drumheller to Cody Shearer, and I believe Cody Shearer mentioned him and --

Q Mentioned him to Mr. Drumheller?

A Yes.

Q Okay. So that's why you believe that Mr. Drumheller and --

A Yes. That is why I believe that.

Q Introduce deposition exhibit 5.

[Blumenthal Exhibit No. 5

Was marked for identification.]

BY MR. DAVIS:

Q So this is an email that was produced to us last Friday. The Bates number is BLU-030. It's a single page.

Do you recognize this email?

A Yes.

Q An email that you sent to Secretary Clinton --

A Right.

Q -- on March 6, 2011?

A Yes.

Q Okay. I would direct your attention to the very bottom of the email. The very last sentence, "He left the madman's government within past year when he realized he was completely deranged."

Who is the madman?

A The madman refers to Qadhafi. This is the language of Cody Shearer.

Q Okay.

A This is a note from Cody Shearer.

Q Okay. So the very first line of the email, very first sentence, it reads "Cody, on his own, still at heart an indefatigable journalist simply picked up the phone, dialing the number given by Khalifa Sharif and had a conversation with one of the key figures in the Libya National Council that seeks to become an interim government."

You sent this to Secretary of State Clinton. Did she know who Khalifa Sharif was?

A I believe no.

Q Why do you believe the answer is no?

A She -- to my knowledge, she had no reason to know who --

Q Okay. You just mentioned Khalifa Sharif's name in the email?

A I just mentioned it, yes.

Q There are no qualifiers in there as to who this individual is?

A Right.

Q Why did you not qualify who that individual is to Secretary Clinton?

A Well, I guess it's faulting reporting on my part.

Q Okay. Would she have been -- should she have known who Khalifa Sharif is if you're referring to him just as an individual with no qualifiers?

A No.

Q Okay. Did you think about alerting her to who this individual was?

A It didn't occur to me.

Q Did she ever ask who Khalifa Sharif was?

A No.

Q So you just mentioned the name Khalifa Sharif in an email with no follow-up on who that individual is?

A Yes.

Q Okay. The note from Cody Shearer, is that the second and third paragraphs?

A Yes.

Q That's the note. And is that a direct cut and paste from something that Mr. Shearer sent to you?

A Yes.

Q Okay. So the first sentence reads, "So I spoke to Dr. Mahmoud Jabril." In parentheses, "He's on Khalifa's list today." What is Khalifa's list?

A No idea.

Q Did you ever ask Mr. Shearer what Khalifa's list is?

A No.

Q Did you ever ask Khalifa Sharif what his list is?

A No.

Q Did you ever try to explain to Secretary Clinton what Khalifa's list is?

A No.

Q So you cut and paste an email from Cody Shearer to Secretary Clinton without given additional context?

A That's right.

Q And you just mentioned Khalifa Sharif's name without giving additional context as to who Khalifa Sharif is?

A That's what I did.

Q The last line of the first paragraph reads, "Cody said that

Jabril said he has not been contacted by anyone from the U.S. government." Do you see that? The last line of the first paragraph. Last sentence of the first paragraph.

A Yes.

Q And then at the very bottom, look at the last paragraph now, first sentence. "Someone should contact Mahmoud Jabril."

A Umm-hmm.

Q And this was all encompassed in an email to Secretary Clinton?

A Right.

Q Do you know if Secretary Clinton ever contacted Mahmoud Jabril?

A I believe she did meet him.

Q Okay. And do you know when that meeting took place?

A I couldn't tell you offhand. But he did become the interim prime minister of Libya, and I believe she met with these leaders.

Q Okay. So she met with Mr. Jabril on March 14, 8 days after this email. I can provide a New York Times article if you want to go that route, which is 8 days after you sent this email. And the article noticed that this meeting was, quote, "Hastily arranged," and occurred, quote, "Behind closed doors."

Did you have any involvement whatsoever in setting up this meeting between Secretary Clinton and Mr. Jabril?

A No.

Q Okay. Did you ever talk with Secretary Clinton about her

meeting with Mr. Jabril?

A No.

Q Did you ever talk with her before the meeting occurred with --

A No, I did not.

Q Did you ever talk with her after the meeting occurred about her meeting with Mr. Jabril?

A I did not.

Q Do you know anybody else who attended the meeting between Secretary Clinton and Mr. Jabril?

A No.

Q Did you pass along any other information about the upcoming meeting to Secretary Clinton before her meeting with Mr. Jabril?

A No. Unless there are further documents that I've sent on.

Q Okay.

Mrs. Brooks. I have a couple questions.

Did Cody Shearer, when he sent you the note, what -- do you know what he thought you were going to do with the note?

The Witness. No.

Mrs. Brooks. Did he know you were sharing his messages with the Secretary?

The Witness. No. I never discussed any conversation or message or email with Secretary Clinton with anybody.

Mrs. Brooks. Well, I'm sorry. I thought you said that this was a note in exhibit 5, or -- 5 that Cody had shared with you.

The Witness. He had shared this with me, but I don't tell him -- I did not tell him that I shared any particular thing with Hillary Clinton.

Mrs. Brooks. Okay. And had he -- as you were a senior policy advisor for the Secretary in her presidential campaign, had he been involved on the campaign as well?

The Witness. He was not part of campaign.

Mrs. Brooks. Was your role as a senior -- did you have a specific role as a senior policy advisor in the campaign?

The Witness. I was a strategic advisor, and I worked with other people in the campaign on a -- in meetings and talking to people.

Mrs. Brooks. Did you have a focus on foreign affairs?

The Witness. I didn't -- I did not.

Mrs. Brooks. Okay. Did you ever talk with Cody Shearer about the fact that you -- maybe later did you ever talk with Cody Shearer about the fact that you shared his email communications with Hillary Clinton?

The Witness. I never told him that I ever shared anything specific with Hillary Clinton.

Mrs. Brooks. Okay. Okay. Thanks.

BY MR. DAVIS:

Q I introduce exhibit 6.

Mr. Roskam. Can we just go back to one of the points. You said that -- did he come to an understanding that you were sharing them, whether you told him or not? That is, Cody Shearer.

The Witness. I don't know what he thought.

Mr. Roskam. Was the nature of the communication with you and Cody Shearer limited just to verbal communications, or were you emailing him as well?

The Witness. I'm sure that there were some emails. But we mainly spoke on the phone.

Mr. Roskam. Thank you.

Mr. Westmoreland. Just out of curiosity, I know you all mentioned before any of these things was released, you wanted some stuff redacted. Would that be their cell phone numbers?

Mr. Cole. Cell phone numbers. There is one that has some cell phone numbers in it and some being [redacted] being identified as the source of certain information, for his own protection.

Mr. Westmoreland. Now, Mr. Blumenthal, I'm just talking to you as a common guy. I'm not an attorney. But if I ever put in an email to somebody his or her or their phone number is such and such, such and such, such and such, that is kind of -- you know, I guess just by just commonsense kind of thing giving it out there with basically saying: Here it is if you want to call him. Or it's inferred that you need to call him. Did you get that out of this?

The Witness. I thought it might be helpful. It's up to her. It was information that I had gathered. I didn't know if she had it or not. It came my way, and I just threw it over the transom to her. She could do with it what she wanted. It's up to her.

Mr. Westmoreland. Do you think that either Mr. Jabril or the Red

Crescent Society doctor, do you think they would have been surprised to pick up the phone and say hello and somebody on the other end say: This is Hillary Clinton?

The Witness. I would imagine so.

Mr. Westmoreland. They would not have been expecting --

The Witness. No.

Mr. Westmoreland. -- a call from her?

The Witness. No.

Mr. Westmoreland. And they wouldn't have known why she was calling. They would have just been: Oh, my God. This is the Secretary of State.

The Witness. I don't know. Speculating.

Mr. Davis. Now I'm going to introduce exhibit 6.

[Blumenthal Exhibit No. 6
Was marked for identification.]

BY MR. DAVIS:

Q So this is exhibit 6. The Bates number is SCB-0045000 to 002. It's an email from you to Secretary Clinton, Thursday, March 3, 2011 at 9:45 p.m.

Is this an email that you sent to Secretary Clinton on that date and time?

A Yes.

Q All right. The very first line of the report, "During the afternoon of March 3, advisors to Muammar Qadhafi stated privately that the Libyan leader has decided that civil war is inevitable."

Did you obtain the information contained in these reports directly from these advisors to Muammar Qadhafi?

A No. This is a report written by Tyler Drumheller.

Q Do you know who did obtain the information directly from the advisors to Muammar Qadhafi?

A No. I have no idea who any of his sources were.

Q So do you know if Mr. Drumheller received the information straight from an advisor to Muammar Qadhafi?

A I have no idea.

Q Do you know if there's one intermediary between the advisors to Mr. Qadhafi and Drumheller?

A I don't know.

Q Could there have been multiple intermediaries between advisors to Mr. Qadhafi and Tyler Drumheller?

A I don't know.

Q Okay. Did you pay these advisors to Mr. Qadhafi for this information?

A I did not.

Q Do you know if anybody paid these advisors to Mr. Qadhafi for this information?

A I'd have to say I don't know. But I'd also have to say that seems highly implausible.

Q And why is that highly implausible?

A Because this is a report by Tyler Drumheller, and I find it implausible that he paid advisors to Muammar Qadhafi.

Q Could somebody else have paid -- paid the advisors to Mr. Qadhafi for the information contained in this report?

A Well, I'll just say I don't know.

Q Okay. But you don't know if Mr. Drumheller did?

Okay. Is that a no?

A That's a -- that's right.

Q Okay. How did you know that the information in this report that came from these advisors to Mr. Qadhafi was reliable?

A I didn't.

Q What did you do to vet this information from these advisors to Mr. Qadhafi before you sent it along to Secretary Clinton?

A Nothing.

Q And what was your expectation of what Secretary Clinton would do with this information?

A I had no expectations.

Q Okay.

A I was just sending it along and hoped it might be useful, and I, having been in government, I knew that whatever I was sending was just a very small percentage of what I knew she was seeing on Libya.

Q Do you know what else she was seeing on Libya?

A I do not know what else she was seeing.

Q How do you know that this was a small percentage of what she was seeing on Libya?

A Because having been in the government, I know that there's a great volume of information provided to high decision makers from

State Department and intelligence community and the Defense Department and elsewhere on these subjects.

Q Have you ever worked at the State Department before?

A I've not worked at the State Department, but I was assistant to the President.

Q Do you have any idea what types of information are given to the Secretary of State?

A I don't know specifically what was given to Hillary Clinton.

Q So you don't know for sure that your reports was just -- were just a small percentage of what she was reviewing regarding Libya.

A Given my experience, that's my conclusion.

Q So who wrote this report?

A Tyler Drumheller.

Q Do you know for a fact that he wrote the report?

A I do.

Q And how do you know that he actually wrote the report?

A He sent it to me.

Q But does that mean that he actually wrote the report, or is there somebody else who could have written the report?

A He wrote the report.

Q Okay. And why did he send you the report?

A He thought the information might be helpful to the United States Government.

Q Okay. So he knew exactly what you were going to do with it when you received the report from him?

A At this point he did.

Q Okay. When you say "at this point," what does that mean?

A Well, once I had begun to send his reports on to the Secretary, he knew that I would send further reports on to the Secretary.

Q And so in the March 3 timeframe, he knew by that point that you were sending them on to the Secretary?

A Yes.

Q Okay. Did you pay Mr. Drumheller for these reports?

A No.

Q Do you know if anybody paid Mr. Drumheller for these reports?

A No.

Q Is it possible that somebody paid Mr. Drumheller for these reports?

A It's possible.

Q You mentioned earlier that you didn't know what Mr. Drumheller's interests are, but that he has some large American corporate clients. Do you recall saying that?

A Yes.

Q And do you know who any of these large American corporate clients were?

A I don't know.

Q Is it possible that one of these large American corporate clients paid for Mr. Drumheller to create this report?

A It's possible.

Q Is it possible that there was another interest that paid for Mr. Drumheller to prepare this report?

A I doubt it. I think he just had corporate clients, from what I understand.

Q Do you know if this report that he sent to you was the same report as he sent to one of his corporate clients if, in fact, he was providing this report for a corporate client?

A No.

Q Or do you have any sense that he altered the report before he sent it to you?

A No.

Q Okay. Why would -- do you know for a fact that Mr. Drumheller was being paid for this report?

A I don't know that.

Q Okay. Why would he have created the report if he was not being paid for it?

A He gathered information and he wanted to help the United States government in some way. He thought it might be useful. He spent his whole life working for the CIA.

Q Was he filling a void that the CIA was incapable of filling at this point?

A He never said that to me.

Q How long have you known Mr. Drumheller?

A Probably since 2006, I'd say.

Q Do you know if Osprey Global Solutions, or Osprey Security Group, was a client of Mr. Drumheller's?

A I don't know.

Q Have you ever had any business relationships with Mr. Drumheller?

A I have not here.

Q I'm talking about ever. Have you ever had any business relationships with Mr. Drumheller, or partnerships with Mr. Drumheller?

A Recently.

Q Recently. And can you describe what that business relationship is?

A He brought the former head of the Central Bank of the Congo to the United States who wanted to be introduced to some prominent people in the United States who might hear his views on things, and I introduced him to the Podesta Group. I just referred him to the Podesta Group.

Q Okay.

A I told him that's where he should go.

Q At the time you sent this memo in March 2011, did you have any business relationship or partnership with Mr. Drumheller at that time?

A No.

Q And prior to this time period in March 2011, did you have any business relationship or partnership with Mr. Drumheller?

A No.

Q Between the time this memo was sent in March 2011 and this situation you just described regarding the Congo, did you have any business relationship or partnership with Mr. Drumheller?

A No.

BY MR. DAVIS:

Q Are you familiar with Tyler Drumheller, LLC?

A Yes.

Q And how are you familiar with that entity?

A I believe that's the name of his private business.

Q Current or past?

A I don't know.

Q Okay. Have you ever had an association with this company?

A No.

Q Okay. Have you ever been an advisor to this company?

A No.

Q Have you ever been an employee of this company?

A No.

Q Have you ever been an interested party of this company?

A No.

Q Okay. Did you ever share Mr. Drumheller's intelligence reporting on Libya with Mr. Shearer?

A I don't believe so.

Q Okay. And why don't you believe so?

A That's my memory.

Q Okay.

What was your knowledge of Mr. Drumheller's intelligence network?

A My knowledge was simply of his past history in the CIA. I was unfamiliar with his sources.

Q Okay. You said he was the head of NCS Europe; is that correct?

A He was chief of Europe for CIA. He was -- he had been a station chief in various places.

Q Okay. Do you know if he ever served in Libya?

A I believe he had not.

Q Do you know if he had ever served anywhere in the Middle East?

A I believe he had not.

Q So what is your understanding of Mr. Drumheller's intelligence network in the Middle East?

A I have no idea.

Q What about your understanding of his intelligence network in Libya?

A I don't know.

Q So you knew he had a great intelligence network, but you have no understanding of what that intelligence network was regarding Libya or the Middle East.

A I don't know who he spoke to.

Q Did you ever ask him who he was talking to in the Middle East?

A No.

Q Did you ever ask him who he was talking to in Libya?

A No.

Q Okay.

I have 1 minute left. Just a brief question. You mentioned the Congo a minute ago. Is that the Democratic Republic of Congo?

A Yes.

Q Okay. DRC. Okay.

Before we dive into another topic, we'll stop for this hour.

Mrs. Brooks. I have one question on that. I'm sorry.

Were you compensated for that introduction?

The Witness. I was.

Mrs. Brooks. And who were you compensated by?

The Witness. I was compensated by Mr. Drumheller.

Mrs. Brooks. Had you been compensated by Mr. Drumheller previously?

The Witness. No. I received no money from him.

Mr. Pompeo. Can I ask one question?

Do you know -- Mr. Drumheller knew by March -- you said Mr. Drumheller was aware that you were passing his wand to Secretary Clinton.

The Witness. Yes.

Mr. Pompeo. Is it possible that he shared the fact that he had a conduit to Secretary Clinton with some of his clients?

The Witness. I don't know.

Mr. Pompeo. You don't know, but it's possible he could have, because he had the knowledge that if he sent you something it would get to Secretary Clinton. He could have shared that with others, potentially for remuneration. It's possible.

The Witness. He never told me that.

Mr. Pompeo. But it's possible.

The Witness. I don't know.

Mr. Pompeo. Thank you.

Mr. Davis. Okay. Thank you. We'll go off the record, take a break.

The Witness. All right. Thank you.

[Recess.]

Mr. Davis. Okay. We'll go back on the record.

BY MR. DAVIS:

Q Do you know a retired Army officer named David Grange?

A Yes.

Q And how do you know Mr. Grange?

A I met him once in Washington.

Q Did you have any other communications with Mr. Grange other than that one meeting in Washington?

A Not that I recall.

Q Okay. Did you ever email with Mr. Grange?

A I don't believe so.

Q Okay. The meeting you mentioned in Washington, did that take place at the Washington Hilton?

A Yes.

Q Did it take place -- so -- okay. Who else was at that meeting?

A Mr. Drumheller. Some people with Mr. Grange who I don't

remember.

Q Okay.

A Mr. Shearer.

Q Okay. And was this in a conference room in the Washington Hilton or where in particular?

A The bar.

Q At the bar. Okay. Approximately when did this meeting take place, if you can remember?

A I can't remember. Sometime in 2011, in the -- maybe the spring.

Q Okay. So Mr. Shearer was there.

A Yes.

Q Mr. Drumheller was there.

A Right.

Q Mr. Grange was there.

A Right.

Q And some other individuals were there.

A Right.

Q Was there anybody else at that meeting?

A Not that I recall. No.

Q Okay.

Did you ever go to the Libyan Embassy --

A I did.

Q -- around that time period?

A I did.

Q Okay. Did you meet with Mr. Grange at the Libyan Embassy?

A Well, he went along.

Q Oh, he went along.

A Yeah.

Q So the meeting wasn't just at the Washington Hilton.

A Well --

Q -- the Libyan Embassy.

A It was not a meeting.

Q Okay. What was it exactly?

A It was a public reception.

Q A public reception. Okay. So who else attended the public reception besides yourself and Mr. Drumheller and Mr. Shearer and Mr. Grange?

A Probably a couple hundred people. It was open. There were members of the media there.

Q Okay. And this was at the Libyan Embassy?

A It was.

Q Okay. But you had a preliminary meeting at the Washington Hilton.

A We had drinks there.

Q Okay. So you had drinks at the Hilton, and then did you walk over to the Embassy? How did --

A Yes.

Q -- you get there?

A We walked.

Q Okay. Did you encounter anybody along the way?

A Not that I remember.

Q Okay. Did you speak with Secretary Clinton around this time that you can recall on the telephone?

A I can't recall.

Q Okay. Do you know if Mr. Jabril was at this meeting?

A I believe he was.

Q Okay. And that would be Prime Minister Jabril?

A Yes. He was there.

Q Okay. And was he at the Libyan Embassy?

A Yes.

Q Okay. Was he at the Washington Hilton?

A No.

Q Okay. But you saw him at the Libyan Embassy.

A Yes.

Q Okay. Did you have any conversations with Mr. Jabril at this meeting?

A I did not.

Q Okay. Do you know if Mr. Drumheller had any conversations with Mr. Jabril?

A I don't recall that he did.

Q Okay. Do you know if Mr. Shearer had any conversations with Mr. Jabril?

A I don't recall that he did.

Q Okay. Do you know what the purpose of this reception was?

A It was a public reception for people in Washington.

Q Okay. Who in Washington?

A There was a couple hundred people there.

Q Okay. But --

A There were members of the media who I recognized.

Q Okay.

A And so it was a very open event. It was a cocktail party.

Q Who did you recognize from the media that was there?

A Andrea Mitchell.

Q Andrea Mitchell was there.

A Yes.

Q Okay. But that was at the party?

A Yes.

Q And you don't recall when this took place?

A Not exactly.

Q Okay. Was it the spring of 2011?

A I think so.

Q Could it have been summer of 2011?

A I don't remember.

Q Okay.

A I think it was the spring.

Q You think it was the spring?

A I think. I don't know.

Q Okay.

Do you know what the State Department's relationship was with the

Libyan Embassy in the spring of 2011?

A No.

Q They had suspended relations with the Libyan Embassy early in February of 2011. But yet they were holding a public reception for people from Washington at their embassy in the spring of 2011?

A They were.

Q Okay.

Are you familiar with a company called Osprey Global Solutions?

A Yes. I know of it.

Q Okay. And how do you know of it?

A I know of it because it was raised as a company that was headed by David Grange that might provide humanitarian assistance.

Q So in your meeting at the Washington Hilton and then subsequently the Libyan Embassy, did you talk about Osprey Global Solutions with Mr. Grange?

A I did.

Q Okay. And do you remember what those discussions were?

A He was interested in providing that service to Libya.

Q The humanitarian service?

A Yes.

Q Okay. So how did you discuss about how he might be able to provide the services to Libya?

A He didn't have concrete ideas.

Q Okay. Did you have any concrete ideas?

A No, I certainly did not.

Q Okay. So it was more of a theoretical conversation at that point?

A Highly speculative.

Q Okay.

A It seemed a little --

Q What was Mr. Grange's -- I'm sorry -- relationship with Osprey?

A He -- as I understand it, he is the head of Osprey.

Q Have you ever provided any type of salary or compensation to Mr. Grange for any reason?

A No.

Q Okay. Has he provided any type of salary or compensation to you for any reason?

A No.

Q Do you know if Osprey has provided any type of salary or compensation to you for any reason?

A No.

Q Okay.

Mrs. Brooks. Have they provided compensation to Mr. Drumheller?

The Witness. To my knowledge, no.

BY MR. DAVIS:

Q How did this meeting at the Washington Hilton come about?

A I don't recall. I think it came about because of this reception. And I forget who got an invitation. And a lot of people showed up. So, beforehand, someone said to me, why don't you come to

the Washington Hilton, and then you can meet these people.

Q And who said that to you, why don't you come to the Washington Hilton?

A I don't -- I don't recall. Maybe -- either Mr. Shearer or Mr. Drumheller.

Q Okay. So it was sort of a spur-of-the-moment thing, that you came to the Washington Hilton?

A Yes.

Q Okay. Did Mr. Drumheller or Mr. Shearer tell you to come to the Washington Hilton minutes before the meeting or hours before the meeting or days before the meeting?

A It might have been a couple days before, a few days before.

Q A few days before. Okay. And did you know who you would be meeting with at the Washington Hilton when it occurred?

A I don't know. I don't know. Just, you know, "We're going to go to the Libyan Embassy. Let's meet there."

Q Okay. "Let's meet at the Washington Hilton and walk over"?

A Yeah. It's nearby.

Q Okay. How long were you at the bar before you went to the Embassy?

A I don't remember. Maybe 20 minutes, a half-hour.

Q A pretty brief meeting?

A It was brief.

Q Okay.

Do you remember if you took a phone conversation while you were

at the bar?

A No.

Q Okay. You don't remember if you were on the phone or not?

A No.

Q Were you talking to the lady when you were at the phone -- when you were at the bar?

A Who is "the lady"?

Q The lady? Do you know who the lady is?

A I don't know what you're referring to.

Q Okay. Had you ever suggested that anybody refer to somebody as "the lady" in email conversation?

A No idea.

Q You don't know who the lady is? Did you ever request that people refer to a certain individual as "the lady"?

A No.

Q So "the lady" means nothing to you?

A Well, if you're referring to Hillary, that's the first -- that's what I assume you're referring to. I don't know why --

Q I'm just asking you if you know who "the lady" is.

A No.

Q So you've never referred to anybody as "the lady"?

A That's not the way I refer to Hillary Clinton.

Q Do you know who Gene Cretz is?

A No.

Q You've never met an individual named Gene Cretz?

A Not to my knowledge.

Q Okay.

Bill White, you had talked about him earlier. You never met Mr. White?

A Never.

Q Have you ever emailed with Mr. White?

A I don't think I've ever emailed him. He may have been on email chains of some people, but that's -- I don't recall specifically.

Q Okay. Do you know if you have any mutual friends or acquaintances with Mr. White?

A The only one I know is Tyler Drumheller.

Q But nobody else in addition to him?

A That's all I know.

Q Okay.

[Blumenthal Exhibit No. 7
Was marked for identification.]

BY MR. DAVIS:

Q So we're going to introduce exhibit 7. This is exhibit 7. Do you recognize this email?

A I don't recognize it, but I assume it's one of the stolen emails of mine.

Q Why do you assume it's a stolen email of yours?

A It's got my email address on it.

Q Does that mean that the email was stolen?

A Yes.

Q Was this an email that Mr. Shearer sent to you or forwarded to you?

A Appears to be.

Q Okay.

A Appears to be something he forwarded to me.

Q From [redacted]?

A Appears to be.

Q Okay. Do you know if you responded to this email from Mr. Shearer?

A No.

Q Why would Mr. Shearer have forwarded you this email?

A I don't know. To send me information.

Q So what did you do with this information that Mr. Shearer sent to you?

A Nothing.

Q Do you know how often Mr. [redacted] and Mr. Shearer spoke?

A No.

Q Do you know how often Mr. Shearer and Mr. [redacted] emailed?

A No.

Q Do you know why Mr. [redacted] was passing this information to Mr. Shearer?

A No.

Q Do you know what Mr. [redacted] expectation was of where this information was going?

A No.

Q Did Mr. Shearer have an expectation that you would do something with this email when he forwarded it to you?

A No.

Q Okay.

[Blumenthal Exhibit No. 8
Was marked for identification.]

BY MR. DAVIS:

Q I'll hand you exhibit 8. This is an email. Do you recognize this email?

A Not particularly, but it appears to be another one of the emails that were illegally obtained by the hacker.

Q Okay. But this is an email that Mr. Shearer sent to you on March 20, 2011?

A Appears to be.

Q Okay.

The first line of the email says, "Spoke to the gang this morning." Who is the gang?

A Well, reading the email, it appears to be he's -- Cody Shearer is referring to the gang as the Libyans, the Libyan rebels.

Q Are there any Libyan rebels in particular that comprise the gang?

A Search me. He knows [redacted], as far as I know.

Q Do you know if [redacted] was a Libyan rebel, though?

A Well, he is talking to -- whoever -- you know, I don't know who Cody is referring to, but I assume that he is referring to somebody

who is a Libyan --

Q Okay.

A -- when he says "the gang." This is his way of doing things. I can't account for his language.

Q You said earlier that Mr. [redacted], you believed, lived Amman, Jordan, at the time?

A That was my -- that was what I thought.

Q Okay. So the gang, is that one individual or is that multiple individuals?

A You know, I don't know what Cody thought.

Q Okay. Did you ask him who the gang was?

A No.

Q Okay. Why didn't you ask him who the gang was?

A I often didn't ask Cody a lot of the things that he sent.

Q Okay.

A He came up with all sorts of things.

Q Okay.

The next line of the email: "Of course, they are wondering when the West will official recognize their council." What council is Mr. Shearer referring to?

A I assume the Libyan Council. That's an assumption on my part from reading this email.

Q Sure. Do you know if the council and the gang are the same set of individuals, or are they different sets of individuals?

A I don't know. I don't know what he's referring to.

Q Okay. Did you ask Mr. Shearer what the council was?

A No.

Q Do you know if you forwarded this email along to anybody?

A I don't.

Q Do you know if you cut and paste the contents of this email and sent it anywhere else?

A I don't know that.

Q Okay.

Do you know if you ever communicated information provided by Mr. Shearer about this council to anyone at the State Department?

A I did not that I know of.

Q So Mr. Shearer refers to a gang, and you don't know who that gang is. Is that correct?

A Well, my assumption from reading this stolen email is that the gang -- this is his way of talking about Libya. And I wouldn't, you know, try and be too precise about Mr. Shearer's definitions about things in the world.

Q Okay.

Do you know what his connection was to this particular gang or to the council that is referred to in this email?

A No. I don't know -- I don't know.

Q So he's sending you information that he received, and you never asked who he's receiving the information from?

A I'm not his fact-checker, no.

Q You were never curious who he was receiving this information

from?

A I didn't ask.

Q Okay.

The last line of the email says, "Off to meeting with Flynt shortly." Who is Flynt?

A I don't know.

Q Is that Larry Flynt?

A Might be.

Q Okay. Why might it be Larry Flynt?

A Might be. He lives in Los Angeles, Cody, often. And might be.

Q Do you know where Cody was at this particular time, on March 20, 2011?

A I don't know. You know, I couldn't tell you what his itinerary is at any particular time, but he may have been in Los Angeles, where he usually lives.

Q Do you know if Mr. Shearer ever traveled to Libya?

A I believe he did.

Q And do you know approximately when that trip took place?

A I don't know. I don't know. I do not know.

Q Okay.

[Blumenthal Exhibit No. 9

Was marked for identification.]

BY MR. DAVIS:

Q I'm going to hand out another document. This is exhibit

9.

This is exhibit 9. The date is Saturday, May 14, 2011, and the top of the email is from Cody Shearer to yourself.

Is this an email that you recognize?

A Oh, this is another stolen email.

Q But it is one of your emails?

A Appears to be.

Q Okay. Do you know if this email string occurred before or after the meeting that you had at the Washington Hilton?

A I don't know.

Q Okay.

A Probably after.

Q And why do you say probably after?

A Because it appears from reading it that "the general," who would be Grange, is trying to get together his -- whatever his mission is to pursue this humanitarian assistance idea.

Q Okay.

Mrs. Brooks. Can we go back to the meeting at the Libyan -- I don't recall if you called it "embassy."

What happened with the people that you went over to the reception? Who did you visit with, and who, if you know, did the others visit with?

The Witness. I heard General Grange say to Mr. Jabril, you know, what is it that you want? What do you want? And I stood in the background, and I heard him say that he wanted humanitarian aid and not military training. That's what I recall. That's the conversation

I recall.

Then I remember social conversations. I said hello to Andrea Mitchell, who I know.

Mrs. Brooks. And do you recall any other conversations that General Grange had with others there, but that being the most significant?

The Witness. That's all I remember.

Mrs. Brooks. And, after the reception, did you and General Grange and Tyler -- I'm sorry. Was Tyler Drumheller at the reception?

The Witness. Yes.

Mrs. Brooks. And Cody Shearer? Did you all visit after the reception?

The Witness. No. I went home.

Mrs. Brooks. Okay.

And then, after they had that conversation, when was the next time you visited with General Grange about what his conversation had been?

The Witness. I never saw him or spoke with him again.

Mrs. Brooks. Okay.

BY MR. DAVIS:

Q So this particular email, exhibit 9, I'm going to start at the bottom of the email. It's from you to Tyler Drumheller, and the contents appear to be cut off. That's right. The exhibit is just a single page.

So, moving up one, it's from Tyler Drumheller to yourself. It says, "Sid, you are doing great work on this, well done. It is going

to be around $60,000, covering r/t business class airfare to Tunis, travel in country to the border and back, and other expenses for 7-10 days for 4 guys. Talk to you tomorrow. T."

I want to focus on the first sentence, "Sid, you are doing great work on this." What is the "this" that Mr. Drumheller is referring to?

A I have no idea what he is referring to.

Q Okay. Were you working on something at that time with Mr. Drumheller?

A I don't know what "this" refers to.

Q Okay.

"It is going to be around $60,000." What is going to be around $60,000?

A I believe this refers to Grange's effort to go to Libya and his effort to raise expenses. That's what I think it refers to.

Q Okay.

"Covering r/t business class airfare to Tunis, travel in country to the border and back." Do you know what border Mr. Drumheller is referring to here?

A I can infer that it's Libya.

Q Okay. And -- okay. But you don't know what "this" is that you are doing great work on?

A I was doing nothing but facilitating messages between Cody Shearer and Tyler Drumheller. So it was just -- I don't know what it refers to.

Q Did Mr. Shearer know Mr. Drumheller?

A I introduced them.

Q So why would you need to be facilitating messages between the two of them?

A That's apparently what I did. That was my role in this.

Q But why would they need to go through you if they know each other on their own?

A Well, I was just talking to both of them at the time, apparently. And that's what I think this is.

Q So you were a middle man between Mr. Shearer and Mr. Drumheller.

A I wouldn't call myself a middle man. I'd say a facilitator. I'd pass something -- information or a conversation on.

Q So you were a facilitator, but do you know what you were facilitating?

A Well, the subject here is Grange trying to raise money to go to Libya. Here's what I know, which is: No money was ever provided, that this discussion came to nothing. Like everything else involving this project, nothing developed.

Q So this trip never took place?

A This money was never raised, was never given. I don't know when Grange went to Libya. I don't know about the trip.

Q Did Mr. Grange go to Libya?

A I had heard he had.

Q And how had you heard that he had gone to Libya?

A I don't recall.

Q Okay.

You said that no money was exchanged here for his trip to Libya. You said you had never spoken with him again after the Washington Hilton. Yet you know he went to Libya, and you don't recall how you know he went to Libya. Is that correct?

A I believe I heard about it later.

Q All right. Who did you hear about it from?

A Possibly Mr. Shearer or Mr. Drumheller.

Q Okay. Do you know how many times Mr. Grange went to Libya?

A No.

Q Okay.

I want to look up at the top of the email here.

"Sid, do you think the general has to send four guys? He told us three guys yesterday, a translator and two other guys. I understand the difficulty of the mission and realize that [redacted] will be repaid, but I am going to need an itemized budget for these guys."

Who is [redacted] that Mr. Shearer is referring to in this email?

A I believe it is [redacted].

Q Okay. What is the mission that Mr. Shearer is referring to in this email?

A I believe it is going to Libya to try and develop the humanitarian assistance idea.

Q And what was so difficult about that mission?

A I thought it was impossible. I wouldn't call it difficult;

I'd call it completely impossible. That's what I thought at the time.

Q Why did you think it was impossible?

A Because the idea was, as you can see from this email, so underdeveloped, and they didn't have any means to do this. It seemed they were -- it was -- they didn't really know what they were doing. And the conditions in Libya were getting worse and worse, more chaotic. There was -- no one knew who was in charge. It seemed completely improbable to me.

Q So the difficulty of the mission that Mr. Shearer was referring to, that's the overall business possibilities for Osprey Global Solutions and not this trip? Is that your understanding of what the mission is?

A Could be both.

Q Okay.

Mr. Shearer later says he realizes that [redacted] will be repaid. Is this in reference to the $60,000?

A I don't know.

Q Was [redacted] financing Mr. Grange's trip to Libya?

A I don't know.

Q Was the expectation that [redacted] would be repaid in some other way?

A I don't know.

Q Do you know if [redacted] was familiar with this expected trip to Libya?

A I don't know.

Q Why was Mr. Shearer concerned about the cost of the trip?

A I don't know.

Q Where was the money coming from, the $60,000?

A I don't know.

Q Okay. Do you know why Mr. Shearer needed an itemized budget?

A No.

Q Did you ever provide him an itemized budget?

A No.

Q How do you know you did not provide him an itemized budget?

A Because I know I didn't.

Q Okay.

Did you ever have any further conversations with Mr. Drumheller about this trip, aside from this email?

A Not that I'm aware of.

Q Okay. Did you ever mention this trip to Secretary Clinton?

A No.

Q And this trip, as you mentioned earlier, did not take place; is that correct?

A I don't know. I don't know.

Q Why would Mr. Shearer have asked you for an itemized budget?

A I don't know why he asked me.

Q Okay. Was it because you were facilitating the mission?

A No. I was not.

Q Do you know if Mr. Shearer ever asked Mr. Drumheller for

an itemized budget?

A I don't know.

Q Did you ever ask Mr. Drumheller for an itemized budget?

A No.

Q Are you aware of any other trips to Libya from anybody representing Osprey Global Solutions, aside from this one trip that was planned?

A I don't know. I wasn't privy to it.

Q Okay.

[Blumenthal Exhibit No. 10
Was marked for identification.]

BY MR. DAVIS:

Q Let me hand out exhibit 10.

So this is a memorandum of understanding between Osprey Global Solutions and another entity.

Have you ever seen this document before?

A I've seen this recently in the stolen emails that have been reproduced, as I recall.

Q Is that the first time you've ever seen this document?

A I may have seen it before, sometime after this memorandum of understanding was negotiated.

Q So, at the time --

A But I don't -- I can't recall.

Q But you may have seen it at the time it was negotiated.

A No, not at the time.

Q Shortly after the time it was negotiated?

A After the time.

Q When you say "after the time," are you referring to a matter of days, weeks, months, or years?

A Maybe weeks.

Q Okay.

The very first line, "Per meetings held 13 July and 20 Aug 2011 in Dubai with Dr. Aref Ali Nayed and in Amman on 23 and 24 August with Mohammad Kikhia, this agreement is entered into the 24th day of August of 2011 between the National Transitional Council of Libya (hereinafter referred to as 'NTC'), now recognized by the United States Government of America as the legitimate and sole government of the Republic of Libya (ROL) and Osprey Global Solutions, LLC, a limited liability company duly organized and existing under the laws of Delaware, having its principal offices in Wilmington, North Carolina (hereinafter referred to as 'Osprey')."

I'm going to direct your attention to the very first line of the email. Dr. Aref Ali Nayed, do you know who that individual is?

A No.

Q Have you ever met that individual?

A No.

Q Have you ever spoken to that individual?

A No.

Q The second line of the email, Mohammad Kikhia, do you know who that individual is?

A Yes.

Q And who is that individual?

A He is a Libyan.

Q Okay. And how do you know him?

A I met him in 2013 or '14 when he was a member of a delegation of Libyans to the State Department. And, at the invitation of Mr. Drumheller, I had drinks with him after his meeting at the State Department.

Q Was that the first time you met Mr. Kikhia?

A I believe so.

Q So, in 2011, when this memorandum was agreed to, you did not know who Mr. Kikhia was?

A I don't believe I did.

Q And you had never met him at that point?

A I don't believe I did.

Q Did Mr. Drumheller know who he was at this time?

A I don't know.

Q The meetings described in this document on 13 July and 20 August 2011, were you aware of these meetings?

A I was not part of this negotiation at all and unaware of this agreement that was -- this memorandum of understanding.

Q But were you aware of the meetings that took place on July 13 and August 20?

A I don't believe so. I believe I was unaware of them.

Q Were you aware of Osprey's desire to seek a business

arrangement with the NTC?

A Yes. I believe it was interested in that.

Q I'm sorry. You said you were interested in that?

A No. They were interested.

Q They were interested in that.

A Yes. I believe they were.

Q And how were you aware that they were interested in seeking a business relationship with NTC?

A Well, I had met with David Grange, who wanted to provide humanitarian assistance, and he wanted to go to Libya. That's what I was aware of.

Q But were you aware that he wanted to seek an arrangement specifically with the Transitional Council of Libya --

A Oh, I didn't --

Q -- or another entity within Libya?

A I don't know who he wanted to make a deal with. I don't have a clue.

Q Okay. Did you facilitate an introduction between Osprey and either Dr. Nayed or Mr. Kikhia?

A No.

Q Do you know if Bill White played any such role?

A I don't know.

Q Do you know if the Constellations Group played any such role?

A I don't know.

Q Do you know if Mr. Drumheller played any such role?

A I don't know.

[Blumenthal Exhibit No. 11

Was marked for identification.]

BY MR. DAVIS:

Q So I'm going to pass out Deposition Exhibit 11.

So this is an email from yourself to Secretary Clinton on August 31, 2011. Is that correct?

A Yes.

Q And this is document No. BLU-102 through 104.

A Yes. This is an email, but this is a report written by Tyler Drumheller.

Q It was written by Mr. Drumheller?

A It is.

Q Okay.

I want to turn your attention to page 103 and specifically the bottom of page 103. And I want to read the paragraph at the bottom of page 103.

"In the opinion of a source with excellent access to the NTC leadership, Jabril and his advisors are working to bring in private firms to meet their pressing humanitarian needs. The Prime Minister believes that if they wait for foreign governments to provide this assistance the death toll among the wounded and injured will continue to rise, and the NTC will be held responsible for failing to bring in emergency and battlefield medical support. To this end, they have

signed an agreement with the Osprey Security Group (OSG), a U.S. firm specializing in emergency medical care and humanitarian assistance. OSG is prepared to deliver the aid immediately upon receiving the funds from the NTC. Jabril's advisors believe that the use of this American firm will not only allow the NTC to meet a pressing need but will also serve to cement good relations with the U.S. government and business community. One NTC official noted that OSG's ability to provide this medical and humanitarian support sets it apart from firms like the French security group SECOPLEX, which look to provide foreign fighters to support the rebel's NLA. Jabril continues to emphasize that, unlike the Qadhafi army, the NLA does not and will not use foreign mercenaries for military operations."

Let me ask, what is your understanding of the reference to Osprey Security Group at the bottom of page 103?

A That just seems like the name of the group.

Q So, at the beginning of the paragraph, it says "source comment." What does "source comment" mean?

A I don't know. That is a phrase that is used by Tyler Drumheller.

Q Okay. But you don't know what "source comment" means?

A No.

Q Have you ever asked him what "source comment" means?

A No.

Q Have you ever seen "source comment" in reports not authored by Tyler Drumheller? In any intelligence reporting perhaps?

A No.

Q Do you know if "source comment" has a specific meaning?

A No.

Q "Source comment," is that Mr. Drumheller's comment, or is that one of the source's comments?

A I don't know. All I know is that this report is written by Mr. Drumheller.

Q So you don't know if "source comment" was a comment by the source with excellent access to the NTC leadership?

A Don't know.

Q Do you know if "source comment" was a comment by Prime Minister Jabril?

A No, I don't know.

Q You don't know who the source comment came from?

A No.

Q Was it a comment by the author of the report?

A Could be.

Q Do you know who the advisors were? Line 2, "Jabril and his advisors are working to bring in private firms to meet their pressing humanitarian needs."

A No.

Q So you don't know who the advisors were that believed the use of Osprey would serve to cement good relations with the U.S. government and business community?

A I do not know.

Q Are these advisors the same or different from the source with excellent access to the NTC leadership?

A I don't know.

Q Who is the NTC official who noted that OSG's ability to provide this medical and humanitarian support sets it apart from French firms?

A I don't know.

Q Do you know if this NTC official was the same or different from the advisors in the source mentioned above?

A No.

Q No, you don't know? Or, no, it is not?

A No, I don't know.

Q Okay.

Mr. Pompeo. Can I ask a question here?

So you're reading these memos, Mr. Blumenthal --

The Witness. Yes.

Mr. Pompeo. -- and they're written by Tyler Drumheller. And with respect to almost everything that's been asked, you say -- you read them now, even today, and you say you don't know.

The Witness. Yes.

Mr. Pompeo. Yet you chose to pass them along to the Secretary of State. How was she supposed to know?

The Witness. Well --

Mr. Pompeo. You can make no sense of them. You say, I don't know who this is, I don't know who that is. And now we're getting one

level -- and yet you felt it imperative to send these on to the Secretary of State as intelligence reports.

I'm trying to understand how you thought she would know more than you did about what was in Mr. Drumheller's report. I find that -- I'm curious as to why you thought she'd know all these things when you -- you just -- you were just forwarding stuff.

The Witness. I believed that if she found the information useful she could have it evaluated, and people could determine on the inside whether it was useful to them or not.

Mr. Pompeo. Did you make it a practice to send things that you had no idea what they were, on the hope that someone else might be able to figure them out and create value from them?

The Witness. I sent all of these on in that way, all of them.

Mr. Pompeo. Thank you.

BY MR. DAVIS:

Q This last paragraph here, doesn't it read a little bit like an infomercial for Osprey Security Group?

"They are a U.S. firm specializing in emergency medical care and humanitarian assistance. They are prepared to deliver the aid immediately upon receiving the funds from the NTC. Jabril's advisors believe that the use of this American firm will not only allow the NTC to meet a pressing need but will also serve to cement good relations with the U.S. government and business community."

And then, on top of that, "One NTC official noted that OSG's ability to provide this medical and humanitarian support sets it apart

from firms like the French security group SECOPLEX."

I couldn't have written it any better myself if I were trying to advertise that firm.

A Well, I read that as -- not as an infomercial but as a form of information in a long report about many other things and without any request for anything.

Q Do you know if there are any other American firms mentioned in this particular report that you passed along?

A I'd have to read the whole report, but I think that's the only American firm mentioned here.

Q Do you know, in any of the other reports that you sent to Secretary Clinton, do you know how many other American firms were mentioned in those reports?

A I don't. All I know is that these reports are written by Tyler Drumheller, and he communicates the information he has. That's all I know.

Q So I'm going to pass out --

Chairman Gowdy. Can I ask one question?

Mr. Davis. Yes, sir.

Chairman Gowdy. Mr. Blumenthal, I'm looking at an email that you sent on January the 23rd, 2012, with the subject, and it's "H" with a colon -- semicolon.

I'm assuming the "H" is Secretary Clinton.

The Witness. Yes.

Chairman Gowdy. And it says "V good intel internal Libya." What

would the "V" stand for?

Mr. Cole. Could we see the document?

Mr. Davis. Yeah. Let me --

Mr. Cole. Do you want to mark it?

Mr. Davis. Yeah. I'll mark it as exhibit -- I'll mark that as exhibit 12, actually.

[Blumenthal Exhibit No. 12

Was marked for identification.]

Mr. Cole. Do you want to talk about this?

Mr. Davis. Yeah. That's exhibit 12 for you.

Mr. Cole. Take a moment?

Chairman Gowdy. Sure.

Mr. Davis. Would you like to take a moment to review it?

Mr. Cole. Yes.

Mr. Davis. Oh, okay. I'm sorry. Off the record.

[Discussion off the record.]

Mr. Davis. All right. We'll go back on the record.

Chairman Gowdy. Is there any chance I could get that piece of paper back? Thank you.

My question is very simple. The "V" stands for what in that subject line?

The Witness. Mr. Chairman, I believe that stands for "very."

Chairman Gowdy. So it would be "very good intel internal Libya. Sid."

The Witness. Yes.

Chairman Gowdy. All right.

I thought you had just told Mr. Pompeo that all you did was pass the intel on to Secretary Clinton. And when you say "very good intel," that makes me think that you are offering an editorial comment on the efficacy of the intelligence. Is that the way you interpret that?

The Witness. What I think I meant here is that there's a lot of material here. There's just a lot of information here. And that's what I refer to as "intel," is just -- there's a lot here.

Chairman Gowdy. But why wouldn't you say "large amount of intel"? Why say "very good"?

The Witness. Well, that's what I meant. I was not evaluating it, because I had no means of evaluating it.

Chairman Gowdy. Could you possibly see how a reader might interpret "V good" as offering an editorial comment on the efficacy or reliability of the information?

The Witness. Might be misinterpreted. But I don't think the Secretary of State would have simply dealt with this except by handing it to people who might evaluate it.

Chairman Gowdy. Well, if that's true, why put it in there?

The Witness. That's what I did.

Chairman Gowdy. I know. I'm just trying to understand why. Because, initially, my understanding was all you were was a conduit --

The Witness. Yes.

Chairman Gowdy. -- of information from Tyler Drumheller to the Secretary. You were not expressing any opinion on the reliability or

credibility of the information.

And then I see this subject line, where the reader very well could interpret that you were commenting on the reliability of the information. Is that a reasonable reading of that subject line?

The Witness. That was not my intention, I believe. It was, I was just sending on a lot -- a lot of information.

Chairman Gowdy. Okay.

I'm done.

Mr. Davis. So set that aside for a moment. We'll come back to it.

The Witness. Okay.

[Blumenthal Exhibit No. 13
Was marked for identification.]

BY MR. DAVIS:

Q I want to hand out exhibit 13. So this is Bates Nos. SCB0045117 through 119.

And, in this particular memo, I want to direct your attention to page 2 of this memo. In paragraph 3, I'm going to start in the middle of the paragraph.

It says, "In the opinion of well-informed individuals, el-Keib's closest and most influential advisors are experts with economic backgrounds and experience dealing with Western firms and governments. The most influential of this group are Minister of Oil Abdulrahman Ben Yezza, Minister of Finance Hassan Ziglam, National Oil Company chief Nuri Berrusien, and Ngeb Obeda from the Libyan Stock Exchange."

Notwithstanding my mispronunciation of those names, do you know if Ngeb Obeda was, in fact, one of the most influential advisors to Prime Minister el-Keib?

A I don't know. All I know is what I am reading here. This is just information.

Q You took no actions to ensure the accuracy of this particular report, your January 5 report?

A I took no actions to determine the accuracy of any report.

Q Were you familiar with the name Ngeb Obeda prior to Mr. Drumheller sending you this report?

A No.

Q You'd never heard of that name before?

A No.

Q Were you aware of any --

A I mean, these names are sort of just a series of names to me.

Q Sure. You never heard of Mr. Obeda before?

A No.

Q Were you aware of Mr. Drumheller's connection with Mr. Obeda?

A I didn't know he had one.

Q Were you aware as to whether or not Osprey Global Solutions had a connection with Mr. Obeda?

A I didn't know that.

Q Okay.

[Blumenthal Exhibit No. 14

Was marked for identification.]

BY MR. DAVIS:

Q I'm passing out Deposition Exhibit 14.

This is a letter, dated January 4, 2012, addressed to Mr. Shapiro, Andrew Shapiro, Assistant Secretary of State, Bureau of Political Military Affairs, signed by David Grange.

Have you ever seen this letter before?

A Not to my knowledge. Not that I'm aware of.

Q Okay.

I'm going to direct you to the second paragraph of this letter. It says, "We are keen to support the people of Libya under the sponsorship of the Ministry of Finance and the Libyan Stock Exchange, specifically in the person of Ngeb Obeda, who has agreed to secure our visas and host our travel to Tripoli and Benghazi in the next two weeks."

And then later on, the letter says, "We very much look forward to presenting Ambassador Cretz our credentials and a capabilities brief and to invite him to contact myself and/or our EVP, Richard Vandiver, at any time."

Are you aware as to whether a meeting between Mr. Grange and Ambassador Cretz ever took place?

A I am not.

Q You mentioned earlier in your testimony that you had called Mr. Shapiro about an ITAR matter.

A Right.

Q Was this that ITAR matter that you called Mr. Shapiro about?

A I asked him where I could receive information, learn information about ITAR, and he referred me to the State Department Web site.

Q But you didn't check the State Department Web site before calling Mr. Shapiro?

A Well, you know, I did not.

Q Do you know when this conversation with Mr. Shapiro took place?

A I would say it took place around the time of this letter.

Q Did you call Mr. Shapiro on behalf of Osprey Global Solutions?

A I didn't call on behalf of -- well, probably Mr. Drumheller, as I recall, asked me if I could find information and that -- I was surprised that Grange was still out there, from what he said. And nothing had happened, nothing appeared to me to be happening. And it was a request for information, and that's all.

Q Did you have any conversations with anybody from Osprey Global Solutions about this letter?

A No.

Q You had never seen this letter before until today? Is that correct?

A As far as I'm aware right now, yes.

Q Did you have any knowledge of this letter being sent to Mr.

Shapiro prior to it being sent to Mr. Shapiro?

A Not that I'm aware of.

Q Do you know if you were cc'd on this letter?

A I don't know.

Q Is it possible you could have been cc'd on this letter?

A I don't know.

Q So it is possible that you were cc'd on this letter.

A I don't know.

Q Going back to exhibit 13 for a second, the January 5 email, were you aware that this email was forwarded to Gene Cretz for his assessment of the intelligence?

A No.

Q I asked you earlier if you knew who Gene Cretz was; you said no. Does this ring a bell at all?

A Well, now I know, because I see from this that he's the Ambassador, but I didn't -- it rang no bell before.

Q Okay.

A So it was just as a result of your questioning that I'm aware of who he is.

Q Okay. But you don't know if a meeting between Osprey Global Solutions or Ambassador Cretz ever took place?

A Can you repeat the question?

Q But you do not know -- I'm sorry. Do you know if a meeting between Osprey Global Solutions --

A I don't know. I don't know.

Q Would it surprise you to learn that a meeting did take place between Osprey Global Solutions and Ambassador Cretz?

A I don't know.

Q You don't know if you would be surprised if a meeting took place?

A I don't know if a meeting ever took place. I don't know.

Q Okay. Would you be surprised if a meeting took place?

A Would I be surprised? I don't know if I'd be surprised.

Q Why wouldn't you be surprised?

A I just don't know. Nothing ever happened here, and -- I don't know.

Q What do you mean, "Nothing ever happened here"?

A Nothing ever came of any of this.

Q But you don't know if a meeting took place. A meeting could've happened.

A I don't know of a meeting.

Q Okay. But it could have taken place.

A I have no way of knowing that.

Mr. Cole. The sky could have fallen.

The Witness. I have no way of knowing. I don't know.

BY MR. DAVIS:

Q So, 5 hours after you sent this email along exhibit 13, Secretary Clinton wrote back and said, "Thanks, as always, and Happy New Year!" And you wrote back 7 minutes later and said, "Happy new year! Talk when you get a chance..."

What did you want to talk with her about?

A Nothing specifically.

Q Okay. Not about this memo?

A No. We didn't discuss these memos.

Q Okay. Not about this Ngeb Obeda? You did not want to speak with her about that?

A No.

Q Okay. Did you want to talk with her about foreign contracts or business in Libya?

A I have never spoken with her on that subject.

Q Do you know if you ended up speaking with her as a result of your email back to her at 5:29 p.m.?

A I don't recall.

Q I want to hop back to exhibit 12, which is the one I said we would come back to, that you set aside. So this is your January 23, 2012, memo.

Mrs. Roby. Which one? January 23?

Mr. Davis. Yes.

BY MR. DAVIS:

Q I'd like to draw your attention to paragraph 4 on the second page. And I don't think I introduced this exhibit. The page numbers were SCB0045132 to 45133.

So, in this memo, paragraph 4, it says, "Following the discussion with Jalil, el-Keib ordered Ziglam and Ngeb Obeda, the head of the Stock Exchange, to move with all possible speed to address the issue of

foreign contracts and arrange for new vendors to provide the services demanded by the veterans and students. In this discussion, he pointed out that if they cannot deal with this situation they will not have to worry about the national elections for 2012."

I want to ask you in particular, how do you know that el-Keib ordered Ziglam and Ngeb Obeda, the head of the stock exchange, to move with all possible speed to address the issue of the foreign contracts?

A I don't know that. This is a memo written by Tyler Drumheller.

Q But you cut and pasted it in an email to the Secretary of State, correct?

A I did.

Q Okay. But you don't know that the information you provided to her was in fact correct?

A Correct.

Q Okay.

Do you know who the particular source of this information was, that Mr. Keib ordered Ziglam and Ngeb Obeda to move with all possible speed?

A I do not.

Q Did you ever communicate with Ngeb Obeda in any way?

A No.

Q Okay.

[Blumenthal Exhibit No. 15

Was marked for identification.]

BY MR. DAVIS:

Q I'm going to introduce exhibit 15.

So this is an email from you to Secretary Clinton, February 1, 2012, BLU-122 to BLU-123.

I'd like to turn your attention to the second page, paragraph 5.

A Uh-huh.

Q Second page, paragraph 5, you write, "While the President recognizes that the oil industry is the key to Libya's future, he also needs to be able to deal with foreign firms regarding the supply of day-to-day necessities. Jalil and el-Keib agree that the best path for foreign firms to use in gaining a foothold in Libya is through the Stock Exchange, headed by Ngeb Obeda, under Minister of Finance Hassan Ziglam. The President and Prime Minister feel that by working through the Stock Exchange the Government can maintain transparency in foreign contracts and avoid charges of Qadhafi-like corruption."

Paragraph 6, "Source Comment: According to a very sensitive source, el-Keib complained to Jalil that Belhaj continues complicate every aspect of the process of dealing foreign firms and governments."

Do you know why the President and Prime Minister felt that transparency would occur working through the stock exchange?

A No.

Q Do you know why they singled out the stock exchange as opposed to any other government entity?

A No.

Q Paragraph 5 of this email, did it have anything to do with

the letter sent by Osprey Global Solutions to Assistant Secretary Shapiro a month prior mentioning Ngeb Obeda's sponsorship of Osprey?

A Not that I'm aware of.

Q Okay.

Did you ever meet or speak with Minister of Finance Hassan Ziglam?

A No.

Q Do you know if Tyler Drumheller did?

A I don't know.

Mr. Davis. We're coming close to the end of our hour, so we will go off the record.

We will remain on the record for an additional minute.

BY MR. DAVIS:

Q I'd like to go back just briefly to exhibit 9. This is the Saturday, May 14, 2011, email.

A Uh-huh.

Q In the middle of the page, it says on Friday, May 13, 2011, at 10:32 p.m., you wrote -- and then it's blank underneath. And then the original message says from Tyler Drumheller to you, and then underneath the original message from you to Tyler Drumheller.

That blank area between Friday, May 13, 2011, at 10:32 p.m. and the Friday, May 13, 2011, at 10:05 p.m., do you know if you forwarded that email to anybody?

A All I know about this email is that this is a stolen email by the foreign criminal hacker. That's what I know. If it's formatted this way, it's because of how it was stolen and reproduced by the hacker.

Q So this email is an alteration of the original email that you had?

A It may well be. I don't -- all I know is this is a stolen email.

Q I understand that, but you testified earlier that you do believe it was one of your emails.

A It seems to be.

Q Okay. But you don't know on Friday May 13, 2011, at 10:32 who you were writing to or what you contained in that message.

A No.

Q Okay.

Mr. Westmoreland. Can I just ask a question?

The first email is from you to Mr. Drumheller, and that's at Friday, on May 13, 2011, at 2:21 p.m.

The Witness. Uh-huh.

Mr. Westmoreland. Then the next email from Mr. Drumheller to you, it says it's Friday, May 13, at 10:05 p.m.

The Witness. Uh-huh.

Mr. Westmoreland. Were y'all -- and then the one from Cody to you is at 10:32 p.m.

Were you all in different countries, or was there some confusion about when all this was done?

The Witness. I don't know what accounts for these different times, Congressman. I do know that Cody Shearer is often in Los Angeles, so that might account for his different time. But I don't

know.

Mr. Westmoreland. Well, I think --

The Witness. All I -- I do know this is a stolen email, and it could have been -- I don't know what the hacker did to it.

Mr. Westmoreland. But you don't remember what your email was at 2:21 p.m. -- and I'm assuming that's eastern time. Would that be correct; that would be eastern time?

Mr. Westmoreland. Well, it was pretty slow getting to Drumheller. It took it 4 hours and -- 3 and a half hours.

The Witness. I can't account for any of this so --

Mr. Westmoreland. Okay. I gotcha.

The Witness. Thank you.

Mr. Westmoreland. I didn't know if it was a time change.

Mr. Davis. Okay. Our hour is complete, and we will go off the record.

[Discussion off the record.]

Mr. Cole. Mr. Chairman, we've been here since 10:30 this morning. We have been answering every question that's been put to us without any wavering at all. It is now 4:30 in the afternoon. We are being told that there may be another 2 hours or more of questioning left.

What I have noticed is that a great many of the questions, particularly in the last hour or two, have been going into the details of memos which the witness has stated unequivocally that he did not write, that he did not verify. And yet the bulk of the questions and the bulk of the time that we have spent has been going through a series of emails to ask just those questions of the witness when he has already stated quite clearly and quite categorically that he did not write the email and did not vet the sources of the email.

It would seem to me, as a courtesy to the witness and an efficient way of conducting the hearing, to try to cut back on a number of those

questions and get to the meat of what is being sought in these questions as opposed to going over and over and over again questions which, with all due respect, I believe counsel is asking. And when we are talking about going until almost 7:30 at night when we've been here since 10:30 in the morning borders on abusive to a witness when questioned for that length of time and in areas that are well known what the answers are.

Chairman Gowdy. Well, I certainly do not want to be abusive to this or any other witness. Would you be more amenable to our breaking and reconvening in the morning?

Mr. Cole. No. Because I don't want to have to go through questions that, frankly, are cumulative, and with all due respect, unnecessary because the questions have been answered in a much broader sense.

Chairman Gowdy. I can appreciate the fact that you may view them as cumulative. But the reality is, counsel for the majority is going through different documents. And for him to merely assume that the answer is going to be the same for every one, when at least in some instances the subject line is very different, I think it is -- this is the only opportunity that the majority and maybe minority is going to have to pose questions to Mr. Blumenthal.

I am appreciative of his patience. I'm appreciative of his time. I want to be a good steward of it. I've been in the room just as long as you and Mr. Blumenthal. So we're happy to try to ask the questions as quickly as we can, but what I cannot do is cut down on the number of questions we have because this is the only opportunity we have to

talk to Mr. Blumenthal.

Mr. Cole. I understand that. And I don't want the committee to not ask questions that they feel are important. But I do feel that there is some ability to be able to tailor the questioning at this point, based on the historical record that we've got in the record to date, to be able to expedite this a bit.

Mr. Davis. It sounds as though you would like my questioning to steer away from some of the contents of the memos, which, in your view, have been well established he has not written the memos; he's not reviewed the memos; he did not vet the source of the memos.

Mr. Cole. Correct. Because, I mean, if you want so say, "Have you ever met with so and so, have you ever net with so-and-so," that's fine. Go right ahead.

Mr. Davis. And you believe that that will cut down on the number of questions and time.

Mr. Cole. I don't know what else you have left, but if that will help cut down, that's a request I would make.

Mr. Davis. We can do that.

Ms. Sawyer. Yeah. And I would just say on behalf of the ranking member, I feel like the witness and his counsel have been incredibly patient. I think the ranking member's sense at the outset was that this deposition in particular, it's been the only one that we've had in the entire year, it's been a tremendous risk of going well beyond the scope of this committee's investigation.

We deferred an hour of questioning with the hope that the majority

would pick up the pace. I specifically asked my counsel from the other side to really try to move it more toward the subject matter that we are charged with investigating, which are the attacks in Benghazi.

We have now been here for 2 hours. There has not been a single question about Benghazi or the attacks in Benghazi, and I think if this is going to proceed this way, I would just ask the chairman to ask his counsel to lay the foundation for how any of these questions do go to the subject matter that we are supposed to be investigating instead of some allegations about business opportunities that from the outset in our hour of questioning the witness made clear never came to fruition, he never benefitted from, and he never asked the Secretary or anyone in the State Department to provide a benefit for. Even if he had, I'm not sure how that relates to the attacks in Benghazi.

So, you know, I do think that the counsel and the witness have been incredibly patient, but they do deserve to have an understanding of how this relates to why they've been asked to come here.

Chairman Gowdy. Well, consistent with the inception of the committee, we disagree about what the jurisdiction is for this committee. And we're going to abide by what's in the House resolution. And I think every question that's been asked has a factual basis or there is a reason for it being asked. So we just fundamentally disagree on that.

However, we do agree that the witness and his counsel have been patient. And Carlton has already offered to the extent he can to expedite it. But what I'm not going to have happen is for this

deposition to be over and there to be questions that we have missed our only opportunity to ask. That is not going to happen. So we can continue to disagree about the scope of the investigation, as we do a number of issues related to the investigation, but I'm not going to ask him to short-circuit his questions.

Ms. Sachsman Grooms. Okay. At that point, why don't we take a break so that you guys can have a little break, and then we'll take our time.

We can go off the record. Thank you.

[Recess.]

Ms. Sawyer. Go back on the record.

Okay. We're back on the record. It's 5:01. And it's Heather Sawyer on behalf of the minority members of the committee.

And we're just taking our second opportunity to speak with you, Mr. Blumenthal. Again, we appreciate your patience.

It's our understanding that during the break, there was a discussion and agreement reached. The deposition rule that governs the House and this committee as well requires at a deposition the presence of a Member at all times.

We understand there are some votes coming up, but you have now been here since 10:30. So I think there was a conversation about whether you would be willing to waive the requirement that a Member is here. It's our understanding that you've agreed. Is that the case?

Mr. Cole. That's correct. On behalf of Mr. Blumenthal, we will waive the requirement of a Member during the times of votes.

Ms. Sawyer. Okay. The rule itself formally requires your waiver to be in writing. So if you could just submit a very short note to the committee just confirming, that would be much appreciated.

Mr. Cole. Will do so.

Ms. Sawyer. Great.

BY MS. SAWYER:

Q Mr. Blumenthal, I want to try to be as quick as possible. I just had a few followup questions based on some of the questions you've been asked, and then a few questions that we wanted to cover with you.

Just to start, I wanted to have you direct your attention back to what has been marked for purposes of deposition as exhibit 11.

A Yes. I have that.

Q Okay. And that was the August 31, 2011 --

A Yes.

Q -- communication that you confirmed you had sent to the Secretary.

A Right.

Q You were asked some questions, and I'll just direct your attention to the second page of that document.

A Yes.

Q Look down at the bottom on the right-hand corner for identification just has BLU-103.

You had been asked some questions about that source comment at the bottom of the page there. And I think it was described by my colleague in the majority as reading as a, quote, "infomercial." Do

you recall him characterizing it that way?

A Yes.

Q And I think you indicated that you didn't know who the source of this comment was.

A Correct.

Q Okay. And that was -- that discussion was that this description in particular was ostensibly an infomercial for the Osprey Security Group. Do you recall that part of the conversation in the last hour?

A Yes. Yes.

Q Okay. And this was sent, once again, on August 31, 2011. Does that seem accurate? That's what the document says. Do you remember sending it around that same time?

A Yes.

Q Okay. Then I just wanted to direct your attention to exhibit 10. That was discussed in the last hour.

A Yeah. Okay.

Q Okay.

A I got it.

Q And that was an exhibit that you discussed with my colleagues in the majority as relating to a memo of understanding that appears to have been -- you said you didn't recall when you saw this. It didn't seem --

A Right. I don't -- I don't recall.

Q Okay. Now, just directing your attention to the second

line there, it says, quote: "This agreement is entered into this 24th day of August 2011." Do you see that reference just in the document itself? Sorry. Exhibit 10.

A Yes.

Q In that second line, just on its face, it says, quote: "This agreement is entered into this 24th day of August 2011." Do you just see that?

A Yes.

Q Okay. So August 24 would have come some week or 7 days or so before you sent the -- what is exhibit 11 dated --

A Right.

Q -- August 31, 2011. Is that not --

A Right.

Q -- just by sheer calendar. Correct?

A Yes.

Q So to the extent there's some implication that your memo that came after exhibit 10 that relates to a memo of understanding ostensibly between Osprey that you indicated you don't know if you saw at the time was in some way supposed to influence, how could you possibly have done so by sending this information 7 days after an agreement had been entered into? Even had that been -- and I'm just saying, pure speculation -- how is that possible? The timing just seems impossible if you're trying to influence in some way?

A As a matter of logic, it is not possible.

Q So to the extent exhibit 11 actually references this, the

Osprey Group -- and, again, just in that source comment, which, again, you are not the actual source of -- it references the note that, and I will just read on page 2 of exhibit 11: To this end, they have signed an agreement with the Osprey Security Group, OSG, a U.S. firm specializing in emergency medical care and humanitarian assistance.

At that point in time, that actually is a statement of fact, is it not, if indeed the memo of understanding has been entered into as of 24th day of August 2011 and, again, understanding that you are not the source of that information?

A It's -- this is Mr. Drumheller's memo. The source comment may or may not be him, but it is a statement of fact as he understood it when he wrote it.

Q So to the extent that it had already occurred, it was relaying that fact. And, in any event, you are not the source of that information. Is that the case?

A That is the case.

Q And, certainly, as you have indicated with regard to all of the information passed along, you are in no way passing along that August 31, 2011, information to ask the Secretary to take any action on behalf of Osprey. Were you?

A I was not.

Q To in any way bring them in particular to the Secretary's attention?

A I was seeking no benefit whatsoever.

Q And I'm not sure that you can -- when you sent this, it was

characterized in the last hour as an infomercial, I use that term to talk a little bit about it, but when you sent it, did you consider it to be an infomercial for the Osprey group?

A I considered this memo to be exactly like all the other reports that I had sent from Tyler Drumheller as an informational report to be used or not used as she saw fit and to be helpful or not helpful.

Q Now, you did discuss both with me in the first opportunity I had to speak with you and then several times in the last 2 hours the fact that you had in essence just passed along information the way that you just characterized it --

A Yeah.

Q -- that you might be helpful.

From your perspective and to the best of your knowledge, is there anything unlawful about a private citizen, and in your case a friend, passing information to a public official, including the Secretary of State, for them to handle as they see fit?

A No. And I don't want to engage in a long conversation, but I think that citizens have throughout American history had relations with responsible government officials and passed on information to them and that that is essential to the character of our democracy. And it is helpful, in my view, for officials to seek information wherever they might find it so that they can form a full view in their decisionmaking.

Q Okay. Thank you.

And, just quickly, if I could turn your attention to exhibit 15. That was discussed in the last hour. A very quick question for you

on this, and I may have simply misheard. So I just want to make it absolutely clear for the record.

I had thought that one of the questions that was asked of you had a premise in it that asked when you wrote this memo, but I thought you had indicated that this, like many of the others, was not actually something you yourself had authored. And I just wanted to make it clear for the record whether this exhibit 15 was something you had authored or was this something that Mr. Drumheller had authored?

A Mr. Drumheller wrote this memo, as he wrote the other reports.

Q And, again, like the other reports, you just passed it along to the Secretary?

A That's correct.

Q You were asked questions about in particular three exhibits in the last hour, and they were exhibit No. 7, exhibit No. 8 --

A Yeah.

Q -- and exhibit No. 9.

A Nine somewhere. Yes.

Q Those documents do not bear any kind of identifying marks down in the corner. A lot of the documents that we have shown you do bear identification numbers that indicate they've either been produced to this committee by the State Department or produced to this committee by you in response to the request from the chairman. These do not bear any of those identifying marks. Just to make it clear for the record, these were not produced by you -- by you to the committee. Is that

correct?

A These were not produced by me to the committee, nor to my knowledge by the State Department, nor could they have had them. These were illegally hacked emails that are part of the Federal criminal case.

Q Okay. So --

A And they have been brought into this matter.

Q Right. And do you have -- do you sitting here have any idea how the majority came to have these particular emails?

A I do.

Q And can you explain how it is they have come to have these?

A These --

Q Or at least your understanding of why they have them.

A My understanding of how they have them is that after the -- is that the hacker, as it was explained to me by the Federal investigators, worked with media organizations, in particular Russia Today and Gawker, and that he established a Web site specifically to upload stolen emails from me and others, and that they then were told what these new Web sites were. They took down the stolen material and they cached them themselves. It's not a matter of freedom of the press. And that's where these come from.

These media organizations such as they are, like Russia Today and Gawker, then threw these out in public. I can't -- I understand I'm speaking a little at length, but the Federal investigators told me they believe it's possibly a Russian intelligence operation.

Q So it's your belief and understanding that these would have

come somehow off the Internet?

A These came off the Internet on the sites that were complicit with the foreign criminal.

Q And you had indicated earlier that in light of that, you could not necessarily vouch for whether or not each and every one of them appears exactly as it was sent or reproduced by you or --

A I can't tell.

Q And you were in particular asked some questions. I'll just direct your attention to exhibit 9. You were asked a number of questions about the timing of when things were sent to whom and in particular about -- and I'll just direct your attention to the middle of that page, something that indicated, on Friday, May 13, 2011, at 10:32, and then your email address, "wrote," and then there's some blank space.

So you can't really, sitting here today, indicate whether or not there actually was writing in there or there was nothing in there. Is that the case?

A I cannot indicate anything. I have no idea.

Q Right. And looking at just that email, it's also just simply possible, is it not, that all that line signifies is you forwarding on the communication that Mr. Drumheller had sent to you to Mr. Shearer who was then responding to you at the top? So it could be as simple and benign as well as that. Could it not?

A It could be. Yes.

Q And the bottom line is, sitting here today, you simply

cannot tell us because these were not documents currently in your possession?

A I can't. That's correct.

Q I'm going to shift gears, and I'm going to ask you a series of questions.

I want to explain, first, as you probably are well aware, this is now the eighth congressional investigation into the Benghazi attacks.

A I thought you were going to say eighth hour.

Q It may also be drawing very close to the eighth hour of your time with this particular investigation into the Benghazi attacks.

We want to make sure it's the last. I think all of the members of the committee are very committed to doing that. We are, therefore, asking every witness that has come before the committee about a series of public allegations that have been made since the attacks.

It's our understanding that even where these allegations have been answered by other investigations, our colleagues in the majority are persuing them. That's why we're asking about them. And certainly it's true while anyone can speculate and have opinions about the Benghazi attacks -- and certainly plenty of people have in the 2 years since the attacks -- only a limited universe of people have actual firsthand knowledge or evidence of what happened before, during, or after the attacks.

Based on what we have heard in the now nearly 7 hours I think that you've been with us, we do not believe that you are one such person,

but we do, while we have you here with us, we do want to run through and ask you these questions. There's about a dozen of them. So please 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, 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. Nonetheless, the allegation and claim has 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?

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 and 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," end quote, and that 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.

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?

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's 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 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, 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 President of the United States was, quote, "virtually AWOL as Commander in Chief," end quote, on the night

of the attack, 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.

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 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 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, "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 Okay. I think for now that would conclude the questions we have for you for this round. We will turn it back over to our colleagues in the majority to continue with the hope that we will be able to conclude, you know, with all of our questions from the committee as expeditiously as possible.

Mr. Davis. Going off the record.

[Discussion off the record.]

Mr. Davis. We'll go back on the record. It is 5:58.

So I want to introduce exhibit 16 to you. So exhibit 16 is a State Department-produced email, SCB0045274 through 278.

[Blumenthal Exhibit No. 16

Was marked for identification.]

BY MR. DAVIS:

Q This is an email. The top reads, "from H," sent Wednesday, September 12, 2012, 11:26 p.m., to sullivanjj@state.gov with the comment, "We should get this around ASAP." And there is a forward from you, Mr. Blumenthal, of an email you sent to H on Wednesday, September 12, at 6:16 p.m.

A Uh-huh.

Q So, on this particular email, you sent it to the Secretary and you included the message, "Sending direct. Just in." What does that mean?

A It meant that I just forwarded it directly from Tyler without the usual formatting that I had given it.

Q So why did you do that on this particular occasion?

A Seemed more urgent information that she might find valuable.

Q And why was the information more urgent on this particular occasion?

A Because it had to do with the Benghazi attack.

Q Okay. And I know we've talked about this before, but did

you vet any of the information or any of the sources in the report that you forwarded along to the Secretary on this particular occasion?

A I did not.

Q Okay. The bottom header, the original message, subject, "more on Libya," from Tyler Drumheller to yourself and J.T. Caulfield. Who is J.T. Caulfield?

A He is a legal consultant, a friend of Tyler's.

Q Okay. Do you know if they worked together on any occasion?

A I believe they have.

Q Okay. Does the firm DNC Worldwide ring a bell?

A I don't know what that name means.

Q Were all intelligence reports from Mr. Drumheller usually sent to you and Mr. Caulfield?

A No.

Q Do you know why Mr. Caulfield was included on this particular occasion?

A I do not.

Q Okay. Did you ever have any conversations with Mr. Caulfield about Libya?

A No.

Q I want to go back to exhibit 1. I think it's at the top of your pile, I believe.

A I have it.

Q Before we get to exhibit 1, let me ask, when do you recall first learning about the attacks in Benghazi?

A I don't know. Probably -- well, didn't it take place in the middle of the night? You know, I'm --

Q I'm just asking you for your best recollection of what you remember that took place.

A My recollection is that I would have learned about it from news reports.

Q Okay. Do you remember where you were or what you were doing when you first heard about it?

A I would have been at home, probably.

Q Okay. Do you know how long after the attack, the first attack took place, when you learned about it?

A No.

Q Okay. You don't remember what media outlet you first recall hearing it from?

A No.

Q Okay. But you're confident you learned about it from media reports?

A Yes.

Q Exhibit 1 references -- let's read exhibit 1 there. The first paragraph: During the afternoon of September 11, 2012, new interim president of Libya Mohammed Yussef el Margariaf spoke in private with senior advisers, including the members of the Libyan Muslim Brotherhood, to discuss the attacks by demonstrators on U.S. Missions in Tripoli and Benghazi. According to a sensitive source, el Magariaf was shaken by the attacks and gave permission to commanders

on the ground for security forces to open fire over the heads of the crowds in an effort to break up mobs attacking the missions. During this session, a senior security officer told Magariaf that the attacks on that day were inspired by what many devout Libyan viewed as a sacrilegious Internet video on the Prophet Mohammed originating in America.

I take it from your prior testimony, you did not read that before you forwarded this along to Secretary Clinton?

A I may have read it. I usually -- I often read the reports.

Q You often read the reports?

A Yes.

Q Okay. Was there anything about this particular reporting there in paragraph 1 that struck you as particularly accurate or inaccurate?

A No.

Q Okay. Have you since learned that the sentences I just read to you were inaccurate?

A My understanding is that the attack was planned and that the video was a cover, to the extent it was, and that's my understanding of it. I could be wrong.

Q Well, let me ask about this: The first sentence, "During the afternoon of September 11, 2012, new interim President Magariaf spoke in private with senior advisers, including the members in the Libyan Muslim Brotherhood, to discuss the attacks by demonstrators on U.S. Missions in Tripoli and Benghazi." Do you know what time the

attacks actually occurred?

A You know, my knowledge of it even now is spotty.

Q Okay. Did Secretary Clinton ever ask you to acquire any additional information about the attacks themselves?

A No.

Q Okay. Are you familiar with the Foreign Agents Registration Act?

A I am.

Q Have you registered under the Foreign Agents Registration Act?

A No.

Q Okay. Have you ever received any notification or communication from the Department of Justice about the Foreign Agents Registration Act?

A I have.

Mr. Cole. Point of order, Mr. Chairman, what this has to do with attacks in Benghazi.

Mr. Davis. We'll move on.

BY MR. DAVIS:

Q The reports that you received from Mr. Drumheller, did you ever forward or cut and paste any of those reports to anybody else other than Secretary Clinton?

A Within the time period that we're discussing about?

Q I'm sorry. Yes, regarding Libya in 2011 and 2012. Did you ever forward or cut and paste any of Mr. Drumheller's reports to anybody

else other than Secretary Clinton?

A Not that I'm aware of.

Q Okay. So nobody else in the United States Government that you're aware of?

A Not that I'm aware of.

Q What about any private individual?

A Not that I'm aware of.

Q Okay. So you only sent reports provided to you by Mr. Drumheller to Secretary Clinton?

A As I recall.

Mr. Pompeo. Thanks.

Mr. Blumenthal, I don't want to belabor this, but you would consider yourself a trusted adviser of Secretary of State Clinton. Is that true?

The Witness. I consider myself a long-time friend.

Mr. Pompeo. But you would consider yourself a trusted adviser. She would value things that you sent to her and trust that the information you provided her was correct. Do you believe that?

The Witness. Well, I hope that on these reports, that she would have them evaluated properly on the --

Mr. Pompeo. Let's go to -- it's in the Blumenthal production, page 112. This is a different email. It's just page 112. This is an email. I'll just grab it while they're looking for it. It's dated October 15, 2011. Looks like one that you wrote about --

Mr. Cole. 2000 and what? I'm sorry.

Mr. Pompeo. I'm sorry. October 15, 2011. Did I say 2001? I apologize. October 15, 2011. It's about Qadhafi's location. Anyway, let's get it in front of you so you can see it. I apologize. Here, I'm happy to actually -- I'll pull it out.

The Witness. May I see it?

Mr. Davis. Yes.

Ms. Jackson. As soon as we put a sticker on it.

Mr. Davis. We'll mark it as deposition exhibit No. 16.

[Blumenthal Exhibit No. 16
Was marked for identification and
corrected to Blumenthal Exhibit No.
16A.]

The Witness. Here, why don't you mark it up and then you can properly give it to me.

Mr. Davis. Deposition exhibit No. 16, BLU dash --

Mr. Pompeo. And I apologize for not having copies for everyone. In any event, is this an email that you actually wrote? This is not Mr. Drumheller's work. It's kind of a different format. Looks like it's your voice.

The Witness. I wrote this.

Mr. Pompeo. So you would be the source for this particular document?

The Witness. I was a source of -- I was not the source of this information.

Mr. Pompeo. But you were -- from Secretary Clinton's

perspective, you were the source -- there's no other source identified. You don't refer to any place from which you received the information. You were the sole source -- you were the only individual that provided this information to her. Is that correct?

The Witness. On this -- on this score, I am.

Mr. Pompeo. So this email you would have read, right, because you wrote it?

The Witness. I wrote this email.

Mr. Pompeo. And you would have believed this information, unlike some of the others that had just passed them on. This one, you wrote this. So you wouldn't write something you didn't believe, correct?

The Witness. I didn't know if it was true. It was interesting. And it's like everything else. It didn't mean that it was always true. It was -- I considered this in the realm of gossip.

Mr. Pompeo. You didn't write that. You said "was approached." That's a -- you're a writer, right? That's your profession. If you were conditioning it, if you thought this was a rumor -- in fact, I'll show you another email where you do describe it as a rumor, but you chose not to here. So you wrote this as if this was a factual statement?

The Witness. Well, I didn't know what Sey Hersh would wind up doing.

Mr. Pompeo. You may not have. But you present it to Secretary Clinton this is a factual statement. You're a good writer. I've read much of what you've written. You're a good writer.

The Witness. Yes, I wrote this.

Mr. Pompeo. Great. Did it turn out to be true; do you know?

The Witness. I have no idea.

Mr. Pompeo. So you don't know if Qadhafi was actually in Chad on October 15, 2011?

The Witness. No idea.

Mr. Pompeo. Do you know that he was actually killed in Libya 5 days later?

The Witness. Yes, he was.

Mr. Pompeo. In Sirte, Libya. But you don't know if this turned out to be true or not?

The Witness. Right.

Mr. Pompeo. And you never corrected -- if it turns out it was wrong, you didn't ever send her a subsequent email correcting that, saying: Hey, turns out something I told you wasn't right.

The Witness. What I reported here is, according to a close friend of Hersh and what Hersh told this friend, so that's what it is. And it's Sey Hirsch's account to a friend, so --

Mr. Pompeo. I'm just trying to figure out what you expected her to think about the emails that you sent her. Did you expect her to think they were just random thoughts and rumors, or did you think you were providing her intelligence of some value? Those are the two options.

The Witness. I think she could judge for herself.

Mr. Pompeo. Fair enough. I'm going to jump around a little bit. You said I think earlier this morning that you still are working for

Correct The Record?

The Witness. I am.

Mr. Pompeo. And tell me what the mission of Correct The Record is.

The Witness. Correct The Record is pretty much what it says, to correct -- it's a nonprofit organization to Correct The Record about public misstatements about prominent Democrats.

Mr. Pompeo. Including this committee. If this committee said something, Correct The Record might comment on things that it said incorrectly and indeed it has?

The Witness. That may well be so.

Mr. Pompeo. Have you written any of that?

The Witness. No.

Mr. Pompeo. Yeah. So you haven't made any comments as part of your role in Correct The Record related to this committee's work? You haven't written any --

The Witness. I have not written those.

Mr. Pompeo. You also appear in a couple of these emails to have a different role other than just facilitator. Can you go to -- let's see, we'll do this first. We'll do 107.

Mr. Davis. This is deposition exhibit No. 17.

[Blumenthal Exhibit No. 17
Was marked for identification.]

Mrs. Brooks. May I clarify one question, Mike?

Mr. Pompeo. Sure.

Mrs. Brooks. While you didn't write and haven't made any comments with respect to Benghazi Committee, have you edited any work that has been written?

The Witness. I have not.

Mrs. Brooks. Thank you.

The Witness. I have not edited.

Mr. Davis. This is deposition exhibit 17.

Mr. Pompeo. So, Mr. Blumenthal, this appears to be an email from you?

The Witness. Yes.

Mr. Pompeo. To Hillary?

The Witness. Right.

Mr. Pompeo. And the subject line says: Per our conversation, Jamie writes editorial.

The Witness. Right.

Mr. Pompeo. Tell me what was going on there.

The Witness. This is an editorial in Bloomberg News written by Jamie Rubin, who is the former Assistant Secretary of State for Public Affairs under the Clinton administration. He is a close, personal friend of mine. And he was then the editorial director of Bloomberg News, and that's what we were discussing.

Mr. Pompeo. So did you ask -- so you spoke with Mrs. Clinton, Secretary Clinton, it appears. Is that true? It says, "per our conversation." I assume you're speaking about a conversation between you and the Secretary?

The Witness. Yes.

Mr. Pompeo. So you spoke with her. And what did you say in that conversation? What was that conversation about?

The Witness. I don't recall the conversation.

Mr. Pompeo. You can't recall the conversation in the context even of seeing what you attached?

The Witness. I can guess.

Mr. Pompeo. All right.

The Witness. But I --

Mr. Pompeo. So you probably spoke about getting this written by Mr. Rubin and getting this placed --

The Witness. No.

Mr. Pompeo. -- because you say, "Jamie writes editorial" -- you tell me.

The Witness. I'm guessing, you know. I don't think it's -- I think it was a general conversation.

Mr. Pompeo. You don't think it had anything to do with Mr. Rubin writing an editorial that supports Secretary Clinton's role in Libya?

The Witness. I don't think I spoke to her about that beforehand.

Mr. Pompeo. You don't think that you did?

The Witness. No. I don't think I did, about Jamie doing this.

Mr. Pompeo. Okay. Could you get 172, please?

Mr. Davis. Deposition exhibit 18.

[Blumenthal Exhibit No. 18

Was marked for identification.]

The Witness. Yep.

Mr. Pompeo. Mr. Blumenthal, this is an email, dated October 10, 2012, subject line, "Got all this done." What does that mean? What does "got all this done" mean?

The Witness. It means that media matters got all this done and that they had published all these articles.

Mr. Pompeo. Then you add, "Complete refutation on Libya smear." What were you talking about there?

The Witness. I don't have these articles in front of me.

Mr. Pompeo. Okay.

The Witness. But --

Mr. Pompeo. Happy to provide them if you'd like, but I'm most interested in what you were communicating to Secretary Clinton in your email.

The Witness. Well, I think it's that it was wrongdoing on the part of her or the Obama administration, and these were factual refutations.

Mr. Pompeo. So you were engaged in information management with respect to Secretary Clinton after the events in Benghazi?

The Witness. I wouldn't regard it in information management with her in her official capacity. I was outside operating with an outside group as a private citizen.

Mr. Pompeo. And then who is Philippe?

The Witness. Philippe.

Mr. Pompeo. Yes, Philippe. Who is Philippe?

The Witness. Philippe Reines.

Mr. Pompeo. What does he do?

The Witness. He was her press secretary, I believe it's called.

Mr. Pompeo. I see. So he was inside?

The Witness. He was.

Mr. Pompeo. And why do you say Philippe can circulate these links? Is that because you weren't involved in information management?

The Witness. No. It was something he could do.

Mr. Pompeo. You were just proffering it as something he might do or --

The Witness. He could do it.

Mr. Pompeo. Okay. So if I have it right, you informed Secretary Clinton that there were a bunch of articles favorable to her written about her role and what happened in Benghazi, Libya, then you wrote to her press secretary -- or you wrote to her saying that your press secretary can circulate these?

The Witness. I don't know that they were favorable to her so much as they were factual articles about the facts as they were understood. In one of them, it says: Myths and facts about the Benghazi attack.

Mr. Pompeo. Right.

The Witness. So I think that's what the subject was -- is, from what I can tell here.

Mr. Pompeo. Can you find 94, Blumenthal 94, please. 094.

Mr. Davis. Deposition exhibit 19.

[Blumenthal Exhibit No. 19

Was marked for identification.]

The Witness. Yep.

Mr. Davis. Sorry. It's 2 pages.

The Witness. Thank you.

Mr. Pompeo. Do you have it in front of you? Yes, sir.

So this one is a little different than the Drumheller one. This you wrote as well. Is that correct?

The Witness. This is me.

Mr. Pompeo. So what does, "First, brava!", what were you referring to there --

The Witness. That's -- I was praising her.

Mr. Pompeo. For what?

The Witness. For the conclusion of the Libyan war and the NATO mission.

Mr. Pompeo. So this was immediately in the aftermath of the fall of Qadhafi?

The Witness. Yes.

Mr. Pompeo. And then, beneath that, there are a series of -- I won't characterize them, but you provide recommendations or guidance on how she ought to behave in the aftermath, things she ought to do?

The Witness. This is suggestions on public relations. It's advice on public relations. I think that's fair.

Mr. Pompeo. Yeah. And did you find yourself often doing that for the Secretary of State? I mean, she had Philippe Reines, who was

a paid professional, to do that.

The Witness. I think there are very few of these. I think I did this rarely.

Mr. Pompeo. Do you still consider Libya a historic success?

The Witness. I think it is a chaotic, violent, divided society, very complex situation. I'd be very hesitant to characterize our policy for our -- or where it's come in a definitive way. I think it's too early to tell.

Mr. Pompeo. Fair enough. But you believed at that time it was a historical success and thought that Secretary Clinton should get out in the driveway, even though she was on vacation, and she should get out there and --

The Witness. I thought the NATO mission and the -- and work with the United Nations and what it had done here was successful, yes.

Mr. Pompeo. And the very last sentence, very last line, second-to-last word is Clio.

The Witness. Yes.

Mr. Pompeo. Who or what is Clio?

The Witness. History.

Mr. Pompeo. History?

The Witness. History. Clio is history.

Mr. Pompeo. So it's just a word that you --

The Witness. Clio is --

Mr. Pompeo. Yeah, got it.

Chairman Gowdy. Mr. Blumenthal, thank you again for your

patience. I've been sitting here like you've been sitting here listening to your questions and answers. I just have some that I want a little more depth on if we can, and then we'll be done.

I'm going to try to go chronologically. I think it'll be easier for you to remember it and certainly easier for me to ask it.

I want to go back to your decision to send the very first email to the Secretary of State. What was your thought process?

The Witness. The first about -- the very first email I ever sent her?

Chairman Gowdy. Very first one. You were not asked to send emails to her on Libya or any other foreign policy matter, I assume?

The Witness. Are you discussing Libya or any email?

Chairman Gowdy. No, I'm talking about Libya. Did you send emails on other countries to her?

The Witness. Yes, I've testified to that.

Chairman Gowdy. Okay. The first Libya one. You go back to February of 2011. What prompted you to send -- you've already said that you were not an expert on that country.

The Witness. Right.

Chairman Gowdy. What prompted you to send a top diplomat in our country an unsolicited email?

The Witness. I had been sending her reports for Mr. Drumheller on Egypt, and when the Libyan revolt broke out, he began writing these reports on Libya. So I sent the Libyan reports, as I sent the reports on Egypt. There were reports on Egypt that I sent her in the same period

and on other countries.

Chairman Gowdy. I guess, I'm just trying to have an appreciation for sending an unsolicited, unvetted intelligence briefing to the top diplomat in our country no matter what your relationship with her was. I guess I'm just trying to understand what prompts someone to send an unsolicited, unvetted intelligence briefing to our country's top diplomat.

The Witness. I thought they might be helpful to her.

Chairman Gowdy. All right. Well --

The Witness. That's what I thought.

Chairman Gowdy. -- when you say "helpful," did she ever ask you who your sourcing was?

The Witness. It wasn't my sourcing. She knew that Tyler Drumheller wrote those reports.

Chairman Gowdy. And she knew that how?

The Witness. When I first sent the Egyptian report, she knew that it was Mr. Drumheller. And he was someone she knew because I'd introduced her to him some years earlier.

Chairman Gowdy. Did she ever inquire about the reliability or credibility of his sourcing?

The Witness. Well, she did not do that with me, but from what I have learned subsequently, she did that internally.

Chairman Gowdy. Learned from whom?

The Witness. From the news stories that have appeared in which there have been other emails that have been released that I never saw.

Chairman Gowdy. Well, you may know something I don't know. Tell me what you're talking about.

The Witness. The State Department emails that have been released that contain comments of people from inside the State Department about various reports. I did not see any of those at the time.

Chairman Gowdy. So your --

The Witness. -- at the time --

Chairman Gowdy. -- that she did have an opinion on -- that she knew that Tyler Drumheller was the source, and she had an opinion on the reliability of his sources?

The Witness. I think she turned it over -- what I gather is that she turned it over to people to evaluate.

Chairman Gowdy. Do you know how Tyler Drumheller may have vetted the reliability of his own sources?

The Witness. I don't.

Chairman Gowdy. Do you know why Tyler Drumheller didn't just send her his intelligence memo? Why go through you?

The Witness. Well, she did not widely disseminate her email address, and --

Chairman Gowdy. Well, I'm not asking for a wide dissemination. I'm asking for one more person.

The Witness. Well, I understand, but he was a friend of mine, and I had --

Chairman Gowdy. But you said she knew him as well.

The Witness. Through me. She had met him --

Chairman Gowdy. Did she have an opinion on his experience, his acumen, his ability to produce credible work?

The Witness. She knew his background and his record.

Chairman Gowdy. Did she have an opinion on his ability to produce credible work?

The Witness. Well, she knew that he had held many high positions in the CIA and that she would turn over whatever his work was to others inside the government.

Chairman Gowdy. If she thought highly enough of him to rely on his work, why didn't she think highly enough of him to give him her email address?

Ms. Sachsman Grooms. At this point, I think I just have to object. Mr. Chairman, respectfully, you have asked a whole series of questions now about what is in Hillary Clinton's mind. And this witness just simply could not have the capacity to answer those questions.

Chairman Gowdy. With all due respect, he's been asked to speculate a lot today on what was in other people's minds. If he doesn't know the answer, he's welcome to say. And he's got one of the most competent lawyers in America sitting right beside him. So if he would like to pose an objection, he's welcome to. If he doesn't know the answer to the question, he's welcome to say that as well.

Mr. Davis. Susanne, as I mentioned at the start of the deposition, we will not stop questioning to address objections raised by anyone other than witness or his counsel. Thank you.

Chairman Gowdy. Do you know why she did not give Tyler Drumheller her email address?

The Witness. No.

Chairman Gowdy. Do you know why you were used as a conduit between Tyler Drumheller and Secretary of State?

The Witness. No.

Chairman Gowdy. Do you know whether she took any steps to evaluate the credibility or reliability of any of Mr. Drumheller's sources?

The Witness. I had no knowledge at the time.

Chairman Gowdy. Did you take any steps to evaluate the reliability or credibility of any of Mr. Drumheller's sources?

The Witness. No.

Chairman Gowdy. Okay. Did he know that you were forwarding his memos onto her?

The Witness. Yes.

Chairman Gowdy. Did he know that she was forwarding those memos onto other people within the Department of State?

The Witness. No.

Chairman Gowdy. Did you?

The Witness. No.

Chairman Gowdy. Well, I think you had testified that part of the reason you felt comfortable sending raw intelligence data is you knew that she would have it vetted. So would that not be an expectation that she was going to send it onto someone else?

The Witness. I didn't know what she did.

Chairman Gowdy. I'm trying to reconcile the discrepancy there. I thought you had testified that your expectation was she would send the material onto other people?

The Witness. That was -- I had been in government. I thought she might do that, that it might be useful. It was up to her to use as she saw fit. But I had no knowledge at all what she did with them once she received them.

Chairman Gowdy. Do you have any reason to know why she would have scrubbed off your name as the source of the memo?

The Witness. Well, I wasn't the source of the memo. I was --

Chairman Gowdy. Well, you were her source for the memo.

The Witness. Well, I was the source of the email.

Chairman Gowdy. You weren't the author.

The Witness. I was not the author. I had -- I don't know why anything appears in the format it does in the State Department emails and how it -- why or how it appears.

Chairman Gowdy. Were are you personally familiar with any of Tyler Drumheller's sources?

The Witness. No.

Chairman Gowdy. All right. I think you've already testified you didn't investigate their credibility.

Do you know o=if any of Mr. Drumheller's sources had a pecuniary interest in Libya or the region --

The Witness. No.

Chairman Gowdy. -- sources?

The Witness. No.

Chairman Gowdy. Do you know if any of Mr. Drumheller's clients had a pecuniary interest in Libya or the region?

The Witness. Not to my knowledge, no.

Chairman Gowdy. Do you know who any of his clients were?

The Witness. No.

Chairman Gowdy. Do you know that he had clients?

The Witness. It's an assumption of mine. He told me he had large clients, American clients.

Chairman Gowdy. I guess, what I'm trying to get my head around, having never served in government much and not being a diplomat, is, was he sending the material pro bono? Was he just being a good citizen? These are exhaustive memos. Why was he doing it?

The Witness. I believe, my view is that he was being a good citizen.

Chairman Gowdy. And that was the sole motivation?

The Witness. That's what I believe.

Chairman Gowdy. And what forms the basis of that belief?

The Witness. Knowing that he had spent a lifetime in the service of United States Government and the CIA.

Chairman Gowdy. Which is a good point. I'm glad you raised it. Why didn't he give the intelligence to the CIA?

The Witness. I don't know.

Chairman Gowdy. You just said he was a lifetime CIA person. He

had contacts in the CIA, right? Why go through you? Why go through a journalist, an author? Why not give it to the CIA and let them compare and contrast and see how it aligns with other intelligence they have?

The Witness. I don't know.

Chairman Gowdy. Is it implausible for one to ask why he would go the route he went as opposed to his old colleagues?

The Witness. I didn't ask him.

Chairman Gowdy. All right. You are not the author of the word "unsolicited," but you were asked about it earlier. What is your view of the word "unsolicited" when the former Secretary said that these were unsolicited emails sent by an old friend. What did you take the word "unsolicited" to mean?

The Witness. I believe I said here that they were --

Chairman Gowdy. I think you said they were "intermittent," which I don't think is a synonym for "unsolicited," but if that's what you took it.

The Witness. That she would not know what she would receive or when she would receive it, and she would receive it intermittently.

Chairman Gowdy. But you would not define "unsolicited" the way the dictionary would define it as unwanted?

Mr. Cole. I would raise a point of order, whether or not there is a dictionary definition that matches that.

Chairman Gowdy. Fair enough. There is a definition of the word "unsolicited." We'll look at it later on. For purposes of what I want to ask you, when someone says, "Greetings from Kabul, and thanks for

keeping this stuff coming," is that consistent or inconsistent with the word "unsolicited"?

The Witness. I don't know what -- whether she thought of saying that in regards to the words "unsolicited." She was just --

Chairman Gowdy. Have you spoken to her since she said that your emails were unsolicited?

The Witness. No.

Chairman Gowdy. "Thanks. I'm going to Paris tomorrow night and will meet with TNC leaders, so this and additional info useful." Does that strike you as being a commentary on the unsolicited nature of the material? She told you it was useful, right?

The Witness. The word "unsolicited" doesn't appear in there. My view of unsolicited is that it came as I sent it.

Chairman Gowdy. How about another keeper. "Thanks and keep 'em coming," with 'em being an apostrophe e-m, keep 'em coming. Is that consistent with the word "unsolicited" or inconsistent to you?

The Witness. Well, once again, I sent these things as -- these reports as I had them. She didn't know what she would receive or when.

Chairman Gowdy. Did she ever ask you to stop sending them?

The Witness. No.

Chairman Gowdy. Did she ever ask you to slow down?

The Witness. I received no instructions from her whatsoever. I was never tasked by her to either send or not send.

Chairman Gowdy. Well, when you get an email that says, "Keep 'em coming," how did you interpret that email?

The Witness. As just friendly.

Chairman Gowdy. I was referring more to --

The Witness. But certainly not as -- I never felt that I was being tasked by her.

Chairman Gowdy. I'm not asking whether you were tasked. I'm asking whether or not you viewed your correspondence with her as being unsolicited.

The Witness. Well, I guess we're arguing over what's in the dictionary or not.

Chairman Gowdy. All right. Do you continue to receive memos from Tyler Drumheller?

The Witness. Not for quite a while.

Chairman Gowdy. What's "quite a while"?

The Witness. Several months. He's been [redacted].

Chairman Gowdy. When did you receive your last email from him?

The Witness. I don't know. He's, as I said, he's [redacted].

Chairman Gowdy. Do you still send the memos onto anyone that is in the current State Department?

The Witness. I communicate with someone in the State Department.

Chairman Gowdy. That actually wasn't my question. Do you still send these memos to someone at the current State Department?

The Witness. I have sent Mr. Drumheller's reports to someone at the State Department in the last year.

Chairman Gowdy. Who?

The Witness. Jonathan Winer.

Chairman Gowdy. Who is Mr. Winer?

The Witness. He is the, as I understand, the Special Envoy for Libya.

Chairman Gowdy. Did he solicit those memos from you, or did you send those unsolicited as well?

The Witness. I sent them unsolicited. I asked him if he would -- was interested in receiving them, whether he found them useful, and he could use them as he wished as one of -- as he's told me -- many sources of information.

Chairman Gowdy. How did you get his email address?

The Witness. He gave it to me.

Chairman Gowdy. The conversation you had with him about whether or not he wanted to receive those memos, help -- walk me through that conversation.

The Witness. He is an old friend of mine. I've known him for many, many years. He had this position. I said: Mr. Drumheller produced these reports that may or may not be useful to you. You can use them as you wish, if you wish to receive them. Take a look at it. See what you think. It's up to you.

Chairman Gowdy. Do you know if Secretary Kerry knows that you were sending those memos?

The Witness. No, I don't know.

Chairman Gowdy. Are you also sending them to anybody in the CIA so they can vet or gage the reliability of the information?

The Witness. No.

Chairman Gowdy. Why would you send them to the State Department and not to the CIA?

The Witness. Because I have a channel there.

Chairman Gowdy. Tyler Drumheller has channels at CIA.

The Witness. I don't know why he doesn't. I can't speak for him.

Chairman Gowdy. Did you ever discuss with Mr. Drumheller the increasing episodes of violence in Libya and Benghazi in particular leading up to the attack on our facility?

The Witness. Not that I'm aware of.

Chairman Gowdy. When you say "not that I'm aware of," would you have remembered it if you all had discussed it? And I'll give you some for instances. There was an attack on the British Ambassador. Do you recall discussing that with Mr. Drumheller?

The Witness. No, I don't recall that.

Chairman Gowdy. The International Red Cross or Red Crescent. Do you remember --

The Witness. I don't recall that.

Chairman Gowdy. Previous, although much smaller attacks on our own facility, do you remember discussing that with Mr. Drumheller?

The Witness. I don't.

Chairman Gowdy. All right. You said you were not paid -- there was no financial relationship between you and Mr. Drumheller until you were asked to introduce or you did introduce somebody to the Podesta Group. Is that right?

The Witness. Yes.

Chairman Gowdy. And when did you -- when was that introduction?

The Witness. Two months ago.

Chairman Gowdy. All right. And how much were you paid?

The Witness. $5,000 as a kind of finder's fee.

Chairman Gowdy. Okay. How long have you been emailing Secretary Clinton at the clintonemail.com email address?

The Witness. I don't know exactly. Since -- maybe since 2009, I'm guessing. I think so. I don't know if it was earlier. I don't know when that -- I don't know when that email address was created.

Chairman Gowdy. And that's what I was asking earlier, and I asked the question inartfully when we first started because I thought I understood the former Secretary to say that she had created this email address when she became Secretary of State.

The Witness. That's my recollection, Mr. Chairman.

Chairman Gowdy. Okay. All right. So and I stand to be corrected, but I had thought she had said that, that when she received word that she was going to be the Secretary of State, this email address was created, which then prompted me to ask you, how did you contact her prior to that? What email address did you use prior to the clintonemail.com?

The Witness. I believe there were very few, if any, emails between me and Hillary. There may have been none before she created that email address.

Chairman Gowdy. All right. So you don't recall emailing her before she would have assumed office as a Secretary of State? And the

emails, according to her, were unsolicited. How did you get her email address?

The Witness. She gave it to me.

Chairman Gowdy. In what context? How? Because she had not given it to you before. Did you have -- did you email her when she was a United States Senator?

The Witness. As I said, I have no memory of emailing her when she was a Senator.

Chairman Gowdy. All right. You've been friends a long time. You communicate a lot. It just wasn't via email until 2009. I'm not going to hold you to the date. But 2009.

The Witness. Well, that's when I believe.

Chairman Gowdy. Okay. And walk me through the circumstances under which she gave you her email address, something that she had not done to a long-time friend previously.

The Witness. I don't recall the exact conversation, but she would have told me on the telephone.

Chairman Gowdy. Were you at all surprised that it did not end in dot-gov?

The Witness. I didn't think about it.

Chairman Gowdy. Okay. I'm going to jump around a little bit. I apologize for that. Almost done.

Did you talk to anyone at the White House about your potential employment there?

Mr. Cole. There at the White House?

Chairman Gowdy. Yes. There at the White House. No, no. I'm sorry. Not the White House. Department of State.

You were, if I understood your testimony earlier, you were under consideration for a position at the Department of State. Someone in the political arm, the White House, nixed that. Did you ever talk to them about their nixing of your employment prospect?

The Witness. No.

Chairman Gowdy. Do you know who made the decision to do it?

The Witness. Not really.

Chairman Gowdy. All right. You were asked about an email. I want to go back through it again because I do think it's important. You were asked about an email where it said, "Sid, you're doing great work on this." That's a pretty specific email. Do you have any idea what "work" they were referring to?

The Witness. I do not.

Chairman Gowdy. Do you have any idea what "this" was referring to?

The Witness. Not really.

Chairman Gowdy. Did you email back and say, "What the hell are you talking about?"

The Witness. Not that I'm aware of, no.

Chairman Gowdy. Doesn't that seem like a strange email to get if you are not doing work, great or otherwise, and there is no "this"?

The Witness. I don't know what it refers to.

Chairman Gowdy. The phrase "well done," again, which would, I

guess, modify the work, do you know what that was referring to?

The Witness. I do not.

Chairman Gowdy. "It's going to be around $60,000." Any idea what that was referring to?

The Witness. I believe from the email, it referred to the amount of money that General Grange sought.

Chairman Gowdy. But that email was directed to you, was it not?

The Witness. It was -- it may have been, yes. What number is it? Okay. We will find it. Okay. Hold on. It will be here. A lot of exhibits here. Here it is. Okay. I have it in front of me.

Chairman Gowdy. And that email is to -- I actually don't have it in front of me, but that email is to whom?

The Witness. To me.

Chairman Gowdy. All right. And it's from Tyler Drumheller, who you know well. "You're doing great work on this. Well done." And your testimony is you have no idea what he is saying when he says -- uses the phrase "great work"?

The Witness. Yes, that's right.

Chairman Gowdy. And you have no idea what he's saying when he says "this"? Is that correct?

The Witness. Right.

Chairman Gowdy. And you have no idea what he's referring to when he says "well done"?

The Witness. Right.

Chairman Gowdy. Do you know what he's referring to when he says

"it's going to be around $60,000"?

The Witness. It seems to refer in the sentence to travel and expenses.

Chairman Gowdy. Yeah, it does seem to refer to that.

The Witness. That's what it refers to. I do know that no money was ever exchanged, no money invested.

Chairman Gowdy. I'm not asking that. I'm asking what were they planning on doing? What was the purpose of this exercise?

The Witness. I think the purpose of this exercise was to see what could be done about humanitarian assistance. That is my view of it.

Chairman Gowdy. And your view is instructed and informed how and why?

The Witness. I thought that's what they were interested in doing, in providing that to the Libyans at the expense --

Chairman Gowdy. Had you been helping them on that project?

The Witness. I engaged in some conversations. I engaged in some emails. This is one of them. And it never got off the ground. It never went anywhere.

Chairman Gowdy. The email right above it said, "Do you think the general has to send four guys? Send four guys for humanitarian aide?

The Witness. I don't know the answer to this. This is -- I don't know. I don't know why this is written to me. My role was extremely limited, and I played no role in implementing any of this.

Chairman Gowdy. And you did not email back, "Look, guy, I have no idea what you're talking about"?

The Witness. I don't know what he emailed back.

Chairman Gowdy. Do you recall emailing them back?

The Witness. No.

Chairman Gowdy. Responding?

The Witness. No, I don't recall.

Chairman Gowdy. Do you know if their humanitarian work would have been not for profit or for profit?

The Witness. It would've been for the Libyans to pay for.

Chairman Gowdy. You say "Libyans," who, with specificity?

The Witness. You know, they never found anybody to do this work.

Chairman Gowdy. Government? Would the government have paid for it?

The Witness. The Libyan Government presumably, but it was so undeveloped, and it was so vague, and they didn't really know what they were doing. I thought the thing was a wild goose chase from the beginning. I just didn't put -- as I said, I thought this whole thing was completely an implausible thought, and it never progressed.

Chairman Gowdy. I guess what I'm trying to get my head around is you would introduce Drumheller to somebody for $5,000. This is a multiple of that. And you don't have any idea what they're talking about.

The Witness. Well, I never thought -- I had no expectations that this would ever amount to anything. That was my feeling.

Chairman Gowdy. But when you say "this would never amount," what are you referring to when you say "this"?

The Witness. A humanitarian assistance idea would ever amount to anything. I never thought it would amount to anything.

Chairman Gowdy. All right.

The Witness. This all seemed kind of crazy to me. This was all a footnote to me.

Chairman Gowdy. I had asked you previously about the subject line where you said, H: The good intel, internal Libya, Sid.

We were discussing the fact that I thought your testimony was you were merely a conduit. You did not express an opinion on the reliability or credibility of the information. Do you remember us discussing that earlier?

The Witness. That's right.

Chairman Gowdy. Okay. Did you have any reason to believe that the intel in that memo was any better than intel in any other memo?

The Witness. No.

Chairman Gowdy. Had you investigated the efficacy of that intelligence any differently than you had other memos where you didn't include a subject line?

The Witness. Well, I didn't investigate it at all.

Chairman Gowdy. Well, then what would prompt you to say very good intel?

The Witness. Well, as I replied -- answered earlier, I thought it meant that there was a lot of information here. That was my sense of it. And she could go over it.

Chairman Gowdy. Well, I think you had, on other occasions, just

said "latest intel" or "new intel," without using any modifier. Am I quibbling over straws there, or do the words -- is there some meaning attached to the word? I mean, there's a difference between saying "new intel," "lots of intel," and "good intel."

The Witness. Well, to me it just meant a lot.

Chairman Gowdy. Okay. There's an email, I believe, that you sent to the Secretary where you wrote "progress" with a question mark.

Mr. Cole. Do you have a copy of it?

Chairman Gowdy. I'm going based on memory right now, but --

Mrs. Brooks. While you're searching for that, can I clarify a couple of questions about the email?

Chairman Gowdy. Go right ahead.

Mrs. Brooks. With respect to, from Tyler to you, said you were doing great work on this, "well done, it's going to be around $60,000," why is Cody Shearer on this email chain at all?

The Witness. Cody had gotten himself in this escapade, and he was sending emails back and forth.

Mrs. Brooks. Who brought him into this escapade?

The Witness. I introduced him, as I said, to Tyler. So they were emailing back and forth. And he had also, as I said, known a Libyan, who he refers to in this email.

Mrs. Brooks. And at any time, as you refer to this escapade, which then didn't go anywhere, and you were -- was there ever any discussion about if it had gone anywhere, that there would be compensation in the future if the escapade had worked?

The Witness. It never reached that point.

Mrs. Brooks. So there was never any discussion about any compensation for work done in order to make the humanitarian effort happen in Libya?

The Witness. There was not only no agreement; there was no compensation. There was -- nothing appeared. There was no money at all, at any point.

Mrs. Brooks. No, I understand. But let me just clarify. If this had been successful, if the plan had come to fruition, was there a possibility of getting paid at the conclusion of the work or at some point once the work had commenced?

The Witness. To my knowledge, there was no business plan. This never had a business plan.

Mrs. Brooks. I understand that. But among all of these individuals, Tyler, Cody, yourself, and others, General Grange -- Granger? -- had this plan worked -- and I understand there was no formal business plan, but was there a discussion that people would be compensated if the Libyan Government, whatever that might be, hired Osprey?

The Witness. You know, to my knowledge, it never got to that point.

Mrs. Roby. Can I ask a question? Would you have had an expectation that if it happened, that you would have been compensated?

The Witness. I never thought this was going to go anywhere. This was so loosey-goosy and people --

Mrs. Roby. Right. But when you involve yourself in discussions with other people about a potential -- I mean, you're not doing it pro bono. You're doing it because, as a businessman, you would have expectations that, in fact, if it did get off the ground that you, in fact, would be compensated.

The Witness. I didn't -- my -- it never really got that far with me. I had no expectations from the beginning. I never thought this would go anywhere. I got involved in some conversations and some emails, and that's all I was involved in.

Chairman Gowdy. Couple more questions. We'll be out of here.

Mr. Davis. Exhibit 15. You already have it.

Chairman Gowdy. I'll give him a chance to look it over.

Mr. Davis. The date is February 1, 2015, exhibit 15.

The Witness. Yes, I have that.

Chairman Gowdy. You have it?

The Witness. Yeah.

Chairman Gowdy. At the top of the copy I'm looking at, it says, "H: Latest intel Libya turmoil. Progress?"

What are you asking her?

The Witness. I'm not -- I don't think I'm asking her any pointed question so much as a question about how the situation is going in Libya. That's my interpretation of it, which is that it's not going well.

Chairman Gowdy. Did she respond?

The Witness. No, I have no response.

Chairman Gowdy. Neither via phone or text or email?

The Witness. No.

Chairman Gowdy. It just represents one of the very few times that you actually ask a question of her. Most of it you were just passing on information.

The Witness. Correct.

Chairman Gowdy. It just struck me as a departure. I was wondering why you were asking the question about --

The Witness. Yeah, I think it referred to kind of the generation of being there.

Chairman Gowdy. Last little segment.

You've already answered this, but I want to make sure I got it right.

"Got all this done," four links to Benghazi-related articles, some of which are very critical of a colleague of ours by the name of Jason Chaffetz.

What do you mean by "got all this done"?

The Witness. That the material was published.

Chairman Gowdy. Did you draft any of the material?

The Witness. No.

Chairman Gowdy. Did you edit it?

The Witness. No.

Chairman Gowdy. Did you help place it?

The Witness. No.

Chairman Gowdy. Well, then what did you do?

The Witness. I -- that's a good question. I probably did very little about this.

Chairman Gowdy. Well, then why would you take credit for something you didn't do?

The Witness. Well, maybe I shouldn't have.

Chairman Gowdy. Well, far be it from me to be judgmental. You're sure you didn't draft any of it?

The Witness. No, I did not.

Chairman Gowdy. Didn't edit it?

The Witness. No, I didn't.

Chairman Gowdy. Did you direct it?

The Witness. No.

Chairman Gowdy. Orchestrate it?

The Witness. I did not orchestrate it.

Chairman Gowdy. Read it before it went out?

The Witness. No. I'm not an editor there. But I may have discussed it with people there after it appeared.

Chairman Gowdy. Did you help place those articles?

The Witness. Well, they just appear in that organization. That's what that organization does. It writes pieces like that.

Chairman Gowdy. You were still working for Media Matters at that time?

The Witness. I don't know what the date is on that.

Chairman Gowdy. October of 2012.

The Witness. I don't believe that I was working for them at that time as a consultant.

Chairman Gowdy. How were you able to get it done? Who were you working for in October of 2012?

The Witness. I was working for the Clinton Foundation.

Chairman Gowdy. How were you able to get it done if the Clinton Foundation doesn't place negative stories about Republican Members of Congress?

The Witness. As I explained, I had a long friendship with David Brock, who was the chairman of that organization.

Chairman Gowdy. Last point. We'll go through it one more time. August 30, 2011. You're welcome to pull it out. I'm not going to ask you about the substance of it. I'm just going to tell you what the subject line was.

The Witness. August --

Chairman Gowdy. August 30, 2011, memo.

The Witness. What number is that?

Chairman Gowdy. August 30, 2011.

The Witness. There's an August 31 I have. Is that it?

Chairman Gowdy. Could be. I've got a zero by it, but I could certainly stand to be corrected if I'm wrong.

The Witness. I don't know.

What do you think?

Mr. Davis. Sure. We'll introduce it as exhibit 21, and that way --

The Witness. I have exhibit 11. Maybe --

Mr. Davis. We're going to introduce this as exhibit 21.

[Blumenthal Exhibit No. 21

Was marked for identification.]

Mr. Davis. It's going to be BLU-096.

Mr. Cole. 096?

Mr. Davis. Yes.

Mr. Cole. We didn't have an 096. Okay.

Chairman Gowdy. Do you have it in front of you, Mr. Blumenthal?

The Witness. I do. Thank you.

Chairman Gowdy. Do you see the subject line?

The Witness. "Very good intel" again.

Chairman Gowdy. To whom?

The Witness. To Hillary Clinton.

Chairman Gowdy. Right. So it's similar to what you had said earlier; it's just you went ahead and spelled out "very."

The Witness. Right. It's the same idea, that there's a lot here.

Chairman Gowdy. Well, and that caused me to want to go to March 27 of 2011, that memo.

Mr. Cole. Do you have a number?

Chairman Gowdy. I was never a good documents lawyer.

[Blumenthal Exhibit No. 22

Was marked for identification.]

Mr. Davis. Deposition Exhibit 22, BLU-057.

Mr. Cole. I would just note for the record that we're over an hour.

Chairman Gowdy. Last question.

Mr. Davis. This is Deposition Exhibit 22.

Mr. Cole. May I see these?

The Witness. Yeah?

Chairman Gowdy. Could you read that subject line to me?

The Witness. "Lots of new intel."

Chairman Gowdy. So there's a difference between new intel and good intel?

The Witness. Well, to me, it could be the same.

Chairman Gowdy. Under what theory are "new" and "good" synonyms?

The Witness. Well, just that it means "a lot" to me. "Good" is "a lot."

Chairman Gowdy. Can you understand why a casual observer might think that you were commenting on the reliability of the information by use of the word "good intel"?

The Witness. Well, I didn't mean that it was -- mean anything except to pass this on to her.

Chairman Gowdy. Right. And what you meant is very important, but also what she read is very important. And she read "good intel," right?

The Witness. She would have read that word, but my intention was that it meant "a lot."

Chairman Gowdy. I'm done.

Mr. Davis. Okay. We're finished with our questioning. Thank you very much.

The Witness. Thank you.

Ms. Sachsman Grooms. So we will have a couple questions, not very long. Do you guys want to take a little break, or do you want to move on?

Mr. Cole. Just do it.

[Discussion off the record.]

BY MS. SAWYER:

Q All right, Mr. Blumenthal, thank you again. We'll try to

be very brief. We just want to follow up on a couple of matters.

A Yes.

Q You were pressed and asked quite a bit in the last hour about the term "unsolicited." And the Secretary has described briefly and in public statements only that we're aware of that your emails and information you sent was unsolicited.

Taking that word to depict, quote, "given or supplied without being requested or asked for," end quote -- that's the quote from dictionary.com. Alternate quotes are "given or done voluntarily." I think that's the Oxford definition.

Taking that as a potential description of what the term "unsolicited" means, did Secretary Clinton request or ask you to send any of the emails that we have discussed today or any of the information on the memos that we have discussed today?

A She never asked me to send any specific email.

Q "Thank you." Some of the emails you were asked about indicated that she had responded on some occasions with a "thank you." That was one example.

Is a "thank you" after the fact inconsistent with you having given or supplied the information that you gave or supplied without her having asked or requested it?

A It is not inconsistent.

Q Is her saying to you after the fact, encouraging you by saying "keep them coming," is that phrase, sent to you in response to you sending a particular piece of information, is that inconsistent

with you having given or supplied whatever information or email that you gave or supplied without her having requested or asked for it?

A What's the verb here? I'm getting a little tired.

Q Understood.

Some of the other examples that you were given was that, on occasion, maybe one or two occasions, the Secretary in response to an email said, "Thank you. Keep it coming" --

A Yes.

Q -- or "keep these coming" or "very useful."

Are any of those phrases, sent to you after the fact, once you had sent something, inconsistent with you having given or supplied whatever information you gave without the Secretary having asked for or requested it from you?

A It's not inconsistent.

Q Was your sending an information or an email contingent on getting a "thank you" from the Secretary?

A Never.

Q Was it contingent on her encouraging you to continue sending it?

A Never.

Q And then I'd just like to briefly direct you back to exhibit 19.

A Okay.

Q And I apologize, because I've got the wrong exhibit number. I don't want to look at exhibit 19. I actually want to look at what

I believe is exhibit 20. My apologies.

A Okay. Exhibit 20. I found it.

Q 18.

A 18.

Q My apologies. I'm getting confused with the numbering.

A Okay. I got it.

Q Okay, exhibit 18.

A Yes.

Q That's a document you were asked about --

A Yes.

Q -- quite a bit.

A Right.

Q It's an email you sent, "Got all this done," and with links to various pieces, apparently, that were in Media Matters.

A Right.

Q With regard to that slew of pieces, did Secretary Clinton or anyone in the State Department ask or request that you or anyone at Media Matters produce those pieces?

A No.

Q Now, you were asked at one point about the second part of your email there, suggesting -- or stating, not suggesting but just stating, quote, "Philippe can circulate these links." And you indicated that you understand this to be -- refers to Philippe Reines, who was with the communication staff for the Secretary.

A Yes.

Q Based on your experience working in the government, is it unusual at all for communications staff to gather and circulate press clips on topics of interest?

A That is part of the job of communications.

Q Yes. We get press clips every day from our communications folks, collecting for us clips and circulating both to the members and staff. Does a similar thing happen within the executive branch?

A Yes, it does, having done so.

Q And just to make perfectly clear for the record, did you receive any payment from the Clinton Foundation -- because I think your testimony was that, during this time period, October 10, 2012, was part of the time you were working on --

A Right.

Q -- various matters for the foundation.

Were you paid in any way by the foundation for any of the work that -- any of the -- it wasn't even work. You said you may have had a discussion with Mr. Brock. But any outside work that could have possibly been associated with this exhibit, exhibit 19?

A It had nothing to do whatsoever with my work with the Clinton Foundation.

Q And then I would like you to take a look at what was I believe marked as Deposition Exhibit --

A 19?

Q -- 19.

A Okay.

Q Thank you very much. You had been asked about this. This was something you indicated you actually were the author of?

A Yes.

Q It's an email/memo sent August 22, 2011.

A Uh-huh.

Q Did Secretary Clinton ask or request for your advice on this? Did she ask or request this email from you?

A No.

Q Do you recall whether you had, once you sent this, whether you had any discussion with Secretary Clinton about this email or any of your statements in it?

A As far as I recall, I had no discussion with her about this.

Q In your view, just from your perspective as a private citizen but one who, I think, follows the news very closely, do you think that Secretary Clinton has ever made a secret of her stance on support for the rebels against Muammar Qadhafi?

A No.

Q Do you think that she has ever shied away from explaining her role or explaining why she took the stance? And, again, just as a private citizen reading the press and learning what you learned in the press, do you think she shied away from explaining what her stance was --

A No.

Q -- in support for the rebels?

You were asked with regard to Mr. Drumheller and the information

he passed to you whether -- I think you were asked a number of questions about why he may or may not have sent those memos to the CIA.

Do you have any information as to whether, in fact, he actually did or did not send them to the CIA?

A I have no information.

Q So you don't know -- it's possible that he, in fact, did send the information or some version of that information to colleagues at the CIA?

A I don't know.

Q All right.

And then, in general, I think you were asked to give your opinion as to Secretary Clinton's views on a number of things, including her view of Mr. Drumheller's reliability, why she may have relied on the information or may not have relied on the information.

To the extent you've been asked to speculate in that regard, is there any way that you would know, really, what Secretary Clinton's opinion or the view inside her mind might have been?

A No.

Q So, to the extent those are issues we need to explore or want to explore, it would be appropriate to explore them with the Secretary in that case?

A I can't speak for her in this matter.

Q Okay.

Ms. Sawyer. Well, again, thank you very much for your patience. It's 7:15. You've been here since 10:30. We do appreciate the time

you've taken with us, and thank you very much for that. I know the ranking member very much appreciates it, as well as the other members of the committee. Thank you.

The Witness. Thank you.

[Whereupon, at 7:20 p.m., the interview was concluded.]

EXHIBIT 1

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U.S. Department of State
Case No. F-2015-04841
Doc No. C05739580
Date: 05/13/2015

STATE DEPT. - PRODUCED TO HOUSE SELECT BENGHAZI COMM.
SUBJECT TO AGREEMENT ON SENSITIVE INFORMATION & REDACTIONS. NO FOIA WAIVER.

RELEASE IN PART B6

From: H <hrod17@clintonemail.com>
Sent: Wednesday, September 12, 2012 11:30 PM
To: 'Russorv@state.gov'
Subject: Fw: H: Magariaf on attack on US in Libya. Sid
Attachments: hrc memo magariaf, attack on US in Libya 091212.docx

Pls print.

From: Sidney Blumenthal [mailto
Sent: Wednesday, September 12, 2012 12:50 AM
To: H
Subject: H: Magariaf on attack on US in Libya. Sid

B6

CONFIDENTIAL

September 12, 2012

For: Hillary
From: Sid
Re: Magariaf and the attack on US in Libya

SOURCE: Sources with direct access to the Libyan National Transitional Council, as well as the highest levels of European Governments, and Western Intelligence and security services.

1. During the afternoon of September 11, 2012 new interim President of Libya Mohammed Yussef el Magariaf spoke in private with senior advisors, including the members of the Libyan Muslim Brotherhood, to discuss the attacks by demonstrators on U.S. missions in Tripoli and Benghazi. According to a sensitive source, el Magariaf was shaken by the attacks, and gave permission to commanders on the ground for security forces to open fire over the heads of the crowds in an effort to break up mobs attacking the missions. During this session, a senior security officer told el Magariaf that the attacks on that day were inspired by what many devout Libyan viewed as a

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sacrilegious internet video on the prophet Mohammed originating in America. The Libyan attacks were also inspired by and linked to an attack on the U.S. mission in Egypt on the same day. At the same time, el Magariaf noted in strong terms that the atmosphere that made fostered these incidents in Libya is the product of widespread publicity regarding the security situation in the country between 2004 and 2010 and the cooperation that developed between a number of Western Intelligence services and the regime of former dictator Muammar al Qaddafi.

2. This source added that el Magariaf's advisors believe that this situation adds to the President's growing concern over the unpredictable effects that will follow current covert efforts by his political opponents to link him directly to foreign intelligence services. According to a separate sensitive source, el Magariaf noted that his opponents had often tried to connect him to the U.S. Central Intelligence Agency (CIA) through the National Front for the Salvation of Libya (NFSL), a group established in opposition to former dictator Muammar al Qaddafi, which el Magariaf led in the 1980s. In the opinion of this individual el Magariaf believes that he can survive potential negative publicity in this regard, but if this situation continues to develop in this manner it will complicate his efforts to establish an orderly administration in the country. Again, he stated that the attacks on the U.S. missions were as much a result of the atmosphere created by this campaign, as the controversial internet video.

3. At the same time, this individual noted that several of el Magariaf's advisors share his concerns in this matter, pointing out that the return of Qaddafi's intelligence chief Abdullah al-Senoussi for trial in Libya has heightened public interest in the liaison relationships conducted by the CIA and British Secret Intelligence Service (SIS) with Qaddfi's intelligence and security services. These same individuals note that they believe Islamist militia forces under the command of General Abdelhakim Belhaj captured files and documents describing this relationship from Qaddafi's offices in Tripoli. This fascination with Western intelligence operations in Qaddafi's Libya is also driven by Human Rights Watch (HRW) and its efforts to tie Western governments to human rights violations committed under Qaddafi. In this regard HRW has interviewed at least fourteen (14) individuals claiming that they were turned over to Qaddafi's forces by the Western powers. Belhaj is included in this group.

4. (Source Comment: In the opinion of a very sensitive source, el Magariaf's enemies are working to take advantage of his suspected links to the CIA at a time when Western intelligence services are under scrutiny in Libya. They also fear that this situation will only grow more complex as Qaddafi's son Saif al Islam Qaddafi and al Senousi are brought before Libyan courts to answer for their crimes under the old regime, particularly during the 2011 revolution. These individuals believe both men will be linked to Western Intelligence during their trials.)

5. According to this individual, el Magariaf is working with the Muslim Brotherhood and other Islamist groups to defuse this situation. He is particularly

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concerned by the level of violence between Sufi Muslims and Salafists, and believes he must maintain his reputation for impartiality if he is to defuse this growing problem. As he works to organize the government, and disarm the militias, he cannot afford to lose the respect and trust of the Libyan people, especially at a time when cultural clashes between followers of the mystical Sufi tradition and ultra-conservative Salafis have taken central stage in the new Libya. This source adds that these religious conflicts were largely unknown during Qaddafi's rule.

6. (Source Comment: This source added that the individuals interviewed for the HRW report were former members of the Libyan Islamist Fighting Group (LIFG), an Islamist group formed in opposition to Gaddafi's controversial interpretations of Islam. These LIFG fighters fled the country in the late 1980s and went to Afghanistan to join the fight against the Soviet Union while also gaining training and experience for their own struggle. A separate source adds that messages to Libya from the CIA and SIS were found among the Tripoli Documents published by HRW, indicating that the United States and Britain were eager to help Libya capture several senior LIFG figures, including its co-founders, Belhaj and Sami al-Saadi.)

7. As Libyan authorities struggle to control the armed rings that refuse to surrender weapons following last year's civil war, Salafis, who say Islam should return to the simple ways followed by Mohammed, have established their own armed gangs in post-Gaddafi Libya. They view Sufi practices as idolatrous. Since the start of the Arab Spring uprising across the region, a number of Sufi sites have been attacked in Egypt, Mali and Libya. Magariaf is determined to establish a democratic state based on Islamic principles. This individual adds that Magariaf remains dedicated to the idea of building a tolerant Islamic state in Libya. El Magariaf's opinions continue to be shaped by his experience with Qaddafi, whom he felt built a cult of personality in violation of all of the basic ideas of Islam.

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STATE-SCB0045282

EXHIBIT 2

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U.S. Department of State
Case No. F-2015-04841
Doc No. C05739587
Date: 05/13/2015

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RELEASE IN PART B6

B6

From: Sidney Blumenthal
Sent: Thursday, September 13, 2012 12:29 AM
To: H
Subject: H: More Magariaf privat reax (sent now as memo). Sid
Attachments: hrc memo more magariaf private reax 091312.docx

CONFIDENTIAL

September 13, 2012

For: Hillary
From: Sid
Re: More Magariaf private reax

SOURCE: Sources with direct access to the Libyan National Transitional Council, as well as the highest levels of European Governments, and Western Intelligence and security services.

1. On September 12, 2012 Libyan President Mohammed Yussef el Magariaf told senior advisors that the death of the U.S. Ambassador at the hands of Islamist militia forces represents a threat to the future of the newly elected General National Congress (GNC) Government. According to a sensitive source, el Magariaf believes that the primary goal of this and other attacks on Western facilities is to demonstrate that the GNC cannot protect its non-Islamic friends. Libyan security officials believe that the attack was carried out by forces of the Islamist militia group calling itself the Ansar al Sharia brigade; working out of camps in the Eastern suburbs of Benghazi. These officials added that their sources indicate that this group is led by former members of the old Libyan Islamic Fighting Group (LIFG), some of whom are loyal to Islamist General Abdelhakim Belhaj. The same officials were quick to point out that they have no evidence that Belhaj had any direct involvement in this attack. They also have no direct information as to whether this assault has anything to do with the death of Libyan born al Qai'da leader Abu Yahya al- Libi, but they are pursuing this theme. These officials do believe that the attackers having prepared to launch their assault took advantage of the cover provided by the demonstrations in Benghazi protesting an internet production seen as disrespectful to the prophet Mohammed.

2. According to this source, the immediate events were set in motion by a statement made by a Muslim Cleric in Egypt saying that the internet film was going to be shown across the United States on September 11 in an effort to insult Muslims on the anniversary of the attacks on the New York World Trade Center in 2001. This statement inspired increasingly hostile demonstrations at the U.S.

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Embassy in Cairo, and at diplomatic facilities in Libya. In Benghazi, reporting from security sources states, approximately twenty one (21) Ansar al Sharia fighters left their base in East Benghazi just after sundown infiltrated the crowd of about 2,000 demonstrators at the U.S. Consulate. These forces, operating under cover of darkness, opened fire on the consulate, eventually setting it on fire with rocket propelled grenades. These fighters then withdrew to their camp. El Magariaf ordered security officials to identify and arrest the attackers, adding that he had been in touch with Egyptian President Mohmmed Morsi, and the two agreed that their intelligence and security personnel will cooperate in this matter. (Note: Some of the Libyan officials believe that the entire demonstration was organized as cover for the attack, however; they point out that there is no evidence of such a complex operation at this time.

3. (Source Comment: In the opinion of this individual, Libyan security officers also informed el Magariaf that the attacks had been planned for approximately one month, based on casing information obtained during an early demonstration at the U.S. consulate in Benghazi. The attackers were, in the opinion of these individuals, looking for an opportunity to approach the consulate under cover in a crowd. These officials add that government security officers admitted to el Magariaf that they do not have the physical capacity to locate, attack, and destroy the Ansar al-Sharia brigade, among others. They describe these forces as well-trained, hardened killers; many of whom have spent time in Afghanistan and Yemen. These fighters are located in camps in Eastern Libya; and Libyan officials doubt they can penetrate these camps because the militia's are better armed than the forces of the new National Army.

4. In the opinion of a separate source El Magariaf continues to believe that the attacks were planned and carried out in a political atmosphere where a portion of the Libyan population is focused on past cooperation between Western intelligence and security services, and the regime of former dictator Muammar al Qaddafi. According to this source, el Magariaf realizes that the death of the U.S. Ambassador dictates that he must find tangible solutions to the problems tied to disarming the militias, dealing Salafist violence against the followers of Sufi beliefs, and efforts to discredit his government through linking him to Western intelligence services. El Magariaf instructed his security officials to cooperate with their U.S. counterparts. He also warned all of his advisors to be prepared for U.S. retaliation against the suspected perpetrators of this attack, and the angry public reaction that is sure to follow.

5. (Source Comment: A separate, particularly sensitive source added that in private conversation el Magariaf stated that if his government cannot protect a senior diplomatic official, foreign businesses will not be willing to risk opening up new operations in Libya. According to this sensitive source, el Magariaf believes that a number of the Islamist militias are now being influenced al Qai'da and other radical groups; working out of camps in the Eastern and Southeastern parts of the country. These groups are receiving aid and weapons from supporters in Sudan. In the end, el Magariaf added that while he does not expect U.S. officials to focus on this point, he believes the attacks against the interests and citizens of the U.S. and other Western states are aimed first at overthrowing his government, and replacing it with a strict Islamic Republic dominated by Salafist leaders. Magariaf also warned that tribal militias loyal to the Qaddafi family continue to present an equally dangerous threat to the new Government.)

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STATE-SCB0045287

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CONFIDENTIAL

September 13, 2012

For: Hillary
From: Sid
Re: More Magariaf private reax

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2. According to this source, the immediate events were set in motion by a statement made by a Muslim Cleric in Egypt saying that the internet film was going to be shown across the United States on September 11 in an effort to insult Muslims on the anniversary of the attacks on the New York World Trade Center in 2001. This statement inspired increasingly hostile demonstrations at the U.S. Embassy in Cairo, and at diplomatic facilities in Libya. In Benghazi, reporting from security sources states, approximately twenty one (21) Ansar al Sharia fighters left their base in East Benghazi just after sundown infiltrated the crowd of about 2,000 demonstrators at the U.S. Consulate. These forces, operating under cover of darkness, opened

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fire on the consulate, eventually setting it on fire with rocket propelled grenades. These fighters then withdrew to their camp. El Magariaf ordered security officials to identify and arrest the attackers, adding that he had been in touch with Egyptian President Mohmmed Morsi, and the two agreed that their intelligence and security personnel will cooperate in this matter. (Note: Some of the Libyan officials believe that the entire demonstration was organized as cover for the attack, however; they point out that there is no evidence of such a complex operation at this time.

3. (Source Comment: In the opinion of this individual, Libyan security officers also informed el Magariaf that the attacks had been planned for approximately one month, based on casing information obtained during an early demonstration at the U.S. consulate in Benghazi. The attackers were, in the opinion of these individuals, looking for an opportunity to approach the consulate under cover in a crowd. These officials add that government security officers admitted to el Magariaf that they do not have the physical capacity to locate, attack, and destroy the Ansar al-Sharia brigade, among others. They describe these forces as well-trained, hardened killers; many of whom have spent time in Afghanistan and Yemen. These fighters are located in camps in Eastern Libya; and Libyan officials doubt they can penetrate these camps because the militia's are better armed than the forces of the new National Army.

4. In the opinion of a separate source El Magariaf continues to believe that the attacks were planned and carried out in a political atmosphere where a portion of the Libyan population is focused on past cooperation between Western intelligence and security services, and the regime of former dictator Muammar al Qaddafi. According to this source, el Magariaf realizes that the death of the U.S. Ambassador dictates that he must find tangible solutions to the problems tied to disarming the militias, dealing Salafist violence against the followers of Sufi beliefs, and efforts to discredit his government through linking him to Western intelligence services. El Magariaf instructed his security officials to cooperate with their U.S. counterparts. He also warned all of his advisors to be prepared for U.S. retaliation against the suspected perpetrators of this attack, and the angry public reaction that is sure to follow.

5. (Source Comment: A separate, particularly sensitive source added that in private conversation el Magariaf stated that if his government cannot protect a senior diplomatic official, foreign businesses will not be willing to risk opening up new operations in Libya. According to this sensitive source, el Magariaf believes that a number of the Islamist militias are now being influenced al Qai'da and other radical groups; working out of camps in the Eastern and Southeastern parts of the country. These groups are receiving aid and weapons from supporters in Sudan. In the end, el Magariaf added that while he does not expect U.S. officials to focus on this point, he believes the attacks against the interests and citizens of the U.S. and other Western states are aimed first at overthrowing his government, and replacing it with a strict Islamic Republic dominated by Salafist leaders. Magariaf also warned that tribal militias loyal to the Qaddafi family continue to present an equally dangerous threat to the new Government.)

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STATE-SCB0045289

EXHIBIT 3

CONFIDENTIAL

February 21, 2011

For: Hillary
From: Sid
Re: Libya intel

I just received this, more to come:

This is just in from Italian intel.

Just in, we are getting good reporting from Libya, the sourcing is from the ruling family, the highest levels of the military, and diplomats/intel. Mostly via Italy.

As of this hour, some units of the Peoples Militia have gone over to the demonstrators in Benghazi, and that is the origin of the report of mutinies. This is a possibility and the government no longer controls Benghazi, but it is too early for large scale mutinies.

There are two subplots, tension between the eastern (Benghazi) and western (Tripoli) parts of the country, and tension between the two oldest Qaddhfi sons. In the east there is support for the former royal family, and modern reforms. This area also supports Saif al Isalm Qaddhafi (second son, living in London/Vienna.) At the same time there is a violent conflict between those portions of the Presidential Guard loyal to Saif, the bulk of the Peoples Militia which is loyal to his older brother, national security advisor Motasem Qaddahfi.

Sisme is reporting that the Militia is firing on demonstrators who area attempting to surrender. Military officers, and the hospitals report that many of the wounds are being inflicted from close range.

Sisme believes that once the regime resorts to extreme violence they have set the stage for their downfall; the people, particularly in the east, are enraged. The violence is following the coast highway moving from town to town toward Tripoli.

These sources say that the situation is completely unpredictable and quite dangerous. They advise that all Americans should leave the country as soon as possible, as the Embassy has warned.

While rumors of Qaddahfi's departure for Venezuela are apparently not true, it is important, however, that at this early stage in the struggle they are being taken seriously by some of his supporters. (Qaddahfi is a friend of Hugo Chavez.)

EXHIBIT 4

UNCLASSIFIED
U.S. Department of State
Case No. F-2015-04841
Doc No. C05739650
Date: 05/13/2015

STATE DEPT. - PRODUCED TO HOUSE SELECT BENGHAZI COMM.
SUBJECT TO AGREEMENT ON SENSITIVE INFORMATION & REDACTIONS. NO FOIA WAIVER.

RELEASE IN PART B6

From: Sidney Blumenthal [redacted]
Sent: Sunday, October 7, 2012 11:12 AM
To: H
Subject: Re: H: Great to see you. Drop in again. Here's Libya. Sid

Post-election, we'd like to have you over for dinner. Bill can come, too, if he's in town. Whatever works.

-----Original Message-----
From: H <HDR22@clintonemail.com>
To: [redacted]
Sent: Sun, Oct 7, 2012 11:03 am
Subject: Re: H: Great to see you. Drop in again. Here's Libya. Sid

B6

Very useful.

From: Sidney Blumenthal [mailto: [redacted]
Sent: Saturday, October 06, 2012 06:18 PM
To: H
Subject: H: Great to see you. Drop in again. Here's Libya. Sid

CONFIDENTIAL

October 6, 2012

For: Hillary
From: Sid
Re: Libya cabinet politics
SOURCE: Sources with direct access to the Libyan National Transitional Council, as well as the highest levels of European Governments, and Western Intelligence and security services.

1. As of October 5, 2012 Mohammed Yussef el Magariaf, the new interim President of Libya told senior advisors that the abortive efforts to form a cabinet under new Prime Minister Mustafa Abushagur represent the first step in the next phase of the struggle for control of the new Libyan Government. According to a sensitive source Magariaf is concerned that Abushagur, supported by the

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Doc No. C05739650
Date: 05/13/2015

STATE DEPT. - PRODUCED TO HOUSE SELECT BENGHAZI COMM.
SUBJECT TO AGREEMENT ON SENSITIVE INFORMATION & REDACTIONS. NO FOIA WAIVER.

UNCLASSIFIED
U.S. Department of State
Case No. F-2015-04841
Doc No. C05739650
Date: 05/13/2015

STATE DEPT. - PRODUCED TO HOUSE SELECT BENGHAZI COMM.
SUBJECT TO AGREEMENT ON SENSITIVE INFORMATION & REDACTIONS. NO FOIA WAIVER.

Muslim Brotherhood's (MB) Justice and Construction Party (JCP), as well as certain of the other more traditional Islamist groups, is looking to establish day to day administrative control the new government while defining Magariaf as a ceremonial Head of State.

2. According to this individual, the President, who is not affiliated with a particular party holding seats in the General National Council (GNC), spoke with the new Prime Minister immediately after Abushagur was elected by the GNC on September 12. At that time Magariaf advised him to include in his government members of former Prime Minister Mahmoud Jibril's National Forces Alliance (NFA), Abushagar having only narrowly defeated Jibril in the GNC vote. At that time Magariaf was not aware of the fact that Jibril had already demanded 9 cabinet seats for the NFA; however, he did point out that even Jibril's more moderate followers were committed to the idea of a modern Islamic state and would fit into the new cabinet . The President came away from this discussion with the impression that Abushagur and his supporters intend to marginalize Jibril and the 39 Members of Parliament (MP) controlled by the NFA, concentrating instead on working with the 120 independent MPs in the GNC, looking to establish a more conservative administration. This individual added that Abushagur made it clear that while the President was free to choose his Vice President and staff, the Prime Minister would choose the national cabinet, supported by the GNC.

3. (Source Comment: According to this individual, Magariaf is allowing the current crisis in the Abushagur administration to play out without direct interference. He is convinced that the desire of the Libyan people for peace and stability, which brought him to power, added to the need to balance the regional and political rivalries throughout the country, will lead to the formation of a cabinet that is acceptable to all parties. Magariaf also believes that these developments will eventually leave him as the dominant figure in the government.)

4. In addition, this individual added that Magariaf is seized with the national security situation, the ongoing effort to disarm militia units, and the investigation of the murder of the United States Ambassador. All of these efforts are related to what he sees as his most important role, rebuilding the confidence of the international business community in its ability to operate in Libya safely and efficiently. To this end he does agree with Abushagur that it is important to replace the cabinet of former Prime Minister Abdel Rahman el-Keib, particularly Minister of Oil Abdulrahman Ben Yazza, whose connections to the regime of former dictator Muammar al Qaddafi, and the Italian Oil firm ENI made him unacceptable to the JCP and other conservative parties. That said, this individual notes that Magariaf was surprised and not pleased with the appointment to the ministry of Mabrouk Issa Abu Harroura, another technical expert, who previously worked for Libya's Zueitina Oil

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Company as well as in the oil sector abroad. Magariaf feels that Abu Harroura does not have the standing among the foreign oil companies that Ben Yezza enjoyed, although he was more acceptable to a number of the conservative members of the GNC.

5. Magariaf was pleased that the Prime Minister, after dramatic confrontations with MPs and demonstrators who entered the GNC chamber, withdrew his cabinet nominations. The President again advised Abushagur to name former Oil and Finance Minister Ali Tarhouni to the Oil Ministry post; however, he fears that that Ali Tarhouni is seen as too close to Western governments to gain acceptance in the GNC. Magariaf is concerned that, while the new cabinet Abushagur plans to put forward on October 7 may contain some members of the NFA and other moderate groups, it will still be dominated by the JCP and conservative elements, and will again fail to gain acceptance, leading to a real government crisis.

6. According to this individual Magariaf and his advisors knew in advance that more than 100 protesters planned to enter the GNC session on October 4, in an effort to prevent MPs from convening to vote on the new cabinet. While Magariaf did not directly influence these protesters he did nothing to warn or advise Abushagur on the developing situation. In particular, the protestors objected to the failure of the Prime Minister to name any minister from the Zawiya region. Although the demonstrators eventually left the hall, a number of the independent MPs, who had said they would support the new cabinet, were shaken by the incident and changed their positions. In the end, according to this individual, Abushagur's efforts to rally their support failed, and he was forced to withdraw all of the nominees, promising to submit a new list on October 7, one that would take into account regional and political considerations.

7. In the opinion of a particularly sensitive source, the failure of Abushagur to name any NFA ministers to the new cabinet will continue to complicate the matter. For his part Magariaf is concerned over international perceptions regarding the nature of the new Libyan government. In this regard, he fears that the Western press is too sharply focused on the fact that the NFA holds the largest single bloc of votes in the GNC (38), missing the fact that the real power in the parliament lies with the 120 independent deputies, who tend to be somewhat conservative on religious and social matters, while focusing primarily on local political issues. Magariaf believes that the appointment of Ali Tarhouni, or another liberal not associated with the NFA, would serve to reassure Western business and government leaders while demonstrating political balance to the Libyan people. Although he continues to make this point, the President has no indication that Abushagur will follow his advice. He does expect Abushagur to again select a majority of cabinet ministers associated with the MB and the JCP.

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Date: 05/13/2015

STATE DEPT. - PRODUCED TO HOUSE SELECT BENGHAZI COMM.
SUBJECT TO AGREEMENT ON SENSITIVE INFORMATION & REDACTIONS. NO FOIA WAIVER.

STATE-SCB0045590

UNCLASSIFIED
U.S. Department of State
Case No. F-2015-04841
Doc No. C05739650
Date: 05/13/2015

STATE DEPT. - PRODUCED TO HOUSE SELECT BENGHAZI COMM.
SUBJECT TO AGREEMENT ON SENSITIVE INFORMATION & REDACTIONS. NO FOIA WAIVER.

8. (Source Comment: In the opinion of this individual, Magariaf will remain focused on the security situation, particularly as he is having some success disarming the militias following the death of the U.S. Ambassador. According to this individual, Magariaf believes he must end the power of the regional militia forces before the Libyan economy can improve. The President knows that foreign companies are the key to Libyan oil production, but he fears that they will not increase their commitment to Libya until the government can insure the security of their personnel and facilities. In a final note, this individual added that the Italian government is stepping up its activities in Libya, and the President expects them to pressure to Abushagur appoint an individual like Ben Yezza to the Oil Ministry, where he can favor ENI and other Italian firms.)

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SUBJECT TO AGREEMENT ON SENSITIVE INFORMATION & REDACTIONS. NO FOIA WAIVER.

STATE-SCB0045591

EXHIBIT 5

H: Crucial contact. Sid
Mar 6 2011

CONFIDENTIAL

March 6, 2011

For: Hillary
From: Sid
Re: Crucial information for Libya

Cody, on his own, still at heart an indefatigable journalist, simply picked up the phone, dialing the number given by Khalifa Sharif, and had a conversation with one of the key figures in the Libyan National Council that seeks to become an interim government. Cody's notes, including Jipreel's phone numbers are below. Cody says that Jipreel said he has not been contacted by anyone from the US government.

The note:

So I spoke to Dr. Mahmod Jipreel (he's on Khalifa's list) today. He was the former minister of planning but is now the point man between the reformist government in waiting and the West. I spoke to him in Cairo. He will fly tomorrow morning to Rome and then on to Strausborg, France, where he plans to address the European Parliament on Wednesday morning. His cell phone numbers are as follows: 00-201-22-166927 or 011-201-01-19-55-30. Mahmod seems very smart, level-headed, has no desire to serve in a future government, only wants to help in the transition. We talked for 20 minutes and he emphasized how important it is that any help from the West, not to be perceived as interference by the heroic young people who are losing their lives in fighting the madman. He thinks it is going to be a protracted battle but the West must recognize the temporary opposition government ASAP.....He told me that the chief medical director from the Red Crescent Society is Dr. Muftah Twilib--cell number --011-21891-209-2704, who is coordinating all medical relief efforts; obviously difficult to reach him on cell.

Someone should contact Mahmod Jipreel. He is balanced, level-headed and understands current situation well. He left the madman's government within past year when he realized he was completely deranged.

EXHIBIT 6

UNCLASSIFIED U.S. Department of State Case No. F-2014-20439 Doc No. C05779381 Date: 01/07/2016

RELEASE IN PART
B6

From: sbwhoeop B6
Sent: Thursday, March 3, 2011 9:45 PM
To: H
Subject: H: Latest: How Syria is aiding Qaddafi and more... Sid
Attachments: hrc memo syria aiding libya 030311.docx; hrc memo syria aiding libya 030311.docx

CONFIDENTIAL

March 3, 2011

For: Hillary
From: Sid
Re: Syria aiding Qaddafi

This memo has two parts. Part one is the report that Syria is providing air support for Qaddafi. Part two is a note to Cody from Lord David Owen, former UK foreign secretary on his views of an increasingly complex crisis. It seems that the situation is developing into a protracted civil war with various nations backing opposing sides with unforeseen consequences. Under these circumstances the crucial challenge is to deprive Qaddafi of his strategic depth—his support both financial and military.

I. Report

During the afternoon of March 3, advisers to Muammar Qaddafi stated privately that the Libyan Leader has decided that civil war is inevitable, pitting troops and mercenary troops loyal to him against the rebel forces gathering around Benghazi. Qaddafi is convinced that these rebels are being supported by the United States, Western Europe and Israel. On March 2 Qaddafi told his son Saif al-Islam that he believes the intelligence services of the United States, Great Britain, Egypt, and France have deployed paramilitary officers to Benghazi to assist in organizing, training, and equipping opposition forces. Qaddafi is convinced that the National Libyan Council (NLC), and its leader, former Minister of Justice Mustafa Mohamed Abdel Galil have been chosen by the foreign powers to replace him. On March 1 advisors to Qaddafi stated that

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UNCLASSIFIED U.S. Department of State Case No. F-2014-20439 Doc No. C05779381 Date: 01/07/2016

Qaddafi's cousin, Col. Ali Qaddafiddam had failed in efforts to recruit fighters among the Egyptian population living immediately across the border with Libya.

These individuals added that during the week of February 21 the Libyan Leader spoke to Syrian President Bashir al-Assad on at least three occasions by secure telephone lines. During the conversations Qaddafi asked that Syrian officers and technicians currently training the Libyan Air Force be placed under command of the Libyan Army and allowed to fight against the rebel forces.

(Source Comment: Senior Libyan Army officers still loyal to Qaddafi added that On February 23, President Assad told General **Isam Hallaq**, the commander in chief of the Syrian Air Force, to instruct the pilots and technicians in Tripoli to help the Libyan regime, should full scale Civil War breaks out in the immediate future.)

On March 2, a military officer with ties to Qaddfi's son Khamis stated privately that the number of Libyan pilots defecting to the opposition has destroyed the morale and professional spirit of the Libyan Air Force at this critical moment, when Tripoli's air superiority is its principal weapon against insurgents. In the opinion of this individual Qaddafi and his senior military advisors are convinced that the **European Union** and the U.S will impose a no-fly zone over Libya in the immediate future. These advisors believe that the no fly zone will serve as air support for opposition forces. They are also prepared for the Western allies to bomb anti-aircraft facilities in and around Tripoli in preparation for the establishment of the no-fly zone. Foreign Minister Mousa Kousa is convinced that that Russia and Turkey will oppose the move, and may prevent the implementation of the no fly zone.

The Syrian soldiers in Libya are part of a mission established in 1984 following the signing of a military agreement between Qaddafi and Syria's long-time ruler and Bashir's father, **Hafez al-Assad**, in the presence of General **Soubhi Haddad**, who was the commander in chief of the Air Force at the time. Both Air Forces are equipped with Russian materiel and have had long-standing, close links with Moscow.

II. Note from David Owen, former UK foreign secretary

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In exchange for Syria's help, Libya provided financial support to the Syrian state, including funds in support of operations carried out by the Syrian intelligence services in Lebanon. Libyan money helped Hafez al-Assad bribe his brother **Rifaat**, the author of an attempted *coup d'etat* in 1983, to leave the country and go into exile in Spain and France, where he has remained ever since.

According to individuals with access to the Syrian military, Damascus has also sent a second team of pilots and technicians to Tripoli. These are lower-ranking officers loyal to the regime who are specialized in flying helicopters. Before their departure for Tripoli on February 23, they met with General Allaq and General **Jamil Hasan**, head of Air Force's Intelligence.

(Source Comment: During the afternoon of 3 March, an associate of Saif al-Islam Qaddafi stated that he and the Libyan leaders other family members were concerned over the announcement of Jose Luis Moreno-Ocampo, chief prosecutor of the International Criminal Court (ICC), announced that he was investigating Qaddafi, his sons Khamis, the commander of the 32 battalion, and Montasem, as well as the head of Gadhafi's personal security detail, the Director-General of the External Security Organization (Abuzaid Dorda), the spokesman of the regime (Musa Ibrahim), and the Minister of Foreign Affairs (Mousa Kousa). This source added that Saif al-Islam had said that Qaddafi himself found the announcement amusing.)

From: **Lord Owen**

Cody,

Realistically the UN will not authorise a no fly zone while Gaddafi continues to hold off bombing and strafing but keeping it up front and on the military agenda keeps him worried. Yet for a few frustrating months that ambivalence kept the Serbian aeroplanes on the ground before we acted. My hope is that preparations continue with visuals of planes flying off carriers, airborne early warning planes flying and people with clout outside the Administration demanding preparations. But and it is a big BUT what else can and should we be doing? Encourage humanitarian ships and convoys from Egypt to bring in supplies since we must ensure the cities in the East can hold up living standards, maybe for months. More adventurous, Egyptian Special Forces to go in and advise, even supplying hand held missiles. It appears they have few missiles; the military in the East having been deliberately kept ill-equipped. There is old Nasserite sentiment for a Federation of Egypt, Sudan and Libya. I know some will say Egypt has enough problems and they should stay resolutely focused on domestic reforms. it is delicate but words alone and the balance of advantage will slip to Gaddafi. A Gaddafi victory is possible and needs to be weighed in the balance now when deciding what to do.

I'm more worried than I am ready to say publicly.

Yours
David

UNCLASSIFIED U.S. Department of State Case No. F-2014-20439 Doc No. C05779381 Date: 01/07/2016

EXHIBIT 7

Fwd: Today k

From **Cody Shearer** codyps@gmail.com hide details Sat, Mar 19, 2011 4:39 am

To **Sbwhoeop** Sbwhoeop@aol.com

--------- Forwarded message ----------
From: **Khalifa Sharif** <khalifa329@yahoo.co.uk>
Date: Fri, Mar 18, 2011 at 10:50 AM
Subject: Today k
To: codyps@gmail.com

Hi
Today the mad man though, he has agreed to the sease fire, he still carried an attack on Mesrata and Zintan cities where casualties over 200 between dead and injured.
This mad man and his junta says one thing and does another, action has to be taken to really make him stop this massacre, and that is the only language he understand.
Best regards
k.

Sent from Samsung tablet

TEXT CHECK REPLY REPLY ALL FORWARD ACTION DELETE SPAM

n AOL

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Mail

Chats

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Conversation with K

From Cody Shearer codyps@gmail.com hide details Sun, Mar 20, 2011 10:48 pm

To **Sbwhoeop** Sbwhoeop@aol.com

Spoke to the gang this morning.....Of course, they are wondering when the West will official recognize their council. Secondly , they suggest that bases in Ben Walid and Sdadah be hit. Lastly, they report that one of the Madman's son has already tried to escape the country.

Off to meeting with Flynt shortly. heavy rain here.
c

EXHIBIT 8

EXHIBIT 9

TEXT | CHECK | REPLY | REPLY ALL | FORWARD | ACTION | DELETE | SPAM

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Folders

Re: estimate

From **Cody Shearer** codyps@gmail.com hide details

Sat, May 14, 2011 10:48 am

To **sbwhoeop** sbwhoeop@aol.com

Sid,

Do you think the general has to send four guys. He told us three guys yesterday; a translator and two other guys. I understand the difficulty of the mission and realize that K will be repaid but I am going to need an itemized budget for these guys. Point to point flight information; hotel information, etc.

More later..
c

On Fri, May 13, 2011 at 10:32 PM, <sbwhoeop@aol.com> wrote:

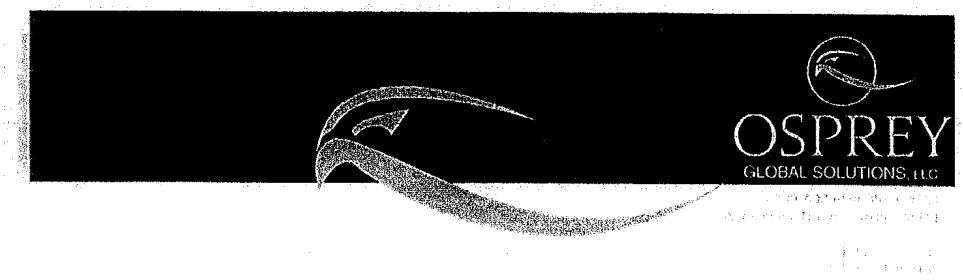
-----Original Message-----
From: tyler drumheller <tdrumheller1@verizon.net>
To: sbwhoeop@aol.com
Sent: Fri, May 13, 2011 10:05 pm
Subject: Re:

Sid, you are doing great work on this, well done. it is going to be around $60,000, covering nt business class airfare to tunis, travel in country to the border and back, and other expenses for 7-10 days for 4 guys.

talk to you tomorrow. t

> ----- Original Message -----
> **From:** sbwhoeop@aol.com
> **To:** tdrumheller1@verizon.net
> **Sent:** Friday, May 13, 2011 2:21 PM

EXHIBIT 10



MEMORANDUM OF UNDERSTANDING

Per meetings held 13 July and 20 Aug 2011 in Dubai with Dr. Aref Ali Nayed and in Amman on 23 and 24 August with Mohammad Kikhia, this agreement is entered into this 24th day of August 2011 between the **National Transitional Council of Libya** (hereinafter referred to as "NTC"), now recognized by the United States Government of America as the legitimate and sole government of the Republic of Libya **(ROL)**, and **Osprey Global Solutions, LLC**, a limited liability company duly organized and existing under the laws of Delaware, having its principal offices in Wilmington, North Carolina (hereinafter referred to as "Osprey").

OBJECTIVES – SCOPE OF WORK

Whereas the NTC desires to retain Osprey's services to relieve human suffering, promote the general welfare and stabilization in Libya and enhance regional security and peace;
Whereas Osprey's support is also sought to to assist the NTC in the resumption of access to its assets and operations in country and begin the process to return Libya to normalcy;
The specific tasks – Scope of Work (SOW) the NTC desires to retain Osprey to perform include but are not limited to:

Phase I – First Six Months

1. Coordinate humanitarian assistance, medical services and disaster mitigation with a focus on immediate relief of human suffering;
2. Provide ship-to-shore (maritime) logistical support, advanced field hospital services and mobile command and control;
3. Medical services to include medevac (both fixed wing and rotary aircraft);
4. Establishment of a network of emergency care and mobile clinics;
5. Logistics and infrastructure support – as prescribed by the NTC;
6. Expeditionary and Permanent Housing Construction;

Phase II – To be Implemented on Order of NTC

7. Training of Republic of Libya (ROL) military and police forces to include:

   a) Rule of law, respect for citizenry and foreigners, rule of land warfare;
   b) Unit training from squad through division level;
   c) Weaponry, communications, medical, logistics and equipment maintenance;
   d) Intelligence and security training;

DG

APPENDIX A TO AGREEMENT: Initials: DG MK

Phase I – Immediate Tasks - Requirements and Costs

Medical Support (land and sea) to include fixed and rotary wing medevac services, at sea treatment (floating) facility, on-shore field hospital and mobile clinics, delivery of critical medical supplies/personnel and equipment and immunization/vaccine support for the Libyan population;

- Establish Command and Control Coord. & Ops Center - $ 2.0 mm (1 yr.)
- Secure and Operate off-shore a multi-purpose 302' ship - $11.0 mm (1 yr.)
- Secure and Operate 2 ea. 412 Bell Helicopters - $10.0 mm (1 yr.)
- Secure and Operate 1 ea. 328 Dornier A.C. - $ 8.0 mm (1 yr.)
- Secure and Operate a fleet of land vehicles - $ 0.5mm (1 yr.)
- Construction and Operation of 4 ea. field hospitals - $32.0mm (1 yr.)
- Production, Delivery & Operation of 6 ea. mobile clinics - $12.5mm (1 yr.)
- Personnel, life support and insurance/bonding - $38.0mm (1 yr.)

Total **$114.0mm (1 yr.)**

*Costs for delivery of the above same tasks for year two would be approximately one-half or $57mm, since maritime, air and land-based assets would still be under lease. The costs would be for management, maintenance and operation of hard assets and cost for staff personnel, insurance and their life support.

Housing Construction to include design, delivery and building of 10,000 individual family units in location(s) designated by the Stabilization Committee of the NTC; these units would be single dwelling, approximately 640 sq ft to 980 sq ft in size, complete with windows, doors, basic cabinetry, kitchen and bath/toilet facilities, wired and plumbed for hook-up to the grid;

*Cost per individual housing unit would be: $90 per square foot.

(Note: This cost would not include the price of real estate, ground preparation, foundation or landscaping. With greater volume the unit cost would be decreased, depending on the number and scale - square footage - of the individual housing units.)

*In order to begin the immediate execution and delivery of the Phase I tasks required by the NTC, Osprey requests the immediate transfer to its operational bank account of: $67.5mm for all Phase I humanitarian and medical service requirements (cited above) and an additional $10mm for ramp-up of housing construction. Upon agreement, Osprey will provide bank wire instructions to facilitate this transfer of funds. Upon receipt of funds, Osprey will begin immediate execution of those deliverables and provide the NTC an itemized time period for their delivery. Osprey will then provide the NTC monthly itemized invoices to commence 30 days following the date of receipt of initial funds. Payment of these invoices (after initial balance is exhausted) will be made by the NTC within 15 days of transmission of the invoice.

Phases II and III - Requirements and Costs

The execution and delivery by Osprey of these tasks would be designated and prioritized by the Stabilization Committee of the NTC. Prior to the implementation of specific tasks, the exact costs would be agreed by both parties in a separate document.

[redacted]

Phase III – To be Implemented on Order of NTC

8. Provide command, control and communications training for the NTC;
9. Provide senior leadership training;
10. Provide personal security for NTC principals, other designated persons and select commercial facilities;
11. Provide kidnap and ransom/recovery services;
12. Following the completion of the immediate services cited above, build a sustainable armed forces capable of defending the sovereign territory of the Republic of Libya

*Note: These phases may run simultaneously, or staged as appropriate by mutual agreement or as ordered by the NTC.

TERM of AGREEMENT

One year with an option for a second and third year

NOW THEREFORE, toward the objectives set forth above, the parties hereto agree as follows:

1. NON-DISCLOSURE/CONFIDENTIALITY

The contents of this agreement shall be kept strictly confidential and not disclosed to any third party without the mutual agreement of the parties hereto (except as may be directed by a court order or required for the preparation of taxes). Osprey agrees to keep confidential such information as the NTC officials may from time to time impart to Osprey regarding its and the ROL's internal affairs and operations. Osprey will not, in whole or in part, now or at any time, disclose such information.

2. BEST EFFORTS PLEDGED TO CONCLUDE FINAL AGREEMENT

This memorandum is an indication of possible interest only all binding terms and conditions shall be negotiated and incorporated into a definitive written agreement to be signed by both parties.
Each of the parties hereto agrees to use their best efforts to conclude a final agreement between them at the earliest opportunity.
Each of the parties understands that certain of the stated objective above may require the prior approval or licensing exemptions from the U.S. Government.
OGS shall not be penalized for any delay or inability to preform as a result of a failure to obtain any required regulatory approvals.

IN WITNESS WHEREOF, the parties hereof have executed this agreement in duplicate by their duly authorized representative on the day and year written above.

Osprey Global Solutions, LLC

David L. Grange
President

National Transitional Council of Libya

Mohammad Moin Kikhia
Director, Libyan Humanitarian Organization
Benghazi, Libya

EXHIBIT 11

H: New intel on NTC politics of humanitarian aid. Sid
Aug 31 2011

CONFIDENTIAL

August 31, 2011

For: Hillary
From: Sid
Re: NTC politics of humanitarian aid

During the morning of August 31, 2011, sensitive sources with excellent access stated in strict confidence that Prime Minister Mahmoud Jabril, President Mustafa Abdul Jalil, and the other leaders of the Libyan National Transitional Council (NTC) continue to debate how best to organize their efforts to deal with foreign governments and firms in an effort to address the humanitarian and security needs of the Libyan people, as they attempt to form an effective government. The recent success of the rebellion against the regime of Muammar al Qaddafi has surprised these NTC leaders, and they are now struggling with the divisions inside of the movement. Jabril and Jalil realize that the real success or failure of their rebellion depends on their ability to form an administrative structure that can deal with other governments and major foreign business interests on behalf of the people of Libya.

(Source Comment: According to an extremely sensitive source, the NTC leadership is increasingly concerned over the failure of the rebel National Libyan Army (NLA) to capture Qaddafi or his remaining family members, particularly his son Saif al-Islam Qaddafi. They are especially worried that the former dictator may take advantage of tribal loyalties in the Southern and Western parts of the country, in order to carry on a guerrilla war against the new NTC government. At the same time they believe that certain governments will continue to hold back full recognition and cooperation until the Qaddafis are removed from the scene. In this regard Jalil is pressing the idea of asking the United Nations to provide experts to organize and administer any humanitarian aid the NTC receives, believing that this will give the new regime greater credibility as a national government. Jabril has not yet commented on this idea, and it has not been fully debated in the NTC.)

At present, these sources note that various European governments and firms are working with their particular friends on the NTC to gain favorable positions for future business opportunities. These sources believe that the private talks between NTC members and these foreign officials and businessmen involve discussions regarding how best to meet the needs of the population. For his part Jabril is concerned that many of the tentative offers of assistance appear to be linked to business concessions for the donor countries, particularly in the oil industry. One advisor to Jabril has stated in private that if the NTC accepts this assistance without question, Libya will become a client state of the major European powers.

At present, senior NTC officials believe that the government of the United Kingdom is working to strengthen the position of British Petroleum (BP), pointing out that, while in the past BP was forced to deal closely with the Qaddafi regime, the UK was among the first of the major powers to come to the aid of the rebels. By the same token, the French government has quietly but forcefully continued to remind Jalil and other NTC leaders that they were the first major country to support the rebels. At the same time, the French, who feel that in the past firms like TOTAL/ELF were not fairly treated by the Qaddafi regime are looking for the NTC to open up a greater percentage of the Libyan oil fields to their operations.

The NTC continues to maintain a correct but cool attitude toward the Italian government and the Italian oil firm ENI. The NTC leadership believes that the Italians quietly dealt with Qaddafi regime well into the rebellion, and the new government will continue to move very carefully in dealing with either the Italian government or ENI.

At the same time, both Jabril and Jalil are particularly suspicious of the intention of the government of German Chancellor Angela Merkel toward the new Libyan regime, and have taken steps to monitor the activities of German diplomats and businessmen in the rebel stronghold of Benghazi. By the same token, the NTC has received unconfirmed reports from their security officers and military commanders in the field that officers of Germany's external intelligence service (Bundesnachrichtendienst – BND) are maintaining clandestine contact with Qaddafi's forces in and around the city of Sirte. These NTC officials believe strongly that the Germans continue to hedge their bet on Libya, in the event that Qaddafi can continue to fight until the political, tribal, and regional divisions on the NTC weaken their efforts to form a government.

(Source Comment: In the opinion of a source with excellent access to the NTC leadership, Jabril and his advisors are working to bring in private firms to meet their pressing humanitarian needs. The Prime Minister believes that if they wait for foreign governments to provide this assistance the death toll among the wounded and injured will continue to rise, and the NTC will be held responsible for failing to bring in emergency and battlefield medical support. To this end they have signed an agreement with the Osprey Security Group (OSG), a U.S. firm specializing in emergency medical care and humanitarian assistance. OSG is prepared to deliver the aid immediately upon receiving the funds from the NTC. Jabril's advisors believe that the use of this American firm will not only allow the NTC to meet a pressing need, but will also serve to cement

good relations with the U.S. government and business community. One NTC official noted that OSG's ability to provide this medical and humanitarian support sets it apart from firms like the French security group SECOPLEX, which look to provide foreign fighters to support the rebel's NLA. Jabril continues to emphasize that unlike the Qaddafi army the NLA does not and will not use foreign mercenaries for military operations.)

EXHIBIT 12

UNCLASSIFIED U.S. Department of State Case No. F-2014-20439 Doc No. C05793541 Date: 01/07/2016

RELEASE IN PART
B6

From: H <hrod17@clintonemail.com>
Sent: Monday, January 23, 2012 1:41 PM
To: 'sullivanjj@state.gov'
Subject: Fw: H: V good intel internal Libya. Sid
Attachments: hrc memo libya internal strife 012312.docx

Fyi, as usual distribute as you determine.

From: sbwhoeop
Sent: Monday, January 23, 2012 12:11 PM
To: H
Subject: H: V good intel internal Libya. Sid

B6

CONFIDENTIAL

January 23, 2012

For: HRC
From: Sid
Re: Libya internal strife

SOURCE: Sources with direct access to the Libyan National Transitional Council, as well as the highest levels of European Governments, and Western Intelligence and security services.

1. On the evening of January 22, 2012, according to an official with access to the leadership of the National Transitional Government (NTC), Libyan President Mustafa Abdul Jalil spoke at length with Prime Minister Abdurrahim el-Keib, stating in a heated exchange that el-Keib's government must take the steps necessary to address the complaints of the demobilized fighters from the 2011revolution. Jalil pointed out that the new government has been discussing this situation since it was formed in October 2011, and matters have now reached a crisis point, with a group of more than 2,000 disgruntled veterans, supported by students, attacking the NTC offices in Benghazi on January 21, destroying computer equipment and NTC files. These demonstrators, some of whom threw Molotov cocktails at the NTC headquarters building, continue to demand better medical care, jobs, payment for their time in the revolutionary army, and a commitment to transparency on the part of the el-Keib regime; particularly the appointment of cabinet members and senior officials.

2. According to this source, when el-Keib replied, pointing out that demonstrators were camped outside of his office in Tripoli. He added that the government had to proceed in a measured and professional manner, Jalil stated in angry tones, that NTC staffers were beaten and could have been killed during the January 21 incident, pointing out that this is how the rebellion against Muammar al Qaddafi began in February 2011. Jalil also warned that Islamist leader General Abdel Hakim Alamin Belhaj and his supporters, particularly militia commanders from Zintan, Misrata, and other western regions, are anxiously waiting for the NTC government to collapse. Their goal, in the opinion of this individual, is to eventually move in and establish a strict Islamic state. Jalil, added that his contacts in the Egyptian Muslim Brotherhood had been in touch during the preceding week, warning that the threat from Belhaj is very real. El-Keib stated that he must press Minister of Defense Osama al-Juwali and Interior Minister Fawzi Abd Ali to be more efficient in administering their positions. According to this individual, el-Keib fears that al-Juwali, who was a western commander during the revolution, may be maintaining a secret relationship with Belhaj and his allies. In response, Jalil warned el-Keib

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to avoid trying to use the regular military forces posted around Benghazi under General Khalifa Belqasim Haftar in an effort to restrain the former militia troops as such a step could lead to civil war.

3. (Source Comment: In the opinion of an extremely well placed individual, el-Keib is, in fact, increasingly frustrated by the inefficiency in his regime and the inability of his ministers and administrators to arrange contracts with foreign firms. He complains that his principal advisors, Minister of Oil Abdulrahman Ben Yezza and Minister of Finance Hassan Ziglam, have been too timid in resolving the questions associated with contracts involving foreign firms, both old and new. At present it appears that whenever one official raises a question regarding an agreement the entire matter is put on hold and delayed. In the opinion of this source, el-Keib knows that without these agreements he cannot meet the demands of the veterans and the students. El-Keib stated in confidence, that he may have made a serious mistake in removing the former oil/finance minister Ali Tarhouni from the government. El-Keib also noted that Jalil is shaken by the January 21 attack on NTC headquarters and is searching for ways to appease the demonstrators. Most recently he asked Abdel – Hafidh Ghoza, his principal deputy and NTC spokesman to step down. Ghoza, who comes from the Benghazi area, was particularly unpopular with the western troops.)

4. Following the discussion with Jalil, el-Kieb ordered Ziglam and Ngeb Obeda, the head of the Stock Exchange, to move with all possible speed to address the issue of the foreign contracts and arrange for new vendors to provide the services demanded by the veterans and students. In this discussion he pointed out that if they cannot deal with this situation they will not have to worry about the national elections in 2012, Libya will be an Islamic Republic, with Belhaj as the ruler. El-Keib pointed out that foreign governments and large oil firms must be aware of this threat and that this will frighten them into meeting the conditions for foreign contracts set out by the NTC.

5. (Source Comment: According to an extremely sensitive source, el-Keib spoke secretly with Haftar, stating that he, and those troops loyal to him, should be prepared to move to protect the government in the event of increased violence. This effort could include moving against Belhaj and attacking militia forces before they can unite and organize. El-Keib emphasized that this is for planning purposes only, and no action should be taken until el-Keib gives the order. He emphasized that he will do everything possible to avoid civil war, but he is now concerned that Jalil will be unable to deal with the level of hostility against the NTC, and cannot be counted on to take strong positions against Belhaj and his supporters. In the opinion of this individual, el-Keib cannot back away from his commitment to technicians in senior positions, but he will press them as hard as he can to have the government respond to the needs of the veterans and students. El-Keib believes it is not too late to address these problems, but they must move quickly.)

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CONFIDENTIAL

January 23, 2012

For: HRC
From: Sid
Re: Libya internal strife

SOURCE: Sources with direct access to the Libyan National Transitional Council, as well as the highest levels of European Governments, and Western Intelligence and security services.

1. On the evening of January 22, 2012, according to an official with access to the leadership of the National Transitional Government (NTC), Libyan President Mustafa Abdul Jalil spoke at length with Prime Minister Abdurrahim el-Keib, stating in a heated exchange that el-Keib's government must take the steps necessary to address the complaints of the demobilized fighters from the 2011revolution. Jalil pointed out that the new government has been discussing this situation since it was formed in October 2011, and matters have now reached a crisis point, with a group of more than 2,000 disgruntled veterans, supported by students, attacking the NTC offices in Benghazi on January 21, destroying computer equipment and NTC files. These demonstrators, some of whom threw Molotov cocktails at the NTC headquarters building, continue to demand better medical care, jobs, payment for their time in the revolutionary army, and a commitment to transparency on the part of the el-Keib regime; particularly the appointment of cabinet members and senior officials.

2. According to this source, when el-Keib replied, pointing out that demonstrators were camped outside of his office in Tripoli. He added that the government had to proceed in a measured and professional manner, Jalil stated in angry tones, that NTC staffers were beaten and could have been killed during the January.21 incident, pointing out that this is how the rebellion against Muammar al Qaddafi began in February 2011. Jalil also warned that Islamist leader General Abdel Hakim Alamin Belhaj and his supporters, particularly militia commanders from Zintan, Misrata, and other western regions, are anxiously waiting for the NTC government to collapse. Their goal, in the opinion of this individual, is to eventually move in and establish a strict Islamic state. Jalil, added that his contacts in the Egyptian Muslim Brotherhood had been in touch during the preceding week, warning that the threat from Belhaj is very real. El-Keib

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stated that he must press Minister of Defense Osama al-Juwali and Interior Minister Fawzi Abd Ali to be more efficient in administering their positions. According to this individual, el-Keib fears that al-Juwali, who was a western commander during the revolution, may be maintaining a secret relationship with Belhaj and his allies. In response, Jalil warned el-Keib to avoid trying to use the regular military forces posted around Benghazi under General Khalifa Belqasim Haftar in an effort to restrain the former militia troops as such a step could lead to civil war.

3. (Source Comment: In the opinion of an extremely well placed individual, el-Keib is, in fact, increasingly frustrated by the inefficiency in his regime and the inability of his ministers and administrators to arrange contracts with foreign firms. He complains that his principal advisors, Minister of Oil Abdulrahman Ben Yezza and Minister of Finance Hassan Ziglam, have been too timid in resolving the questions associated with contracts involving foreign firms, both old and new. At present it appears that whenever one official raises a question regarding an agreement the entire matter is put on hold and delayed. In the opinion of this source, el-Keib knows that without these agreements he cannot meet the demands of the veterans and the students. El-Keib stated in confidence, that he may have made a serious mistake in removing the former oil/finance minister Ali Tarhouni from the government. El-Keib also noted that Jalil is shaken by the January 21 attack on NTC headquarters and is searching for ways to appease the demonstrators. Most recently he asked Abdel – Hafidh Ghoza, his principal deputy and NTC spokesman to step down. Ghoza, who comes from the Benghazi area, was particularly unpopular with the western troops.)

4. Following the discussion with Jalil, el-Kieb ordered Ziglam and Ngeb Obeda, the head of the Stock Exchange, to move with all possible speed to address the issue of the foreign contracts and arrange for new vendors to provide the services demanded by the veterans and students. In this discussion he pointed out that if they cannot deal with this situation they will not have to worry about the national elections in 2012, Libya will be an Islamic Republic, with Belhaj as the ruler. El-Keib pointed out that foreign governments and large oil firms must be aware of this threat and that this will frighten them into meeting the conditions for foreign contracts set out by the NTC.

5. (Source Comment: According to an extremely sensitive source, el-Keib spoke secretly with Haftar, stating that he, and those troops loyal to him, should be prepared to move to protect the government in the event of increased violence. This effort could include moving against Belhaj and attacking militia forces before they can unite and organize. El-Keib emphasized that this is for planning purposes only, and no action should be taken until el-Keib gives the order. He emphasized that he will do everything possible to avoid civil war, but he is now concerned that Jalil will be unable to deal with the level of hostility against the NTC, and cannot be counted on to take strong positions against Belhaj and his supporters. In the opinion of this individual, el-Keib cannot back away from his commitment to technicians in senior positions, but he will press them as hard as he can to have the government respond to the needs

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of the veterans and students. El-Keib believes it is not too late to address these problems, but they must move quickly.)

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EXHIBIT 13

UNCLASSIFIED U.S. Department of State Case No. F-2014-20439 Doc No. C05787748 Date: 01/07/2016

RELEASE IN PART B6

From: sbwhoeop B6
Sent: Thursday, January 5, 2012 5:29 PM
To: H
Subject: Re: H: latest intel libyan conflicts, leaders & militias. Sid

Happy new year! Talk when you get a chance...

-----Original Message-----
From: H <HDR22@clintonemail.com>
To: 'sbwhoeop
Sent: Thu, Jan 5, 2012 5:22 pm
Subject: Re: H: latest intel libyan conflicts, leaders & militias. Sid

Thanks, as always, and Happy New Year!

From: sbwhoeop
Sent: Thursday, January 05, 2012 12:26 PM
To: H
Subject: H: latest intel libyan conflicts, leaders & militias. Sid

CONFIDENTIAL

January 5, 2012

For: HRC
From: Sid
Re: Libyan leadership and militias

SOURCE: Sources with direct access to the Libyan National Transitional Council, as well as the highest levels of European Governments, and Western Intelligence and security services.

1. During the last week of December 2011, and the first week of 2012, Libya's Prime Minister Abdurrahim el-Keib and President Mustafa Abdul Jalil engaged in a series of emergency planning meetings attempting to deal with specific issues threatening the stability of the new National Transitional Council (NTC) Government. According to extremely sensitive sources speaking in strict confidence, paramount among these issues are the questions of disarming and rewarding the regional militias who bore the majority of the fighting against the regime of Muammar al Qaddafi, as well as the related issue of finding ministers and senior administrators for the new government who are acceptable to these revolutionary forces. These individuals noted that on four occasions, beginning on December 23, 2011, groups or angry militiamen came to el-Keib's office and demanded better

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treatment, a clear message of support for the role of Islamic law, and the removal of former Qaddafi advisors from the new government.

2. (Source Comment: In the opinion of a very sensitive source, el-Keib is genuinely concerned that this situation could spiral out of control and threatens the regime. He also suspects that much of the unrest is being stirred by General Abdel Hakim Alamin Belhaj and his conservative Islamist supporters. By staying out of the new government, Belhaj has established a position from which he can criticize their actions and appointments without concern or control. That said, el – Keib has been told by his contacts in the Moslem Brotherhood (MB) that even Belhaj has been surprised that the unrest in the militias has begun to manifest itself in fighting between groups that previously shared the same goals and operated under Belhaj's loose command. This is particularly true in the case of the increasingly violent conflicts between the Misrata and Zintan regional militias.)

3. In an effort to address these problems el-Keib is making changes in his new administration, removing Minister of Economics Taher Sherkaz, who, as a former economic advisor to Qaddafi, was a particular target of the militiamen. In the opinion of well informed individuals, el-Keib's closest and most influential advisors are experts with economic backgrounds and experience dealing with Western firms and governments. The most influential of this group are Minister of Oil Abdulrahman Ben Yezza, Minister of Finance Hassan Ziglam, National Oil Company chief Nuri Berrusien, and Ngeb Obeda from the Libyan Stock Exchange.

4. (Source Comment: In the opinion of a very sensitive source, el-Keib and Jalil are also very concerned over growing criticism that these technocrats are puppets of various Western governments and firms. Belhaj and the militiamen appear intent on limiting the influence of these Western entities, using them as a weapon to weaken the el-Keib regime. This trend is also affecting national security, where, despite el-Keib's efforts to maintain a balance between the Islamists, regional commanders, and the national army, a potentially dangerous conflict has arisen over the position of Chief of Staff of the National Army. El-Kieb, according to this individual, believes that he must settle this matter in short order to avoid provoking security concerns among foreign allies and businesses contacts.)

5. According to a knowledgeable individual, in late December 2011el-Kieb resisted efforts by General Khalifa Belqasim Haftar to establish himself as the Chief of Staff of the National Army. Haftar, who lived in the United States for many years and is believed by Belhaj and others to have a relationship with the U.S. Government, is using his popularity among the officer corps of the regular NTC army to support his claim to be Chief of Staff. This produced heated protests from militia leaders and in late December 2011el-Keib named deputy Minister of Defense Colonel Yussef al-Mangoush, to be Chief of Staff. In the opinion of one source, this is a problematic choice, since el-Keib is replacing the supposedly pro-American Haftar with al-Mangoush who commanded one of Qaddafi's elite Special Forces units, even after the revolution began. This individual believes that el-Keib's decision was driven by personal animosity toward Haftar, and the influence of Minister of Defense Osama al-Juwali. The situation is far from resolved, as Haftar and his supporters, particularly in the Benghazi garrison, continue to claim that the General is the true Chief of Staff. El-Keib and al-Juwali are working to reconcile all of the elements in this conflict as quickly as possible, before the supporters of the two claimants begin fighting. In the meantime, el-Keib has stated in private that he fully expects Belhaj to attack al-Mangoush, but the Prime Minister believes that the Colonel is the only officer strong enough to disarm the militias and avoid a civil war.

6. At the same time, a very sensitive source added that el-Keib and Jalil are attempting to reconcile the fighting between Misrata and Zintan forces in Tripoli by naming Misrata leader Fawzi Abd Ali as Minister of the Interior and al-Juwali, who was commander of the Zintan militia, as Minister of Defense. To date, according to this individual, this effort has met with limited success, as the fighting has continued and the militias are refusing to disarm until their demands regarding living standards are met.

7. (Source Comment: One very sensitive source noted, that el-Keib is aware of the fact that he is running out of time to stabilize the situation in Libya. He believes that if he does not disarm the militias and meet their demands in the next six months there is a good chance of increased fighting

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among rival groups that could lead to civil war. In any event, he realizes that the ongoing instability will cause Western governments, firms, and banks, to hesitate before committing themselves to long term relationships with Libya. El-Keib believes that Belhaj and his advisors have made the same judgment, and are waiting to fill any vacuum created by this violence, by establishing a conservative Islamic Republic.)

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EXHIBIT 14

OSPREY
GLOBAL SOLUTIONS, LLC
8209-A Market Street #294
Wilmington, North Carolina 28411

P 1.855.367.7739
F 1.910.338.3135

Andrew J. Shapiro
Asst. Secretary of State
Bureau of Political-Military Affairs

04 January 2012

Mr. Shapiro:

The following is respectfully submitted to introduce Osprey Global Solutions, LLC (OGS), a U.S. service-disabled veteran owned small business, domiciled in North Carolina, and led by BG (ret.) David L. Grange. OGS provides full service medical support, humanitarian assistance, logistics support and expeditionary construction capabilities in denied operational environments.

We are keen to support the people of Libya under the sponsorship of the Ministry of Finance and the Libyan Stock Exchange, specifically in the person of Ngeb Obeda, who has agreed to secure our visas and host our travel to Tripoli and Benghazi in the next two weeks.

Specifically, we are prepared to provide the following services:

1. Coordinate humanitarian assistance, medical services and disaster mitigation with a focus on immediate relief of human suffering;
2. Provide ship-to-shore (maritime) medical and logistical support, advanced field hospital services and mobile command and control; this would include the immediate deployment of a hospital ship equipped with rotary wing assets;
3. Medical services to include medevac and QRF (both fixed wing and rotary aircraft);
4. Establishment of a network of emergency care and mobile clinics (on-shore);
5. Logistics and infrastructure support – as prescribed and prioritized by the TNC;
6. Expeditionary and Permanent Housing Construction;

We very much look forward to presenting Ambassador Cretz our credentials and a capabilities brief and invite him to contact myself and/or our EVP, Richard Vandiver at any time. My international cell is: +1630.728.4346; Rick's cell is: +1210.748.2432. We are both in the Washington, DC area this week, but are traveling next week to Europe and the Middle East.

Regards,

David L Grange

David L. Grange

EXHIBIT 15

H: Latest intel Libya turmoil. Progress? Sid
Feb 1 2012

CONFIDENTIAL

February 1, 2012

For: HRC
From: Sid
Re: Libya turmoil

SOURCE: Sources with direct access to the Libyan National Transitional Council, as well as the highest levels of European governments, and Western intelligence and security services.

1. On January 30, 2012, following a discussion with the other members of the National Transitional Government (NTC), Libyan President Mustafa Abdul Jalil stated privately that within the next two months he and Prime Minister Abdurrahim el-Keib must support each other as they deal with private firms that can provide the medical assistance and basic needs of daily life for the Libyan people, or risk the country falling into civil war. According to a source with access to the highest levels of the NTC, Jalil is somewhat recovered from the shock of the January 21 attack on his office and the NTC headquarters in Benghazi by demobilized militia fighters from the revolution, and is searching in earnest for a way to finalize contracts with private firms and aid providers.

2. According to this well informed individual, Jalil did not explain his mention of a two month time line, but, in the opinion of this individual, the President fears that crucial medical supplies and other badly needed daily necessities of life may be used up completely in this time frame. This sensitive source noted in confidence that, in late January discussions with el-Keib, Jalil advised that they must also ignore their frustration over, what they see, as the failure of Western European states to provide these supplies in the form of aid, and focus on the crisis at hand.

3. According to this individual, Jalil believes that the NTC's problems in supplying these items lie in the general chaos involved in setting up a new government, complicated by a steady stream of charges from Islamist leaders, that any government official dealing with foreign companies is following the same corrupt path as their predecessors in the government of deposed dictator Muammar al Qaddafi. Jalil believes that el-Keib and the cabinet must take these hard steps, supported by the NTC leadership. At present he is concerned that they have no concrete plan to reach this

point. This individual noted that, Jalil, in an effort to strengthen the resolve of the NTC, decided to make a firm statement in response to the attempted resignation of Abdel – Hafidh Ghoza, the deputy chief of the Council. Ghoza announced his resignation in the wake of the January 21 incident, noting that he was one of the principal targets of the militiamen's anger. In the opinion of this individual, Jalil, after consultation with el-Keib, informed Ghoza that he is not accepting his resignation. Ghoza, has been keeping a very low profile in Benghazi, and has apparently not yet agreed to stay on at the NTC.

4. (Source Comment: Concern over a potential civil war continues to grow in the el-Keib cabinet. An extremely sensitive source added that, in the same time period, Minister of the Interior Minister Fawzi Abd Ali informed the Prime Minister that, for all intents and purposes, the country is dividing along ancient traditional lines. Ali stated that former militia forces, many of whom are loyal to Islamist general Abdel Hakim Alamin Belhaj, control much of Triopli and the Western portion of the country, and are in regular conflict with militia and regular army troops in the Eastern region and Benghazi, which remain under the rather unsteady control of the NTC. According to Ali, much of the arid Southern portion of the country is under the control of tribal groups nominally loyal to Saif al Islam Qaddafi, the imprisoned son of the former dictator. For his part el-Keib is increasingly frustrated with Minister of Defense Osama al Juwali, who was a commander of forces in the Western stronghold of Zintan. According to this individual, el-Keib believes that Juwali has been unsuccessful in dealing with this situation. Ali added that there is an ongoing series of clashes between heavily armed militiamen from Tripoli and Benghazi, as well as forces of the NTC National Army under General Khalifa Belqasim Haftar.)

5. In the opinion of this individual, during late January 2012 Jalil informed el-Keib of his frustration over the fact that the majority of foreign interest in Libya since the revolution has revolved around the disposition of the oil industry. In this regard he cited the planned visit of a French warship to assist in removing mines placed in Libya's harbors by the Qaddafi regime during the 2011 revolution. El- Keib noted that that, while this effort is needed, it is intended primarily as a move to facilitate the shipment of oil from the Libyan ports. While the President recognizes that the oil industry is the key to Libya's future, he also needs to be able to deal with foreign firms regarding the supply of day to day necessities. Jalil and el-Keib agree that the best path for foreign firms to use in gaining a foothold in Libya is through the Stock Exchange, headed by Ngeb Obeda, under Minister of Finance Hassan Ziglam. The President and Prime Minister feel that by working through the Stock Exchange the Government can maintain transparency in foreign contracts and avoid charges of Qaddafi-like corruption.

6. (Source Comment: According to a very sensitive source, el-Keib complained to Jalil that Belhaj continues to complicate every aspect of the process of dealing foreign firms and governments. He noted that Belhaj is now attempting to file a law suit against a former senior British intelligence officer who is an advisor to British Petroleum (BP) citing claims that this former officer facilitated his past detention by United States anti-terrorism forces. El-Keib noted that this is the type of activity that raises concerns among foreign firms looking to operate in Libya.)

EXHIBIT 16

UNCLASSIFIED
U.S. Department of State
Case No. F-2015-04841
Doc No. C05739578
Date: 05/13/2015

STATE DEPT. - PRODUCED TO HOUSE SELECT BENGHAZI COMM.
SUBJECT TO AGREEMENT ON SENSITIVE INFORMATION & REDACTIONS. NO FOIA WAIVER.

RELEASE IN PART B6

From: H <hrod17@clintonemail.com>
Sent: Wednesday, September 12, 2012 11:26 PM
To: 'sullivanjj@state.gov'
Subject: Fw: Fwd: more on libya
Attachments: Libya 37 sept 12 12.docx

We should get this around asap.

From: [redacted] B6
Sent: Wednesday, September 12, 2012 06:16 PM
To: H
Subject: Fwd: more on libya

Sending direct. Just in.

Sent from my Verizon Wireless 4G LTE DROID

-------- Original Message --------
Subject: more on libya
From: tyler drumheller <[redacted]> B6
To: [redacted] <[redacted]>
CC:

UNCLASSIFIED
U.S. Department of State
Case No. F-2015-04841
Doc No. C05739578
Date: 05/13/2015

STATE DEPT. - PRODUCED TO HOUSE SELECT BENGHAZI COMM.
SUBJECT TO AGREEMENT ON SENSITIVE INFORMATION & REDACTIONS. NO FOIA WAIVER.

UNCLASSIFIED
U.S. Department of State
Case No. F-2015-04841
Doc No. C05739578
Date: 05/13/2015

STATE DEPT. - PRODUCED TO HOUSE SELECT BENGHAZI COMM.
SUBJECT TO AGREEMENT ON SENSITIVE INFORMATION & REDACTIONS. NO FOIA WAIVER.

. PROPRIETARY/CONFIDENTIAL

SUBJECT: Libya (37)

SOURCE: Sources with direct access to the Libyan National Transitional Council, as well as the highest levels of European Governments, and Western Intelligence and security services.

THE FOLLOWING INFORMATION COMES FROM AN EXTREMELY SENSITIVE SOURCE AND SHOULD BE HANDLED WITH CARE.

1. On September 12, 2012 Libyan President Mohammed Yussef el Magariaf told senior advisors that the death of the U.S. Ambassador at the hands of Islamist militia forces represents a threat to the future of the newly elected General National Congress (GNC) Government. According to a sensitive source, el Magariaf believes that the primary goal of this and other attacks on Western facilities is to demonstrate that the GNC cannot protect its non-Islamic friends. Libyan security officials believe that the attack was carried out by forces of the Islamist militia group calling itself the Ansar al Sharia brigade; working out of camps in the Eastern suburbs of Benghazi. These officials added that their sources indicate that this group is led by former members of the old Libyan Islamic Fighting Group (LIFG), some of whom are loyal to Islamist General Abdelhakim Belhaj. The same officials were quick to point out that they have no evidence that Belhaj had any direct involvement in this attack. They also have no direct information as to whether this assault has anything to do with the death of Libyan born al Qai'da leader Abu Yahya al- Libi, but they are pursuing this theme. These officials do

UNCLASSIFIED
U.S. Department of State
Case No. F-2015-04841
Doc No. C05739578
Date: 05/13/2015

STATE DEPT. - PRODUCED TO HOUSE SELECT BENGHAZI COMM.
SUBJECT TO AGREEMENT ON SENSITIVE INFORMATION & REDACTIONS. NO FOIA WAIVER.

STATE-SCB0045275

UNCLASSIFIED
U.S. Department of State
Case No. F-2015-04841
Doc No. C05739578
Date: 05/13/2015

STATE DEPT. - PRODUCED TO HOUSE SELECT BENGHAZI COMM.
SUBJECT TO AGREEMENT ON SENSITIVE INFORMATION & REDACTIONS. NO FOIA WAIVER.

believe that the attackers having prepared to launch their assault took advantage of the cover provided by the demonstrations in Benghazi protesting an internet production seen as disrespectful to the prophet Mohammed.

2. According to this source, the immediate events were set in motion by a statement made by a Muslim Cleric in Egypt saying that the internet film was going to be shown across the United States on September 11 in an effort to insult Muslims on the anniversary of the attacks on the New York World Trade Center in 2001. This statement inspired increasingly hostile demonstrations at the U.S. Embassy in Cairo, and at diplomatic facilities in Libya. In Benghazi, reporting from security sources states, approximately twenty one (21) Ansar al Sharia fighters left their base in East Benghazi just after sundown infiltrated the crowd of about 2,000 demonstrators at the U.S. Consulate. These forces, operating under cover of darkness, opened fire on the consulate, eventually setting it on fire with rocket propelled grenades. These fighters then withdrew to their camp. El Magariaf ordered security officials to identify and arrest the attackers, adding that he had been in touch with Egyptian President Mohmmed Morsi, and the two agreed that their intelligence and security personnel will cooperate in this matter. (Note: Some of the Libyan officials believe that the entire demonstration was organized as cover for the attack, however; they point out that there is no evidence of such a complex operation at this time.

3. (Source Comment: In the opinion of this individual, Libyan security officers also informed el Magariaf that the attacks had been planned for approximately one month, based on casing information obtained during an early demonstration at the U.S. consulate in Benghazi. The attackers were, in the opinion of these individuals, looking for an opportunity to approach the consulate

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Case No. F-2015-04841
Doc No. C05739578
Date: 05/13/2015

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under cover in a crowd. These officials add that government security officers admitted to el Magariaf that they do not have the physical capacity to locate, attack, and destroy the Ansar al-Sharia brigade, among others. They describe these forces as well-trained, hardened killers; many of whom have spent time in Afghanistan and Yemen. These fighters are located in camps in Eastern Libya; and Libyan officials doubt they can penetrate these camps because the militia's are better armed than the forces of the new National Army.

4. In the opinion of a separate source El Magariaf continues to believe that the attacks were planned and carried out in a political atmosphere where a portion of the Libyan population is focused on past cooperation between Western intelligence and security services, and the regime of former dictator Muammar al Qaddafi. According to this source, el Magariaf realizes that the death of the U.S. Ambassador dictates that he must find tangible solutions to the problems tied to disarming the militias, dealing Salafist violence against the followers of Sufi beliefs, and efforts to discredit his government through linking him to Western intelligence services. El Magariaf instructed his security officials to cooperate with their U.S. counterparts. He also warned all of his advisors to be prepared for U.S. retaliation against the suspected perpetrators of this attack, and the angry public reaction that is sure to follow.

5. (Source Comment: A separate, particularly sensitive source added that in private conversation el Magariaf stated that if his government cannot protect a senior diplomatic official, foreign businesses will not be willing to risk opening up new operations in Libya. According to this sensitive source, el Magariaf believes that a number of the Islamist militias are now being influenced al Qai'da and other radical groups; working out of camps in the Eastern and Southeastern parts of the

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country. These groups are receiving aid and weapons from supporters in Sudan. In the end, el Magariaf added that while he does not expect U.S. officials to focus on this point, he believes the attacks against the interests and citizens of the U.S. and other Western states are aimed first at overthrowing his government, and replacing it with a strict Islamic Republic dominated by Salafist leaders. Magariaf also warned that tribal militias loyal to the Qaddafi family continue to present an equally dangerous threat to the new Government.)

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STATE-SCB0045278

EXHIBIT 16a

H, Q's location. Sid
Oct 15 2011

CONFIDENTIAL

October 15, 2011

For: Hillary
From: Sid
Re: Qaddafi's location

Seymour Hersh, the investigative journalist for The New Yorker, was approached within the last 48 hours by a source who was a former financial beneficiary of the Qaddafi regime asking him whether he wished to conduct an exclusive interview with fugitive former Libyan dictator Muammar Qaddafi, according to a close friend of Hersh. Hersh was told that Qaddafi is in Chad. He was also told that Qaddafi intends to wage endless war from his new location. Qaddafi helped install the Chad president, Idriss Deb y, supporting him when he overthrew Hussein Habre in the fall of 1990.

EXHIBIT 17

H: Per our conversation. Jamie writes editorial... Sid
Sep 8 2011

http://www.bloomberg.com/news/print/2011-09-08/hillary-clinton-deserves-credit-for-the-positive-u-s-role-in-libya-view.html

Bloomberg

Hillary Clinton Deserves Credit for U.S. Role in Libya: View
By the Editors - Sep 7, 2011
The unsung hero of the Libya drama in the U.S. is Secretary of State Hillary Clinton. Clinton's actions were critical for several reasons. Most important, she overcame Defense Secretary Robert Gates's caution about using military force in Libya and his reluctance to support an operation led by France and Britain. Clinton also personally managed the unorthodox partnership with French President Nicolas Sarkozy that proved so crucial to joint action to defeat the Qaddafi regime.
Despite the unusual arrangement in which the U.S. was a supporter rather than a leader of NATO's military operation, she defended intervention before a skeptical Congress and performed the hard slog of daily diplomacy around the world, helping Arab countries, the Europeans and the U.S. work together with a minimum of friction and a maximum of determination.
Aside from the killing of Osama bin Laden, the decision to support NATO military action in Libya is probably the Obama administration's most important achievement in international affairs. Although Muammar Qaddafi is still at large and the country is a long way from having a stable, representative government, there is little doubt that the Qaddafi regime has been defeated as a result of an internal revolt led by the Transitional National Council. History will surely judge that, by intervening on the side of the rebellion, the West -- primarily the governments of France, the U.K. and the U.S. -- made a unique and invaluable contribution to the democratic aspirations of the people of the Middle East.
That said, the Obama administration's decision-making process remains opaque. The veteran journalist Bob Woodward's next book, due out in the fall of 2012, may shed some light on the question of whose voices were decisive this past March, when President Barack Obama decided to support a United Nations resolution and a NATO military operation for Libya.
Based on our discussions with administration officials, as well as the public record, some preliminary conclusions about the decision are possible. First, while we argued for a more active U.S. military role in NATO's operation, it is now clear that Obama's unprecedented approach -- in which Washington supported, rather than led, a NATO operation -- was successful in the end.
Second, by breaking with Gates, Clinton tipped the balance within the administration in favor of action. Without her strong argument to support the Europeans' call for American help, Washington probably would not have acted. The president's national security adviser, Tom Donilon, was declaring freedom in Libya to be outside the U.S. national interest, and both military and civilian officials in the Pentagon were reluctant

to endorse or even opposed U.S. intervention. But Clinton's push for the U.S. to act in support of Britain and France appears to have been decisive.

In retrospect, the fears of Gates and other military officials that action in Libya would be a slippery slope, perhaps leading to U.S. involvement on the ground in a third war in the Middle East, seem wildly overblown. Obama said the U.S. would play a limited role by offering unique military assets, such as aerial refueling and air-defense suppression capabilities. Congress not only opposed sending in ground troops but mostly opposed any U.S. involvement. Obama wisely resisted.

For better or worse, the Libya model is not likely to be repeated anytime soon. This is not, as some say, because NATO will never again intervene in a situation like Libya's. After the Kosovo war, many also said NATO would never again act against a dictator to save lives. The Libya model is no guide for the future because such a unique set of circumstances in favor of military action is not likely to happen again.

Think about the conditions: A despised dictator threatened mass murder; an open desert provided a decisive advantage for air power; a rebel army on the ground sought democratic change and espoused Western values; the UN at least loosely endorsed NATO air operations; the Arab League called for the West to intervene militarily in an Arab country; and U.S. allies prepared to do all the heavy lifting. Given those circumstances, it is still hard to explain why there were determined opponents, primarily in the Republican Party, to this mission in the first place.

Throughout most of Obama's term in office, only a few administration officials have commanded respect and political power on national security matters: Clinton, Gates and General David Petraeus, the most decorated and admired officer of recent times. With Gates now gone and Petraeus in a non-policy role as director of the Central Intelligence Agency, Clinton's power will only increase as the president's re-election campaign heats up. We hope she recognizes her opportunity and uses it well.

To contact the Bloomberg View editorial board: view@bloomberg.net.

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-----Original Message-----
From: H <HDR22@clintonemail.com>
To: 'sbwhoeop@aol.com' <sbwhoeop@aol.com>
Sent: Sat, Sep 10, 2011 4:39 pm
Subject: Re: H: Per our conversation. Jamie writes editorial... Sid

It was very welcome and gave me reason to sit down and talk w Jamie who is such a good friend. Hope to talk soon—H

EXHIBIT 18

H: Got all this done. Complete refutation on Libya smear. Philippe can circulate these links. Sid
Oct 10, 2012
http://mediamatters.org/blog/2012/10/10/right-wing-medias-libya-consulate-security-myth/190508
http://mediamatters.org/research/2012/10/10/fox-favorite-jason-chaffetz-and-the-right-wing/190517
http://mediamatters.org/research/2012/09/26/myths-and-facts-about-the-benghazi-attack-and-p/190150
http://mediamatters.org/blog/2012/10/09/will-the-media-help-romney-surrogate-catapult-b/190480

EXHIBIT 19

H: Post-Q. Sid
CONFIDENTIAL

August 22, 2011

For: Hillary
From: Sid
Re: Your statement post-Q

Just a quick note:

First, brava! This is a historic moment and you will be credited for realizing it.

When Qaddafi himself is finally removed, you should of course make a public statement before the cameras wherever you are, even in the driveway of your vacation house. You must go on camera. You must establish yourself in the historical record at this moment.

The most important phrase is: "successful strategy."

Just a few points:

*The US has pursued a successful strategy in Libya. We did not know how long it would take, but we knew it would not be easy, and that it would require steadiness and persistence. This was the right course, based on our interests and principles. And it has worked.
*Do not skimp on the reasons in the US interest behind the successful strategy: We prevented a humanitarian tragedy on a vast scale. Qaddafi, who had already killed 2,000 people in April, threatened to massacre the residents of Benghazi, tens if not hundreds of thousands of people. We worked closely with our NATO allies, proving that cooperation within the Western alliance can achieve our mutual goals. The US has demonstrated its principled belief in the rule of law and acted on the basis of the United Nations resolution. We have supported the legitimate aspirations of the Libyan people for democracy and freedom. We have ousted a murderous dictator who has been a source of terrorism, civil war throughout Africa and a prop for dictators elsewhere. By acting in Libya we have helped advance the cause of democracy and freedom throughout the Arab world. We have provided an important support for neighboring Egypt. We have put Assad on notice that the sands of time have run out for him as well. Our successful strategy in Libya stands as a warning that our strategy will work again. Etc.
*Be aware that some may attempt to justify the flamingly stupid "leading from behind" phrase, junior types on the NSC imagining their cleverness. To refute this passive construction on US policy and help remove it as an albatross from the administration as

it enters the election year, do not be defensive but rather simply explain that the US had a clear strategy from the start, stuck with it and has succeeded.
*Then you can say whatever on future policy—but only after asserting the historic success and explaining the reasons why.
*This is a very big moment historically and for you. History will tell your part in it. You are vindicated. But don't wait, help Clio now.

EXHIBIT 21

H: Very good intel re: inside NTC. Sid
Aug 30 2011

CONFIDENTIAL

August 30, 2011

For: Hillary
From: Sid
Re: Inside NTC latest

As of August 30, 2011, the leaders of the Libyan National Transitional Council (NTC) are adjusting to their success in fighting against the forces of Muammar Qaddafi in Tripoli and throughout the country. According to a knowledgeable source, the numerous tribal, regional, political divisions within the 31 member NTC are complicating the process of moving from a revolutionary movement focused on Qaddafi, to a new, established government.

In the opinion of this source, there is a danger that governments of the United States, France, the United Kingdom, and the other major powers will identify allies on the NTC, expediting the formation of rival groups among the council members. These sources believe that Prime Minister Mahmoud Jabril, and General Khalifa Haftar lead a faction that is well disposed toward the U.S. government. Their principal rivals in the NTC appear to be President Mustafa Abdul Jalil, and General Suleiman Mahmoud, who, in the opinion of one sensitive source have well established relationships with the British and French governments respectively. In light of the dangerous situation that exists throughout Libya, all of these leaders are remaining as discreet as possible regarding their relationships with foreign governments and firms.

(Source Comment: Generals Haftar and Suleiman Mahmoud are rivals for the overall control of the National Liberation Army (NLA). This is the continuation of the struggle between Haftar, and General Abdel Fatah Younis, the previous commander of the NLA, who was detained and secretly executed by NTC security personnel on orders from Jalil. The President ordered this execution after receiving evidence that Younis was carrying on a secret dialogue with Saif al-Islam Qaddafi. Several members of the NTC pressed for Jalil's removal from office after this incident, but he was able to hold on to his position as Chairman of the NTC and President of the new Libya.)

A separate sensitive source adds that, in their opinion, the various leaders of the NTC are well aware of which governments and firms supported them during the rebellion, including the major oil companies and international banks. As the new government takes shape, its leaders will factor this information into decisions they make regarding future business relationships, including oil leases. This source adds that the Libyans will, of course, weigh these concerns against the practical advantages offered by particular relationships with foreign governments and firms. That said, the source notes that the feeling of animosity toward certain countries and firms is particularly pronounced.

In the opinion of this individual, Italy, and the Italian oil firm ENI are in especially problematic positions. Jalil and his supporters are convinced that the Italian government and ENI did not fully support the rebellion against Qaddafi's rule, hedging their bet against the contingency of a victory by the old regime. According to this source, the recent meetings in Rome between Prime Minister Jabril and Italian Prime Minister Silvio Berlusconi did not produce the definitively positive results the Italians had hoped for.

(Source Comment: According to a very knowledgeable source, the Italian government and ENI found themselves in an impossible position during the rebellion, with much of their investment in Libya located in the Western part of the country, which was held by Qaddafi's forces throughout the fighting. This source believes that in the end, given the longstanding cultural and political links between Italy and Libya, the NTC will have positive business and diplomatic relationships with Rome, however; given their frustration over the Italy's role in the rebellion, the Libyans can be expected to demand highly favorable terms in any future business dealings with Italian firms. This source adds that while U.S., British and French firms will most likely have positive positions under the new government, the final details of any major business arrangement will be subject to serious debate in the NTC. This is particularly true in terms of contracts related to the oil industry and international bank.)

In addition, during the afternoon of August 28, 2011 sources with direct access to the highest levels of the NTC stated in confidence that the new Libyan regime would resist efforts by the United States and its allies to arrange the extradition to any country of the convicted organizer of the Lockerbie bombing, Mohmed Ali al-Megrahi. In a private discussion, these senior NTC officers reacted forcefully to questions regarding this possibility, pointing out that such a move "will never happen, and even so, Megrahi was just a captain in the Libyan Mukhabarat (Security/Intelligence service)." They explained that as a captain he was of no particular importance and was "just following Muammar Qaddafi's orders." This matter has been discussed at some length within the NTC. These officials stated that many NTC members blame the Bush administration for accepting $2.7 billion in "blood money" as compensation from Qaddafi for the Lockerbie bombing. One particularly senior official said that act "dishonored the dead" and caused the Libyan people to "lose respect for America," especially after the U.S. Department of State lifted sanctions against Libya.

At the same time, these individuals added that the International Criminal Court (ICC) was in contact with the leadership of the NTC, requesting that Muammar Qaddafi, Saif al-Islam Qaddafi, and other senior officers of the regime be turned over to the ICC for prosecution when they are captured. Speaking in strict confidence, the NTC officials replied that Saif al-Islam and any other officials would, if capture alive, be extradited to The Hague for trial. However; they added that a majority of the NTC had decided that Muammar Qaddafi would be held for trial in Libya if he is captured by forces under the direct control of NLA central command. That said, they added that it was very likely that if Muammar Qaddafi is captured by one of the regional militias that make up the bulk of the NLA, he will be summarily executed. The ICC representative protested this stance but was rebuffed.

EXHIBIT 22

H: Lots of new intel; possible Libyan collapse. Sid
Mar 27 2011

CONFIDENTIAL

March 27, 2011

For: Hillary
From: Sid
Re: Lots of new intel; Libyan army possibly on verge of collapse

Latest:

During the evening of March 27, 2011, individuals with direct access to the military committee of the National Libyan Council (NLC) stated in confidence that while the rebel forces continue to have organization and communications problems, their morale has improved drastically, and they believe the Libyan Army is on the verge of collapse. Under attack from allied Air and Naval forces, the Libyan Army troops have begun to desert to the rebel side in increasing numbers. The rebels are making an effort to greet these troops as fellow Libyans, in an effort to encourage additional defections.

(Source Comment: Speaking in strict confidence, one rebel commander stated that his troops continue to summarily execute all foreign mercenaries captured in the fighting. At the same time Colonel Khalifa Haftar has reportedly joined the rebel command structure, in an effort to help organization the rebel forces. Haftar was the commander of the Libyan National Army (LNA), a 1500 man force of anti-Qaddafi troops based in N'djamena, Chad, until current President Idryss Debi overthrew Chadian President Hussein Habre in the fall of 1990, with the assistance of Libyan and French troops. Haftar and his troops fled to a country in central Africa and many, including Haftar, later settled in the United States.)

An extremely sensitive source added that the rebels are receiving direct assistance and training from a small number of Egyptian Special Forces units, while French and British Special Operations troops are working out of bases in Egypt, along the Libyan border. These troops are overseeing the transfer of weapons and supplies to the rebels.

(Source Comment: The rebels are moving back into areas that they lost in mid- March fighting, and using the allied air cover, they are confident they can move into the Tripoli district in a matter of days. One rebel source reported that they had reliable intelligence that people were evacuating Qaddafi's hometown, Sirte, anticipating its capture by the rebels. Sirte is located mid-way between Tripoli and Benghazi; its loss will be a psychological blow for Qaddafi.)

Separately, a sensitive European source stated in strict confidence that French military commanders anticipate a complete collapse of the Libyan military command and control structure in the next week. These officers, who have experience with the Libyan Army during its invasion of Chad in the late 1980s stated that the Libyan troops did not perform well under concentrated fire from troops armed with modern weapons.

This source also noted that information from Tripoli has become increasingly difficult to obtain, but there are reports of deaths among some Qaddafi's senior security officials, including Mansour Daw, and that the Libyan leader himself may have experienced a health problem. Unfortunately, the European Intelligence services have been unable to confirm or discredit these reports. This situation has become increasingly frustrating for French President Nicolas Sarkozy, who, according to knowledgeable individuals, is pressing to have France emerge from this crisis as the principal foreign ally of any new government that takes power.

Sarkozy is also concerned about continuing reports that radical/terrorist groups such as the Libyan Fighting Groups and Al Qa'ida in the Islamic Maghreb (AQIM) are infiltrating the NLC and its military command. Accordingly, he asked sociologist Bernard Henri Levy, who has long established ties to Israel, Syria, and other nations in the Middle East, to use his contacts to determine the level of influence AQIM and other terrorist groups have inside of the NLC. Sarkozy also asked for reports setting out a clear picture of the role of the Muslim Brotherhood in the rebel leadership.

These sources note that French diplomats and intelligence officers in Egypt are in contact with the following rebel figures in Benghazi:

MESMARI Nouri (Qaddafi's former head of protocol, who along with Mousa Kousa was considered the Libyan leaders most loyal follower. Nouri currently lives in France;

Gehan (GHEHANI) Abdallah (colonel);

CHARRANT Faraj,

BOUKHRIS Fathi,

General Abdelfateh **Younis** (commander of the rebel forces)

(Source Comment: Senior European security officials caution that AQIM is watching developments in Libya, and elements of that organization have been in touch with tribes

in the southeastern part of the country. These officials are concerned that in a post-Qaddafi Libya, France and other western European countries must move quickly to ensure that the new government does not allow AQIM and others to set up small, semi-autonomous local entities—or "Caliphates"—in the oil and gas producing regions of southeastern Libya.)

These knowledgeable sources add that the insurgents have the following weapons stockpiled in Benghazi:
82 and 120 mm. mortars;
GPZ type machine guns;
12.7mm. machine guns mounted on 4x4 vehicles;
some anti-aircraft batteries type ZSU 23/2 and 23/4 as well as Man-Portable Air-Defense Systems (MANPADS) type SAM7;
some tanks type T-72;
Possibly some fixed wing aircraft, and some light transport/medium helicopters.

A seemingly endless supply of AK47 assault rifles and ammunition (even for systems ZSU 23/4 and 23/2). French, British and Egyptian Special Forces troops are training the rebels inside of western Egypt, and to a limited degree in the western suburbs of Benghazi.

(Source Comment: These sources add that the MANPAD SAM7 systems appear to be old and badly preserved, and have been judged useless by the rebels.)

INTERVIEW OF COMMUNICATIONS OFFICER

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, JUNE 19, 2015

Excerpts of the foregoing interview were cited in the Report of the Select Committee on Benghazi. The Central Intelligence Agency declined the Committee's request to declassify the interview transcript.

INTERVIEW OF GRS—TRIPOLI

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, JUNE 23, 2015

Excerpts of the foregoing interview transcript were cited in the Report of the Select Committee on Benghazi. The Central Intelligence Agency declined the Committee's request to declassify the interview transcript.

INTERVIEW OF DIRECTOR, INFORMATION RESOURCE MANAGEMENT, EXECUTIVE SECRETARIAT

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, JUNE 30, 2015

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

DANA CHIPMAN, *Chief Counsel*
SHARON JACKSON, *Deputy Chief Counsel*
CARLTON DAVIS, *Counsel*
SHERIA CLARKE, *Counsel*
KIM BETZ, *Member Outreach Liaison and Counsel*
SUSANNE SACHSMAN GROOMS, *Minority Staff Director*
HEATHER SAWYER, *Minority Chief Counsel*
KRISTA BOYD, *Minority Senior Counsel*

FOR THE U.S. DEPARTMENT OF STATE

AUSTIN EVERS, *Senior Advisor*

FOR DIRECTOR, INFORMATION RESOURCE MANAGEMENT, EXECUTIVE SECRETARIAT

RANDALL J. TURK,
KYLE CLARK,
Baker Botts LLP

Ms. Jackson. Good afternoon. This is a transcribed interview of [redacted] or --

Mr. [redacted] [redacted]

Ms. Jackson. [redacted]

Mr. [redacted] Yes.

Ms. Jackson. 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 security facilities in Benghazi, Libya, and related matters pursuant to House Resolution 567 of the 113th Congress and House Resolution 5 of the 114th Congress.

Sir, could state your name for the record, please?

Mr. [redacted] Sure. I'm [redacted]

Ms. Jackson. And would you spell your last name for us?

Mr. [redacted] Sure. [redacted] as in [redacted]

Ms. Jackson. Okay. We appreciate your being here today and answering our questions this afternoon.

Mr. [redacted] Sure.

Ms. Jackson. Again, my name is Sharon Jackson. I am one of the counsel for the majority staff of the committee. And I'm going to ask everyone to go around the table and introduce themselves so that you know who we are.

Mr. [redacted] Okay.

Ms. Jackson. I promise you there will not be a quiz at the end as to everybody's name.

Mr. [redacted] Good. Okay.

Ms. Jackson. Just for your lawyer, we will have a quiz for him. And he cannot pass it off to his associate either.

Mr. Turk. And speak slowly, okay?

Ms. Jackson. But we'll start with the counsel that is here with you today.

Mr. Turk. I'm Randy Turk from Baker Botts here in Washington, and I represent [redacted], along with my colleague, Kyle Clark.

Mr. Clark. And I'm Kyle Clark from Baker Botts, also represent [redacted].

Mr. Evers. Austin Evers. I work at the State Department.

Ms. Sawyer. Heather Sawyer with the minority staff.

Ms. Sachsman Grooms. I'm Susanne Sachsman Grooms with the minority staff.

Ms. Boyd. Krista Boyd with the minority staff.

Ms. Betz. Kim Betz with the majority staff.

Ms. Clarke. Sheria Clarke with the majority staff.

Mr. Davis. My name is Carlton Davis. I work for Chairman Gowdy.

Mr. Chipman. And I'm Dana Chipman with the majority staff.

Ms. Jackson. Okay. We were talking right before we went on the record, and it is my understanding, Mr. Turk, that you would like to raise an issue on the record.

Mr. Turk. I would. Thank you. [redacted] mother in Florida received a telephone call yesterday from a reporter from The Washington Post, and we believe that the likelihood that this reporter was calling

about anything other than [redacted] appearance here today is extremely unlikely, and we're concerned about it. We don't want The Post to know anything about what happens today, even if they already know he's appearing today.

And we ask not only that people in the room not speak to reporters, but that their staff, that they make sure their staff is not doing that. Because clearly I think it's pretty obvious that somebody let The Washington Post know that [redacted] was testifying today, and we don't want to see another story or any story in the Post about that.

So I make that request. And I thank everybody on the staff for listening to us and hopefully following through.

Ms. Jackson. Okay. Thank you, Mr. Turk.

Mr. Turk. Can I put one more point on the record?

Ms. Jackson. Yes.

Mr. Turk. And that is, I want to note that [redacted] retired from his position at the State Department back in 2012, I think within a couple of weeks of the events in Benghazi. So it's been a while now, several years, almost 3, since he was there, and I think that should be something in the background as we go forward in terms of memory and involvement in things.

Ms. Jackson. Okay.

Mr. Turk. So that said --

Ms. Jackson. Okay. Thank you.

Before we begin with the questioning, there's obviously rules and procedures that we will follow this afternoon, and so I just wanted

to outline those to you. Your attorney may have had conversations with our chief counsel about this, but I just want to set them out for us here today.

The way that we proceed is that a member -- and for the majority staff it will be for the most part me -- will ask questions for up to an hour, and then we'll stop, we'll switch, and the minority staff will be able to ask questions for up to the next hour. And we will proceed back and forth until each side has asked all the questions that they have of you.

Mr. [redacted] Okay.

Ms. Jackson. Questions can only be asked by a member of the committee, a Member of Congress assigned to this committee, or a staff member.

And additionally, in this interview, which is a voluntary transcribed interview, it is unlike testimony or a deposition in litigation, so we are not bound by the rules of evidence. So we may ask your opinion, we may ask what you've heard from other people, and the like. And also, because we don't follow the rules of evidence, that it's rare that we have any objections to any of the questions.

The witness or his counsel may raise objections for privilege, and those are then subject to the review of the chairman of the committee. If these objections cannot be resolved in the context of this interview, you can be required to return to answer those questions after the chairman has ruled on that. But Members of Congress and the staff that is here today are not permitted to raise objections when

either side is asking questions. So this has not been an issue that we've had in the course of our interviews, but I just want to put it out there that we are all clear on the process.

We are in an unclassified setting today and we anticipate that there will be no question posed to you or answer given that would go into any type of classified materials.

Mr. [redacted] Okay.

Ms. Jackson. If for any reason you think that an answer you would be called upon to give would go into that realm, please just let us know and we can reserve that question until another time or just decide to go on and not have it --

Mr. [redacted] Okay.

Ms. Jackson. -- have the answer as part of our proceedings.

You are welcome to confer with your counsel as often as you would like and for as long as you would like today. But if it's a mere matter of you need a question clarified or restated or perhaps simplified in some way, please just say so, and we'll try and take care of that at the time. But, again, at any time if you want to confer with the counsel that you've brought today, we will afford you the opportunity to do so. We'll simply go off the record, we'll allow you a private opportunity to talk with one another, and then we'll come back and resume.

Mr. [redacted] Okay.

Ms. Jackson. We will also take a break whenever it's convenient for you. Typically we do this at the end of every hour, as we have

to change seats and things like that, it's just a good opportunity to break. But if you need a break before then, please, again, just let us know, and we'll afford you whatever time you need for a break. We have water here. We have chocolate here. And if you need anything else, please just let us know. We're going to try and make this process as easy as possible of you.

As you see, we have an official reporter here that's taking down everything that is said so that we can have a record of these proceedings. So one thing that is important is that we give verbal responses, or that you give verbal responses to the questions, because it's very difficult for the reporter to be taking everything down --

Mr. [redacted] A nod.

Ms. Jackson. -- and watching nods of the head, shakes of the head, and things like that.

The other thing that the reporter asks of us is that only one person talks at a time. And so I will try and be very good at not starting my questions before you've finished your answer, and if you could wait to provide an answer until the question is completed, the reporter will love us both at the end of the proceeding. Otherwise, we might get chastised during the proceedings.

Mr. [redacted] Okay.

Ms. Jackson. And, again, if you need any question repeated, clarified, I know sometimes my mind wanders and I don't hear all of the question, so, please, we just want to make sure that you understand the question before giving an answer. We'll be happy to clarify or

repeat anything.

We will be asking you to give your best recollection of events. And as your counsel noted, it has been some years since you've been with the State Department. So, you know, we don't want you to guess, but we do want you to give us the most complete and truthful answer that you can.

If we pose a question to you and you don't know the answer but you know someone who would know the answer or is likely to know the answer, we will ask that you give us that information so that we can then go and turn to that person to seek the answers to the questions that we have.

This is a congressional committee conducting an investigation into certain events. Do you understand that you are required to answer the questions posed to you by Congress truthfully?

Mr. [redacted] I am.

Ms. Jackson. Okay. And do you understand that this also applies when questions are asked to you by a committee of Congress?

Mr. [redacted] Yes.

Ms. Jackson. Okay. Do you understand that witnesses who knowingly provide false testimony could be subject to a prosecution for perjury or for making false statements? Do you understand that?

Mr. [redacted] Yes.

Ms. Jackson. Okay. Is there any reason as you sit here today that you would not be able to give complete and truthful answers to this committee's questions?

Mr. [redacted] No.

Ms. Jackson. Okay. All right. That's the end of my preamble.

Mr. [redacted] Okay.

Ms. Jackson. Do you have any questions for us at this time?

Mr. [redacted] I don't.

Ms. Jackson. Okay. I'm going to ask if the minority has anything that they would like to add at this time.

Ms. Sawyer. We'd just like to welcome you. Thank you for coming, thank you for appearing voluntarily. I think my colleague indicated that we're a committee investigating certain events. They are the events surrounding the attacks in Benghazi. So we appreciate your counsel's clarification as to when your tenure ended with regard to those attacks in particular. So thank you.

Mr. [redacted] Okay.

Ms. Jackson. Okay. With that, I see that the clock is now at 2:25, and I'll start the first hour of questioning.

EXAMINATION

BY MS. JACKSON:

Q Mr. [redacted], how long were you at the State Department?

A I was at the State Department 38.9 years.

Q You couldn't make it to 40?

A No.

Q And when did you retire?

A I retired November 2 in 2012.

Q Okay. And what was your last position at the State

Department?

A I was director of the Systems Office on the seventh floor.

Q And would that be what we have come to know as the seventh floor principals of the State Department?

A Yes.

Q Okay.

A Yes. We handle that system.

Q And who were -- or what positions were in the system that you handled? You know, was it Secretary, the deputy secretaries? How far down did it go?

A It was all of those, all of the top officials at State.

Q Okay. Did that include the under secretaries of State?

A Yes.

Q Did it go below that level to assistant secretaries?

A Possibly. I just can't remember off the top of my head. But we may have had an assistant secretary on our staff, though those were usually handled by Bureau. So I don't think so.

Q Okay. But certainly from under secretary level upward?

A Above, yes.

Q Okay. And did that include the staff that worked for those principals?

A Yes.

Q Okay. And part of your answer to a question indicated that you had a separate network or server for those seventh floor principals?

A Yes.

Q Okay. Can you explain how that operated?

A There were two systems, classified and unclassified. So I'm not sure exactly which --

Q But there were separate -- there was a separate classified and a separate unclassified system that serviced only the seventh floor principals and their staffs?

A Correct, to a degree.

Q Okay. Could you explain that degree to me?

A The degree, the classified was, as far as I remember, that it was -- we were the sole caretakers of that. The unclassified system, we worked with big IRM, the big Systems Office, and so they had a view into our system.

Q Okay. Did the network or server for the unclassified system for the seventh floor principals, did it only service them even though you coordinated with big IRM?

A Yes. What we handled and serviced them, that's what we did.

Q From what position did you retire from the State Department in November of 2012?

A I retired as the director.

Q Okay. Of IRM?

A Not IRM. S/ES. S/ES is the designation, the Executive Secretariat, S/ES-IRM.

Q Okay. And what does IRM stand for?

A Information Resource Management.

Q Okay. So would it be safe to say that you were the head

tech guy for the seventh floor principals?

Mr. Turk. The what?

BY MS. JACKSON:

Q Head tech guy.

A Yes, for -- yes.

Q Okay. What were your duties and responsibilities? What did you do on a day-to-day basis?

A I handled the running of the office. We had teams with team leaders, and I had a couple of deputies, and we had roughly 1,000 users on our network. So just keeping things operational.

Q Okay. And we're talking the technology side, keeping things operational?

A Yes, keeping the systems up and running, absolutely.

Q Now, you said there were about 1,000 users?

A Yes, at a given -- any given time. I mean, some would come and go depending on -- we were actually working with big IRM to -- they took some of the users that we had.

Q Okay. So you would have the Secretary of State and her staff. Is that correct?

A Yes.

Q And the deputy secretaries of state and their staffs?

A Yes.

Q Okay. And then the -- I can't remember if there were six or seven.

A S, D, P, E, T, M, C were the acronyms: Secretary, the deputy

secretary, the under secretary for political affairs, economic affairs, it used to be security assistance, science and technology, but I think that has changed, and then under secretary for management, and then counselor of the Department.

Q Okay.

A Those were the big ones that I recall.

Q Okay. And so you were in charge of making sure all the technology systems were running and operational for these offices and positions?

A Yes.

Q Okay. And how long were you in that position as the director of IT for the Executive Secretariat-IRM?

A I took that position, I believe it was June 2008, and then retired in November 2012. So a little over 4 years.

Q Okay. Let me just step aside for a minute. When did you learn that this committee wanted to talk to you?

A I learned when I was in New England, taking a vacation in New England. And I just happened to check my email, and there was an email that had sat in my in-box for a while. I just hadn't been thinking about it. And then I immediately called the HR person who had tried to contact me and gave them my phone number, my mobile, and said, "Please call me."

Q And approximately when was that? When were you on vacation?

A That -- I got back to D.C. around the 17th, and we were gone

8 days, so roughly the 9th, May 9, through the 17th or 18th, roughly.

Q Okay.

A Yeah.

Q Okay. So during your entire tenure as director of IT for the executive-level leadership, did they always have a separate network or server for the unclassified system?

A Yes, yes.

Q Do you know how long -- I mean, how long it had been in effect prior to your taking over in 2008?

A I believe it was while Colin Powell was in office and said that we should have -- I believe that's when it was the unclassified system. Yeah.

Q Were you still working in information technology in the State Department when Secretary Powell was --

A Yes.

Q Okay.

A Yes.

Q And what was your position back then?

A I was a deputy director.

Q Of what office?

A Oh, in Information Resource Management, S/ES. My entire career was in the Executive Secretariat. But I worked in the Document Branch at the beginning for -- of 12 years, and then --

Q But you've always worked in the --

A I have, yes.

Q All right. And do you know why it was that a separate network -- well, let me back up and make sure we have the right terminology, because I am not a technical person.

Is a network and a server kind of synonymous terms or do they mean something different to you as an expert in the technology field?

A I would say they're very similar. You have to have servers to make up part of the network.

Q Okay.

A So I think that's a safe assumption.

Q So I can use them interchangeably in my questions and you'll know what I'm talking about?

A Sure.

Q Okay. Do you know why it was that Secretary Powell decided to implement a separate network for the executive leadership?

A And we're talking unclassified side?

Q Yes.

A Oh. I'm not so sure that it was a deliberate thing. It's just that the classified side was separate. And then we pride ourselves on giving great customer service to the principal officers and have an understanding of their mission. So --

Q Was there any concern about the protection of information that is transmitted at that level?

A Yes.

Q And did the executive leadership network provide additional protections for the information that was transmitted on that system?

A Could you clarify that?

Q By segregating out the flow of information to and from the senior leadership of the State Department, did that protect it in any additional way from other systems in the State Department?

A I believe there were firewalls in place that would provide extra protection.

Q Okay. Were the systems backed up in any way?

A Yes.

Q Okay. And can you describe those for us?

A My recollection is that they were backed up [redacted]

Q And it may be an obvious question, but what's the importance of having backups to a system?

A In case something happens, if the system crashes, for having an extra copy.

Q Okay. [redacted] Were there ever times when there was, like, a snapshot of the entire network taken and preserved, say, at the end of the year, end of the fiscal year, anything like that?

A A snapshot? I'm not sure what you mean of --

Q Like a backup tape preserved for time immortal.

A I don't know. I don't know.

Q Okay. And where were the backup systems located, if you

recall? And if you want, just focus on 2011, 2012, the last 2 years you were there.

A Okay.

Q For a variety of questions, if in doubt, let's just -- if I don't give a timeframe, let's talk about 2011, 2012.

A And 2012.

Q Okay?

A Okay.

Q Yeah.

A [redacted]

Q Okay. [redacted]?

A Yes.

Q [redacted]?

A No.

Q Okay.

Mr. Evers. Sharon, I know that there's an agreement on protecting information from public release, but I think especially in light of the IT security issues in the executive branch recently, that the information that you're going into now, while maybe it's not classified, Mr. [redacted] the right judge for that, I think it would be particularly prudent to protect this information from public disclosure. It's certainly sensitive.

Ms. Jackson. Okay. We'll take that into due consideration.

Mr. Evers. Thank you.

BY MS. JACKSON:

Q Were there intrusion detection systems in place on the seventh floor principals network?

A I believe so.

Q Okay. Were you in charge of that?

A In charge meaning -- yes. I was in charge of everything, but we certainly had the experts who were more technical than I who handled that.

Q That's understood. So it was under your umbrella --

A Sure.

Q -- but you weren't the one who was physically monitoring --

A Exactly.

Q -- the systems? Okay.

Did the Department have email in 2011, 2012?

A Yes.

Q Okay. Do you know when the State Department had widespread use of email, when they first started?

A This is going way back.

Q Way back.

A Oh. Well, we had limited just interoffice in the 1980s --

Q Okay.

A -- the Wang Office Systems.

Q I remember Wang. I'm dating myself, but I remember Wang rooms, yes.

A And then we had Wang minicomputers late '80s, early '0s,

and then we went to client-server architecture the end of the '90s.

Q Do you know when you had Internet-based email?

A We had very -- when Secretary Powell came onboard, we had very limited -- we had, like, a PC in each office, a walkup PC, and people could use that for the Internet. But we did not have them at everyone's desktop until Secretary Powell said we need to deploy those.

Q So would you say that based on your experience in the State Department, that Secretary Powell made you take a giant step forward in technology use in the State Department during his tenure?

A Yes, I would -- by giving everyone unclassified networks and Internet access, absolutely.

Q Okay. In 2011, 2012, what type of email system was being used on the unclassified side?

A Gosh, I believe it was XP. Is that what you're asking, the operating system?

Q It was Microsoft?

A Yes.

Q Outlook?

A Yes.

Q Okay. You didn't have Gmail or Hotmail or --

A No.

Q -- commercially available --

A No.

Q -- things like that? Okay.

Did the State Department's computer systems get a major upgrade

at any time after 2005?

A I don't recall.

Q Okay.

A We -- I would imagine it went to the latest version of the operating system.

Q Do you recall at any time in perhaps 2009 that an outside company came in to completely overhaul the State Department's computer systems?

A I don't recall that.

Q Okay. Do you recall whether the Foreign Affairs Manual or Foreign Affairs handbook was revised in 2009 with regard to email use or Internet use?

A I don't know that.

Q Would you have had any involvement in that process if it occurred?

A The involvement would have been chopping off on the language. There was probably suggested language, and do you agree with this. But I just don't recall that I did that personally.

Q Okay. There are some terms that we have heard, and we want to make sure that we have a full understanding of them. And some of the terms are S-A-S, or perhaps SAS, Freedoms, smart, POEMS, STARS, and Everest. Do any of those terms mean anything to you?

A Sure.

Q Okay. Well, could you describe each of those either systems or programs and what they do and whether they were in place

while you were there, and specifically 2011, 2012 timeframe?

A Could you give me one at a time so I could --

Q Well, let me ask --

A Okay.

Q Let me do it this way --

A Okay.

Q -- so it might help categorize them. Are some, like, network hardware things and others more software programs on how to manage information, or do they all do kind of the same thing?

A I would need to hear those again.

Q Okay.

A Sorry.

Q S-A-S, SAS.

A I don't recall what that --

Q The State Archiving System?

A Okay.

Q Okay?

A I just don't --

Q How about Freedoms?

A Freedoms?

Q F-r-e-e-d-o-m-s.

A I don't --

Q Recall that one?

A -- know about that one, no.

Q POEMS? Yes --

A That was --

Q -- you know that one?

A -- seventh floor.

Q And what was it about, what did POEMS do?

A It stood for Principal Officers Executive Management System.

Q Okay.

A So it was basically email and some databases and the like.

Q Did it house the directories or documents of the principal officers?

A Yes.

Q Okay. Was there a shared network or individual -- did each principal have, like, an individual directory that he or she controlled, as well as a shared directory among all the principals, if you recall?

A From what I do recall, yes, area responsibility, and then there was a collective archive, I believe.

Q Okay. So there was some sort of shared directory that all of the principals could access?

A I don't know that for sure. They could access certainly their documents, but I'm not sure about sharing documents of other principals.

Q Okay. But POEMS also managed their email system, their email traffic?

A Yes.

Q Would POEMS be the network or what you call the network or server for the principal officers?

A Yes.

Q Okay. What about STARS, S-T-A-R-Z? Do you recall that?

A Secretariat Tracking and Retrieval System.

Q Oh, it probably ends in an S, not a Z, right?

A Yes.

Q Okay.

A Yes.

Q And would you tell us that again, Secretariat --

A Secretariat Tracking and Retrieval System.

Q And what was it used for?

A That housed the documents of the principals, things that were tasked and tracked by the seventh floor.

Q And so that would be information memos, action memos, other decisions of the principals?

A Decision -- yes. Letters to sign and the like.

Q Okay. And how was the information within STARS organized?

A Well, there were various ways to call it up. Is that what you're asking?

Q Yes. If you wanted to go into STARS and find out all the information about Libya, how would you do that?

A You could do a search on that.

Q By country?

A Yes.

Q Okay. Could you do a search by individuals, say, you wanted all the information regarding a particular ambassador?

A Yes. That was in the system.

Q And what do you mean by --

A Things that were put into the system.

Q Okay. And other than action memos, information memos, correspondence, were other type of information put into the system, such as cables or schedules of the principals?

A I don't believe cables were put in there as a rule, unless they were attached to perhaps one of these memos.

Q Okay. If the FAM or some other policy -- if the FAM was being revised and it was being sent out to the field to say, here's the latest section of the FAM, would you find that memo in STARS?

A I'm not sure.

Q Okay.

A I'm not sure.

Q One other system or name we heard was Everest. Do you know what Everest is?

A I do. That was the replacement for STARS.

Q Okay. So Everest was the system that was in place when you left the Department to handle the documents of the seventh floor principals?

A Yes, yes.

Q And, again, did it categorize documents in a same or similar manner as STARS?

A Yes.

Q Okay. So it did it by topic or subject or country, that type of thing?

A Yes.

Q Okay.

A Yes.

Q I saw you nodding. I was going to make you say yes.

A Yes. Sorry.

Q You know.

A Okay.

Q Within the State Department, is there something known as TAGS, T-A-G-S?

A Yes.

Q Okay. What are TAGS?

A TAGS are Department-approved symbols, I believe they're four letters. For instance, if something was administrative, it would be A and then four letters. And I actually did not use TAGS that much, so I'm not overly familiar with them, but I know it's a handbook, and you would go in there and it's a way of retrieving things. So --

Q For example, did Diplomatic Security have one or more TAGS that they would use to categorize the information that came to or from that Bureau?

A Probably.

Q Okay. Did all of the substantive bureaus have one or more TAGS that they would used to categorize their information?

A I believe they did.

Q Okay. You in your work didn't use them on a regular basis?

A No, I didn't.

Q All right. Of the email accounts of the seventh floor principals at the time period of 2011, 2012, I believe you said that they used some version of Microsoft Outlook. Is that correct?

A That's correct.

Q Okay. Was Outlook a searchable database, if you will, of information?

A I need a little clarification. Searchable by?

Q You've got an in-box and it's got 450 emails in there and you've got to go look for one. Can you go find it?

A Theres a search feature within Microsoft Outlook, yes.

Q Okay. And the State Department had a version of Outlook that had that feature in it?

A I believe so.

Q All right. Was there any type of automatic archiving of the emails of the seventh floor principals in 2011, 2012?

A I do not believe so.

Q Okay. So if someone deleted an email from their in-box or their outbox or their sent items box, it would just be gone?

A Yes.

Q Okay. And was that true for the entire time that you were at the State Department? You didn't, like --

A Would you repeat --

Q You didn't have --

A -- just to be sure I'm clear on --

Q Yeah. You didn't have automatic archiving and then got an upgrade and didn't have it anymore or anything like that?

A No.

Q Okay.

A No.

Q When one of the principals departed the State Department, left, what, if anything, would happen to their electronic information, their email account, their directory, anything that they may have had on a CD, memory stick, DVD?

A That would be looked at by the records people, I believe, to see what needed to be -- go to the official archive.

Q Did you and your team undertake any steps to capture the electronic information so that it could be reviewed for archiving?

A We did the mechanics of taking the snapshot, is my understanding, of the in-box.

Q Of just the in-box?

A I believe so. Yeah. I don't recall exactly what all in it -- what it all included, but I know it would have been the in-box.

Q Okay. What about the sent items box?

A I don't know.

Q If the individual principal had set up folders within their email system, would it have captured those folders?

A It would be a guess on my part.

Q Okay.

A I don't remember.

Q Who would have physically done this during the last 2 years of your tenure at the State Department?

A That would have been our, I believe, primarily our administrative team, and perhaps our technical team if they needed additional help.

Q And who were the heads of your administrative team and your technical team in the last 2 years of your tenure?

A You want names?

Q Uh-huh.

A Okay. [redacted]

Q Could you spell that for us, please?

A Sure. It's [redacted] And then the team lead of the technical team was [redacted].

Q Common spelling?

A Yes.

Q Okay. To your knowledge, are they still with the State Department?

A Yes.

Q Okay. Were the directories of the seventh floor principals retained in some way when they departed the State Department, make a snapshot of those? So if they had a drive where they had documents stored, was that also --

A I don't know that for sure. Well -- yeah.

Q Again, would the administrative or technical team be the people who would have physically done that?

A Probably.

Q Okay.

Mr. Turk. If it were done.

Mr. [redacted] If it --

Ms. Jackson. Yeah. Okay.

BY MS. JACKSON:

Q During your tenure, and in particular at least 2011, 2012, but before that if necessary, did you ever have to reinstall or reestablish an email account or a directory from any type of backup tape or because someone's system crashed or something like that?

A I don't recall any specifics, just -- probably, but I don't -- it could be something that happens in the system.

Q I've never known a system not to crash or do --

A Yeah.

Q Have you ever had to reinstall a PST file?

A I haven't.

Q You haven't. Okay. Who would have done that in the State Department under your supervision for the senior leadership?

A That would have been the two teams that I just gave you.

Q Okay. Do you have an estimate of the average size of what an email account would be in a 2-year period for one of the seventh floor principals?

A I do not. I do not.

Q Okay. Do you know how large the universe was for all of the seventh floor principals? What was the size of the network or server that you had?

A I don't know that answer.

Q We talked a little bit just a few minutes ago about the search feature of Microsoft Outlook. Do you know how extensive that search feature was? Could you do a date range search?

A I don't recall what the searchable fields were.

Q Yeah. Do you use Microsoft Outlook today?

A I do very little.

Q You really --

A Actually I don't use Outlook.

Q You really retired from the technical field?

A I did, I did, yes.

Q Okay. We talked about an automatic or periodic archiving process, and you don't recall there being one for the seventh floor principals in 2011, 2012. Is that correct?

A No, I don't recall.

Q Okay. So there wasn't any mechanism to automatically capture the emails of any of the principals and retain them for posterity or review for records-retention purposes?

A Not that I can recall.

Q Okay. Do you recall if there was any archiving, periodic or otherwise, of the directories, memos, letters, things that were kept in the individual directories?

A Are you talking part of the Everest system or you're talking individual --

Q Apart from Everest.

A I don't know.

Q Let me ask you a few more things about STARS and Everest then.

A Okay.

Q Were drafts and other documents kept within those systems or did STARS and Everest only maintain the final copy of something?

A It could be a work in progress, so it could be a draft.

Q Okay.

A Yeah.

Q Do you know the frequency in which drafts were kept as part of the official recordkeeping of the seventh floor principals?

A It depends on subject matter and -- yeah, if there were bureaus involved. And so it's --

Q So, in other words, like the more widespread a particular memo was sent out, the more likely that drafts and comments would be maintained as opposed to just the final product?

A I don't believe the comments would be -- usually the system had things pretty much in final form, is what I recall.

Q Okay.

Ms. Jackson. Yes.

BY MS. BETZ:

Q So just going back to the STARS and Everest.

A Okay.

Q Would searches be contingent on how those records or documents were entered into the system?

A Absolutely.

Q And so that would really be dependent on the person --

A Yes.

Q -- how the person entered. And is there any type of -- were there any type of records kept as to how that person entered those documents into the system?

A We, meaning the IT people?

Q The IT people, yes.

A We didn't get involved in that.

Q You didn't get involved into that. But someone within the Exec Sec administrative would have?

A You're asking me now about another office --

Q Correct.

A -- so I would --

Q So within Exec Sec.

A I would imagine so.

Q Imagine. Okay.

A Yeah.

BY MS. JACKSON:

Q I want to move on to Secretary Clinton's use of a personal email account that was housed on a private server, so I have a series of questions about that.

A Okay.

Q You were in your current position as of mid-2008. Is that correct?

A Yes.

Q Okay. So you would have been the head IT guy when she came into office in January of 2009. That's correct?

A Yes, for the seventh floor, yes.

Q Okay. Did you or did anyone at your direction set up an official email account for her before her arrival?

A Not that I'm aware of.

Q Okay. Do you know if one was set up at the time of her arrival?

A I don't know definitively if there was or was not.

Q What is your belief?

A If she wanted one, we would have set up one for her.

Q Okay.

A Yeah.

Q And who would have done that?

A That would have been our administrative team.

Q And that would have been [redacted] --

A Yes.

Q -- whose last name I cannot pronounce?

A [redacted] yep. Yes.

Q [redacted]

A Yes.

Q Okay. I'm going to practice that.

Are you aware of any conversations that Secretary Clinton or a representative on her behalf had with [redacted] or anyone else in her division about establishing an official email account?

A I don't know.

Q Okay. If the Secretary did not want an official email account, would that be something that would have been brought to your attention?

A Not necessarily.

Q Okay. When did you first learn that Secretary Clinton was using a personal email account to conduct official business?

A In the papers whenever it came out, yeah.

Q So you had no knowledge of that --

A No.

Q -- during the time that you worked for the State Department and she was Secretary of State?

A Again, when it came out in the papers. And I just didn't follow that a whole lot. So --

Q Okay. So you as the director of the IT services for the principals of the State Department was not -- you were not consulted in any way regarding her use of a personal email account for official business?

A No.

Q Were you aware that any other member of the senior leadership, the principals, did not use an official government account,

email account?

A I was not aware.

Q Okay. Were official government accounts set up for the other senior principals during Secretary Clinton's tenure?

A Certainly they were afforded that.

Q Okay.

A Yeah.

Q During Secretary Clinton's tenure and the time that you were there, were you aware of whether other principals of the organization used both official and personal email accounts to conduct official business?

A I do not know that.

Q When did you become aware that Secretary Clinton's personal email address was being maintained on a -- had been maintained on a private server?

A When it came out in the papers.

Q And that would have been earlier this year?

A Yes.

Q Okay. So at no time during your tenure at the State Department?

A No.

Q Okay. Were you aware that on President Obama's first day in office he issued an executive order on open and transparency in government?

A I don't recall that.

Q Was it a directive of the State Department that you have an open and transparent government while you were there?

A I'm not sure I exactly understand the question.

Q I'll move on and ask another one. It was kind of an odd question.

A Okay.

Q At any time did Secretary Clinton or her representatives explain to anyone on your staff why she believed her private email system was necessary or preferable to using an official State government account?

A Not that I'm aware of.

Q If she did not have that -- if she or her representative did not have that conversation with you, who would they have had a conversation with, if it did occur?

A Someone above my pay grade.

Q Okay.

A Yeah.

Q And who would that be?

A I'm guessing the Executive Secretary.

Q Okay.

A Yeah.

Q All right. Do you have any knowledge of anyone at the State Department who was aware that she exclusively was using a personal email account during her tenure?

A No.

Q Do you know of anyone within the State Department who knew that her personal email account was housed on a private server?

A No.

Q Have you come to learn that?

A Yes.

Q Okay. And what have you come to learn?

A What I've read in the papers. And I honestly haven't followed it that closely. I did walk away when I walked away and just --

Q Okay. So you haven't had any conversations with any former colleagues or anything like that?

A Not to any degree about this, no.

Q Okay.

A No.

Q So neither you nor any member of your staff was asked to take any steps to determine whether Secretary Clinton's decision to use the personal email and a private server complied with any applicable laws, regulations, or policies within the State Department?

A No.

Q Do you know whether Secretary Clinton or anyone on her behalf conferred with the State Department's cyber intrusion team regarding her use of a personal email account on a private server?

A I don't know that answer.

Q Did the State Department have a cyber intrusion team?

A Yes, yes.

Q And did they do monitoring of the State Department's systems?

A It's another office, but, yes.

Q And was that 24/7?

A I don't know for sure. I would imagine.

Q Okay. I want to show you something that you probably wish you'd never see again in your life, but I'm marking as Deposition Exhibit No. 1, or exhibit No. 1, a copy of the specific provision of the Foreign Affairs Manual and ask you -- what I've put before you as exhibit No. 1 is 12 FAM 540, which is part of the Foreign Affairs Manual on Sensitive But Unclassified Information.

[[redacted] Exhibit No. 1

Was marked for identification.]

BY MS. JACKSON:

Q And specifically going to ask you about 12 FAM 544.3, which is on page 5 of 7. So why don't we go off the record for a minute and I'll let you review that, because it may have been a time or two since you've read that. But specifically 12 FAM 554 -- actually, I'll probably ask you a couple questions about 554.2 and .3, so why don't you take a minute or 2 and review those?

A I notice they were, looks like, revised in 2013, office of origin Diplomatic Security.

Q Would this mean that this one has not been revised since 2005? Is that what that means?

A I would imagine that Diplomatic Security drafted this at

that time.

Q Right. So these provisions would have been the same?

[Witness reading document.]

Mr. Turk. How far did you want him to read?

Ms. Jackson. 544.2 and .3.

BY MS. JACKSON:

Q Have you had a chance to --

A Oh, .2?

Q .2. It's very short.

A Okay.

Q Have you had enough time to look that over?

A I have.

Q Okay. We'll go back on the record.

As to exhibit 1 and 12 FAM 544.3, which is entitled "Electronic Transmission Via the Internet," right under that subheading in parentheticals is (CT:DS-117; 11-04-2005). Can you decipher that for us and what that means, or generally what that means?

A I don't know. I would imagine the DS is Diplomatic Security. The CT --

Q Would that be counterterrorism?

A Could be.

Q Okay.

A Computer technology. It's a guess.

Q Okay.

A It was a guess.

Q And what appears to be a date of 11-04-2005, would that be the date that this particular provision was implemented?

A That would make sense that it was.

Q Okay. So as you read 12 FAM 544.3, do you recall, was this the policy in place when you were the director of IRM for the Executive Secretariat?

A As it's written, it must have been.

Q And if I read from subsection a of that, and it is, I quote, "It is the Department's general policy that normal day-to-day operations be conducted on an authorized AIS, which has the proper level of security control to provide nonrepudiation, authentication and encryption, to ensure confidentiality, integrity, and availability of the resident information," end quote, end of the first sentence.

That's a mouthful of a sentence. I'd like to examine the various components and parts of it, if I could. It says, "It's the department's general policy that normal day-to-day operations be conducted on an authorized AIS." What's an authorized AIS?

A It's an Automated Information System, I believe.

Q So that means it's a State Department-issued computer or network or --

A Yes.

Q -- information system?

A Yes.

Q Okay. So the general policy -- and did this general policy apply to everyone in the State Department?

A I don't -- I don't know that.

Q Okay. Certainly no one's excluded by this provision. Is that correct? No one's expressly excluded in the language here.

A Right.

Q Okay.

A If it's part of the FAM.

Q Okay. And then it goes on to say that the reason that you want to conduct the normal day-to-day operations on an authorized system within the State Department is to, quote -- or to ensure that it has, quote, "the proper level of security control to provide nonrepudiation, authentication and encryption." And then let's just stop there. What is meant by "nonrepudiation"?

A I don't know.

Q Okay.

A I wasn't the author of this, and I don't --

Q What about authentication? What does that mean in technical terms? Does it mean that the person is who they say they are, because of passwords and recognition?

A I believe so.

Q Okay. And as to encryption, was there encryption on the State Department systems? Were they encrypted in some way?

A I believe so.

Q Okay. In 2011, 2012, were they encrypted in some way?

A Yes.

Q Okay. Then it goes on to say, "to ensure confidentiality,

integrity, and availability of the resident information." So let's break that apart a little bit. Were there mechanisms in place to ensure the confidentiality of communications that were transmitted on the Department's system?

A In general, yes.

Q Were there mechanisms to ensure the integrity of the information that was transmitted across the State Department systems?

A Yes.

Q They were monitored in some way?

A I don't know that.

Q Okay. And then the last phrase is to ensure the availability of the resident information. And does that mean to ensure that the State Department's records reside on State Department networks and systems?

A I don't know.

Q Okay.

A I don't know.

Q Subpart b of this section says, and I quote, "The Department is expected to provide, and employees are expected to use, approved secure methods to transmit SBU information when available and practical." What does this provision mean to you?

A To use State Department systems.

Q Okay. And were approved secure methods available to the seventh floor principals for their use to transmit SBU information?

A Yes.

Q Okay. And particularly in 2011, 2012, what kind of devices were available to the seventh floor principals? Were they each provided a laptop? Were iPads in use at the time, BlackBerrys, iPhones? In particular, what type of portable devices were available and used by the seventh floor principals?

A From what I recall, BlackBerrys and laptops.

Q And the laptops have the ability to be connected to the State Department networks?

A They could, yes.

Q Okay. And how did they do that? What was the mechanism that you had to follow to do that?

A There was software that would be the entry point into the Department's system. And I'm not sure --

Q When I was at the Justice Department, we called that remote access.

A Yes. Exactly.

Q Okay. So the State Department had some sort of remote access?

A Remote access.

Q So if you were traveling and you had a State Department-issued laptop, you could connect to the State Department networks?

A [Nonverbal response.]

Q Is that correct?

A Yes.

Q Okay. Would those laptops also allow you to connect to the Internet if you needed to do a Google search or something like that?

A I don't know for sure.

Q Okay. Wouldn't they have to have some sort of Internet connectivity in order to do remote access?

A They would --

Q Okay.

A -- I believe, yes.

Q So they would have had to connect to the Internet --

A Internet for the transmission lines to get -- yes.

Q To get back.

A Yes.

Q And then did it have what was known as a VPN or Virtual Private Network?

A I don't know for sure.

Q Okay. But the laptops had Internet connectivity. Is that correct?

A Yes.

Q Okay. So they would have allowed someone to go to Google or go to MSN and check personal email?

A I don't know that for sure.

Q Did you have a laptop at that time?

A No.

Q Oh, okay. What about the BlackBerrys that were used by the seventh floor principals at that time? Were they able to connect to

the Internet?

A From what I recall, the BlackBerrys served as the -- you got your messages on the BlackBerrys.

Q So you got your internal emails?

A Yes.

Q Okay.

A Yes.

Q Do you know if they had the capability of accessing a personal email account?

A I don't know that.

Q Okay. We talked just a minute ago about remote access. And I'd like to direct your attention to 12 FAM 544.2, where it talks about -- the second sentence starts, quote, "Where warranted by the nature of the information, employees who will be transmitting SBU information outside of the Department network on a regular basis to the same official and/or most personal addresses, should contact IRM/OPS/ITI/SI/PKI" -- I don't know how you all get so many letters -- "to request assistance in providing a secure technical solution for those transmissions. Availability of a Public Key Infrastructure (PKI) solution for a home computer will depend upon the computer's operating system," end quote.

What is this saying?

A I am by no means expert on that. I didn't draft that.

Q Is this saying that you have to be careful when you're transmitting SBU information because of the level of sensitivity that

it entails?

A As the way it's written, yes.

Q Okay. And did the Department have available to it ways in which people could transmit SBU information when they were outside of the State Department and its networks?

A According to this, you had the Public Key Infrastructure.

Q Okay. Is that the way that you get that secure remote access, is through those PKI keys?

A That would be my understanding --

Q Okay.

A -- according to this.

Q Who instituted these -- in other words, who is IRM/OPS/ITI/SI/PKI?

A IRM is -- what I would term the big IRM, handling most of the people in State and overseas. OPS is operations. I'm not sure what ITS, I'm not sure what SI is, and of course PKI is pretty obvious on that one.

Q To your knowledge, did any of the seventh floor principals in 2011, 2012 avail themselves of these PKI solutions?

A I don't know about the principals.

Q Okay. Who would know in your department? Who would have known?

A The mobile -- I believe it was the mobile solutions unit that would --

Q And were they part of your group?

A Yes, yes.

Q And who was in charge of the mobile --

A That would have been --

Q Okay. I'm sorry. Let me --

A Oh.

Q Mobile solutions unit?

A I believe that's what they were.

Q And in 2011, 2012, who was in charge of that group?

A That would have been [redacted].

Q [redacted]

A [redacted]

Q [redacted]

A [redacted]

Q [redacted] I get.

A [redacted] yes.

Ms. Jackson. That went fast. I see that I have reached the end of my first hour. I do have -- I'm more than halfway through. But we will go off the record, take a short break, and resume after we've had a few minutes.

[Recess.]

Ms. Jackson. Again, it's Sharon Jackson, and I am going to continue questioning of the witness. It is now 3:40 in the afternoon, and we will continue.

BY MS. JACKSON:

Q You have before you exhibit No. 1 again, which I would like to direct your attention to 12 FAM 544.3, and then d(6), which is on page 6 of 7 of this document at the top of the page.

It states, and I quote, "SBU information resident on personally owned computers connected to the Internet is generally more susceptible to cyber attacks and/or compromise than information on government-owned computers connected to the Internet," end quote.

Do you agree with that statement, Mr. [redacted]?

A I'm sorry, I wasn't following the correct --

Q On page 6.

A Page 6 at the top, okay.

Q At the top. "SBU information resident on personally owned computers connected to the Internet is generally more susceptible to cyber attacks and/or compromise than information on government-owned computers connected to the Internet."

Do you agree with that statement?

A Generally, yes.

Q Okay. And why would government-owned computers connected

to the Internet be safer than personally owned computers connected to the Internet?

A There would be safeguards from the whole network to protect the network.

Q And ongoing monitoring?

A Yes.

Q We've talked about whether anyone on the technical side of the house was consulted before Secretary Clinton set up a private server to house her personal email account. To your knowledge, did anyone in the records management part of the State Department know about her arrangement?

A I couldn't answer that because that's a totally different office.

Q Okay. So --

A We provided the network to them to house documents and all, but I have no --

Q Okay. No meetings, no conversations, no discussions?

A I wouldn't know any of that.

Q Okay. I assume the answer to this is no. Do you know whether Secretary Clinton or any of her representatives got any legal advice before they implemented this arrangement?

A I wouldn't know that.

Q Okay. So you don't know whether State's general counsel was consulted, private counsel, or anything?

A I do not know that.

Q Okay. Did you or your staff or your superiors have any awareness or involvement in the planning and procurement of the private server?

A Would you read that again, please.

Q Did you or your staff or your superiors have any awareness or involvement in the planning and procurement of the private server for Secretary Clinton?

A Not that I'm aware of.

Q Do you know who was actually responsible for carrying out the planning, procurement, and setup of the private server?

A No.

Q Do you know if there was any vetting done of the contractors or individuals providing the hardware and software for the server?

A I don't know that.

Q Is vetting important?

Let me ask this.

A Yes.

Q Are contractors that work on the State Department's systems vetted in any way, vetted and approved?

A Are you talking about security clearances and the like?

Q Or people who come in and work on your information technology systems.

A Sure, they're cleared individuals.

Q Do you know whether the State Department paid for any part of the establishment or maintenance of the private server for Secretary

Clinton?

A I don't know any of that.

Q Do you know where the server and associated equipment were physically located?

A No.

Q Do you know who controlled and provided the physical security for the server and related equipment that she used?

A No.

Q Are you aware of any of the safeguards that were provided at the facilities where the server was housed?

A No.

Q At any time were you or your staff asked to confer with those who were responsible for maintaining her private server?

A Not that I'm aware of.

Q Okay. Do you know what, if any, encryption software was used on her private server?

A No.

Q Do you know if there were any mechanisms in place that would identify potential cyber threat information on the systems that she used?

A No.

Q Does the State Department conduct periodic or episodic checks on its system for cyber intrusions or attempted intrusions?

A I am sure they do.

Q And who -- what --

A It would be another office.

Q And what would that office be?

A Diplomatic Security.

Q Okay.

A And perhaps IRM too.

Q Would Diplomatic Security be the component that would have been asked to review any security standards or protocols for a private server or would that be your office or would that be some other office?

A I don't know.

Q Do you know whether there were any security breaches to her private server?

A I don't know.

Q Do you know whether there were any data losses?

A I do not know.

Q Do you know what type of portable devices Secretary Clinton used during her tenure? By this I mean BlackBerrys, iPads, laptops, any type of portable electronic device.

A I don't know what she used.

Q Okay. None were issued by your section?

A I don't know.

Q Okay. Who would know?

A [redacted].

Q And that was the mobile security unit?

A Mobile Solutions.

Q Solutions?

A Yes.

Q Okay. So Mobile Solutions is probably just like its name said, but what all types of equipment would they be able to provide?

A BlackBerrys and laptops.

Q Were iPads in use before you left?

A I don't believe so. We may have gotten one or two to experiment with, but I don't believe so.

Q Okay. Did the Secretary have a desktop computer in her office?

A I don't know.

Q You don't recall ever being called up there to work on it?

A No. No.

Q Would it be you or [redacted] office who would be called upon if Secretary Clinton had a problem with any of her personal devices or mobile devices?

A That would have been the correct place to go, but it depends on what the problem was and if somebody else could help, another level --

Q And [redacted] reported to you?

A Yes.

Q Okay. At any time in your tenure as the director, did [redacted] ever report to you that she was fixing any type of device or monitoring any type of device for the Secretary?

A Not that I recall.

Q I'm going to ask a couple questions about managing

electronic documents in general.

So someone creates a memo on their computer and they put it in a directory. Did the systems for the seventh floor principals allow staff to access directories and emails and things like that? I mean, can you set up permissions to allow other people to have access to your directories so that they can assist you in the execution of your duties?

A Yes.

Q Okay. How broadly could that be done? Could you do it as broadly as you wanted or was there a finite number? Were there any restrictions on the number of individuals that you could select to have permissions?

A I don't know that.

Q Okay. So were you aware of whether there were any designated individuals, such as special assistants, that were charged with managing Secretary Clinton's documents and other electronic information?

A I don't know.

Q Okay. What about for the other seventh floor principals, for the deputy secretaries and for the under secretaries?

A I don't know factually if they did.

Q Who would have been in charge of setting up these permissions, if you will, to allow special assistants or other staff members to have access to directories and email accounts, calendars, and the like?

A Our help desk could assist in giving guidance on how that's

done.

Q And who was in charge of your help desk in 2011, 2012?

A Let's see. That would have been -- at the time I left it was [redacted]. In 2011 it would have been someone different, and it just escapes me right now. [redacted] I don't remember his last name. He was the team leader over Mobile Solutions' help desk.

Q Okay. Good enough for 3 years down the road.

A Thank you.

Q Without describing how it was done, did the State Department receive any type of assistance from other government agencies, such as the NSA, other intelligence agencies, to assist in the monitoring of its technology systems for possible breaches, intrusions, or attempted intrusions?

A I don't know.

Q Who would know within the State Department?

A Probably Diplomatic Security.

Q How long have you been in the -- how long were you professionally in the IT field?

A I started, roughly, 1987.

Q And what's your educational background? Was it in the technology sciences or romance literature or --

A Actually, I was an English major.

Q You were?

A I was. And I got my undergraduate degree, and then I went back when I transitioned into IT and took some IT courses just at the

local university. And then later on I went to -- I did a few courses at George Washington University, graduate level. I didn't complete that. And then I went to National Defense University.

Q I'm sorry, national what university?

A Defense University. And they had liaison programs with other universities. I earned a half a master's degree there and a CI certificate and then went to Syracuse University and finished my master's there in management information systems.

Q It's a far cry from being an English major in college. And what intrigued you about information management that took you in that direction? I would much rather read books all day.

A Being honest, I just kind of fell into the field because they needed people. And where I was in the secretariat I saw a great opportunity to be at the beginning of bringing up systems, and it was a whole different -- the nature of systems changed during that time.

Q And approximately when did you complete your master's?

A I completed my master's in -- from Syracuse, it would have been around 2004 or 2005, roughly.

Q So you've had sort of ongoing and continuous education?

A Exactly, yeah.

Q Do you have an opinion as to whether the use of a personal email account on a private server put Secretary Clinton's information at greater risk of being hacked, intercepted, or monitored than would her use of a State Department account on its networks?

A Would you repeat that?

Q Do you have an opinion or belief that the use of a personal email account on a private server put Secretary Clinton's electronic information at greater risk of being hacked, intercepted, or monitored than if she had used a State Department-issued device on the State Department networks?

A I don't know.

Q Who do you think would have an opinion as to that within the State Department?

A Probably Diplomatic Security.

Q Is there a particular part or component of Diplomatic Security that deals with cyber intrusions?

A Yes.

Q So that office?

A I believe so.

Q Okay. We've talked about some of the monitoring that goes on with the State Department networks. Are these the same networks that monitor BlackBerry transmissions, iPhone transmissions, or do they just monitor what I would call the intranet of the State Department?

A I don't know.

Q Okay. Did you or any of the offices that you supervise advise the seventh floor principals regarding security risks when they traveled overseas with respect to use of technology?

A Somebody on my staff?

Q Uh-huh.

A There was a security officer assigned to the Bureau, and that person, my understanding is, specifically for travel would advise principals about the risk overseas.

Q So you said there's a security person on the Bureau?

A At the Bureau level assigned to the Executive Office.

Q In what bureau?

A S/ES-EX, Executive Secretariat, Executive Office. And then that's a -- is it BSO, bureau security officer, something like that -- and they would be the ones to -- sometimes we worked with them -- to flesh things out. They would be the ones liaisoning, is my understanding, with the principals.

Q In 2011, 2012, do you recall who that individual was?

A The name escapes me. I know what he looks like, but I can't --

Q It was a "him"?

A Yes.

Q Did your office or any of the offices that you supervise ever issue different devices to any of the seventh floor principals when they undertook foreign travel for security reasons? For example, a clean BlackBerry, a clean laptop?

A I would say probably. I don't know any specifics, but probably.

Q Would that be the Mobile Solutions unit?

A Mobile Solutions, yes.

Q Are you aware of whether travel to certain countries poses

a higher risk of cyber intrusion, cyber attack than other countries?

A It does.

[[redacted] Exhibit No. 2

Was marked for identification.]

BY MS. JACKSON:

Q I am going to hand you another exhibit. Only two? Shocking. How is that possible? And I have put before you something from chapter 36 of the Code of Federal Regulations, and particularly if I could direct your attention to section 1236.22, which is there, and in particular on the back page, on the page marked as 884, subsection (b). If you could read that particular sentence or paragraph. It's just one sentence.

Mr. Turk. What's this from?

Ms. Jackson. The Code of Federal Regulations, 36 CFR 1236.22.

Mr. [redacted] Does it start off "Agencies that maintain"?

Ms. Jackson. Uh-huh.

Mr. Evers. Is there a date on the regulation, Sharon? Or do you know the date?

Ms. Jackson. It became effective in 2009, I do know the date.

BY MS. JACKSON:

Q I'm going to read from subparagraph (b) of 36 CFR section 1236.22, subsection (b), which says, I quote, "Agencies that allow employees to send and receive official electronic mail messages using a system not operated by the agency must ensure that Federal records sent or received on such systems are preserved in the appropriate agency

recordkeeping system," end quote. Do you see that?

A I do. I was reading along with you.

Q Do you recall that this was in effect since 2009, and thus in effect during Secretary Clinton's tenure?

A I don't know. That's actually outside my area of expertise.

Q Okay. Were you asked in any way to ensure or assist in ensuring that email traffic and messages used on her private server that contained Federal records were preserved in the appropriate agency recordkeeping system?

A No.

Q Apart from this regulation, do you recall whether the State Department had any policies in place that prohibited or discouraged the use of personal email accounts for official business?

A I don't know.

Q Okay. We did look at one, which was exhibit 1, 12 FAM 544.3, that was discouraging the use of personal email accounts, was it not?

A As it's written, but I believe in that it also said if you needed to go outside those, here's what you needed to do.

Q And that was to use the --

A Hence PKI.

Q -- get the PKI?

A Yes.

Q Okay. Were there other mechanisms in which the Department

communicated its discouragement of using personal email accounts to conduct official business?

Ms. Sachsman Grooms. I don't believe the witness has actually testified that they, quote, "discouraged the use of personal email accounts."

Ms. Jackson. If you think another word is appropriate, you should feel free to supply that word.

Mr. Turk. Can you ask the question again?

Mr. [redacted] Yeah, ask it again.

BY MS. JACKSON:

Q Tell you what, let me ask it this way. During your tenure with the State Department, did occasionally cables go out advising the employees of the State Department regarding the appropriate use of information technology systems?

A I believe so.

[[redacted] Exhibit No. 3

Was marked for identification.]

Ms. Jackson. Okay. I've marked something as Exhibit 3, and if you would like to take a look at that. We can go off the record for a minute.

[Witness reading document.]

BY MS. JACKSON:

Q Let's go back on the record.

Exhibit 3 that has been put before you is a cable issued by the State Department that I believe is numbered 11 STATE 65111. Is that

the number of the cable, the top number?

A It is.

Q And it was issued on June 28th, 2011. Is that correct?

A That's correct.

Q Okay. And did it go to everyone within the State Department?

A On the action line it does say "All Diplomatic and Consular Posts Collective," so it should have been available to everyone.

Q Okay. So it would have been a directive applicable to everyone?

A As it's written. As it's written, it would be applicable to the State Department.

Q And what is the subject of this cable? What is on the subject line?

A "Securing Personal E-mail Accounts."

Q Okay. I would like to direct your attention to the bottom of the cable under subsection (e), where it states -- -- I'm sorry, subsection (d), where it states, quote, "Avoid conducting official Department business from your personal e-mail accounts," end quote. Do you see that?

A I do.

Q Do you remember this cable?

A I don't.

Q Okay. As you've read it and reviewed it, did it refresh your recollection as to what happened that precipitated the issuance

of this cable?

A I don't.

Q Let me read paragraph 2 to you, and I quote: "Recently, Google has asserted that online adversaries are targeting the personal Gmail accounts of U.S. Government employees," end quote.

Do you recall that that was an issue in 2011, that there were attempted intrusions into -- intrusions or attempted intrusions or hacked into personal email accounts of Google?

A I don't know that specifically.

Q Do you recall whether or not you or any of your staff or any of those that you supervised took any actions in response to this? Did your mobile security unit have any meetings with the seventh floor principals or their staff regarding this?

A Not that I can recall.

Q Okay. But it does advise that Department employees are to avoid conducting official business from their personal email accounts, does it not?

A That's how it's written, yes.

Q Okay. Was that admonishment to avoid conducting official business from personal email accounts sound advice, in your opinion?

A As it's written, yes.

Q Okay. As you look at this cable, were there any groups of people that were excluded from its mandate or directive?

A No, because the first sentence is "Department of State users."

Q Do you recall that the inspector general issued a report in 2012 regarding the embassy in Nairobi, Kenya, in which the Ambassador was criticized in part for establishing a commercial email system at the embassy and not using the State Department system?

A I don't recall.

Q You don't recall that?

A No.

Q You don't recall any discussions generating from that report?

A I don't recall.

Q As the IT director for the Executive Secretariat, were you or any office that you supervised involved in the search of electronic records of the Secretary and other principals in response to congressional inquiries or FOIA requests or litigation-related requests?

A On occasion.

Q And how would that come to your attention?

A That would usually be a tasking from the -- talking about FOIA requests -- from the Office of Administration, I believe, the documents section, because they would ask us to search our system for documents. But it would also come through our records officer on the seventh floor because he would be the one who we would assist and give him the information.

Q Okay. About how often would that occur?

A I don't know. It could be -- I just -- I don't even have

a guess.

Mr. Turk. Can I clarify one thing, whether you were talking about FOIA or litigation or congressional investigations?

Ms. Jackson. All of the above.

Mr. Turk. Okay. Any?

Ms. Jackson. Any of them.

BY MS. JACKSON:

Q Does your answer change whether it's a FOIA request or --

A No, I don't recall the frequency of how often we got these. I think sometimes it could be more than less, but what that is I don't recall.

Q And who under your supervision would have been tasked with fulfilling that or who would have received the tasking from the FOIA office or Legislative Affairs or whomever sent it?

A Probably our administrative team.

Q And, again, was that [redacted] whose last name I cannot pronounce?

A Yes, [redacted]

Q Okay.

Following the attacks on the diplomatic facilities in Benghazi, Libya, the Secretary convened an Accountability Review Board. Were you or anyone under your supervision tasked with looking for records of the seventh floor principals in response to that ARB?

A I don't know that.

Q Do you recall that happening?

A I don't. I was one foot out the door in September of 2012.

Q Were you retired in place in September 2012?

A No, no, no, no. I'm not one of those. Oh, no. No, I wasn't retired in place. But I just had a little leave to use, and then I went to the retirement seminar. So --

Q So you were not at the State Department on a day-to-day basis?

A Not in October. In September, I know I took a week's leave the end of September, so I don't -- I think a lot of it -- I was transitioning to a deputy, meaning until they filled the position for someone filling in and briefing them.

Q Who took your place?

A Who got the position?

Q Uh-huh.

A A gentleman named [redacted]. He's now the director.

Q Okay. So you don't -- ARBs are unusual. They don't happen very often. But you don't recall any one of your units being tasked with looking for records responsive to the ARB?

A I don't know.

Q Did your office play any role -- let me start again. When a seventh floor principal would leave the State Department, we talked before about whether your office played any role in taking a snapshot of their electronic records, and I believe you said there was a snapshot taken of their at least in-box. Is that correct?

A Yes.

Q And remind me again what your answer was regarding whether their directory or other type of electronic records were retained or maintained?

A I don't know that answer.

Q And, again, who would have been tasked with that?

A Our administrative team.

Q Okay. When you retired, was a snapshot of your electronic account, email account, or records created?

A I believe so.

Q Okay. Did you do that?

A I don't do it. Our administrative team would have done that upon my departure.

Q Okay. And do you know how extensive that snapshot was of what they took a snapshot of your records when you left?

A I don't know.

Q Okay. Do you recall whether you had to sign any type of separation statement when you left the State Department certifying that all official records were left with the State Department?

A I don't recall.

[[redacted] Exhibit No. 4

Was marked for identification.]

BY MS. JACKSON:

Q Let me show you an example of one, and let me show you what I've marked as Exhibit 4 and see if perhaps seeing one might jog a memory as to whether you filled out such a statement.

A It actually looks like a very old form because the first USIA went away in the 1990s. State-USIA Separation Statement, and the very first says, "I make the following statement in connection with my separation from employment in the Department of State of the United States Information Agency."

Q So you think if this form still exists --

A This is old.

Q -- it may exist in an updated form?

A Perhaps.

Q Okay.

A And I did a security debrief, so I don't know if this would be very similar with that. When you go outside, you have to leave the stuff inside, you know. So I don't -- I may have done this, but I don't know for sure. And like I say, this looks like a very old, and it could have been updated. I just don't -- I don't know in my exit.

Q Do you recall during your exit process whether you received any briefing from anyone affiliated with the records management division about leaving behind the official records of the State Department or ensuring that --

A Not that I recall. I didn't do records, I didn't do policy stuff, so I'm not sure how germane that would have been to me.

Ms. Jackson. I believe that is all the questions that I have. I see that it is 4:20. I have not taken an entire hour, I'm pleased to say, for you and for me and for my colleagues in this room. So why don't we go off the record, take another short break, and we will turn

it over to our colleagues.

[Recess.]

Ms. Sawyer. We can go back on the record. It's 4:30.

EXAMINATION

BY MS. BOYD:

Q So my name is Krista Boyd. Again, I'm with the minority staff. Thank you again for being here. It's been a couple hours now, we haven't talked yet.

You described your professional history, but I have to admit, I'm not sure I remember exactly where you were when, so if you could help me out. Were you working in IT at the time that former Secretary Powell was in office?

A Yes.

Q Okay. And do you know whether Secretary Powell used an official email account during his tenure?

A I don't know that for sure. I don't know.

Q Okay. This is a followup that you also may not know, but do you know if he was issued an official email account?

A I don't know.

Q Okay. Secretary Powell has talked about the fact that he used personal email for official business during his tenure. Are you aware of whether anyone in your office was consulted before he set up his personal email account or started using it for official business?

A No, I'm not aware.

Q Do you recall whether Secretary Powell had a computer in

his office?

A I believe he did.

Q Okay. He has talked about -- in his autobiography he talks about actually setting up a laptop in his office in addition to his State Department computer. Do you have any recollection of him having a laptop in his office?

A I don't remember that.

Q Okay. Were you aware of whether Secretary Powell was -- at the time, during his tenure -- was he using any kind of particular security software protections on his laptop?

A I don't know that. I don't know.

Q Okay. Do you know whether Secretary Powell used any kind of mobile device?

A I don't know, no.

Q All right. Let's move to former Secretary Rice.

A Okay.

Q Do you know, during her term in office, whether she had -- whether she used an official email account?

A I believe she did.

Q Okay.

A I don't know that for sure, but I just -- I believe that she had an account.

Q Do you have any -- go ahead.

A No, that's all. That's all.

Q Okay. Do you have any recollections of an official account

being set up for her?

A I don't.

Q Do you recall whether former Secretary Rice had a computer in her office?

A I don't recall.

Q Do you remember whether Secretary Rice used any kind of mobile device?

A I believe she did.

Q Do you remember what kind of device she might have used?

A I believe we were using BlackBerrys then.

Q Do you recall any other kind of mobile device she might have used?

A I don't.

Q And do you have any specific recollection of whether she was using a BlackBerry, what kind of email it would have had on it, like whether she would have been using an official account or a personal account?

A I don't know that. I don't know.

BY MS. SAWYER:

Q So I was going to ask you to take a look back at one of the exhibits that you were shown during the prior round. And I'm going to ask you to take a look at what was marked for identification purposes as exhibit 1, which on its front says "12 FAM 540 Sensitive But Unclassified Information (SBU)."

A Okay.

Q So you had a fair amount of discussion about section 12 FAM 544.3 that starts on page 5 of that exhibit. I wanted to ask you a couple of questions about what is -- it looks like paragraph c of 12 FAM 544.3, and I'll just read that first sentence. "Employees should be aware that transmissions from the Department's OpenNet to and from non-U.S. Government Internet addresses, and other .gov or .mil addresses, unless specifically directed through an approved secure means, traverse the Internet unencrypted."

I am not a technology person at all, so I need your help in understanding exactly what this means. So if I am -- and let's just take Secretary Rice for an example. If she did, indeed, have an official email account at State.gov, if someone sent her an email that came from outside that government Internet address, like from a Gmail account, or a personal server or some different server, would that have traversed the Internet unencrypted to get to her?

A You said from a Gmail account or --

Q Yeah, anything that is to and from non-U.S. Government Internet addresses.

A Okay.

Q So we can take Gmail.

A I don't know for sure. I don't believe there's any encryption on the Gmail. It's just a guess, though.

Q So something that someone sent her that was sent from their personal, nongovernment Internet address, a Gmail account, a Yahoo! account, a personal server, personal account, would have traversed to

her or anyone else sitting in the government unencrypted?

A Assuming they had encryption software on their device, if they had encryption software, then --

Q So the originating -- it's possible that the originating server for a personal email would have --

A Possibly.

Q -- an encryption mechanism?

A [Nonverbal response.]

Q But there would be no way for you to know?

A I wouldn't know that, no. I wouldn't know that.

Q And if she then hit reply and said, "Thanks for sending, this is useful," her reply to a nongovernment email address would have traversed, even from a State.gov address, would have traversed the Internet unencrypted?

A I don't know. I don't know.

Q So just in terms of emails to and from individuals who are not within the State system, the risk of it passing over the Internet unencrypted is potentially the same whether or not you are receiving it -- let's just take a concrete example. If I, Heather Sawyer, at a Gmail.com address send to Secretary Clinton an email, and she gets it at a SecretaryClinton@state.gov, there is a risk, unless my account has encryption, that it passed unencrypted. Is that true?

A To her account, that description sounds like a yes.

Q And there would potentially be a risk that if I sent it to Secretary Clinton, not at a State.gov account, but at a Clinton.email

server, there is also a risk that it could pass unencrypted unless my server had an encryption?

A The way you painted it, yes.

Q So there is, in essence, the same risk whether I am emailing her as someone outside the government using a nongovernment Internet address that it will pass unencrypted?

A I believe so.

Q And that would be true -- it's not just something like a Gmail, right? It says, "and other .gov or .mil addresses." So if I'm sitting in Congress and I'm Heather Sawyer and I send an email to Secretary Clinton at State.gov, there is also a chance it's going to pass unencrypted even though I'm sending it to her official account. Is that correct?

A Yes, sounds that way.

Q Now, you indicated, I think, something that could potentially mitigate that, which is if my email server that I am personally using has an encryption device. Now, you answered a number of questions in the last hour that I think made it very clear, but I just want to make it additionally clear for the record, you don't know one way or the other whether the device that Secretary -- a server -- I think it was called a server at sometimes, it was called a network at others -- a server or network she may have been using had any kind of an encryption mechanism.

A I don't know that answer.

Q And I'd just direct your attention back to exhibit 1 on page

6 of that document, there's a subsection h. I'll just give you a moment to read that.

I'm just going to read, the first sentence says, "All users who process SBU information on personally owned computers must ensure that these computers will provide adequate and appropriate security for that information."

Now, again, this deals specifically with SBU, which is sensitive but unclassified. That certainly doesn't mean every communication that occurs from a computer either at State or here it's talking about personally owned. So this is specific to SBU, is that accurate?

A Yes.

Q So with regard to that particular class, it does certainly contemplate the notion that someone is going to potentially use a personally owned computer, does it not?

A The way it's written, yes.

Q And the term is, "All users who process SBU information...must ensure." As it reads, it would indicate to me that that is placing on the individual user a responsibility to make sure that these steps have been taken. Do you think that's a fair reading?

A I would agree with that.

Q And it has, I think, four particular things that it asks the user to determine. Number one is disabling unencrypted wireless access. Two is maintenance of adequate physical security. Three, use of antivirus and spyware software. And then, four, ensuring all operating systems and other software security patches, virus

definitions, firewall version updates, and spyware definitions are current.

So with regard to those four things that it asks the user to do, you do not know, do you, whether Secretary Clinton had, indeed, taken these steps with regard to any personal computers?

A I don't know. I don't know that.

Q So it's very possible that she had completed all of these, you just don't know one way or the other?

A I don't know.

Q And the same would certainly be true of former Secretary Powell if he had been using a personal computer and he had, as the user, undertaken these or similar steps, you just wouldn't know one way or another on that?

A I don't know that.

Q Now, one other, I think, pretty quick. And then I just wanted you to take a look at what has previously been marked as exhibit 2 for identification purposes, and that was a provision of the CFR. And you had been asked to take a look at page 884, subsection (b) by my colleague. And I think you made this clear earlier, I just want to make sure I am particularly clear. That provision talks about ensuring that Federal records sent or received are preserved.

Your role, duties as the head of IT or involved in IT before that did not involve preservation of Federal records specifically, did it?

A No.

Q And then that, on its face, I think my colleague read it

to you, but it says, "Agencies that allow employees to send and receive official electronic mail messages using a system not operated by the agency must ensure that Federal records sent or received on such systems are preserved in the appropriate agency recordkeeping system."

So, again, understanding you're not a Federal records officer --

A Officer, yes.

Q -- on its face it at least contemplates that an agency would allow or that it happens that employees send and receive official electronic mail messages using a system not operated by the agency.

A The way it's written, it does.

Q And I think there was some question about whether or not this could be or should be perceived as encouraging, discouraging, or otherwise making a statement about the use of a personal email address or a personal server. To me this reads as a statement of fact, not a statement of encouragement or discouragement. Would you agree?

A And when you say statement of fact, the entire paragraph there or --

Q Yes, and only that paragraph, that it says agencies that allow employees to send and receive must take certain steps to make sure Federal records are preserved. A statement of fact, asking them to do that.

A I am not an expert, but it sounds like it would be a fact.

BY MS. BOYD:

Q Returning to the issue of sensitive but unclassified information, what I heard you describe earlier is that the State

Department has two systems, one for classified information and then one for unclassified information.

A Correct.

Q So would sensitive but unclassified information be contained in the system for unclassified information?

A Yes.

Q Okay. So there not like a -- there's not a third system?

A A third system, no.

Q Okay.

BY MS. SAWYER:

Q And just to be clear, that was true for the S/ES system that was not fully part of the broader IRM?

A That we have on the seventh floor, then it would be --

Q That there would both be a classified and an unclassified?

A Yes, and an unclassified, that's correct.

Q And the SBU, for purposes of that S/ES separate, would traverse and be included in the unclassified?

A In the unclassified.

Ms. Boyd. I want to go back to just a couple things that you said much earlier, just to make sure we're completely clear on the record about what you have direct personal knowledge of.

Mr. [redacted] Okay.

Ms. Boyd. One of the things you were asked about, whether there were, I'm paraphrasing, but whether there are 24/7 cyber intrusion protection efforts. It would actually be -- and you said, you imagine

that there would be, but I just want to make clear because that actually would be rather surprising during that time period had there been because most agencies are just now moving toward that. Those of us who work in this area, much to our frustration, we seem to have been a little slow in that area. So I just wanted to --

Ms. Jackson. You know, we're going to object to that. That's adding information to the record that may or may not be accurate.

Ms. Boyd. I will say some people -- some people, some Members of Congress have raised concerns about the pace of agency compliance with moving toward around-the-clock protection.

So I just want to ask whether you have direct personal knowledge of whether the State Department during -- I think the time period you were speaking of then was 2011, 2012 -- whether they had around-the-clock --

Mr. [redacted] I don't know.

Ms. Boyd. -- cyber intrusion protection.

Mr. [redacted] I don't know.

BY MS. BOYD:

Q Okay. And then another area where you -- you talked about encryption. And then you said, at least as I wrote it down, you said you believe so, that the State Department systems are encrypted.

Do you have direct personal knowledge about which systems may or may not have been encrypted and how they were encrypted?

A I believe I answered that just in a general sense, that the unclassified system would have some encryption available on it. But

I don't -- I don't have -- are you talking about the architecture or the software or --

Q Any of it.

A I don't --

Q Yeah, I mean, like, whether there were certain programs that did and certain, you know, systems or records that didn't or --

A I don't know that.

Q Okay, thank you.

Just generally, I guess I'm interested in hearing your perspective, in your experience, whether agency systems can sometimes be vulnerable to outside intrusion, that even if whatever protections are in place, in your experience, were there times where there were security incidents, IT-related security incidents?

A I would imagine there were. I just don't have a specific example at my fingertips. I don't.

BY MS. SACHSMAN GROOMS:

Q I think right now we're living in the world of the OPM's recent incident, right?

A Oh, yes.

Q So I feel like we're all very cognizant of the dangers of --

A Continually targeting.

Q -- of even government systems, right? So, I mean, can government systems be vulnerable to attack, I guess is the question.

A Sure.

Q And sometimes they can actually be successfully attacked,

regardless of the fact that they're government systems?

A Sure.

BY MS. SAWYER:

Q You did mention when you were answering that question that there's the potential also for targeting. Is it the case that government --

A For targeting?

Q Targeting for attack. I'm sorry, I apologize.

A That's okay.

Q I thought you said that -- and maybe you didn't.

In your experience, was there the potential that official government accounts and servers would be targeted specifically for potential hacking by outside entities?

A Yes, I'm sure they would.

BY MS. BOYD:

Q I'm now going to ask you a series of questions that we're asking all witnesses.

A Okay.

Q If you can just please speak to whatever you have personal knowledge of.

A Okay.

Q I'm not asking you to speculate in these questions?

A Okay.

Q This is now the eighth congressional investigation into the Benghazi attacks, and we want to make sure that this is the last one.

We are therefore asking every witness about a series of public allegations that have been made since the attack. It is our understanding that even whether these questions have been answered by other investigations, our colleagues in the majority are pursuing these allegations, and so we want to ask about them.

While anyone can speculate about the Benghazi attacks, and plenty of people have, only a limited universe of people have actual knowledge or evidence of what happened before, during, and after the attacks. What I'm asking here is, again, not for your opinion, but just what you have firsthand information of. There are about a dozen of these questions, so please bear with me as I go through them. If you need me to repeat any of them, let me know.

A Okay.

Q It has been alleged that Secretary of State Clinton intentionally blocked military action on the night of the attack. 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 attack?

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 attack?

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 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 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 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 Could you just read that again? My mind wandered a little bit.

Q Sure. I won't take it personally.

A Okay.

Q 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 stand-down ordered 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 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 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 faithfully performed our duties 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 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, 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.

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," unquote. 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, "Given where the troops were, how quickly the things all happened, and how quickly it dissipated, we probably couldn't have done more than we did," unquote. 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. Boyd. Thank you.

Ms. Sawyer. Thank you. I think that concludes the questions that we had for you this afternoon. Again, we really do appreciate you taking the time, your willingness to appear voluntarily, and for your service for so many years with the government.

Mr. [redacted] Sure. Thank you.

Ms. Sawyer. We do appreciate it very much. So thank you.

Ms. Jackson. We join in thanking you.

Mr. [redacted] Thank you.

Ms. Sawyer. We can go off the record.

[Whereupon, at 4:59 p.m., the interview was concluded.]

EXHIBIT 1

12 FAM 540 SENSITIVE BUT UNCLASSIFIED INFORMATION (SBU)

(CT:DS-190; 03-05-2013)
(Office of Origin: DS/SI/IS)

12 FAM 541 SCOPE

(CT:DS-190; 03-05-2013)

a. Sensitive but unclassified (SBU) information is information that is not classified for national security reasons, but that warrants/requires administrative control and protection from public or other unauthorized disclosure for other reasons. SBU should meet one or more of the criteria for exemption from public disclosure under the Freedom of Information Act (FOIA) (which also exempts information protected under other statutes), 5 U.S.C. 552, or should be protected by the Privacy Act, 5 U.S.C. 552a.

b. Types of unclassified information to which SBU is typically applied include all FOIA exempt categories (ref. **5 U.S.C. 552b)**, for example:

(1) Personnel, payroll, medical, passport, adoption, and other personal information about individuals, including social security numbers and home addresses and including information about employees as well as members of the public;

(2) Confidential business information, trade secrets, contractor bid or proposal information, and source selection information;

(3) Department records pertaining to the issuance or refusal of visas, other permits to enter the United States, and requests for asylum;

(4) Law enforcement information or information regarding ongoing investigations;

(5) Information illustrating or disclosing infrastructure protection vulnerabilities, or threats against persons, systems, operations, or facilities (such as, usernames, passwords, physical, technical or network specifics, and in certain instances, travel itineraries, meeting schedules or attendees), but not meeting the criteria for classification under *Executive Order (EO) 13526, dated December 29, 2009*;

(6) Information not customarily in the public domain and related to the protection of critical infrastructure assets, operations, or resources, whether physical or cyber, as defined in the Homeland Security Act, 6

U.S.C. 131(c);

(7) Design and construction information;

(a) Certain information relating to the design and construction of diplomatic missions abroad, such as graphic depictions of floor plans and specifications for foreign affairs offices and representational housing overseas, as outlined in the DS Security Classification Guide for the Design and Construction of Overseas Facilities, dated May 2003; and

(b) Certain information relating to the design and construction drawings and specifications of General Service Administration (GSA) facilities, as outlined in GSA Order PBS *3490.1A, dated June 1, 2009*.

(8) Privileged attorney-client communications (relating to the provision of legal advice) and documents constituting attorney work product (created in reasonable anticipation of litigation); and

(9) Inter or intra-agency communications, including emails, that form part of the internal deliberative processes of the U.S. Government, the disclosure of which could harm such processes.

c. Designation of information as SBU is important to indicate that the information requires a degree of protection and administrative control but the SBU label does not by itself exempt information from disclosure under the FOIA (5 U.S.C. 552b). Rather, exemption is determined based on the nature of the information in question.

12 FAM 542 IMPLEMENTATION

(CT:DS-117; 11-04-2005)

This policy is effective 11-04-2005.

12 FAM 543 ACCESS, DISSEMINATION, AND RELEASE

(CT:DS-161; 03-01-2011)

a. U.S. citizen direct-hire supervisory employees are ultimately responsible for access, dissemination, and release of SBU material. All employees will limit access to protect SBU information from unauthorized or unintended disclosure.

b. In general, employees may circulate SBU material within the Executive Branch, including to locally employed staff (LE staff), where necessary to carry out official U.S. Government functions. However, additional restrictions may apply to particular types of SBU information by virtue of specific laws, regulations, or international or interagency agreements. Information protected under the

Privacy Act, can only be distributed within the Department of State on a "need-to-know" basis and cannot be distributed outside the Department of State except as permitted by specific statutory exemptions or "routine uses" established by the Department of State.

c. Before distributing any SBU information, employees must be sure that such distribution is permissible and, when required, specifically authorized. (See 5 FAM 470.)

d. SBU information must be marked whenever practical to make the recipient aware of specific controls. While some documentation, such as standard forms and medical records, does not lend itself to marking, many documents, such as emails, cables, and memoranda, can, and must be marked in accordance with 5 FAM 751.3, 5 FAH 1 H-200 and 5 FAH-1 H 135.

e. SBU information that is not to be released to non-U.S. citizens, including locally employed staff, must be marked SBU/NOFORN (Not for release to foreign nationals (NOFORN)). The specific requirements for SBU/NOFORN are identified in 12 FAM 545.

f. Information obtained from or exchanged with a foreign government or international organization as to which public release would violate conditions of confidentiality or otherwise harm foreign relations must be classified in order to be exempt from release under FOIA or other access laws. The SBU label cannot be used instead of classification to protect such information.

g. Where an individual has expressly authorized his or her personal information to be sent unencrypted over any unsecured electronic medium, such as the Internet, fax transmission, or wireless phone, such information may be transmitted without regard to the provisions and policies set forth in this subchapter. See 5 FAH-4, H-442 for guidance on obtaining an individual's authorization to transmit personal information in this manner.

12 FAM 544 SBU HANDLING PROCEDURES

(CT:DS-117; 11-04-2005)

a. Regardless of method, the handling, processing, transmission and/or storage of SBU information should be effected through means that limit the potential for unauthorized disclosure.

b. Employees while in travel status or on temporary duty (TDY) assignment should ensure that SBU is adequately safeguarded from unauthorized access in light of the threat conditions and nature of the SBU (see 12 FAM 544.1 d.) (This applies regardless of whether the information is being transported in paper form, CDs, diskettes and other electronic readable media, or on a portable digital device; such as a laptop, wireless or wired, or PDA.)

12 FAM 544.1 Fax Transmission, Mailing, Safeguarding/Storage, and Destruction of SBU

(CT:DS-117; 11-04-2005)

a. Unintended recipients can intercept SBU information transmitted over unencrypted electronic point-to-point links, such as Voice over Internet Protocol methodology (VoIP), telephones or faxes.

b. Employees transmitting SBU information should consider whether specific information warrants a higher level of protection accorded by a secure fax, phone, or other encrypted means of communication. Employees transmitting SBU information via non-secure fax must ensure that an authorized recipient is ready to receive it at the other end.

c. SBU information may be sent via the U.S. Postal Service (USPS) or a commercial delivery service, e.g., Fed Ex, DHL. SBU information, except SBU/NOFORN, (see 12 FAM 545) mailed to posts abroad should be sent via unclassified registered pouch or to a Military Postal Facility (MPF) via USPS, whenever practicable. Use of foreign mail services is authorized, if required. Except in those cases where the pouch is utilized, mail must be packaged in a way that does not disclose its contents or the fact that it is SBU.

d. During non-duty hours, SBU information and removable electronic media in U.S. Government facilities must be secured within a locked office or suite, or secured in a locked container. Employees in possession of SBU outside U.S. Government facilities must take adequate precautions that afford positive accountability of the information and to protect SBU information from unauthorized access such as storage in a locked briefcase or desk in a home office. SBU should not be left unsecured (e.g. lock in room safe) in unoccupied hotel rooms or unattended in other public spaces.

e. Custodians of medically privileged information must ensure that it is secured when not in use.

f. Destroy SBU documents by shredding or burning, or by other methods consistent with law or regulation.

12 FAM 544.2 Automated Information System (AIS) Processing and Transmission

(CT:DS-117; 11-04-2005)

The requirements for processing SBU information on a Department AIS are established in 12 FAM 620 and 5 FAM 700. Where warranted by the nature of the information, employees who will be transmitting SBU information outside of the Department network on a regular basis to the same official and/or most personal addresses, should contact IRM/OPS/ITI/SI/PKI to request assistance in providing a secure technical solution for those transmissions. Availability of a Public Key

Infrastructure (PKI) solution for a home computer will depend upon the computer's operating system (e.g., Windows(r) XP). Employees participating in the home PKI and telework program must complete the requisite training and sign an acknowledgement statement prior to being issued the approved security measures/equipment.

12 FAM 544.3 Electronic Transmission Via the Internet

(CT:DS-117; 11-04-2005)

a. It is the Department's general policy that normal day-to-day operations be conducted on an authorized AIS, which has the proper level of security control to provide nonrepudiation, authentication and encryption, to ensure confidentiality, integrity, and availability of the resident information. The Department's authorized telework solution(s) are designed in a manner that meet these requirements and are not considered end points outside of the Department's management control.

b. The Department is expected to provide, and employees are expected to use, approved secure methods to transmit SBU information when available and practical.

c. Employees should be aware that transmissions from the Department's OpenNet to and from non-U.S. Government Internet addresses, and other .gov or .mil addresses, unless specifically directed through an approved secure means, traverse the Internet unencrypted. Therefore, employees must be cognizant of the sensitivity of the information and mandated security controls, and evaluate the possible security risks and then decide whether a more secure means of transmission is warranted (i.e., secure fax, mail or network, etc.)

d. In the absence of a Department-provided secure method, employees with a valid business need may transmit SBU information over the Internet unencrypted after carefully considering that:

   (1) SBU information within the category in 12 FAM 541b(7)(a) and (b) must never be sent unencrypted via the Internet;

   (2) Unencrypted information transmitted via the Internet is susceptible to access by unauthorized personnel;

   (3) Email transmissions via the Internet generally consist of multipoint communications that are routed to their destination through the path of least resistance, which may include multiple foreign and U.S. controlled Internet service providers (ISP);

   (4) Once resident on an ISP server, the SBU information remains until it is overwritten;

   (5) Unencrypted email transmissions are subject to a risk of compromise of information confidentiality or integrity;

(6) SBU information resident on personally owned computers connected to the Internet is generally more susceptible to cyber attacks and/or compromise than information on government owned computers connected to the Internet;

(7) The Internet is globally accessed (i.e., there are no physical or traditional territorial boundaries). Transmissions through foreign ISPs or servers can magnify these risks; and

(8) Current technology can target specific email addresses or suffixes and content of unencrypted messages.

e. SBU information must not be posted on any public Internet website, discussed in a publicly available chat room or any other public forum on the Internet.

f. To preclude inadvertent transmission of SBU information prohibited on the Internet, AIS users must not use an "auto-forward" function to send emails to an address outside the Department's network.

g. SBU information created on or downloaded to publicly available non- U.S. Government owned computers, such as Internet kiosks, should be removed when no longer needed.

h. All users who process SBU information on personally owned computers must ensure that these computers will provide adequate and appropriate security for that information. This includes:

(1) Disabling unencrypted wireless access;

(2) The maintenance of adequate physical security;

(3) The use of anti-virus and spyware software; and

(4) Ensuring that all operating system and other software security patches, virus definitions, firewall version updates, and spyware definitions are current.

12 FAM 544.4 SBU Transmission Between State Department Facilities

(CT:DS-117; 11-04-2005)

All SBU transmissions between Department facilities must be encrypted to current NIST, DS, and IT CCB standards.

12 FAM 545 SBU/NOFORN INFORMATION

(CT:DS-117; 11-04-2005)

a. SBU/NOFORN information is information determined by the originator or a classification guide to be prohibited for dissemination to non-U.S. citizens. It must be labeled SBU/NOFORN.

b. As the NOFORN caveat indicates, this type of SBU information warrants a degree of protection greater than that of standard SBU information. Therefore, employees must:

(1) Process and transmit SBU/NOFORN information only on a system authorized by the Department for classified information transmission, storage and processing;

(2) Fax or discuss (over telephone lines) SBU/NOFORN information only via encrypted telephone lines;

(3) Mail SBU/NOFORN information to posts via classified pouch or to a MPF via USPS registered mail. Mail sent via USPS registered must be packaged in a way that does not disclose its contents or the fact that it is SBU/NOFORN;

(4) Secure SBU/NOFORN information during non-duty hours following the same guidelines for CONFIDENTIAL information; and

(5) Destroy SBU/NOFORN documents in a Department-approved manner, such as by shredding, burning, or other methods consistent with law or regulation for the destruction of classified information.

12 FAM 546 THROUGH 549 UNASSIGNED

electronic records created in them. Retention of record functionality and integrity requires:

(1) Retaining the records in a usable format until their authorized disposition date. Where migration includes conversion of records, ensure that the authorized disposition of the records can be implemented after conversion;

(2) Any necessary conversion of storage media to provide compatibility with current hardware and software; and

(3) Maintaining a link between records and their metadata through conversion or migration, including capture of all relevant associated metadata at the point of migration (for both the records and the migration process).

(c) Ensure that migration strategies address non-active electronic records that are stored off-line.

Subpart C—Additional Requirements for Electronic Records

§ 1236.20 What are appropriate recordkeeping systems for electronic records?

(a) *General*. Agencies must use electronic or paper recordkeeping systems or a combination of those systems, depending on their business needs, for managing their records. Transitory e-mail may be managed as specified in § 1236.22(c).

(b) *Electronic recordkeeping*. Recordkeeping functionality may be built into the electronic information system or records can be transferred to an electronic recordkeeping repository, such as a DoD–5015.2 STD-certified product. The following functionalities are necessary for electronic recordkeeping:

(1) *Declare records*. Assign unique identifiers to records.

(2) *Capture records*. Import records from other sources, manually enter records into the system, or link records to other systems.

(3) *Organize records*. Associate with an approved records schedule and disposition instruction.

(4) *Maintain records security*. Prevent the unauthorized access, modification, or deletion of declared records, and ensure that appropriate audit trails are in place to track use of the records.

(5) *Manage access and retrieval*. Establish the appropriate rights for users to access the records and facilitate the search and retrieval of records.

(6) *Preserve records*. Ensure that all records in the system are retrievable and usable for as long as needed to conduct agency business and to meet NARA-approved dispositions. Agencies must develop procedures to enable the migration of records and their associated metadata to new storage media or formats in order to avoid loss due to media decay or technology obsolescence.

(7) *Execute disposition*. Identify and effect the transfer of permanent records to NARA based on approved records schedules. Identify and delete temporary records that are eligible for disposal. Apply records hold or freeze on disposition when required.

(c) *Backup systems*. System and file backup processes and media do not provide the appropriate recordkeeping functionalities and must not be used as the agency electronic recordkeeping system.

§ 1236.22 What are the additional requirements for managing electronic mail records?

(a) Agencies must issue instructions to staff on the following retention and management requirements for electronic mail records:

(1) The names of sender and all addressee(s) and date the message was sent must be preserved for each electronic mail record in order for the context of the message to be understood. The agency may determine that other metadata is needed to meet agency business needs, e.g., receipt information.

(2) Attachments to electronic mail messages that are an integral part of the record must be preserved as part of the electronic mail record or linked to the electronic mail record with other related records.

(3) If the electronic mail system identifies users by codes or nicknames or identifies addressees only by the name of a distribution list, retain the intelligent or full names on directories or

distributions lists to ensure identification of the sender and addressee(s) of messages that are records.

(4) Some e-mail systems provide calendars and task lists for users. These may meet the definition of Federal record. Calendars that meet the definition of Federal records are to be managed in accordance with the provisions of GRS 23, Item 5.

(5) Draft documents that are circulated on electronic mail systems may be records if they meet the criteria specified in 36 CFR 1222.10(b) of this subchapter.

(b) Agencies that allow employees to send and receive official electronic mail messages using a system not operated by the agency must ensure that Federal records sent or received on such systems are preserved in the appropriate agency recordkeeping system.

(c) Agencies may elect to manage electronic mail records with very short-term NARA-approved retention periods (transitory records with a very short-term retention period of 180 days or less as provided by GRS 23, Item 7, or by a NARA-approved agency records schedule) on the electronic mail system itself, without the need to copy the record to a paper or electronic recordkeeping system, provided that:

(1) Users do not delete the messages before the expiration of the NARA-approved retention period, and

(2) The system's automatic deletion rules ensure preservation of the records until the expiration of the NARA-approved retention period.

(d) Except for those electronic mail records within the scope of paragraph (c) of this section:

(1) Agencies must not use an electronic mail system to store the recordkeeping copy of electronic mail messages identified as Federal records unless that system has all of the features specified in §1236.20(b) of this part.

(2) If the electronic mail system is not designed to be a recordkeeping system, agencies must instruct staff on how to copy Federal records from the electronic mail system to a recordkeeping system.

(e) Agencies that retain permanent electronic mail records scheduled for transfer to the National Archives must either store them in a format and on a medium that conforms to the requirements concerning transfer at 36 CFR part 1235 or maintain the ability to convert the records to the required format and medium at the time transfer is scheduled.

(f) Agencies that maintain paper recordkeeping systems must print and file their electronic mail records with the related transmission and receipt data specified by the agency's electronic mail instructions.

§1236.24 What are the additional requirements for managing unstructured electronic records?

(a) Agencies that manage unstructured electronic records electronically must ensure that the records are filed in a recordkeeping system that meets the requirements in §1236.10, except that transitory e-mail may be managed in accordance with §1236.22(c).

(b) Agencies that maintain paper files as their recordkeeping systems must establish policies and issue instructions to staff to ensure that unstructured records are printed out for filing in a way that captures any pertinent hidden text (such as comment fields) or structural relationships (e.g., among worksheets in spreadsheets or other complex documents) required to meet agency business needs.

§1236.26 What actions must agencies take to maintain electronic information systems?

(a) Agencies must maintain inventories of electronic information systems and review the systems periodically for conformance to established agency procedures, standards, and policies as part of the periodic reviews required by 44 U.S.C. 3506. The review should determine if the records have been properly identified and described, and if the schedule descriptions and retention periods reflect the current informational content and use. If not, agencies must submit an SF 115, Request for Records Disposition Authority, to NARA.

(b) Agencies must maintain up-to-date documentation about electronic information systems that is adequate to:

EXHIBIT 3

From: svcsmartmfi
Sent: 6/28/2011 6:42:47 PM
To: SMART Core
Subject: Securing Personal E-mail Accounts

UNCLASSIFIED

MRN:	11 STATE 65111
Date/DTG:	Jun 28, 2011 / 282223Z JUN 11
From:	SECSTATE WASHDC
Action:	ALL DIPLOMATIC AND CONSULAR POSTS COLLECTIVE*ROUTINE*
E.O.:	13526
TAGS:	APCS, ASEC, AADP, AMGT
Subject:	Securing Personal E-mail Accounts

UNCLAS STATE 065111

E.O. 13526: N/A
TAGS: APCS, ASEC, AADP, AMGT
SUBJECT: Securing Personal E-mail Accounts

Reference:

A) 12 FAM 544.3

1. Department of State users are encouraged to check the security settings and change passwords of their home e-mail accounts because of recent targeting of personal e-mail accounts by online adversaries. Security guidelines have been posted on the DS/SI/CS Cyber Security Awareness web page: https://intranet.ds.state.sbu/DS/SI/CS/Awareness1/Content/Personal%20Email.aspx.

2. Recently, Google asserted that online adversaries are targeting the personal Gmail accounts of U.S. government employees. Although the company believes it has taken appropriate steps to remediate identified activity, users should exercise caution and follow best practices in order to protect personal e-mail and prevent the compromise of government and personal information. The DS/SI/CS Cyber Security Awareness web site contains guides to help secure the web-based e-mail accounts of users and their families. This information can be accessed at: https://intranet.ds.state.sbu/DS/SI/CS/Awareness1/Content/Personal%20Email.aspx.

3. What can you and your family members do?
(a) Follow the personal e-mail guides posted on the Awareness site to change your password, to ensure that messages are not

auto-forwarding to an unintended address, and to verify that other security settings are properly configured.
(b) Beware of e-mail messages that include links to password reset web pages. These can be easily faked.
(c) Create strong passwords for all of your online accounts, change them often, and never use the same password for more than one account.
(d) Avoid conducting official Department business from your personal e-mail accounts.
(e) Do not reveal your personal e-mail address in your work "Out of Office" message.
(f) Do not auto-forward Department e-mail to personal e-mail accounts, which is prohibited by Department policy (12 FAM 544.3).

4. Questions regarding cyber security awareness should be addressed to awareness@state.gov
CLINTON

Signature:	CLINTON
Drafted By:	DS/SI/CS: SVAN BRACKLE -- 06/23/11 571-345-2574
Cleared By:	DS/DSS:JCULVER, DS/SI: MSHOLLAND, DS/SI/CS: BLITTEER, DS/SI/CS: MCHANDLER, AF/EX: LANDRE, WHA/EX: JBERTOT, NA-SCA/EX: ATEPLITZ, EUR/EX: JARBIN, EAP/EX: DCHRISTENSEN, IRM/OPS: STAYLOR, IRM/IA: JSTREUFERT, S/ES-O: NLMACKLIN
Approved By:	DS:EBOSWELL
Info:	
XMT:	AMEMBASSY TRIPOLI
Attachments:	metadata.dat
Action Post:	
Dissemination Rule:	Archive Copy

UNCLASSIFIED

EXHIBIT 4

STATE-USIA

SEPARATION STATEMENT

I, _____ make the following statement in connection with my
(please type or print)
separation from employment in the Department of State of the United States Information Agency. As used herein, the term "employment" includes all periods of assignment or detail, as well as any periods of temporary, part-time or intermittent employment therein, and the term "separation" includes suspension for any period in excess of 30 days, retirement from active duty, transfer to another agency, resignation, furlough to enter military service, etc.

1. I have surrendered to responsible officials all classified or administratively controlled documents and material with which I was charged or which I had in my possession, and I am not retaining in my possession, custody, or control, documents or material containing classified or administratively controlled information furnished to me during the course of such employment or developed as a consequence thereof, including any diaries, memorandums of conversation, or other documents of a personal nature that contain classified or administratively controlled information.

2. I have surrendered to responsible officials all unclassified documents and papers relating to the official business of the Government acquired by me while in the employ of the Department or USIA.

3. I shall not publish, nor reveal to any person, any classified or administratively controlled information of which I have knowledge, or any other information transmitted to me in confidence in the course of my official duties, except as may be authorized by officials of the employing Department or Agency empowered to grant permission for such disclosure.

4. I have been advised by the interviewing officer whose name appears below and understand the criminal penalties relating to U.S. Government records and information and the use thereof:

Title 18, U.S. Code

Section 641 - Public Money, Property or Records
793 - Gathering, Transmitting or Losing Defense Information
794 - Gathering of Delivering Defense Information to Aid Foreign Govt.
798 - Disclosure of Classified Information
952 - Diplomatic Codes and Correspondence
1905 - Disclosure of Confidential Information
2071 - Concealment, Removal, or Mutilation of Records

Title 50, U.S. Code

Section 783 (b) - Communication of Classified Information by Government Officer or Employee
783(d) - Penalties for Violation

Title 42, U.S. Code

Section 2272 - Violation of Specific Sections
2273 - Violation of General Sections
2274 - Communication of Restricted Data
2275 - Receipt of Restricted Data
2276 - Tampering With Restricted Data
2277 - Disclosure of Restricted Data

These restrictions are consistent with an do not supersede, conflict with or otherwise alter the employee obligations, rights or liabilities created by Executive Order 12356; Section 7211 of Title 5, United States Code (governing disclosures to Congress); Section 1034 of Title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including Sections 641, 793, 794, 798 and 952 of Title 18, United States code, and Section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. Section 783(b)). The definitions, requirements, obligations, rights, sanctions and liabilities created by said Executive Order and listed statutes are incorporated into this Agreement and are controlling.

5. I reaffirm that the provisions of the espionage laws, other federal criminal laws and executive orders applicable to the safeguarding of classified information have been made available to me; that I have returned all classified information in my custody; that I will not communicate or transmit classified information to any unauthorized person or organization; that I will promptly report to the Federal Bureau of investigation any attempt by an unauthorized person to solicit classified information, and that I (have)(have not) *(strike out inappropriate word or words)* received a security debriefing.

6. I have been advised by the interviewing officer whose signature appears below and fully understand that Section 1001 of Title 18, United States Code, provides criminal penalties for knowingly and willfully falsifying or concealing material fact in a statement or document submitted to any department or agency of the United States Government concerning a matter under its jurisdiction.

(Signature of Interviewing Officer)	*(Signature in Presence of Interviewing Officer)*
(Date)	*(Date of Birth)*
(Typed Name of Interviewing Officer)	*(Date Signed)*
(Post, Department or Agency)	*(Typed Name of Employee)*
	(Other Names Used During This Period of Employment)

INTERVIEW OF STATE DEPARTMENT CHIEF RECORDS OFFICER

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, JUNE 30, 2015

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

DANA CHIPMAN, *Chief Counsel*
SHARON JACKSON, *Deputy Chief Counsel*
CARLTON DAVIS, *Counsel*
SHERIA CLARKE, *Counsel*
KIM BETZ, *Member Outreach Liaison and Counsel*
SUSANNE SACHSMAN GROOMS, *Minority Staff Director*
HEATHER SAWYER, *Minority Chief Counsel*
KRISTA BOYD, *Minority Senior Counsel*

FOR THE U.S. DEPARTMENT OF STATE

CATHERINE DUVAL, *Senior Advisor*
AUSTIN EVERS, *Senior Advisor*

Ms. JACKSON. All right, good morning. This is a transcribed interview of * * *, conducted by the House Select Committee on Benghazi. This interview is being conducted voluntarily as part of the committee's investigation into the attacks of the U.S. diplomatic facility in Benghazi, Libya, and related matters pursuant to House Resolution 567 of the 113th Congress, and House Resolution 5 of the 114th Congress. Mr. * * *, would you give us your full name, please.

Mr. * * *.

Ms. JACKSON. And would you spell your last name, please?

Mr. * * *. * * *.

Ms. JACKSON. I knew there was an unusual spelling. So——

Mr. * * *. I like to say I spell it the right way.

Ms. JACKSON. The correct way, okay. Mr. * * *, we appreciate your voluntarily coming in to talk with us today, and good morning. Again, my name is Sharon Jackson. I am one of the counsels with the majority staff of this committee. I'm going to ask everybody in the room to go around and introduce themselves so the official reporters can note who is all in the room, and so you have an idea of who is who today. And the cast of characters. And we will start with the State Department counsel that has accompanied you today.

Mr. EVERS. Austin Evers, State Department.

Ms. BOYD. Krista Boyd with the minority staff of the select committee.

Ms. SAWYER. Heather Sawyer, minority.

Ms. SACHSMAN GROOMS. I'm Susanne Sachsman Grooms with the minority.

Ms. BETZ. Kim Betz with the majority.

Ms. CLARKE. Sheria Clarke, majority.

Mr. DAVIS. And I'm Carlton Davis, I work for Mr. Gowdy.

Ms. JACKSON. Before we get started here with the questions this morning, Mr. * * *, as with anything there are procedural rules and ground rules and things like that so I would like to take a couple of minutes and go over those with you. I'm sure Mr. Evers has talked to you generally about our process here today. But I want to go over them with you again.

The way that questioning will proceed is that a member of the majority, and that will be me to start out with, will ask you questions for up to an hour. And then we will afford our minority colleagues the next hour to ask you questions. In the past we have deviated from that hour by hour, but that's—those are our ground rules that we have agreed to prior to coming in here. So we are each afforded an equal period of time to ask you questions until we have exhausted all of our questions. And we have a few for you today.

Questions may only be asked by a member of the committee, a Member of Congress assigned to this Committee, or a member of

the staff. And so the people in this room are all authorized to ask you questions.

Unlike testimony or a deposition that would be used for court, our committee format is more informal. We are not bound by the rules of evidence. We can ask your opinion about things. We can ask you to opine, or speculate about things. We can ask you about things other people may have discussed with you even though they are not here in there.

The only thing that we will consider in objections to any of our questions is one for privilege. And that is something that the chairman of the committee would then review. If any objections cannot be resolved in this interview, we can ask you to return and then answer the question at that time.

Members and staff of the Committee are not allowed to raise objections to questions, so it is only you or personal counsel can raise an objection. This hasn't been an issue that we have had, but it is one of the rules that guides our proceedings here today.

We are in an unclassified setting in this room. We don't expect to go into any classified information today. We think that all of our questions and the areas that we want to explore are going to be in the unclassified realm. However, if you think that any answer would delve into an area of classified information, just please alert us to do so. We have other facilities. We would probably have to recess, and come back at another time to go into that, but again, we don't expect to go into any type of classified information here today.

I would note for the record that Katherine Duvall from the State Department has entered the room and joined the proceedings here today.

State Department counsel is here with you today. They are here representing the State Department, and you are a current employee of the State Department. You are welcome to confer with them throughout this interview. But if something needs to be clarified, if you don't understand a question, or you just need to ask it to be repeated, please ask us to do so. It is very important. We want you to understand what we are asking before you give an answer, so if you need something repeated, clarified, broken apart because it has too many parts in it, just ask us and we will be happy to do that.

But if you would like to confer with counsel we will take a break, go off the record, and afford you a private opportunity to do so. We will also take a break whenever it is convenient to do for you. So please don't hesitate if you need a comfort break, if you need a little more coffee, a little more caffeine to get you a little more juiced up today. We have water out. I don't think we will run out, but if you need more water, just say so.

We usually take a break after every hour of questioning for 10 minutes or so. But if you need one in-between then, just let us know because we would like you to be as comfortable as possible in this rather strange and unusual setting you find yourself in.

As you see, we have an official reporter here that is taking down everything that I say and you say to make a written record of these proceedings. So it is important that we get verbal answers to our

questions. We tend to nod, and shake our heads, and we are communicating, but it is difficult for the reporter to get those down.

One of the other things that I need to be mindful of, is to not start a question before you finish an answer so that we are not talking over each other either in giving answers or asking questions because that really does make the official reporters crazy. And I try and stay on their good side at all times.

And again, if there is any question that you don't understand or need to have it repeated in any way, please ask to do so. Because what we are hoping to get today is your complete, candid, and truthful answers to the questions that we pose. So it is very important that we make sure you understand what we are getting at and so that you can give us the full information that you have.

If you honestly don't know the answer to some questions, there are several questions that we are going to pose to you today that we are going to say, if you are not the person that knows the answer to it but you know who might or who does, we will ask you to identify that person. So, but if you honestly don't know the answer to a question, or don't remember something, please let us know. It's best not to guess, but we do ask that you give us your best recollection or the most thorough information that you have on any question that we pose to you.

And now, do you understand that you are required to answer questions from Congress truthfully?

Mr. * * *. Yes.

Ms. JACKSON. Okay. And do you also understand that that applies to questions that are asked by a committee of Congress?

Mr. * * *. Yes.

Ms. JACKSON. Okay. Do you understand that witnesses that knowingly provide false testimony could be subject to criminal prosecution for perjury or for making false statements? Do you understand that?

Mr. * * *. Yes.

Ms. JACKSON. Okay. Is there any reason that you can think of today that you would not be able to give us complete and truthful testimony today?

Mr. * * *. No.

Ms. JACKSON. Okay. Well, that's the end of my preamble and the ground rules. I note that it is 9:10. Does the minority have anything that they would like to add to that?

Ms. SAWYER. Nothing at this point. Just thank you for being with us and we look forward to hearing from you today.

Ms. JACKSON. All right, at 9:10 we will begin the first hour of questioning. Yes, sir.

Mr. * * *. I have a question. If I would like a break or feel like I need a time out, do I just say that?

Ms. JACKSON. Yes.

Mr. * * *. Okay.

Ms. JACKSON. You can just say, I would like a break or could we go off the record for a few minutes? Just, would you like one now?

Mr. * * *. I would like to stand and stretch.

Ms. JACKSON. Sure. We will go off the record then. Absolutely.

[Discussion off the record.]

Q: It's 9:12. We will go back on the record. Mr. * * *, what is your current title with the State Department?

A: I am the Division Chief of the Records and Archives Management Division, and I also have the role as the agency records officer. I started in this position formally with the approval of the SF50. I think the actual EOD date was September 1st, October 1st, somewhere, September, October of 2014.

Q: Okay.

A: Okay.

Q: And EOD is enter on duty date?

A: Yes.

Q: Do you have some military background?

A: No, just civil service lingo.

Q: Okay.

A: So prior to that, I was working as the division chief of our 25-year Automatic Declassification Review Program, and then I started as the records officer, essentially, you know, late summer, early fall of 2014 with the departure of the previous records officer in, I think it was June.

So as records officer, that title gives me the authority to transfer records to the National Archives as well as submit records disposition schedules to NARA. Is it fine to use NARA for now?

Q: Uh-huh.

A: Okay, and that is under the CFR what those requirements are. You notify the National Archives who in the agency is responsible for transferring and submitting schedules.

Q: So up until the summer of 2014, who was the records officer before you?

A: * * *.

Q: Could you spell the last name?

A: Yes, * * *.

Q: Okay. And how long had Ms. * * * had that position prior to your assuming that? Approximately is fine.

A: I believe she started in 2007 through 2014.

Q: Okay. And your other duty is the division chief of the, essentially, archiving process?

A: Yes. So——

Q: Could you tell us what you do in that role?

A: Yeah, so the way it works, the Office of Information Programs and Services in the Department of State, a bureau has the delegated responsibility for overall information programs and policies. This would include the full range of Federal information policy whether we are talking about FOIA, the mandatory declassification review process, Executive Order 13256, privacy records management, and so, IPS, Information Programs and Services, has this records responsibility and me as the division chief of the Records and Archives Management Branch coordinates and conducts the Records Management Program.

Q: So what do you do on a day-to-day basis?

A: I mean, what I referred to as our bread and butter work in records management is really disposition schedules, and retention related issues, and transferring records.

Q: Okay.

A: Okay, we have a Records Service Center as well, so there is a big piece of it that is involved with retiring records, sending them to Federal Records Centers, authorizing disposition, destruction, transferring permanent records to the National Archives once they reach their final retention, going through the auto-declass process.

Q: And what are disposition schedules?

A: A disposition schedule is a legal instrument that is approved and authorized by the Archivist of the United States, that governs the retention for Federal records. So I may be wrong here, but I think I'm right that the signature authority of the Archivist of the United States is to approve disposition schedules, to approve retention.

So, you know, a big part of the job is ensuring that records disposition schedules are adequate and up to date; that all offices or programs within an agency has adequate and up-to-date record schedules, and if not, my division, the staff, works with bureaus, for example, or offices to develop record schedules and then we coordinate and liaise with the National Archives. We submit those record schedules to NARA, work through their appraisal process, and then we publish approved record schedules in our agency directive, which you can find online. We have an internal Web site that posts all of our record schedules but they are also on the FOIA Web site for members of the public.

Q: And so just generally, there are sort of rules and regulations that require certain types of records to be maintained permanently, some for a set number of years, and some others for a lesser set of years, and then other records, or information that doesn't have to be kept at all. Is that just generally what you are talking about when you talk about disposition schedules?

A: Yeah, you basically have three flavors, okay, you have temporary records and permanent records, which are all under the overarching umbrella of Federal records. They meet the definition of a Federal record. Some of those Federal records, they are temporary. They may have a very short term.

The trade, the term of art is transitory retention which under NARA general record schedules amounts to 180 days as a minimum, okay, but that's something very ephemeral. Then you have other program-related temporary records where the basic standard there is 3 years for retention.

Okay, but then you also have another standard beyond that, if the records document legal rights, or interest, or financial interests, the basic rule of thumb there is 7 years you maintain those records. Beyond that, we do have a large series and volumes of temporary records with long-term retention.

So if, for example, Diplomatic Security investigative case files have 75-year retentions; visa case files for non-immigrant refusals have 75-year retention. So we have long-term recordkeeping requirements for some of that kind of stuff. But then—and generally, temporary records relate to administrative activities, okay. So if you take a look at an organization, you can sort of map out who is doing what here. If it's a support role, generally speaking those records end up being temporary, and then the retention may be anywhere from, like I said, 3 years up to 75.

When you look at program offices, generally what you are looking at is, okay, what is essential here to document, you know, the overarching policies, decisions, activities that would be of historical significance or have some sort of enduring value to the government and the citizens of this country. And those are your permanent records.

By the way, I should mention at this point I was an appraisal archivist at NARA before I came to the Department of State, so this is what I did for a living before that, was appraise records.

So you have the Federal records, you have temporary. You have permanent, and then you have a category called non-record materials. These are materials owned by the government, but they do not have record status and in the law, the basic rule of thumb there is library materials, reference copies of, you know, I don't know, catalogs or whatever, as well as, I don't know, I'm drawing a blank there. There's some other items in there.

Q: Sort of background materials that may have been used to formulate a decision or policy?

A: No.

Q: No?

A: No.

Q: Okay.

A: Background material gets really tricky, okay, because you are into the area of working files and drafts. And under the law, there is a two-part test. Was it circulated? And the second part, was it circulated, distributed, whatever, for others to review, edit, anything, okay.

But then the second part of it is, does it add substantively to the meaning, the understanding of the decisionmaking process? Okay, so——

Q: And if those two things happen, what are you supposed to do with the record?

A: Well——

Q: Are you supposed to keep it?

A: Well, if it meets the definition, then it becomes a record, okay.

Q: Uh-huh.

A: But then what you do with it depends on the records retention schedules governing that particular office, that program, that section, that post, whatever it is. Okay, so it sort of depends where you are at, you know.

My records, if they meet that part, that test, they are working papers, but they have record status. And I need to file them away as part of my, you know, an accounting of my decisions and actions as a division chief and the records officer, and I need to file those away with my files, and then the retention governing that is what finally happens there.

Then you have personal papers, of course, but this is outside of the realm of the Federal Records Act, although it is defined very clearly, purely personal, basically amounts to nothing to do with conducting official business. Okay. So——

Q: So those are your duties and responsibilities as the division chief. Are they the same or similar duties and responsibilities that you have as the records officer for the State Department, or can

you tell us what additional duties are ascribed to being the records officer?

A: They are the same duties. I wear both hats. I'm not sure where one begins and the other ends with this exception, that whenever I submit a records disposition schedule to NARA, they have a little dialogue box and their ERA system that says, are you the authorized representative of the agency under U.S. code, whatever, to transfer these records to NARA, or to submit a records schedule on behalf of the Department of State or your agency? And so in those two areas, I mean, it's different than just being a regular records officer.

Q: Now, you have touched on this just a little while ago, but how is this your avocation and passion? You said you had a prior professional experience at NARA. Can you sort of walk us through how this became your life's work?

A: I have a bachelor's, master's and Ph.D. in U.S. history, so I have a love and passion for U.S. history, and like a lot of Ph.D.s in history, the job market was terrible when I was looking for work, so I found myself at the National Archives.

Q: That's why I went to law school.

A: Okay, so there are a lot of my compatriots who did that. Okay, so I found myself at the National Archives and realized when I was there, well, you know, I have used Archives a lot, and I like the work, and this is okay, and it pays the bill, and it is better than being on the, you know, the adjunct circuit trying to patch together a career. So here I am at the National Archives. I worked in electronic records. I was a processing archivist and a reference archivist and then I took a promotion and went to work in the appraisal and records management staff. So then I spent time there working as an appraisal archivist.

Q: And what does an appraisal archivist do?

A: An appraisal archivist evaluates, or appraises the value, the informational value of Federal records. So you are not looking at, you know, onesies and twosies, one document on its own. But when a Federal agency submits a record schedule to NARA, okay, they have it arranged by what is called a record series. Okay, it is a term of art, just to describe a grouping of information or records, okay, based on a program, or administrative offices, line of business, their program, function, whatever it is they do.

And when we received one of these schedules at NARA, we would focus on permanent records, primarily. So for example, if you got a schedule from the Department of State, and there were permanent records identified on there, we would conduct an appraisal visit, which amounts to going out, visiting with the actual program office, and whoever is involved with those records to see how they are being maintained to conduct an evaluation of the actual information value, and then we would write an appraisal report, make our recommendations to the Archivist of the United States. And then after the Federal Register process, and public comments, that schedule could be approved.

So you're basically looking at a couple of things: Are there any legal interests at stake in these records that would demand, say, a 7-year disposition retention requirement, versus say, the agency said no, we can get rid of this stuff in 6 weeks and, you know, it

may be very obvious to a records manager or somebody who is an appraiser who says, well, I'm sorry, but this documents the legal rights and interest of the government, so you can't just get rid of this stuff in 6 weeks. Okay, you need at least an 6- or 7-year retention.

You also are looking at the historical research value and significance of the records. I happened to be assigned to the Department of State's account, the work group at NARA that dealt with the Department of State, so I worked on Department of State record schedules going back to 2006, I think it was. And prior to that I was the accessioning archivist at NARA who was involved in the first transfer and then uploading of Department of State cables which really, you know, despite our imperfections in records management, it really was a great achievement. And I still stand by that, that we have our electronic cable traffic available on the NARA Web site.

Q: Okay, and how long were you with NARA?

A: Ten years.

Q: And from when to when?

A: I think it was October of 1999 until it was 2008, 2009, I came to the Department.

Q: And you have been with the Department of State since then?

A: Yes.

Q: Okay. And have you always worked with——

A: In 1998, excuse me. I started at NARA in the fall of 1998, and I came to the Department of State in the fall of 2008.

Q: Okay. And you have always been working in the records division, Records Management Division at the Department of State?

A: No.

Q: Okay.

A: So——

Q: Take us through your State Department professional background.

A: Okay. So I was hired by the Department of State to work in the Records Management Division. I was a program manager. Okay, and I worked very heavily with records scheduling activities and big scheduling projects. I did that for 4 years. And then I was promoted and received a new position in declassification, so I did 2 years in our Systematic Review Program Division, which is 25-year automatic declassification, which amounts to, for your permanent records under Executive Order 13526, those permanent records, if they are classified, undergo an auto-declassification at 25 years, unless the agency has gone through those records prior to that and exempted documents because they have enduring sensitivities. Okay, so we would do that.

I was also overseeing the branch that managed the foreign relations, the United States series declassification process, this is a big red book that the Office of the Historian produces, and we manage, IPS, managed the declassification process for those as well as we would do mandatory declassification review cases for primarily Presidential libraries.

Q: Okay. And then after your 2-year stint in the declassification arena, did you return to records management?

A: Yes.

Q: Okay. And when was that?

A: So technically, the EOD date I believe was—I don't have the exact date, but it was the end of September, the first part of October, something in there.

Q: Of last year?

A: Yes, but I knew that—yes, of 2014. But I knew that I was going in there because I had applied for the position and so I took a 3-week vacation.

Q: Good for you.

A: In August, yeah, it was great. I took a 3-week vacation. So when I left like July 31st, or something, I knew that this was coming, and I took a 3-week break, came back at the end of August, and started into my duties in an acting or temporary role, and then officially became the records officer when the EOD date came around.

I also maintained—I was the acting division chief of our 25-Year Review Program during the same period until we were able to post a vacancy and hire somebody which didn't occur until, I think it was, January or February of this year. So I was wearing a lot of hats.

Q: And quite busy.

A: In the fall of 2014, yes.

Q: So when did you first learn that we wanted to talk with you?

A: I don't remember. I mean, it was a couple of months ago. Okay, there was—Kate Duvall showed me a letter from Congressman Gowdy requesting to speak with me, but I honestly can't remember if that was in May or June. I can't remember. It wasn't that long ago.

Q: Okay.All right.We have touched on a couple of statutes, executive orders, regulations, and things like that, and I would like to just take a few minutes and talk with you about some of those governing provisions that are out there to make sure that we understand how you as the records officer for the State Department interprets those statutes, applies them to the State Department.

A: Uh-huh.

Q: So I first want to talk to you about the Federal Records Act.

A: Uh-huh.

Q: I'm assuming that it is a statute that you are well familiar with.

A: Yes.

Q: Yes. And can you tell us just generally what that statute or series of laws requires of the Federal executive agencies?

Mr. EVERS. The whole thing?

Ms. JACKSON. Let's start with, you know, is there an affirmative duty that is imposed by that statute?

Ms. DUVAL. On whom?

Ms. JACKSON. On the Federal agencies.

Mr. * * *. Each agency is required under the law to maintain adequate and proper documentation of its functions, decisions, as evidence of the agency's organizations, policies, decisions, activities. I can't remember the litany of things, but it basically amounts to adequate and proper documentation of official business.

BY MS. JACKSON

Q: Okay. And that documentation of official business is then in the definition of what is a Federal record?

A: This is my simplified version, okay.

Q: Thank you.

A: A simple version of the Federal record—of the Federal—the legal definition of a Federal record is it was created and received and filed for appropriate preservation as evidence of the organization, the policies, the decisions, the actions.

So an agency has to identify. I mean, if you are working on the government's dime, you must be creating some sort of records, is what we tell an office when we go in to visit. I mean, if you tell us you don't have any records, the question is, well, what are you doing? I mean, why are you being paid? What is going on here? Okay, folks? So if you—so we go into an office and find out about what they are doing, and then—well, I lost my train of thought.

Q: Yes, so you work with all of the various departments and bureaus and offices within the State Department?

A: Yes. But there is a qualifier here, because——

Q: Then please give that to us.

A: Okay so, I have the responsibility as the division chief in my division, and IPS as a whole has the responsibility to develop record schedules for offices, for overseas posts, working with them, coordinating, and then liaising with the National Archives. But where the "but" comes in, is that it really is a decentralized organization and operation.

So every bureau has an assigned bureau records coordinator and every overseas post has an assigned records coordinator. Overseas the senior management officer has that responsibility. They generally delegate it to an Information Management Officer. In the domestic bureaus, it's a bureau records coordinator in the executive offices of each functional or regional bureau.

Q: Okay. But your office is there to develop the policies and issue guidance to those individual bureaus and departments and ensure compliance department-wide?

Mr. EVERS. For the sake of clarity, since there's so system acronyms and divisions, you might want to be precise about which office you are asking for. Because there is a bunch—I'm calling your attention to it. You might want to be precise.

BY MS. JACKSON

Q: Did you understand my question?

A: So, we provide guidance. We have our internal Web site. We explain what the rules of the road are, what are the recordkeeping requirements, and generally speaking, we get brought in when a bureau or a post needs to retire records. If they have a question about something, we have a help desk, and then at that point, we assess and evaluate what their needs are, whether they need new schedules, or whatever it may be.

As far as implementation goes, it's the bureaus and the posts which are responsible for implementing the guidelines, the regulations, the FAM provisions in the law.

Q: Do you do any monitoring or compliance checks with any of the departments or bureaus, overseas posts, anything like that? Do you have sort of the check-on-them responsibility?

A: Compliance is a Records Management Program responsibility, and it's a weakness of our program. Okay, there is a FAM provision that allows for and supports overseas inspections for records, but that hasn't been done since long before I started at the Department of State. And I believe that was a budgetary issue, but we——

Q: What about the bureaus within State Department headquarters?

Ms. DUVAL. He was right in the middle of a sentence, Sharon, when you started asking that question. Please let him finish his sentence.

Ms. JACKSON. Did you have anything more that you needed to add to that?

Ms. DUVAL. He said, "when we"—can you read back what he was saying.

[The reporter read back the record as requested.]

Mr.* * *. So we don't have an active compliance program, okay. But I would like to make some qualifications there because my predecessor, to her credit, back in 2012, 2013, conducted what we call a GAPS project. I wasn't directly involved with that, but what she did, and this was a good program.

She, under her direction, developed an inventory, a retired records inventory management tracking and control system, okay, so it was all paper-based prior to this, and then she helped create this electronic system, which allows you to track and control retired records. It allows you to figure out, okay, who has been naughty, and who has been nice, you know, who is retiring and who isn't. And the focus was on permanent records at overseas posts. So we were able to—I say "we" collectively, but I wasn't directly involved with it.

The Records Management Division analyzed the data to figure out, okay, what are the permanent records disposition authorities covering the overseas posts, and are we receiving records from them? Okay, and then so what they did was, they figured out, okay, embassy such and such hasn't retired records in 10 years. So what's going on? And so then that allowed the records officer and staff to reach out to those overseas posts to try to bring them up to date and make sure that they were retiring records.

In a couple of other cases, one thing we did was—and this is very common, okay. I think this would be common across the Federal Government. Nobody calls records management until they have a problem. Okay. And that problem usually is, we are moving. We need more space. What do we do with these records? Okay, so we get a lot of those sort of inquiries when an office is moving.

And one thing that I did lead and direct was in the past, we had bureaus contact us about moves, and we wanted to turn that into more than just going and telling them how do you retire your records, but also look at it as an opportunity to, you know, evaluate the records management practices, and say look, you can improve here. Okay, we need to get your schedules up to date and you need to improve your retirement practices.

And we did that for a couple of bureaus. But and we, in fact, we reported this. We were very proud of this in our records management self-assessments that we submitted to NARA and that we tried to work proactively with certain offices and certain bureaus in order to improve their recordkeeping practices.

Q: You have touched——

Mr. EVERS. Can I just have a second?

Ms. JACKSON. Let's go off the record.

[Discussion off the record.]

Mr. EVERS. We can go back on. Thanks.

BY MS. JACKSON

Q: You touched upon this, but I wanted to explore this just a little bit more. Apart from overseas posts, embassies, and the like, and focusing on the various bureaus within what I recall Main State, or headquarters, do you identify gaps or ensure compliance of various departments and bureaus that I would call at your home base, at Main State?

Mr. EVERS. Can you just be clear on what you mean by "you"? I mean, said he joined—he is in his current position only since the fall—whether you are talking about the department or his division, or are you talking about * * * in particular?

Ms. JACKSON. I'm talking about his department, what he knows about what has been done in the past. And what he inherited.

Ms. DUVAL. Since he came to his position, or beforehand? Are you asking for his knowledge of——

Ms. JACKSON. Mr. * * *, do you think you can answer that question?

Mr. EVERS. It is about whether he can answer it precisely, and I just want to make sure the record is clear about who "you" is and when you are asking about, because it could be at any time, and by anyone. I don't want you to think that he was doing this, the 25-year declassification authority.

Ms. JACKSON. Well, Mr. * * * has described what he inherited as a GAPS thing that his predecessor engaged in, and so my question, if he is aware of it being done during that time that he inherited that in his current position, I think he is perfectly—he can answer it in that way. Just like he has answered the other questions.

Mr. EVERS. Sure. I just want to make sure the record is clear. So maybe you could break it up?

BY MS. JACKSON

Q: Do you——

A: Okay, so we don't have a staff dedicated to compliance.

Q: Okay.

A: Okay. So the people who work in the Records Management Division wear many hats. All right. So the only, technically speaking I guess, what you would consider a compliance activity, or I don't even know if compliance is the right word, but followup activity to ensure what people are doing has been in my recent memory, whether I was there or not there, that I'm aware of, was the GAPS project, these office evaluations that I was involved in, and then a big one that came up in the recent past, was, I don't know exactly—I guess it was the Bureau of Administration, but I could be

wrong about this, was criticized in an OIG report on the SMART System about not conducting compliance reviews on how people are using record email.

Okay, so in my opinion, the thrust of that is that the OIG was telling us, we need you to be doing something more here, at least in the area of SMART and who is using it, why aren't they using it? There is a complicating factor, and that is that in the middle of this whole SMART thing, the Department is also engaged in a working group study process to figure out how do we meet the President's 2016 deadline for having all temporary and permanent email in an accessible fashion? So I don't know, exactly know where that is going to end, how we are going to do that for sure.

Q: Are you or your office consulted when departments or bureaus are changing their records retention mechanisms or procedures in any way? Do you have an approval process? Do you understand what I'm asking?

A: They must consult us if we are talking about a retention activity. Okay. So if it involves a records disposition schedule, it is submitted to the National Archives, approved by the Archivist of the United States. They must come through my office, okay. Because IPS, my home office, and then me, I have the responsibility to submit those to the National Archives. So an office, a bureau, a post, whatever, is not allowed to go off willy-nilly and come up with their own retention and—or their retention schedules.

And we get consulted by posts primarily. IMOs, an Information Management Officer, is primarily a tech guy, okay, so they end up with this collateral responsibility for records management overseas, and they will often contact us and say, okay, what exactly are our roles? What is my role? What is my responsibility? How do I do this? And we usually will point them to, if we are not pointing them directly to the FAM, to explain what their roles and responsibilities are, we will put that into some sort of simplified language.

Q: You have talked a bit about permanent records. Can you give us some examples of what falls under the umbrella of permanent records?

A: The Department of State probably has the highest percentage of permanent records overall in the U.S. Federal Government. Okay, that was always the view we had at the Archives, and I would still stand by that. Okay, so at NARA, if you take a records management training class, they will say 3 percent of the overall universe of Federal records are probably permanent.

At the Department of State, I'm making up this number, okay, so don't hold me to this, I bet 25, 30 percent of our records are designated as permanent. Our records also happen to be the most accessed and requested at the National Archives. So permanent records, what it amounts to, you know, are documents, documentary materials that document, you know, significant historical events, activities of the U.S. Government. And in our case, the NARA appraisal policy 1440, talks about one specific type of permanent record is something that documents the conduct of U.S. foreign relations. So that's us.

Q: So just so I'm clear on this, I just want to make sure I understand, documents, whether it's electronic documents, or hard-copy documents, that deal with the foreign relations of the United

States are considered permanent records. Am I understanding that correctly?

A: Yes.

Mr. EVERS. All of them?

Mr. * * *. I can't think of any series of records in a disposition schedule for the Department of State that touches on, you know, significant foreign relations activities that isn't permanent. I will say this, though, the regional bureaus, say EAP, East-Asian and Pacific Affairs, they have—a lot of their materials are permanent. Okay, but they also have temporary items for program files. And those would be for program records that don't document, you know, significant activities or something, so they make a cut and this is all approved by NARA.

So I do want to not exactly retract my, you know, sort of emphatic "yes" but point out that you could go to those bureaus. And those bureaus are clearly involved in foreign relations activities, but they do have temporary items in there, schedules.

Q: And as it pertains to the principals of the State Department and let's first make sure we understand what we are talking about. When I say a principal of the State Department, do you know is that a term of art?

A: A term of art I know.

Q: Okay, and what do you understand principal to be?

A: Well, the basic meaning is the principal officers of the Department of State occupy offices on the seventh floor, okay, which amounts to the Secretary, Deputy, and the Under Secretaries. Okay, I don't know that it actually technically applies to an Assistant Secretary or not, but they are high-ranking officials.

Overseas a principal officer would be at a consulate general or a mission below the status of an embassy, I believe, where they have responsibility.

Q: Okay. So is your personal working definition of a principal of the State Department is the Assistant Secretary level and higher? Or is it a smaller group of people? It is just the seventh-floor principals, or just seventh-floor individuals, I should say?

A: When I use the term "principals," I think of the seventh floor. When I refer to a broader universe of high-level officials, I use the term "senior officials."

Q: Okay. So I will try throughout my questions to differentiate between seventh-floor principals and high-level officials. I may not always get it right, but I'm going to try and use your terminology so that we are all on the same page, okay?

A: Okay.

Q: All right. As it pertains to the seventh-floor principals, is the information that is generated on the seventh floor generally considered a permanent record?

A: Yes.

Q: Okay. And it is required then by law to be retained?

A: Yes.

Q: Okay.

Ms. SACHSMAN GROOMS. All of the information generated on the seventh floor?

Mr. EVERS. Yeah, can we be a little bit more precise about the seventh floor?

Ms. DUVAL. What principals are we talking about? He just said people on the seventh floor. There are all kinds of people on the seventh floor. We don't have——

Mr. EVERS. I don't think that—that may be a term of art.

Ms. DUVAL. If you have someone in particular you are talking about, you should specify so that we can get——

Ms. BETZ. I think he just defined seventh-floor principals for us.

Ms. DUVAL. Not with any specificity.

Mr. EVERS. There's a lot of people who sit on the seventh floor including——

Ms. DUVAL. Literally, we can send you a floor plan. You are not going to have a transcript that——

BY MS. JACKSON

Q: So we will go back to the questioning. Of the information that is generated for the seventh-floor principals, the Secretary, Deputy Secretaries, Under Secretaries, or people who manage their information for them, does that generally result in Federal records when it, again, goes to the organization, functions, policies of the State Department?

A: I would look at—I would go by the record schedules, okay, and you could use those, you could view those on our FOIA Web site, and if you look for the chapter that covers the Secretary, I think the first items in that schedule are all permanent. Don't hold me to this, but I think there is one or two temporary items, one for thank you notes, or something like that. I can't remember, okay, I would have to look at it.

And then, generally speaking, that holds true for all of the Under Secretaries, okay. I can't think of a temporary disposition authority covering the programmatic mission-related records of any of the top officials. Okay. Obviously, every office, every bureau, whether it's the Secretary, or me, is going to have administrative files and you have clerks doing different things. Those I'm not talking about. I'm talking about mission-related program records and all of the paper that passes through the seventh floor goes through a system called Everest.

Okay, not all the paper because of the classification issues, that system in toto is not permanent. It is not the only records series there, but the seventh floor program-related records are, for all intents and purposes, permanent.

Q: Okay, and when you are talking program related, you are talking about the conduct of foreign affairs, is that correct?

A: Yes. And the high-level administration of the department.

Okay, so——

Q: So one of the ambassadors, for example?

A: Yes. As well as, you know, I will use this guy as an example, Under Secretary Kennedy. He is the, you know, Undersecretary for Management. At his level that type of information is permanent. Okay.

Q: The information that he deals with?

A: Well, if he is talking—if they are dealing about real estate, okay, so it is administrative in nature. It is not the conduct of U.S. foreign relations, but you would be hard pressed to find a NARA

appraisal archivist that would consider something at the top level of an agency temporary.

Q: So generally then, I just want to make sure I'm capturing this, if it is information that is being exchanged at those levels, at the Under Secretary level and above, regarding the conduct of the State Department, you would consider that a permanent record, or a record that needs to be maintained permanently?

A: I would.

Q: All right. You mentioned earlier Executive Order 13526. Can you tell us what that is, again, just elaborate as to what that is.

A: It governs classification and declassification overall.

Q: Okay, and is Executive Order 13526 applicable to State Department information?

A: Yes.

Q: Okay. And how so?

A: Well, if we are going to classify information, it has to be done within the framework of 13526 and the same goes for declassification. So it governs anything we do in the realm of national security information——

Q: Okay.

A: [continuing]. The classification system.

Q: And in particular for national security information as it pertains to the State Department, are we primarily talking about foreign government information, or information that might cause harm to foreign relations?

A: The State Department—okay, so let me put on my old declass hat, okay. So when we are reviewing older historical documents at 25 years, you are looking for several things.

One, you are looking for referrals, so what is a referral? That is another agency's equity, okay, so we may not, we don't own, so to speak, the defense and military planning exemptions or classification authority, okay. The Department of Defense would. So we would refer something like that.

But we own the foreign relations exemption piece as well as what you would classify stuff under, so the Department of State material that is classified generally would be because we are protecting foreign government information or foreign relations.

Q: And if information doesn't rise to the level of requiring classification, but otherwise deals with foreign relations, or foreign government information, would the State Department put it in a category that requires a little more sensitivity than just simply unclassified? What I'm getting at, is there a classification level, or a category called sensitive but unclassified?

A: Yes.

Q: Okay, and what is the distinction in your mind between sensitive but unclassified and simply unclassified information?

A: Classified information must provide—must—I'm trying to think of the definition there. It has to be demonstrated to cause harm to the national security of the United States. Okay, I can't remember——

Q: And then it is like——

A: Yeah, confidential, secret, and top secret. Okay, I can't remember the exact definition.SBU, sensitive but unclassified, usually what I'm thinking of here, and I think this is standard for, you

know, FOIA practice, is you are looking at the FOIA exemptions, minus B–1, which involves classified national security information.

Why do I say minus? It is not to disregard it, but it is to say that that B–1, you have already met the threshold under the executive order that it should be classified in that system.

So the remaining FOIA exemptions are to protect information that may not be classified national security information, but it has some sort of sensitivity. Probably the most common one that people think of is B–6, which protects personal privacy information. Okay, so——

Q: So phone numbers, Social Security numbers, addresses that kind of information?

A: Well——

Q: B–6?

A: Well, it has to describe somebody's personal information and provide—I'm not an expert on the Privacy Act, or FOIA B–6, so I don't want to get into what all of the different, you know, if it is a mosaic something standing on its own or whatever, but that should be protected. Privacy stuff is very sensitive.

Q: Okay, so just to make sure I understand, your definition of sensitive but unclassified would be that information that would be subject to the FOIA distinct—the FOIA exemptions other than classified?

A: Yes. If it warrants withholding under a FOIA exemption, it's SBU.

Q: Okay. I have a couple of technical questions. And answer them if you can. Did the Secretary and the seventh-floor principals use a network or server that was separate and distinct from the network and servers of the other departments and bureaus in the State Department.

Mr. EVERS. Can you specify which secretary? You said the Secretary.

Ms. DUVAL. Or which principals, what timeframe are you asking?

Mr. EVERS. It sounds like you have a specific one in mind. You said did the Secretary, and I just want to know which one you are talking about.

BY MS. JACKSON

Q: No, just in general, does the Secretary and seventh-floor principals, is their electronic information kept on a server or network separate from, essentially, the rest of the State Department employees?

A: Yes.

Q: Okay. And how long has that been the practice?

A: I don't know. I don't know. They have a system they call POEMS, the acronym is POEMS, principals—I don't know. But I don't know how far back that goes, but this——

Q: Has it been there since you have been with the State Department?

A: Yes.

Q: Okay, so at least 2008 forward, there has been a separate network and server. And let me ask this: Is network and server the same term to you, or different terms?

A: I'm not an IT guy, so what I would—the way I would understand this question is like this, okay. The executive secretariat which is separate from where I work, this is S/ES okay. They have their own administrative operations and one of those administrative operations is S/ES–IRM, information resources. So that is their dedicated IT staff. And that S/ES–IRM manages the network, and whatever hardware, software, whatever goes into SES's functions.

Ms. DUVAL. So do you know whether it's a separate network, or a separate server?

Mr. * * *. In all of the meetings I have ever been in, they have always said it's a separate system.

BY MS. JACKSON

Q: Okay.

A: And in the IRM wing, the electronic records management working group, this is one of the major issues, you know, how do we ensure that S/ES is also in the same boat as the bureaus and posts that are managed by basic IRM, the IRM bureau.

Q: Okay, and what are some of those challenges that are discussed in that working group? And making sure that they are aligned properly?

A: The overall concern is meeting the President's requirement that all email is managed in an electronic fashion that is searchable, accessible, and that the permanent material can be managed in, you know, a recordkeeping system that meets recordkeeping definitions under the CFR and NARA has also in one of the bulletins that came out, I think it was in 2014, said that you need to also have a minimum timeframe for your temporary email as well, even if it is just a year, you must be able to maintain that in an accessible electronic fashion. So these are the challenges we are under. We still have a print and file policy. People are incredulous about that, but print and file is still the law of the land.

Q: Within the State Department?

A: Within the State Department, yes.

Q: Okay. All right. You mentioned that this network that applies to the Secretary and other seventh-floor principals is known as POEMS, is that correct, P–O–E–M–S?

A: Yes.

Q: Okay, and that's what the network is called?

A: That's my understanding.

Mr. EVERS. I think he said, and—I think he sort of said network, or software, or I think what we boil it down to is system. I think he expressed some uncertainty about the IT specifics. Is that fair, * * *?

Mr. * * *. I don't have any IT-specific knowledge, so when I say POEMS, I'm referring to their hardware, their software. It's something distinct from OpenNet, which I use, okay.

BY MS. JACKSON

Q: You also mentioned something called Everest. Can you tell us what that is?

A: It's a tracking and control system that allows paper, action memos, info memos, something that goes to the seventh floor for some sort of action, okay, to be entered into the system, tracked

and controlled electronically, and then later preserved as a record copy of what the final decision was by the principal officer.

Q: So that's a management tool, that's an information management tool?

A: It's an information system that's used for—I don't use it. I don't use it. My only direct experience with Everest is meeting with the bureau records coordinator, and officials from S/ES–IRM to help them develop a schedule for it, okay. And also to instruct them about what the recordkeeping requirements are for an electronic information system that contains permanent records.

Q: Now, you have described some various meetings and working groups and stuff that you have been a part of regarding this separate network or system for the Secretary and the seventh-floor principals. Do you know why, or what is your understanding as to why there is a separate network, or system for the executive leadership of the State Department?

A: One clarification. The electronic records management working group is not established just to deal with S/ES, or POEMS issues, okay. This was something that Under Secretary Kennedy established. It would have been, I'm thinking, the winter after the NARA bulletin, or the President's Managing Government Records Directive came out. And the Department came together to come up with some sort of strategy to meet the requirements under the Managing Government Records Directive. So it was tasked with trying to figure out how do we manage email overall, whether that's on the seventh floor, me, whoever.

Q: Okay.

A: But obviously, that plays into it, you know. Ensuring if you have the same system, or different systems, that they all meet recordkeeping requirements.

Q: Okay. But in all of these various meetings, and based on your tenure with the State Department, have you come to understand why there's a separate network, or server, or system dedicated to the executive leadership of the State Department?

A: I don't think I have ever heard any sort of, you know, thesis on that. But sensitivity is a special matter. There are certain types of documents that are captioned that they need to manage and keep a close hold on.

Q: Okay. I have just a few minutes left before we are at the end of our first hour. And so let me just end by asking you a few more questions about the Federal Records Act, in particular. And then we will at least go off the record and take a break, and I will confer with my minority colleagues about how we are going to proceed after that, okay.

Under the Federal Records Act who is charged with the responsibility for records management within an agency or department?

A: The head of the agency, according to the law of the CFR.

Q: Okay, and within the State Department that would be the Secretary? Is that correct?

A: Correct.

Q: And does the Federal Records Act require that safeguards be implemented?

Mr. EVERS. If you know.

Mr. * * *. I'm trying to think about, I mean, there are lots of different provisions in the CFR to ensure adequate and proper documentation. I can't point to a particular provision.

BY MS. JACKSON

Q: Okay. Under the Records Management by Federal Agencies in section 3105.

Mr. EVERS. Do you have a copy of the laws that you are reading from?

Ms. JACKSON. Yes.

Mr. EVERS. Do you want to maybe instead of quiz him on it, have it for him?

Ms. JACKSON. If we need to, we will go to that, but let me just——

Mr. EVERS. Well, * * *, I just want to make sure, you know, if you don't know all of the text of the Federal Records Act, or the associated CFR, they have copies of them, and they can show them to you and you don't have to know them by heart.

BY MS. JACKSON

Q: Do you know that the Records Management by Federal Agencies Act which is in 44 U.S.C. 3101 and other provisions, covers the alienation of records?

A: Yes.

Q: Okay. And what is your understanding of alienation of records? What does that mean?

Ms. DUVAL. Would you like to take a look at the statute?

Mr. EVERS. Or the regulation, or the FAM, or NARA regulations?

Mr. * * *. Can I take a look?

Ms. JACKSON. You know what, we are just approaching the end of our first hour. Why don't we go off the record, take a break, and we can come back to this when we have our next hour. Okay. Is that okay?

Mr. * * *. Fine with me.

Ms. DUVAL. Are there documents that you would like him to review so that he can be ready to answer your questions?

Ms. JACKSON. Yes.

Ms. DUVAL. Would you like him to do that on a break or on the record?

Ms. JACKSON. Well, let's first, I want to talk—it depends on whether we are going to continue, or whether we are going to turn it over to our colleagues. So, do you want to—do you guys want to consult about that?

Ms. SACHSMAN GROOMS. I think we will take our time, but why don't you just go take your break.

Mr. * * *. Yeah, why don't we take a break.

Ms. JACKSON. We will take our break and we will just have him review it before we resume again.

[Recess.]

BY MS. BOYD

Q: My name is Krista Boyd. I am with the minority staff of the Select Committee.

Thank you again for being here today. I am now going to go into our period of questioning. I may go over some things that sound redundant, but if you can please bear with me because some things I just want to make sure that we have the right understanding of what it is that you are saying.

The one thing I wanted to go back and visit is, you said something that I am concerned could be construed differently than the way you meant it. And that was I want to make sure that what you were saying wasn't that every scrap of paper or every email that comes out of the seventh floor would be considered a permanent record.

And if we could just kind of walk through what it is to piece together what you were saying about how decisions are made about whether something is or isn't a record and how it falls into a schedule.

So, one of the things you talked about was a two-part test. It sounded like that was your sort of best explanation or guidance for how you decide whether something is a permanent record, is that right? Is that a fair characterization, that there is sort of an evaluation of whether something meets the criteria of being a permanent record or not a permanent record?

A: I believe that the two-part test I was referring to was in the definition of a working file.

Q: Okay.

A: And then there is also essentially, in my simplified view, a two-part test for the Federal Records Act, which both of those things are totally different from whether or not a record, once you have established that it has record status, then you apply a different set of criteria to whether or not it is permanent or temporary. And the criteria there is established by NARA policy.

Q: Okay. And the first evaluation, which is whether something is a record or isn't a record, would that fall to the individual employee to make the determination as they are creating or saving a document to evaluate whether that is a record?

A: Yes.

Q: Okay. And then if something is evaluated as being a record, then there is a later determination of whether it falls as a category that would be a temporary record or a permanent record or something else?

A: The independent employee does not have that discretion, okay. So an individual employee should be making their decisions based on the records management policies for an end requirement for their particular section, branch, office, or whatever. And once they have established based on the framework, and the overarching framework here are the approved records disposition schedules, okay.

So if what you are doing fits within the records schedules, then the employee should be managing them accordingly. And the employee has no discretion over whether they decide, well, this memo should be permanent and this memo should be temporary. That is established by the framework of the records disposition schedule.

Q: And did I understand it correctly when you were using the word "appraisal," is that the appraisal is part of the evaluation of whether a type of record should be temporary or permanent, and

is that something that comes later in the process? So meaning not at the time the employee is creating the record.

A: The appraisal is a part of the records disposition schedule approval process. That is a process owned by the National Archives. Okay so agencies submit, NARA approves. And so generally speaking, you develop new records schedules within an agency when a new program office is established and they don't have a schedule, or for whatever reason they never had a schedule. In that case those records would be called "unscheduled."And unscheduled records are considered permanent until there is an approved schedule. So even if these records had a 3-year temporary retention after approval, until the time of approval, they are considered permanent because they are unscheduled.

Okay so when an agency submits, then NARA takes that, essentially, a draft schedule that was submitted by the agency and they review that. And NARA is looking at a couple of different things. They are appraising the informational value of the information contained in the various records series. They are also looking at the adequacy of the retentions, okay.

So they are saying, the two key pieces to a records retention schedule, in addition to the description, the series description, are permanent or temporary—what is the flavor, what is this stuff, okay? And that is going to be based on NARA appraisal policy 1440, I think is the number. Do these records meet the definition of what permanent records should or should not be? If they don't meet the definition of a what a permanent record should be, then you get a big temporary up there, okay.

And then the final piece for temporary would be, what is the actual retention, okay? And that is the other thing that NARA considers. And in my experience as an appraiser, 90 percent of the agencies get their retention right. They know how long they should keep things. If anything, they err on the side of keeping things too long that could be kept for a much shorter period of time, because a corollary to what we have been talking about in terms of adequate and proper documentation is the other aspect of records management is economical and efficient management of information. So a big part of that is don't keep things too long that could be disposed of sooner. Okay, but the ground rules are you can't dispose of this stuff until you have a disposition schedule to authorize and approve that.

Q: So talking about emails specifically, are there emails that an employee can dispose of that are not records? For example, personal emails. Is it possible a sender receives an email that would not be considered a Federal record?

A: Yes. Personal email. And if the Department—and I am not aware of any agency, although I can't speak for other agencies at the Department you have the discretion of identifying what is personal and you are allowed to delete that.

Q: Okay. Thank you.

BY MS. SACHSMAN GROOMS

Q: And by you, you mean the individual who sends or receives the email has the discretion to decide this is a personal email and just delete it?

A: Yes.

Q: And is that a standard practice throughout the government?

A: I don't want to speak on behalf of the whole government, but NARA accepts that.

Q: So that is a NARA standard practice that the individual gets to say, this is my personal email and just delete it and it doesn't go into any kind of a system?

A: I don't want to say a NARA practice. But according to the NARA regulations in the C.F.R., if—and regardless of medium, whether we are talking about email, whatever—if it is purely personal, the employee can delete it.

BY MS. SAWYER

Q: I am going to ask a couple of questions. We don't mean to be confusing by having different folks. But I personally am a little confused because I am just trying to puzzle out which portions. You said in your answer to my colleague, Krista, that certain determinations were within the individual employee's discretion and then others were not and then NARA gets involved at some point as well. I am just trying to figure out how.

You said there is a concept records management criteria that, it sounded like, would govern individual employee decisions as to whether to even at the first cut designate something as a potential Federal record, is that correct?

A: I think you have to understand this whole thing in the framework or context of records management overall in the agency. So if you are a new employee, you come on board. If you are in the civil service, you get a brief records management briefing when you are going through your employee orientation, which basically amounts to making you aware of the fact that you are going to be creating, receiving, and managing Federal records, okay. And if you need more information, here is where you can find it, all right.

If you enter the Foreign Service at the Department of State, you get the same sort of briefing as part of your orientation, okay. Then when you get to an office or a post or wherever you are going, the way it is supposed to work is we have these delegated, you know, this—I am losing track of my thoughts here—delegated people with responsibility, bureau of records coordinators and others.

And when you go to work in a particular office your supervisor should make you aware of, okay, you are performing this type of function.And they may not use the term "recordkeeping requirements."

But let's use an example. If you are working in Consular Affairs, there are certain requirements that would go into a visa case file. You must file this document, that document, and everything so that you can manage that particular case, okay. So when you would go to work in Consular Affairs, somebody should be instructing those employees about what are the recordkeeping requirements.

Okay. And then those overarching requirements are governed by Federal law, NARA regulations, our own internal policies and procedures, the records disposition schedule. Again, I mean, the records disposition schedule is really the bread and butter instrument, okay, the basic instrument that governs what should you be

keeping, how should you be keeping it, how long must the agency keep it.

Q: So for an individual employee with all that guidance, you had indicated for working papers and files it sounded like one of the principles you would apply was kind of was it circulated and does it add substantively to the decisionmaking process.

So for the individual, if they are dealing with something that is in their files, is it that individual that then assesses, in that particular example, those particular criteria and decides, yes, this discrete email does qualify, in my mind, I am going to designate it for potential Federal records retention, is that accurate?

A: The two-part test that I pointed to is in the C.F.R. So I want to put it on the record that if I missed it somehow, I don't want to be held responsible for having that memorized, okay. But it basically amounts to, you know, it has gone beyond yourself, all right. So you have consulted others, you have advised others, you have done something to circulate this particular draft. And if the draft comes back and you said, well, you spelled principle wrong, it should have been L–E rather than A–L, I wouldn't consider that a substantive change, okay.

But if the draft comes back and it says, you know, our policy position is X and we did that, then that meets the test of all of a sudden that material, that working file, meets the definition of a Federal record, okay. But beyond that, what happens to it, how do you manage it, how do you retain it, that is governed by the schedules.

Q: Okay, so let's just go back to what you just explained because I want to make sure I understand clearly.

So at that level you just gave a very nice example where you said there was one type of change that you would not have considered substantive. So that, in that instance, would be up to the individual employee's discretion to decide this is a substantive change versus something else that might not be, is that accurate? Interpretation or an employee's interpretation.

A: It would be accurate within the context of the record schedules, okay. So I want to point out that those record schedules are really what govern what a person should or shouldn't be doing.

Q: Okay. And the record schedule, just explain how that would interact with the example you gave me. Do you mean in terms of it is a particular type of document?

A: A schedule has several different pieces and parts to it. So it has a series description, which describes the records. And so if that description indicates something that it should be a guide to the creator, they must follow it. It may not indicate anything, you know. This goes back to every office, every bureau, every post section needs to be aware of their recordkeeping responsibilities. And that is overall based on these schedules that are approved by NARA.

Q: So the——

A: But individuals are the ones that are carrying this out, you know. Okay, so employee X, or whoever, is the one who is carrying out these instructions, and they are the ones filing and supposed to be saving.

Q: So the individuals have to assess both what a retention schedule might provide to them in terms of guidance, as well as what the underlying substantive document might indicate to them in

terms of, whether it is the type of record that has to be changed with regard to each and every document, email, scrap of paper schedule, and so it is going to be different criteria that they have to then interpret and decide whether or not to designate it as a potential Federal record?

A: This is the heart and soul of why email management in the Federal Government is a disaster, okay. Why? Because you find somebody who wants to think about every message and whether it meets the definition of a record or not.It is very difficult to find those people, okay. Which I think is also the reason why NARA proposed this Capstone solution, just capture everything at certain levels because people either aren't, won't, whatever, make these sort of decisions.

Q: And we will probably get to Capstone, but Capstone came into kind of being at what point in time? Is it now——

A: September 2013 I think is when the bulletin was issued or August.

Let me say something for the record. I used the word "disaster," which is very categorical. But I think you would be hard pressed to find records managers anywhere in the Federal Government who didn't say email is a serious problem and challenge, okay. So you can't hold me to that speaking on behalf of the entire Federal Government, but it is a challenge.

Q: And for a few different reasons I just want to piece out.

One, there is a tremendous volume of email, would you agree with that?

A: Yes.

Q: Two, if you were going through somewhat, if you were really doing this diligently, you would have to contemporaneously go through each and every one, that would be accurate, right?

A: Yes.

Q: And then thirdly, you would have to apply, it sounds like, an overlay of criteria and considerations for each and every one? That the individual employee would have to consider some of the criteria you talked about in terms of was it circulated and was whatever change got made actually substantive, is that accurate, in addition to the retention schedules potentially?

A: Okay. So the Department does have a system, SMART, which allows employees to send messages that would be deemed a record, and all you have to do is use that SMART system and retention and disposition is taken care of automatically.

Okay so if you are not using the SMART system, you are responsible for making that decision, is this a record or not. Under the laws of the land, the law is still print and file if you believe it is a record.

Our FAM provision under 5 FAM 440, I can't remember the point about when is an email a record or not, sort of explain some of the nuance here and how you need to go about doing that. But you do have that individual responsibility, okay. So if you are an employee, does this message, is it a record, is it not, if it is what do I do with it, do I print and file it, am I saving it in a PST, do I have my folder structure in order?

An individual employee shouldn't be, in my professional judgment, making decisions about whether this thing is permanent or

temporary, okay. The employee should merely be worried about, is this a record and make sure I put it in the right place.

Disposition should be a separate matter, whether it is temporary or permanent, okay. And, in fact, in our SMART system, the disposition is controlled by tags terms. You don't identify what the retention is for those tags terms to the employee. That is behind the scenes. You should be applying it based on the informational content or value.

Q: So just explain to me, currently, is the employee responsible for both of those decisions? You said in your ideal world the employee is responsible only for, you know, making that initial cut. Does this even qualify as a Federal record, we will figure out down the line is it a permanent, is it a temporary, is it apparently a decision could even be made at that level that it didn't qualify as a Federal record?

A: No. The employee has no discretion over the permanent or temporary and they shouldn't be in the business of figuring that out.

Q: So the employee is really just responsible for I am going to designate this as a potential Federal record. So there is discretion there. And then at the next level where there is a determination is it a permanent, is it a temporary, is it not a Federal record at all, there is also an assessment in some interpretation or discretion?

A: No.

Q: I mean, someone has to decide whether it is permanent or temporary?

A: The National Archives has made that decision based on the records disposition schedule that the agency has submitted to cover the series of records.

Ms. SACHSMAN GROOMS. But someone has to interpret whether it applies under that.

BY MS. SAWYER

Q: NARA does it and the Bureau comes to them. It sounded to me as if that was the appraisal; that the Bureau just sends everything?

A: The Bureau comes to us. The Records and Archives Management Division, or we come to them. Whatever—you know, however it comes to somebody's attention. We need a records schedule to cover these case files, okay.

Usually the way this works, an office, a bureau, a post, will send us an email to our help desk and they will say, we have American Citizen Services case files dating back to 19, pick your year, what do we do with these things, how do we retire them, okay. And nine times out of ten this is very easy because you say, okay, records disposition schedule X, Y, or Z applies to these records, these are the instructions for retiring them, apply the schedule, follow the procedures for retiring them, and we move on, okay.

You do sometimes come into situations where there is no records schedule. So we have to at that point say, ah, we need a records schedule, or maybe they told us, who knows. And so at that point we, in the Records Management Division, work with the Bureau, or if you are working with a post you would work through the exec-

utive office in the relevant regional bureau, okay. And we would go in and work with them, explain, you know, what are the basic—what is the basic framework of a schedule. We would work with them to develop it. At the end of the day, they are responsible for concurring with the recommendations that we are going to submit to NARA. And we submit that schedule to NARA for final approval.

NARA has the authority to switch a designation, so we propose something is permanent. They may turn around and say, no, we don't want this stuff, it is temporary. They also have the authority to say, no, 3 years isn't long enough, you should be keeping it for 7 years, okay.

They will send out an appraisal archivist to actually look at and inspect the records when you are talking about permanent series, okay. And then they will write up an appraisal report. They have—I think all their appraisal reports are available online now, in fact, which justifies their decision about the actual value and retention of those records.

And then we get notice of that and we inform the particular bureau or office, your schedule has been approved, this is how you must manage your records in accordance with it, and we also post it on our Web site.

Ms. BOYD. At the point where the bureau or office is coming to the Records Management Division to say, hey, we have these records that need to be dealt with, who is making the decision of whether they fall into the temporary or permanent category? Is it the Records Management Division that looks at the record and says they fall under this category or does that fall to the bureau or office.

Mr. * * *. It is based on the records schedule. So if it is American Citizen Services and they say, we have case files relating to lost citizen passports, we go to our records schedules and say, okay, this appears to describe those records. We go back and we say, is this what you are talking about? And nine times out of ten they say, yes. And then we say, okay, apply this records schedule to those records.

BY MS. SAWYER

Q: And then the body of documents that actually populates that record collection, that body of documents is what the individual employees are then putting into the Federal records, is that accurate? So they come to you with a body of documents.

Those documents are the documents that the individual employees at some point have made the cut on that these are potential Federal records, is that accurate?

A: I don't think you are quite—it is not quite there. So, for example, there is a term of art that NARA uses. Each office should have a records custodian. Okay. And this would generally be somebody who has administrative functions, and one collateral duty would be records. So at the Department, an OMS, office management specialist, oftentimes has these kind of custodian duties.

And when somebody is departing, leaving, they are moving, whatever, this person would be responsible, if we are talking about paper records, making sure the file cabinets are emptied, they are boxed, and retired properly. And the individual should be man-

aging their records accordingly throughout their tenure, whether you are a rotating foreign service officer or whatever, whoever you are.

Q: I am just trying to—I think it has been very helpful to try to figure out what criteria the individual employee has to apply to even—you have said the individual employee will be managing their records and then those records eventually will go to the custodian, the custodian will then gather them, presumably, for a body of employees within that Department, and that eventually will move up the chain until they get to the archives. So I think I understand at a 10,000-foot level.

I just want to focus a little bit, because the part that I think caught me off guard from the last hour was when you kind of categorically said, any information being generated by the seventh floor are permanent records. Because that doesn't square in my mind with the notion that there is criteria to be applied for working files, for emails, to make a determination.

A: And when we talked about it, you said, you, * * *, could look at a document and say substantively this wasn't a change that makes it a Federal record—you gave one example of that—versus another change that you, * * *, and an individual would say, yes, that is a substantive change. So I am just trying to square how that need for an individual to apply criteria around doesn't substantively add to a decisionmaking process and potentially other criteria—that was one example—could possibly square with the notion that every scrap of paper or every email being generated on the seventh floor is automatically a permanent record.

Because that just didn't seem to really capture both the difficulty that makes it a potential, I know you used the term "disaster," because it does sound like there are threshold questions that need to be answered that would require some interpretations both by individuals and then it seems like lesser so vis-à-vis each and every document as it moves up it becomes more global.

So is that accurate? Like is it that the notion about records, even on the seventh floor, you can't categorically claim it is permanent because it does require an assessment as to substantive adding to decisionmaking, as one example?

A: As a basic rule of thumb, you need to consider the office, the position, the role in the agency, discretion diminishes the higher you go. And rather than speaking in hypotheticals, we should figure out, are we talking about the Secretary of State, are we talking about the Under Secretary for Management, are we talking about the motor pool clerk here. Because the motor pool clerk, beyond the records that they have to maintain to, you know, check out a car and get it back in, has much more discretion about what type of email would warrant retention, okay.

So I am speaking now as a former NARA appraisal archivist, a professional records manager, and working at the Department of State, there is not much that passes through the Secretary's hands that would not meet the definition of a Federal record and be permanent, okay. And that's——

BY MS. BOYD

Q: Can't even the Secretary create a personal email?

A: Yes, that is correct.

Q: So even the Secretary?

A: I am talking about just work-related matters, okay, not personal. I am not talking about purely personal.

Q: So you are not talking about every email ever drafted by a Secretary would be a permanent record?

A: I am not saying that—okay, now, look, you guys also have to understand that since last fall Under Secretary Kennedy approved a Capstone pilot so every email on the POEMS system is being journaled right now, okay. So that, essentially, made the decision that everything following a Capstone model of a senior official in SES is worthy of permanent preservation.

Q: And that is a preservation method, but that doesn't change the initial determination of whether something is a record?

A: The employee does not have a determination under a Capstone model. Everything is journaled.

Q: But the agency has made the decision to put in place the system that will save basically everything, right? I mean, that is a decision that has been made to preserve.

But in terms of under the Federal Records Act, what would be a record and what wouldn't be a record. I mean, if someone is creating a personal record or something—I mean, I am sorry, I used the word "record." If someone is writing a personal email or something that doesn't fall under the definition, I mean, I think taking aside—I completely understand what you are saying—but taking aside the decision that has been made as far as the system being used to preserve things, as far as just whether a personal email is or isn't a record, I mean, that determination would still be the same under the Federal Records Act, right?

A: You could still have personal email that is not a Federal record. That is very clear.

Ms. SAWYER. So Capstone certainly is a capture method that takes some of the difficulties you have explained to us just about the difficulty in collecting everything, so it certainly addresses that.

Mr. EVERS. I'm sorry, can we have a quick break for a second.

[Recess.]

Ms. SAWYER. We are back on the record. It is 11:18.

I just want to take a step back for a moment and just ask you if you feel comfortable just talking to us a little bit about you seem very nervous to be here with us at the committee. Is that an accurate description of how you are feeling in this setting?

Mr. * * *. I did not expect that question.

Ms. SACHSMAN GROOMS. I mean, it is an uncomfortable setting.

BY MS. SAWYER

Q: Yes. To the extent you feel comfortable talking a little bit with us about it. It is helpful to the committee, both at a staff level and a Member level to understand what it feels like. We always get to sit on this side of the table, we get to ask the questions, we don't have to answer the questions. So it is helpful to us to understand what that experience feels like. So to the extent you are comfortable——

A: It is like coming into a job interview. It is unfamiliar terrain. So, yes, I would like to point this out, I am a career Federal civil servant and I do not spend much time up here at all.

Q: And to the extent—I do feel like we have asked you a number of questions about a number of different principles, laws, regulations, guidance. I think you have done your best to answer us to the best of your recollection.

But to the extent there may be inconsistencies or, I think you said it to me at one point when I was talking to you, you said, I think that guidance is in the C.F.R., I don't want to misstate it, please go to the C.F.R., so to the extent there is clear guidance in the law or an executive order, is it fair to say that we would be better served relying on that than what you have tried to educate us based on kind of your memory and familiarity?

A: Yes, that is the authoritative source, not me.

Q: And to the extent that the committee might seek to have you come and do something a little less formal than a transcribed interview, a briefing for us or for our members, would that be something that you would be potentially in consultation, obviously, with representatives that you have with you, willing to have done or do for the committee?

A: I would be willing, but I am not interested in volunteering myself.

Mr. EVERS. The record should reflect everyone is laughing.

BY MS. SAWYER

Q: Yes. And laughing I think to reflect that we understand that this is not easy or comfortable. As I said, we get to sit on the side where we get to ask questions, not answer them. So we do appreciate, we appreciate that you have asked for breaks when you felt you needed them to feel a little more comfortable. We encourage you to continue doing so. And we, in that vein, are going to give you an opportunity to stretch your legs again for another 5 minutes.

One quick question before I do give you that opportunity. I was trying to understand in terms of where you sit within your department division, kind of—where are you and what is the kind of, to the extent there is one, reporting chain up?

A: As a division chief, I report to an office director, the Office Director of the Office of Information Programs and Services, that is IPS; who in turn reports to the Deputy Assistant Secretary for Global Information Services; who in turn reports to the Assistant Secretary for the Bureau of Administration; who in turn reports to the Under Secretary for Management; who in turn I guess reports to the Secretary of State.

Q: And in terms of what you spend the bulk of your time doing, it sounds like you have pretty primary responsibility for, it sounds like you do a lot of the liaison with NARA. Is that accurate or did I miss that?

A: Yes, that is a big part of my job is liaising with NARA on the transfer of permanent records and schedules. And I am very proud we transferred 40 cubic feet of permanent records last week.

Q: I am horrible at a lot of things, but math is one of them. What does that translate to like in terms of a truckload, is that a truckload, or is that five boxes?

A: I wish. But it is 40 Federal records center cartons, so a white box.

Q: Okay. Still impressive.

So we will give you an opportunity to stretch your legs. We are going to go off the record. We are going to have the majority resume some questioning after that. And then once they are done, we will just assess, obviously, taking another break, maybe a lunch break, whatever we need.

[Recess.]

BY MS. JACKSON

Q: It is 11:29, and we will go back on the record.

A: And, Mr. * * *, I am back again for a few more questions. How are you doing with us today? Are you doing all right?

A: Yes.

Q: Okay. One of the things that we wanted to talk with you about was when you first became knowledgeable or aware that all or part of Secretary Clinton's records were not on premises with the State Department. And can you tell us when that was?

A: The end of July 2014.

Q: And how did you become aware that some of her records were not on premises?

A: I was getting ready to enter my new position and one of my colleagues mentioned that in FOIA litigation the issue had come up, but I had no idea about the full circumstances.

Q: And who was that colleague?

A: The Division Chief of the Programs and Policies Division.

Q: And, in particular, what is that person's name?

A: * * *.

Q: * * *?

A: Yes.

Q: And is she still with the State Department?

A: Yes.

Q: And still in that same position?

A: Yes.

Q: Okay. And can you relate to us the nature of the conversation you had with her at that time? Why was she imparting that knowledge? Was it just a simple discussion among colleagues, or did you need to know that information for your new position that you were going to assume, or both?

A: In the new position I was going to assume, involved dealing with records issues, and so she brought it to my attention.

Q: Okay. And what did she explain to you?

A: If I remember correctly, it was that email has turned up in FOIA litigation from a personal account.

Q: Okay. And these were emails of the Secretary?

A: I don't remember.

Q: Okay. Do you recall whether it was emails of more than one person from the State Department?

A: I don't recall that either.

Q: Okay. And did you have subsequent conversations with Ms. * * * regarding this?

A: After it became common knowledge that we were going to be getting a collection back, the conversation comes up in leadership meetings and just in my daily interactions with her.

Q: And approximately when was this when it was common knowledge that you were going to get a production back?

A: Early December of 2014.

Q: And what type of meetings would you be having wherein this topic was discussed?

A: We have a weekly leadership meeting where the office director and the division chiefs come together, and just in the context of that.

Q: Okay. And so this would be people within the Bureau of Administration, correct?

A: Yes.

Q: Would it be other division chiefs within, I believe it is GIS?

A: It is IPS.

Q: IPS.

A: GIS is the mother organization.

Q: Okay. So it would be all the IPS division chiefs that meet weekly?

A: That is who attends the leadership meetings, yes.

Q: Okay. All right.From your position as the records officer of the State Department, was it a concern to you that records of the Secretary were not on premises at the State Department?

A: I didn't know how to understand it. It surprised me.

Q: And why did it surprise you?

A: Because I had no idea how it was being handled.

Q: At any time prior to July of 2014, were you aware that Secretary Clinton was conducting official business on a personal email account housed on a private server?

A: No.

Q: So July of 2014 was the first time you ever learned of that?

A: Yes.

Mr. EVERS. I am sorry, that is inconsistent with his testimony. He said he learned that there was a personal email account had come up, but not the personal server or official business.

Mr. * * *. That is true, that is true, that is true.

BY MS. JACKSON

Q: Okay. Well, let's clarify that.

A: Sorry.

Q: That is okay. Up until July of 2014, were you aware of whether or not Secretary Clinton was using a government State Department email account?

A: I did not know what she was or was not using.

Q: So you had no knowledge one way or the other?

A: No.

Q: In July of 2014, you learned that there were some personal emails, is that correct?

A: I learned that email messages from a personal account had turned up in FOIA litigation. That is my understanding, yes.

Q: And it was not personal records, it was information pertaining to the conduct of the State Department or the business of the State Department?

A: That I don't know for sure. I mean, I didn't look at the documents. So the only thing that I remember coming up in the conversation was a personal email account.

Q: Did you have any discussion or did Ms. * * * tell you about the extent of the information in this FOIA litigation?

A: No, I don't believe so.

Q: You had no knowledge that it was 8 emails or 20 emails or 55,000 pages of documents. Was there any quantity to what was discussed at that time?

A: I don't remember any quantity.

Q: I want to make sure that I understand. Was what Ms. * * * was telling you was that within State Department records a personal email address was identified, or was it that the State Department was going to receive back documents from Secretary Clinton, something else, or both of those? I am just trying to understand what was the nature of what had been discovered.

Ms. BETZ. If you remember.

Mr. * * *. It was a FOIA case. It had nothing to do with receiving everything else back that I am aware of.

Ms. JACKSON. So it was your understanding at the time that a personal email address had been discovered in State Department records?

Mr. EVERS. If you have that understanding.

Mr. * * *. I don't know where it came from. I really don't.

I don't know how it turned up as part of the FOIA discovery process.

Ms. JACKSON. Correct. But I am asking you what you recall of what Ms. * * * told you at that time, whether, you know, was it a personal email address discovered in State Department records?

Mr. EVERS. I think he told you that——

Ms. JACKSON. Please let the witness——

Mr. * * *. I don't know. I don't remember really.

BY MS. JACKSON

Q: : Okay. When did you learn that Secretary Clinton exclusively used a personal email account during her tenure as the Secretary of State?

A: I learned most of what I knew in the period from probably late September through October—actually, probably in October through December, based on just the tasks that I performed or was involved with.

Q: Okay. Because as I recall what you said is that you were to assume your current position in or about the end of July, but then you had like a 3-week vacation, is that correct?

A: Yes.

Q: So you basically stepped into your new office right before Labor Day or thereabouts?

A: Correct.

Q: Do you recall the date?

A: No. I took the first three weeks of August off, came back the following Monday, whatever that was, I guess it was, I don't re-

member the date, and then I was there from September through December of 2014.

Q: And when you took on these new duties and responsibilities, had this been one of the issues that you worked on?

A: Yes.

Q: Okay. And can you describe for us what your initial role and responsibilities were?

A: My initial role was to receive the actual records from the law firm. So it was Secretary Clinton or someone, I don't know, contacted the Department, not me, and has records and you are the guy who is going to go pick them up.

Q: So you literally was the guy that went and picked them up?

A: I was part of it, yep, with our record service guys, center guys.

Q: Okay. Do you have any knowledge or understanding of how the request was made for Secretary Clinton to return her records? Was there a letter, was there a phone call, were there discussions with her or her representatives regarding return of records to the State Department?

A: There was a letter that went out in October, I think it was, 2014.

Q: Okay. Are you aware of whether there were any discussions prior to that letter going out? Did anybody pick up the phone and call Secretary Clinton or one of her representatives regarding that before the letter went out?

A: I don't have any direct knowledge of that. I was not involved and nobody told me that.

Q: No one has told you that, that there were any type of——

A: No, I don't——

Q: Okay. Did you ever see the letter that went out?

A: Yes, I have seen the letter.

Q: Okay. And you believe that that was in the end of October?

A: I think so, but don't hold me to an exact date here. Maybe it was November, I can't remember. October 13, November 14, I can't remember.

Q: Sure.

[* * * Exhibit No. 1 was marked for identification.]

BY MS. JACKSON

Q: I am going to hand you what I have marked as Deposition Exhibit 1. It is two-sided.

And I will state that my understanding is there was a typographical error in the first letter and that this is a recent letter and that an initial letter went out on October 28th. Do you have any knowledge or understanding of that?

A: I think I have the same understanding as you.

Q: Okay. So although Deposition Exhibit Number 1 is dated November 12th, I believe it is everyone's understanding in this room that the initial letter would have gone out on October 28th, but then there was a correction made and this was the subsequent letter?

A: Uh-huh.

Q: Is that your understanding?

A: Yes.

Q: Okay. All right. Is this the letter to which you are referring?

A: Yes.

Q: Okay. And so it was sent out by Under Secretary for Management, Patrick Kennedy?

A: Yes.

Q: Okay. Do you know who would have been involved in the formation and sending of this letter? Would it have been solely Secretary Kennedy or would there have been others involved too?

A: I would have to defer that question to Under Secretary Kennedy. It went out under his signature, I wasn't a drafter, I don't know all the particulars.

Q: Do you know whether anyone within the Bureau of Administration worked on this letter before it went out?

A: I don't know.

Q: And just forgive me, because I have forgotten your answer from before, but I believe I asked you, when did you learn that Secretary Clinton exclusively used a personal email account, is that correct, is that what I asked you before? Because I think as opposed to the private server question.

A: I can't remember.

Q: Okay. Let me ask you this. When did you learn then—let me just ask again—when did you learn that Secretary Clinton did not have an official State dot-gov account and did use a personal email account when she was Secretary of State?

A: In this timeframe. I can't remember like an exact specific date, but it would have been in the November to December timeframe. And it wasn't—the full extent of what we were going to receive wasn't made apparent to me until, I don't know, I would say December 1st, okay, after contact had been made between Secretary Clinton and the Department, and then the instructions filtered down to me to pick it up.

Q: Okay. When did you learn that Secretary Clinton's personal email account was housed on a private server?

Mr. EVERS. If you remember.

Mr. * * *. I don't know for sure. I mean, it could have been when she made her press statement in February, was it. I don't know.

Q: Ms. JACKSON. For purposes of reference, in early March, there was a New York Times article that disclosed it, and she did hold a press conference at some point after that. Given that time frame, did you know before it was publicly disclosed?

Mr. * * *. No.

Mr. EVERS. If you remember.

Mr. * * *. I think I need to make a distinction here.

BY MS. JACKSON

Q: Sure.

A: I was not thinking in terms of a server, okay, I was thinking in terms of personal email account. So I don't even know that the idea of a server crossed my mind.

Q: Well, let me ask this. From your state-issued computer in your office, can you access a personal email account? Can you go to the Internet and call up gmail or hotmail or something and access a personal email account?

A: Yes.

Q: So using a personal email account is separate and distinct from what server it is on, is that correct?

Mr. EVERS. If you know.

Mr. * * *. I am not a technical guy, but I have no idea.

BY MS. JACKSON

Q: But you can send and receive personal email on your government computer, is that correct?

A: Yes.

Q: Could you do that in 2012?

Mr. EVERS. If you know.

Mr. * * *. You could—as long as I have been in the Department, you could access the Internet and you could go to gmail, I guess.

BY MS. JACKSON

Q: Okay. And you have been with the Department since 2008, is that correct?

A: Correct.

Q: So based on your answers, I believe that your answers to the next series of questions are going to be no, but I want to ask them anyway, just to clarify.

You had no awareness or involvement in the discussion or authorization for Secretary Clinton to use a personal email account for State business?

A: No.

Q: Do you know if anyone within the State Department did?

A: No.

Q: You have not learned that subsequently?

A: No.

Q: Not in conversations with anyone?

A: No.

Q: Has anyone speculated to you? I am just asking.

Mr. EVERS. Your question is?

Mr. * * *. I don't want to speculate about this.

BY MS. JACKSON

Q: I am not asking you to speculate.

A: But you have to understand, in the office I work in and in the entire Department, everybody is talking, gossiping, thinking about all these sort of things, but I never heard anybody give me any sort of, you know, bona fide real information like that. I don't have that.

Q: Okay. To your knowledge, and I believe that answers this question, but just to be sure, to your knowledge, was anyone in the IT department, information technology, or the technical people, involved in the establishment of her personal email account?

A: Not to my knowledge.

Q: What about in the establishment or use of the private server at her home?

A: Not to my knowledge.

Q: Who would be the person, if you know, who handled IT matters at the Secretary's level?

Mr. EVERS. At what time?

Ms. JACKSON. During her tenure, Secretary Clinton's tenure.

Mr. EVERS. Do you know?

BY MS. JACKSON

Q: Either by position or name?

A: I know that the position would have been an SES IRM.

Q: Okay. I want to take a step back and ask about the various systems that are there for managing information in the State Department. We talked earlier about POEMS. And I believe we discussed that is a network or server, but it is a mechanism that manages information, is that correct?

A: I don't want to misspeak about this. I understand it to be hardware, software, an infrastructure supporting the Executive Secretariat.

Q: Okay. And you have mentioned Everest, which is a mechanism to manage email of the executive leadership, is that correct?

A: No.

Q: Okay. Then could you tell me what Everest does?

A: Based on an outsider working on a records schedule, it is a tracking and control system for official documents requiring action or information to the seventh floor principal officers.

Q: Does that work in conjunction or did it replace something called STARS?

A: It replaced something called STARS, is my understanding.

Q: So STARS was the program that the State Department had before Everest?

A: Yes.

Q: And you talked before about something called SMART?

A: Uh-huh.

Q: And what is SMART again?

A: SMART is the State Messaging and Archive Retrieval Tool.

Q: Tool or toolset?

A: I don't remember.

Q: And what is SMART supposed to do?

A: It is a messaging system for cables and email, and it allows for one to send what is termed a record email.

Q: So does SMART allow someone to, essentially, check a box and say, this is a Federal record, it ought to be kept, for whatever period of time?

A: If you send an archive message, that is essentially what is happening.

Q: And how does the user designate something as an archive message?

A: There is an icon that you press to set it up. And then you have to go through a series of events designated tags term sensitivity or not.

Q: And is SMART available to everyone in the Department of State?

A: No.

Q: Who has SMART available to them?

A: I don't know who has SMART available to them. I know that SES never implemented SMART.

Q: Do they have a different system similar to SMART?

A: Not that I know of.

Q: So SMART, from who we described as the seventh floor principals, they did not have access or availability of SMART?

Mr. EVERS. If you know.

Mr. * * *. I don't know that to be the case because, perhaps, they also have open net access, I am not sure. But SES was not running SMART.

BY MS. JACKSON

Q: Did the inspector general undertake a review of the SMART system?

A: Yes.

Q: Did they find problems with it?

A: Yes.

Q: And just generally, what was the major problem, if there was one, to your knowledge?

Mr. EVERS. And if you can speak about it authoritatively. Or maybe you want to ask sort of—what his connection with the SMART IG report was.

Ms. JACKSON. Well, why don't we answer this question first and then we will see if we need any follow-up questions.

Mr. * * *. Well, there are two recommendations that affect my area. One being training. But I believe the recommendation of the report was directed to the director general, so human resources, to ensure that there is an adequate training for using it. But the second one was doing compliance checking.

Ms. JACKSON. Because was the problem that was found that various departments and bureaus were not designating information as Federal records when they should be?

Mr. EVERS. Do you have a copy of the IG report he can refer to?

Mr. * * *. I was going to say that I want to be careful about quoting from that report because I don't have it committed to memory.

Ms. JACKSON. Right. Then let me ask it this way.

Mr. EVERS. Would you like a copy of it?

Mr. * * *. If it is necessary.

BY MS. JACKSON

Q: You don't think it is necessary?

A: If it is necessary.

Q: What areas were you to conduct training on?

A: A Records management and using SMART.

Q: And what areas were you to conduct compliance on?

Mr. EVERS. Can he just clarify, again, the "you" in your sentence?

Ms. BETZ: Can we go off the record for just a second.

[Discussion off the record.]

BY MS. JACKSON

Q: Mr. * * *, before we went off the record, we were talking about your statement earlier that your office or division had been tasked with training and compliance in response to the inspector general's report. And I believe my question before we went off the

record was, what type of compliance were you charged with conducting, compliance reviews?

A: Okay. So without the benefit of the actual report and the recommendations present to me, the recommendations are directed at the A bureau in general, and then in the training one it is directed at Human Resources with coordination with the A bureau, okay.

So the way those things work, they get directed at the bureau and then they come down to whoever has an equity stake, some sort of role in that. And the Record and Archives Management Division, obviously, has a role in helping with the records management training aspect of this and working with the other partner with compliance with IRM to help get a handle for record email usage.

Q: Now, I want to return to the return of Secretary Clinton's records to the State Department. And I believe that you said that that occurred in early December, is that correct?

A: Yes.

Q: And you had a personal role in that?

A: Yes.

Q: Would you tell us how it is that you knew you had to go pick up these records? What were the steps before, and then I am going to ask you a series of questions about the steps afterwards? I basically want you to explain to us the sequence of events that occurred.

A: I was told by my management chain that Secretary Clinton had responded to the letter and they were ready to provide us with email records and that I should make the plans to, the plans, when I talk about the plans—I should step back and say, part of my responsibilities is a record service center where we stage or store temporary and permanent records, and so we have a staff that actually will, you know, go around and pick up records, so we have a van that we can use to do that.

So it was given me this job of, okay, coordinate with the driver who handles that to pick up these records. And I believe it was the date was set for December 4—don't hold me to that, okay. And then there were some complicating factors. I don't remember what it was. Somebody wasn't available or something.

I don't remember, okay. And then it turned out to be, I think it was December 5 that we actually went and picked up the material and then brought it back to the Department.

Q: Prior to going over there, were you told what the volume of information was going to be?

A: I was told that there were boxes of paper records to pick up and bring back.

Q: Did you have a sense of how many? I mean, there is a difference between two boxes and 20 boxes versus 100 boxes. Were you told what the actual number of boxes would be; you need one van or two vans or three vans or a wheeled cart going down the street?

A: I was told that there were 14 boxes. And then at pick up—this may have come out in a conversation during the day with my point of contact, I can't remember, but there were 12 picked up.

BY MS. JACKSON

Q: Okay, and who instructed you to go over and pick up these boxes, or coordinate the return of these records?

A: The Deputy Assistant Secretary for Global Information Services.

Q: And who was that person?

A: * * *.

Q: And she is still with the State Department, is that correct?

A: Yes.

Q: Okay. Once you picked up these records—and so you and one or two others went over to a location in the District of Columbia?

A: Yes.

Q: Okay, was it to a law firm?

A: Yes.

Q: Do you remember what the law firm was?

A: Yes.

Q: Okay, and what was the name of the law firm, and where was it located?

A: Williams & Connolly. I don't remember the address.

Q: Okay, and who did you meet with to pick up the records? Who transferred them to you?

A: An attorney.

Q: Okay, do you recall who?

A: I may get this wrong. I don't want to be quoted here, but I think it was Tanya Abramson.

Q: Okay. Did you sign any type of receipt or anything like that when you got them?

A: Yes.

Q: Okay. And what did you do with the records once you received them? I assume you brought them back to the State Department?

A: Yes.

Q: Okay, and then what did you do with them?

A: I turned them over to our DAS and her assistant.

Q: Okay. So * * *?

A: Yes.

Q: Okay. And who was her assistant?

A: * * *.

Q: Okay. And did you have any further role with these records after that point?

A: Yes.

Q: Okay. And did you—at the time that you picked them up, did you know what your role was going to be?

A: I thought I knew—I thought that the role would be to retire the records.

Q: Okay.

A: Which, ultimately, that's what I ended up doing.

Q: Okay. So take us through those steps. Once the records are back, what happened to them?

A: They left my control, and they were with AGIS GPS, okay, that's where * * * was. And then the original intact copy of the records came back to me January. I can't remember for sure. It was probably in January, maybe early February, and at that point, I instructed my staff to just do basic record archival functions with the

records, which amounted to gaining better physical and intellectual control over them which amounts to, okay, we prepare a DS693. That is a form which is a retirement inventory and a basic manifest of what we have. We refoldered—well, they weren't foldered. So we put them in accordion folders, the documents, and then put them in boxes, arranged the same way that the original order was.

Q: Okay. Between the time that the records were—when you first picked up the records, and until you got them again in, I believe, you said January or February, is that correct?

A: Yes. I want to be able to verify that, but it was—I'm pretty sure it was in January. It was after Christmas, and——

Q: Uh-huh. Do you recall whether it was early January or late January?

A: No.

Q: Okay. Would you have some record of that somewhere?

A: Yes.

Q: Okay. What type of record would you have?

A: I would have something in my files to say, okay, they are coming into my control again.

Q: Okay. What was happening to the records between the time you picked them up in early January and when you got them back—I'm sorry, in early—I can't talk—in early December of 2014, until you got them back in or around January of 2015? Do you know what was happening to them?

A: Copies were made.

Q: Okay. And do you know where the copies went?

A: Yes.

Q: Where did they go?

A: The executive secretary received a copy, the Bureau of Legislative Affairs received a copy, and my office, IPS, received two copies.

Q: And then you also got the originals back?

A; Correct.

Q: Okay. At any time did you or to your knowledge anyone else ask for these records in an electronic form?

A: Would you repeat that?

Q: Let me take a step back first. These were 12 boxes of records, is that correct?

A: Paper, yes.

Q: Paper copies. Did—was there an electronic copy of these records also provided such as a flash drive, or DVD, or anything like that?

A: No.

Q: Okay. To your knowledge, did you or any other person or component within the State Department ask for those records in electronic format?

A: I did not, not to my knowledge.

Q: To your knowledge, no one else did?

A: No.

Q: And then after you received the originals back, you and your staff took steps to inventory them, record them in some way, and prepare them for archiving, is that correct?

A: That's exactly what we did, foldered, boxed, sealed-up boxes, prepared a DS693, and retired them to our Records Service Center.

Q: So is that where they are physically locate right now?
A: Yes.
Q: And where is your Records Service Center?
A: Springfield, Virginia.
Q: Does your office still retain your two copies?
A: Yes.
Q: And what is your office doing with those copies?
A: One was used to do a personal correspondence review, to determine if there's any personal correspondence and to remove that if it meets the definition of purely personal.
Q: Did you find any?
A: Yes.
Q: Okay.
A: And the idea was to have a backup since we don't want to go to the original intact version; if we made some sort of mistake, we have a backup to work off of. And it was also used to prepare electronic copy—an electronic copy for FOIA.
Q: Okay, and so you scanned these documents in. Is that correct?
A: I did not. Our IT shop did that.
Q: Okay. And were the records then indexed in any way once they were put into electronic format?
Mr. EVERS. If, you know.
Mr. * * *. The standard FOIA process is to, when you scan them in, to index them for FOIA.

BY MS. JACKSON

Q: Okay, and do you recall approximately how long that process took?
A: I was not involved in that process. I don't know.
Q: Who oversaw that process?
A: It comes under the authority of the director of IPS.
Q: IPS?
A: Yes.
Q: Okay, and who was that at the time?
A: The acting director at the time, now director, is * * *.
Q: Okay. As you reviewed the records that came in from this production, in your opinion, did they contain Federal records?
A: Yes. Are you talking about what I received——
Q: The 55,000 pages, yes.
A: Yes.
Q: Was it your assessment that the majority of those records were—those pieces of paper were Federal records?
Mr. EVERS. If you made an assessment.
Mr. * * *. We identified 1,400-odd documents, not pages, documents that were purely personal in nature.

BY MS. JACKSON

Q: And the rest then were deemed to be a Federal record?
A: We consider it Federal.
Q: Okay. Do you know the methodology that was used to select those 55,000 pages of records to return to the State Department?
A: No.
Q: Okay. So you were never consulted about that as to what's a Federal record and what's not?

A: No.

Q: Okay. Do you know if anyone from the State Department was consulted in any way?

A: Not to my knowledge.

Q: Okay. So, to your knowledge, there was no—you don't know of any individual who was consulted in the State Department regarding how those records were selected before they were returned?

A: I have no knowledge of that, no.

Q: Okay. In your work with the National Archives, are you aware whether they were consulted in any way regarding the selection of the records to return to the State Department?

A: No, I'm not aware of that.

Q: Okay. Do you know the—do you know any of the parameters of the electronic universe that was searched for responsive records? And by that, I'm thinking about, was it an inbox, an outbox, a deleted items, sent items, anything like that? Do you know the universe of areas that were searched for responsive records?

A: No.

Q: Okay. To your knowledge, was Secretary Clinton's server ever forensically examined to ensure that all data was recovered?

A: I have no knowledge of that.

Q: Do you know what the term "metadata" means?

A: I understand what it means, in a records and archival context.

Q: And what does it mean in a records and archival context?

A: In records management, it is analogous to an old library card catalog. Okay, it's certain fielded data that describes a record and points you to where that may be.

Q: Okay.

A: Information about information is——

Q: Okay. Can metadata also include editorial comments or changes in drafts of documents?

Mr. EVERS. If you know.

Mr. * * *. I guess it could, but I'm not—I never think of metadata that way.

BY MS. JACKSON

Q: Okay. I believe when we talked earlier today, you talked about if someone makes substantive comments regarding a draft saying—I think the example was "this provision isn't in keeping with our policy," that would be something in a working paper that could be considered a Federal record. Is that correct?

A: Could you repeat that, please?

Q: Okay. Yeah, that was a little complicated, so let me try and do that. So you got drafts of memos that are going back. And one supervisor's comments are: I don't think this is in keeping with our policy. Our policy says X. I need you to change it to be in conformity with that policy.

In your opinion, would those comments need to be kept as a Federal record?

A: Generally speaking, yes.

Q: Okay. Are you aware that in electronic versions of documents, those type of comments can be in the margin and readable by others who have access to the electronic copy but not the hard copy?

A: I'm familiar with track changes in Microsoft Office.

Q: Okay, and comments, the comment boxes?

A: And comment boxes.

Q: If there is those type of comments electronically, are they required to be kept as a Federal record, substantive changes in the comment boxes?

A: Generally speaking, if you were to apply that test, if they were circulated and substantive, they would probably meet the definition of a Federal record.

Q: Okay. In any of the documents that you reviewed in the 55,000 pages that you were given, did you see any type of track changes or comments or anything like that?

Mr. EVERS. If you can remember.

A: I don't remember that.

Q: Okay. Do you recall affirmatively seeing any of that?

A: There were very few—I don't want to be inaccurate here.

In the email, I mean, obviously not. But in terms of attachments, I can't ever remember seeing anything like that. I wasn't focused on it either.

Q: Okay.

A: We were doing a personal correspondence review, so the focus was personal, purely personal. If not, just move on. I mean, I wasn't looking for——

Q: Okay. Did you look for any other type of records?

A: No.

Ms. JACKSON. Okay. Can we go off the record for just a minute? I just want to consult because I'm getting to the end.

[Discussion off the record.]

Ms. JACKSON. Let's go back on the record.

Mr. * * *, just a few final questions for you, but to go back first to the period of July 2014, when you were first informed that there was an issue with Secretary Clinton's personal emails.

Ms. SACHSMAN GROOMS. I'm not sure that he said he was informed that there was an issue with Secretary Clinton's personal emails. He talked about that a lot of times. He has repeatedly said the same sentence. He said the sentence—and I don't want to misquote it—my general understanding was that the sentence was somebody told him that in FOIA litigation, somebody had discovered some emails of Secretary Clinton that were from a personal account.

Ms. SAWYER. And I don't even think that——

Ms. JACKSON. Mr. * * *, let's just go back and get it in your words. Back in July of 2014, what were you told?

Mr. * * *. That personal email turned up in a FOIA litigation case.

Ms. JACKSON. Okay. And did you interpret that to mean personal email regarding, that involved Federal records, or Federal information?

Mr. EVERS. If you made that determination.

Ms. SACHSMAN GROOMS. I mean, I actually know the answer to this because you asked the question in the last round.

Ms. JACKSON. Then let's just let the witness answer that so we can set the stage.

Ms. SACHSMAN GROOMS. You said 5 more minutes, and you asking the same set of questions that you asked him the last round.

Ms. JACKSON. I'm setting the stage to ask some followup questions, so if you would just please allow me to ask my questions so that we can conclude, that would be helpful.

Mr. EVERS. Would you ask the question again?

BY MS. JACKSON

Q: Let me ask it this way: Mr. * * * there would be no problems with personal emails with personal information, would there?

A: You mean, to be produced for a FOIA case?

Q: Yes.

A: No.

Q: Okay. So was the implication to you——

Ms. Duval. Whoa, whoa, whoa, whoa, whoa. I don't think that the witness meant to say that there would be no problem with personal emails being produced for a FOIA case, did you, Mr. * * *?

Mr. * * *. Here is what I'm thinking, this is in general, okay.

If a FOIA tasker goes out, then whoever is the records owner is supposed to produce relevant documents. So, in a general sense, I'm not imaging anybody producing personal correspondence as relevant to a FOIA. Okay. That's——

BY MS. JACKSON

Q: Okay.

A: [continuing]. What I'm thinking here.

Q: Okay, exactly.

A: Just the overall process, is what I'm talking about.

Q: So in the relevant information that was being reviewed for this FOIA litigation, information sent from a personal email address of Secretary Clinton was discovered. Was that your understanding?

A: My understanding was personal—an email—I don't know if it is one, or two, whatever—turned up in a FOIA case, so somebody—I don't even know what the case was. I don't know where it came from or anything.

Q: But you're certain that it was FOIA litigation and not a congressional response or inquiry?

A: I'm pretty certain it was FOIA litigation, but, you know, I don't know. You throw that at me, and I'm not exactly, you know, I'm—I couldn't guarantee it 100 percent. Okay?

Q: Okay. Let me ask this then. Is FOIA handled by a separate and distinct group of individuals than handle congressional responses, if you know?

A: H* * *, which is the Bureau of Legislative Affairs, liaises with Congress. IPS, which is where I'm at, handles basic FOIA, but we task out FOIA requests to the relevant offices and bureaus.

Q: And, again, who is Ms. * * * associated with or affiliated with at the time?

A: Ms. * * * oversees the Programs and Policies Division, which has one branch is the FOIA litigation branch, so she would be overseeing that. There is also a special projects branch, but that would be for, an example, I don't know, some Presidential thing to review documents relating to Brazil human rights abuses, or something.

Q: When you had this initial discussion with * * *, did she indicate in any way that this was a new and novel issue that she was

dealing with and that you would be involved in, or was it a recurring issue or problem, if she indicated in any way?

A: I don't remember her indicating anything one way or the other, but it was something that turned up in litigation. I'm almost certain it has to be litigation since she oversees it. But, you know, it's not my area, and I didn't see the FOIA case.

Q: Okay.

Ms. JACKSON. I'm going to hand you what I have marked as deposition exhibit 2 and ask you to take a look at that, and then I'm going to ask you if you have ever seen that before, or are aware of it.

[* * * Exhibit No. 2 was marked for identification.]

BY MS. JACKSON

Q: Have you seen this letter before?

A: Yes.

Q: Okay. Do you recall when you saw this letter?

A: Since it went out under—or wait. Excuse me. This came from Paul Wester. Yeah, I saw it probably on March 4th or 5th when it was sent to me. Electronically. There was—NARA sent the hard copy, and then they also sent an electronic version as a courtesy.

Q: And were you copied on that electronic version? Or you were one of the recipients of that electronic version?

A: No, I don't think so. It went to Deputy Assistant Secretary * * *, and I believe she forwarded it to me.

Q: And what, if any, role did you play in advising her, or responding to this letter?

A: I participated in—this—oh, I participated in drafting the response letter, okay, so like an initial first-cut draft that went forward to probably my office director and then Mrs. * * *. And then, beyond that, the letter went out under Under Secretary—no, actually—I can't remember now. Do you have the letter? The response went back, I guess, under Ms. * * * signature.

Q: Okay. Given your history with NARA, and your work at the State Department, what did you understand was NARA's concern that was communicated in this letter?

A: Their second paragraph sums up what their concern was.

Q: And that's alienation of records from the State Department's official recordkeeping systems?

A: Yes.

Q: Okay. And, in fact, for the record, let's read that paragraph 2, it says, quote, "based on this article and other news reports, NARA is concerned that Federal records have been alienated from the Department of State's official recordkeeping systems," end quote.

Ms. SAWYER. I don't think you put the "may" in that sentence.

Ms. JACKSON. "May have been. " Okay.

BY MS. JACKSON

Q: Is that what you referred to earlier, paragraph 2?

A: Yes. This is my understanding of what NARA's concern was.

Q: Again, what is alienation of records?

A: Without the benefit of having the CFR in front of me, my understanding of alienation is something is removed without proper authorization.

Q: Okay.

A: But to be precise, I would want to be looking at the CFR here and how everything is written.

Q: Okay. And in your duties and responsibilities, is it your understanding that records cannot be removed from the official recordkeeping system when they are Federal records?

A: Federal records may not be removed without authorization.

Q: Okay. And your knowledge, awareness, and work on this issue, did Secretary Clinton ever receive authorization to remove the 55,000 pages of records?

A: Not to my knowledge.

Q: To your knowledge, did anyone at the National Archives authorize her to remove those records?

A: Not to my knowledge.

Q: To your knowledge, is there a requirement to notify the National Archives that there has been an alienation of records?

A: There is a requirement in the CFR. I think it's under the unlawful removal of records provision.

Q: Okay. And prior to this letter being issued, did the State Department take any steps to notify the National Archives regarding the alienation of records with respect to the 55,000 pages that you had received in December?

A: I don't think our response letter said anything about alienation. So, as far as I know, we were—a letter went out by Patrick Kennedy requesting any potential email, and then I picked up and received what former Secretary Clinton offered up, or gave to us.

Q: But between the time of early December, December 5, I believe you recall is the date that you picked up the record, and receipt of this letter on or about March 3rd or 4th, did the State Department ever affirmatively notify the National Archives that there had been an alienation of records of Secretary Clinton?

A: I never participated or was aware of anything like that.

Q: Okay. You weren't part of any draft of any letter or memo to the National Archives?

A: No.

Q: Weren't copied on any of them?

A: No.

Q: Have any conversations with anyone from the National Archives that they received such a communication?

A: No.

Ms. BETZ. What would have been the impetus for this letter by NARA then, if you can opine, having worked at NARA and liaising with them on a daily if not weekly basis? What would have been, in your opinion, the basis for writing such a letter?

Ms. DUVAL. Are you asking him for his opinion why NARA wrote the letter beyond what NARA said why they were writing the letter?

Ms. BETZ. Yes. Yes. But there has to have been a premise for NARA, and it is in this letter but in his expertise in dealing with records and having records transferred from the agency to a

Records Service Center, there must be a reason why NARA thought that there was a potential alienation of records.

Ms. DUVAL. I think they state it in the first paragraph here. I don't know why you are asking him why NARA wrote the letter.

Ms. SACHSMAN GROOMS. You guys are well over that 5 minutes, and now we are——

Ms. BETZ. Well, let's just see if the witness can answer. If not, then we can move right along.

Mr. EVERS. So the question is, aside from what is stated in the letter, are you aware of any reason NARA sent this letter?

Mr. * * *. No. Just all—my only contact was through this letter. So just——

Ms. BETZ. Okay.

BY MS. JACKSON

Q: And, again, you were involved in the drafting of the response to this letter?

A: Yes.

Q: All right. And then the final followup question, maybe two, you previously stated that you found about 1,400 pages of personal correspondence or what was deemed to be personal correspondence in the 55,000 pages. Is that correct?

A: 1,400 documents. I don't know page. I'm not sure. I mean——

Q: Documents. What happened to those records?

A: We have them.

Q: They are segregated?

A: We have these personal correspondence, yes.

Q: So, of the records, documents that went to the Federal Records Center, they would have been documents minus these 1,400 documents?

A: No.

Q: The whole 55,000 pages went to the Federal Records Center?

A: The original, intact, complete version went in toto.

Q: Okay, I think that's all the questions we have. Let's see if the minority has any questions.

Ms. SAWYER. Yeah, we do. I don't think we have—we will concur but——

Ms. JACKSON. Shall we take a 5-minute break?

Ms. SAWYER. Yes.

[Recess.]

Ms. SAWYER. So we will go back on the record at 12:40. And then it was our understanding that you had wanted to maybe clarify something for the record or something that you wanted to share?

Mr. * * * Yes. I made a factual inaccuracy on the number of personal correspondence documents. I was saying 1,400, and I think it's on the order of 1,200. Okay. So this was just me speaking off the top of my head under stress here. So I just wanted to be clear, I didn't want to suggest that there may be more than what we considered personal.

BY MS. BOYD

Q: Okay, I want to go back to exhibit 2, which is the letter from Paul Wester, on March 3rd, 2015. And I just wanted to make clear that there is, the first paragraph, last sentence says, "the article,"

since this is referring to the March 2, 2015, New York Times article, "the article also suggests potential issues with the Federal email records created or received by former Secretaries of State dating back to Secretary Madeleine K. Albright." Is that the way you read that?

A: Yeah.

Q: So I just wanted to be clear, that the letter from Paul Wester was not just about Secretary Clinton but also covered other Secretaries of State.

And to that end, I also wanted to go back, you talked about the letter that went out in the fall of 2014 to representatives for Secretary Clinton, but I wanted to just make clear, there also were letters sent to other Secretaries of State, is that right?

A: Yes.

Q: Okay, can you talk to us about that? My understanding, it was dating back to former Secretary Albright, so including also Secretary Powell, and Rice?

A: Yes.

Q: Is that right?

A: Yes.

Q: Those three?

A: Yes.

Q: So that would be the universe is those four Secretaries?

A: Yes.

Q: Did any representatives or the Secretaries themselves, any of the other Secretaries contact the State Department, to your knowledge, to ask for guidance in responding to that request?

A: Yes.

Q: Okay, explain what—who contacted the State Department?

A: Madeleine Albright's representative contacted the Department. Rice's did, but I was not the person that they contacted. Even though my name is on the letter, they didn't contact me. And Powell's representative contacted the Department.

Q: Okay, so this was before their responses, the responses from those former Secretaries came into the Department, do you know? I want to be clear that we are talking about——

A: I think this was in response to the letters.

Mr. EVERS. Do you want to re-ask?

Mr. * * *. Could you repeat the question?

Ms. BOYD. Sure. So I'm asking whether—so the State Department sent letters to representatives for these four Secretaries. Did the representatives or the Secretaries themselves contact the Department for guidance before they sent a response or gave an official response back to the Department?

Mr. * * *. Not that I know of.

Ms. BOYD. Okay.

BY MS. SAWYER

Q: And just to be clear, you had been shown a copy of what's been marked for identification purposes as exhibit 1. So if you would pull that out just for a moment. That's a particular letter that is addressed to "Dear Cheryl." Is it your understanding that that was the representative for Secretary Clinton?

A: Yes.

Q: Do you know whether, other than the addressee, the same letter was sent to either Secretary Albright or a representative; Secretary Powell or a representative; or Secretary Rice or her representative? Was it the same letter in substance?

A: Yes.

Q: So it would have indicated you as the person to contact for assistance in determining what should be returned or guidance on that front?

A: Yes.

Q: And you personally weren't contacted by either Secretary Albright or a representative; Secretary Powell or a representative; or Secretary Rice or a representative?

A: Someone for Secretary—

Q: For assistance.

A: Someone for Secretary Powell tried to contact me, but I didn't return the call. And they found somebody I think in S/ES before I could or would return the call. So I didn't deal with it directly.

Q: And with regard to—you talked to a large extent about the return from Secretary Clinton?

A: Uh-huh.

Q: Did you receive—I don't want to jump ahead of you—let's just start with——

Ms. BOYD. We can use the response from the State Department to Paul Wester, I think we will mark that as exhibit 3, and just use that to kind of walk through the different responses that were received.

[* * * Exhibit No. 3 was marked for identification.]

Ms. SAWYER. And we will just go off the record. Take your time.

[Discussion off the record.]

BY MS. BOYD

Q: Go back on the record. So let's just start with former Secretary Albright. So this—and reading from this, it is dated April 2, 2015, a letter from * * * to Paul Wester, the chief records officer for the government at the National Archives. And the letter says—so this is the response back to NARA's March 3rd letter. Right? And it says, for Secretary Albright, quote: "In March 2015, former Secretary Albright advised the Department of State that she never used U.S. Government email or personal email account during her tenure as Secretary of State and did not have a personal email account until after she left government service," end quote.

Do you know whether Secretary Albright personally communicated this information to the State Department, or whether that came through a representative? If you don't know, that's fine. I'm just asking if you know.

A: I don't know exactly who it was. A representative talked to my office director.

Q: A representative for Secretary Albright?

A: Yes.

Q: Okay. All right, let's move on to Secretary Powell. So this same April 2nd letter says, and quote: "In March 2015, former Secretary Powell's representative advised the Department of State that although former Secretary Powell used a personal email ac-

count during his tenure as Secretary of State, he did not retain those emails or make printed copies."

So as far as—to your knowledge, Secretary Powell communicated with the Department through a representative rather than personally. Do you know?

A: To my knowledge. Really, all I really know about this is what I'm reading here.

Q: Okay. That's not something of your personal knowledge.

A: And something was lost on me, a distinction in this last sentence.

Q: Okay.

A: That I blurred together, the difference between representatives and the Secretary herself. I have no idea if Secretary Albright talked to who or what. Okay.

Q: Okay.

A: She could have. She could not have. I don't know. I didn't talk to her.

Q: Okay. Do you know whether Secretary Powell or a representative for Secretary Powell provided any documents to the State Department in response to the State Department's fall 2014 letter?

A: No.

Q: So the State Department received no documents from Secretary Powell?

A: I'm not aware of anything.

Q: Do you know whether the State Department took any steps to follow up with Secretary Powell other—so once the communication had been received back about in response to the fall 2014 letter, do you know if any further steps were taken to communicate with Secretary Powell?

A: Not to my knowledge.

Q: Okay. To your knowledge, did the State Department ask for a third-party audit of Secretary Powell's service provider or take any other steps to ensure that his emails could be recovered?

A: Not to my knowledge.

Q: Do you know whether Secretary, former Secretary of State Powell had an official unclassified State Department email address?

A: I received an email from S/ES–IRM saying that he did not. I believe that's the case that he did not have an official email account. But I would like to be able to consult my records to make something, you know—if I had to stand by that, I would want to look at it, but I'm pretty sure that's what they told us.

Q: Other than what you have just read in the letter, are you aware of any personal—do you have personal knowledge of Secretary Powell's use of a personal email account during his tenure as Secretary of State?

A: No.

Q: Does the State Department have any email records from former Secretary Powell that were sent to or received from an official unclassified State Department email address?

A: Not that I know of.

Q: Does the State Department have any email records from Secretary Powell that were sent to or from his personal email account?

A: Not that I know of.

Q: Thank you.

Ms. BOYD. I'm going to pull from something, so I will mark it as exhibit 4.

[* * * Exhibit No. 4 was marked for identification.]

BY MS. BOYD

Q: This is from former Secretary Powell's autobiography. So the title of the autobiography, "It Worked for Me," is at the top of the page. I will be quoting from page 109. So it says, 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," end quote.

Secretary Powell's representative in the response back to the State Department had said that he no longer had any emails, personal email records—let's quote the exact language—"did not retain those emails or make printed copies," is his exact language.

So former Secretary Powell said from the quote I just read from the book that he used his personal email address to communicate with his principal assistants. In your estimation, could those communications possibly have fallen within the definition of the Federal record, his emails to his assistants?

Is it possible that he was creating Federal records is what I'm asking?

A: Yes.

Q: He also said that he was communicating by personal email with, quote, "individual ambassadors." I assume that means U.S. Ambassadors to other countries. Would a Secretary of State's communications with U.S. Ambassadors, communications presumably addressing various policy issues, possibly qualify as a Federal record, those communications qualify potentially as Federal records?

A: Yes.

Q: I understand that you are not looking at a specific record right now.

A: Uh-huh, uh-huh.

Q: But just, is it possible?

A: Uh-huh.

Q: He also—former Secretary Powell also said that he was communicating by personal email with, quote, "foreign minister colleagues." To the extent the former Secretary was conducting U.S. policy business with foreign dignitaries by emails, is it possible that those communications would have qualified as Federal records that should have been preserved?

A: Yes.

Q: To the extent these communications happened, the State Department has, from what I'm hearing you say, to your knowledge, no email records of any of those dealings? Is that right?

A: Correct, to my knowledge.

Q: Okay. Having worked with Federal records for the extent of the amount of time that you have, do you have any thoughts on

the potential impact this would have on the historical record, not having any of these records?

A: I don't know. I don't know.

Q: All right, so now we are going to turn to former Secretary Rice. So going back to, I think it was exhibit 3, which was the letter to the Archives. The letter—this is the April 2nd letter. It said, quote: "Last December, former Secretary Rice's representative advised that Secretary Rice did not use a personal email account for official business." So I expect you may have the same answer, but I'm going to ask the question anyway. Are you personally aware of whether Secretary Rice personally communicated with the Department or whether communication was done through a representative?

A: My only knowledge is the sentence there. I don't know.

Q: Okay. Thank you. Do you know whether any documents were provided by Secretary Rice or a representative in response to the State Department's fall 2014 letter?

A: Not to my knowledge.

Q: Are you aware of any steps that were taken by the State Department to follow up with former Secretary Rice after her representative asserted to the Department that former Secretary Rice did not use a personal email account for official business?

A: Not to my knowledge.

Q: To your knowledge, did the State Department—did anyone at the State Department ask former Secretary Rice or her representative whether anyone had conducted a comprehensive review of former Secretary Rice's personal email to ensure that there were no emails related to official business?

A: Personal—could you repeat that?

Q: Sure. It was long. To your knowledge, did anyone at the State Department follow up with either Secretary Rice or her representative to ask whether any sort of review had been done of her email accounts to ensure that there were no Federal records in there? We are talking about her personal email account. Was there any further followup of that?

A: No, there was no followup that I'm aware of.

Q: Okay. Are you aware of whether former Secretary of State Rice had an official unclassified State Department email address?

A: Again, this goes back to what I learned about Secretary Powell. My understanding is she had no official State Department address.

Q: Okay.

BY MS. SAWYER

Q: So I just want to be clear. Of the four Secretaries that were encompassed by these requests, I want to make sure the committee fully understands, Madeleine Albright indicated she neither used an official State Department or an personal email account at all, correct?

A: Correct.

Q: Secretary Powell indicated that he used a personal email account for, in essence, official business; did not have any records; did not turn anything over to the State Department or the government, is that correct?

A: Correct.

Q: Secretary Rice indicated that she did not use personal email for official business, but also did not have an official account, so she did not use email apparently as Secretary of State. Is that accurate?

A: That's my understanding. That's correct.

Q: And the only former Secretary from whom you have received any records is Secretary Clinton?

A: Yes.

Q: In response to the November 2014 letter?

A: Yeah, yeah, yeah.

Ms. SACHSMAN GROOMS. But if we asked you today to go back into in systems to tell us if you could find any records of emails of former Secretary Powell, would you find any?

Mr. * * *. I don't know. I mean, that—could you repeat that? I'm confused a little bit.

BY MS. SAWYER

Q: Yes, it's a confusing question. There is a possibility, and I just would direct your attention back to exhibit 1, and I think it's captured in that letter that you all sent to the former Secretaries, and if you take a look at page 2, the top of that second sentence.

A: Uh-huh.

Q: We asked 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 record-keeping system.

A: Uh-huh.

Q: So I will ask the question slightly differently. If Secretary Powell in some of his communications from a personal account sent it to an official State Department address, it is possible that within the State Department's records, there are records that capture communications from Secretary Powell. Is that accurate?

A: Yes, that's possible.

Q: And it would also have been true of Secretary Clinton to the extent she may have communicated with someone on the official system that could be captured within the Federal system and preserved in that regard. Is that accurate?

A: Yes.

Q: So it's possible that there is no alienation of a Federal record if that occurs in those instances. Is that accurate?

A: That whole alienation thing again, I would like to look at this, the law, about how this works before I——

Q: And with regard to—understood. We don't want you to characterize for us if you don't feel comfortable.

A: Uh-huh.

Q: But just with regard to, as a practical matter, what the State Department has done, I mean you were asked very specifically with regard to Secretary Clinton if the Department had reached out affirmatively to NARA to say that there was a concern about alienation?

A: Uh-huh.

Q: With regard to Secretary Clinton.

A: Uh-huh.

Q: Has the Department reached out to NARA with regard to any of the other four—three Secretaries that we have been talking about, Secretary Albright, Secretary Powell, or Secretary Rice, to indicate an affirmative concern about alienation of records?

A: No.

Q: I also, just while we are with exhibit 1, wanted to ask a question of you. On page 1, I just direct you back to that, in that second paragraph, just starting in the second sentence, it references a bulletin that went out, looks like bulletin 2013–03. I assume 2013 is just the year designation?

A: Correct.

Q: And then I would just read it. It says, quote, "clarified records management responsibilities regarding the use of personal email accounts for official government business," end quote. It then further references additional guidance. I don't want to get into the details because we—I don't have those documents before me to put before you. I just want to ask a particular question about the use of—this says "clarified use of personal email accounts for official government business." Did the law—and let's just start with the time Secretary Clinton was serving as the Secretary of State.

A: Uh-huh.

Q: Did the law prohibit, outright prohibit, the use of personal email for official government business?

A: Not to my knowledge. I don't think so. And, in fact, the amendments to the Federal Records Act that were just recently passed don't outright prohibit it. I don't have the law in front of me, but you have to take certain measures if you use it.

Q: To ensure that it's captured for purposes of Federal records retention preservation. Is that accurate about the amendments?

A: That's my understanding.

Ms. BOYD. For them to——

Mr. * * *. But I'm not reading the laws right here, but that's——

Ms. SAWYER. And then I just want to acknowledge in this letter that went out to both Secretary Clinton and Albright, that third paragraph, I just want to read into the record. It says, quote: "We recognize that at some period of time has passed since your principal served as Secretary of State and that the NARA guidance postdates that service," end quote. So the guidance we were talking about, that they also included also postdated all of these Secretaries' time of service. Is that accurate?

Mr. * * *. Yes.

Ms. SAWYER. And you did clarify that with regard again to Secretary Clinton, during her tenure, and even the law as it stands today does not outright prohibit the use of personal email for official government business. That's accurate?

Mr. * * *. Without the benefit of reading that law, I think that's accurate.

BY MS. BOYD

Q: So I want to go back, this is I think a little bit different than what Heather was asking you. Just to be clear, I'm going back to Secretary Rice. To your knowledge, does the State Department

have any email records from former Secretary Rice that were sent to or from an official unclassified State Department email address?

A: Not that I know of.

Q: And to your knowledge, does the State Department have any email records from former Secretary Rice that were sent to or from her personal email account?

A: Not to my knowledge.

Q: Thank you.

BY MS. SAWYER

Q: Can I just ask a generalized question? In a lot of the discussion that I feel like we have had with you, seems to me the focus seems a little as if your goal as State Department record-keeper, not yours, but the Department's, is somewhat kind of punitive with regards to going back. I'm just trying to get a sense, it seems that what have you tried to convey to us is that the goal here is just to make sure that, to the greatest extent possible, you have captured what should and could be captured as a Federal record, not to go out and punish people after the fact. Is that accurate?

A: We want a full and complete record of, you know, Department operations and business.

Q: So, in that regard, with regard to the notion of alienation, from your perspective, is the goal to kind of cure any potential gaps that may have been—that may exist in the Federal records by, I've heard the term "clawback," "collect," "use," by taking efforts affirmatively to go out and get back or ask someone to undertake their own review of their records and ensure they have turned over what could be deemed a Federal record?

A: I'm still a little confused about the question.

Q: I'm trying to get a sense of the State Department's perspective on when an issue has been identified about the potential that there are Federal records that are not in your possession?

A: Uh-huh.

Q: Whether the goal is to just then cure that potential gap in Federal records by reaching out—in this case, you reached out to four former Secretaries and asked them to conduct a personal review and turn over whatever documents they believe may qualify.

A: So is that a normal practice that we go out and do that?

Q: Well, let's just say with regard to what you guys did for these four Secretaries, just limit it to that, was that your goal was to have them each either them or through a representative, conduct a personal review and return to the Department all of the documents they deemed might be Federal records?

A: I believe so.

Ms. BOYD. We can go back on the record.

Some people have called for a third-party audit of former Secretary Clinton's server to assess what emails might be found on it.

To your knowledge, has the State Department ever run an internal audit on any former Secretary of State's email account to determine what, if any, emails it contained or whether those emails were appropriately designated as Federal records?

Mr. * * *. Not to my knowledge.

BY MS. SAWYER

Q: I am going to shift gears now and I am going to ask you a series of questions as a little bit of preface. As you might be aware, this is now the eighth Congressional investigation into the Benghazi attacks. We on the committee, and I think all Members, are very committed to ensuring it is the last. We are, therefore, asking a series of questions of everyone that appears before the committee.

This series of questions is an attempt to capture what have been the very common allegations that have been made over time. It is our understanding that our colleagues in the majority intend to pursue these allegations. They haven't been taken off the table. So we are, therefore, asking you about them.

What we are interested in hearing about here is whether or not you have firsthand knowledge or evidence of any of these allegations. A lot of people have opinions, a lot of people can speculate, but what we are really after is firsthand information.

I would just ask you to bear with me. There is about a dozen. And I will just read through them in a manner that I hope is very clear. If you don't hear me, I will repeat it.

It has been alleged that Secretary of State Clinton intentionally blocked military action on the night of the attack. 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.

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 "4 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 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 "the CIA was not collecting and shipping arms from Libya to Syria" 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.

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 ordered 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's security personnel who departed the Annex to assist the Special Mission compound?

A: Could you repeat the beginning of that?

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's security personnel who departed the Annex to assist?

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 "faithfully performed our duties 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 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 a Sunday talk show about the Benghazi attack.

Do you have any evidence that Ambassador Rice intentionally misrepresented facts about the Benghazi attack on a Sunday talk show?

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 attack 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 attack?

A: No.

Q: It has been alleged that a team of four military personnel at Embassy Tripoli on the night of the attack 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 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: And finally, 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, former chairman of the House Armed Services Committee, conducted a review of the attack after which he stated, "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: No.

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

A: No.

Q: I think that concludes our questions. Again, we very much appreciate your time and willingness to answer all of our questions. We know that it is not an easy thing to come and testify, but we do appreciate you coming up voluntarily to do so.

A: Thank you.

BY MS. JACKSON

Q: There has been recent press reporting that there was no automatic archiving of emails of other senior leaders within the State Department and that a request similar to that that went out to the former secretaries have gone out to some other former senior leaders of the State Department. Are you familiar with that?

A: Could you get more precise with the question just so I make sure I answer it correctly?

Q: All right.

Ms. SAWYER. Sharon, can I just ask a quick question since we are up on time?

Is this related to the scope of our investigation? Are we talking about senior officials involved in?

Ms. JACKSON. Yes.

Ms. SAWYER. So can you clarify?

BY MS. JACKSON

Q: So there has been recent press reporting that there was no automatic archiving of emails of other senior leaders within the State Department and that a request went out recently for them to search their own records for information responsive or Federal records that they may have in their possession.

Are you familiar with that generally? And then I am going to ask you specifically, what is your understanding, because press reporting may be inaccurate?

A: I would like to see the actual article, because I am a little unsure of myself.

Q: The thing is we don't have it.

Ms. BETZ. It is hard to understand from your question what you are talking about. I don't know what you are talking about from your question.

Ms. SACHSMAN GROOMS. I don't know what automatic archiving is.

If you know what automatic archiving is and he has some concept of automatic archiving, I would be curious to hear what that is.

BY MS. JACKSON

Q: Let me ask this. Are you aware of any letter that went out to former principles of the State Department that is similar in nature to the letters that went out to the four former Secretaries of State?

A: I can't remember for sure, but something related to a subpoena from you guys to a number of individuals. But I am not—I am not aware that we—I have never heard of that we sent out a letter like this to, are you talking about ambassadors, assistant secretaries or——

Q: This would have been former deputy secretaries, other seventh floor under secretaries, other individuals on the seventh floor such as the chief of staff, deputy chief of staff. Was there any letter that went out requesting that they review their personal records to see if they had any official records in their possession, to your knowledge?

Mr. EVERS. If you know.

Mr. * * *. Well, something happened in relationship to that subpoena, but I am not directly involved with that.

BY MS. JACKSON

Q: Who would be involved in that?

A: I was sent the copies of the subpoenas, and I think letters were sent, but I am on shaky ground here. I can't.

Q: Who sent you the copies of the subpoena?

A: It would have come from Under Secretary Kennedy's office.

Q: And you believe letters were sent?

A: I think letters were sent in response to this subpoena, but I can't remember all the details about this.

Q: And to the best of your recollection, would those letters have been sent from Under Secretary Kennedy's office?

A: Yes, to the best of my recollection.

Q: Okay. That is all the questions I have.

BY MS. SAWYER

Q: And then just one question.

Did you ever see a subpoena that had been issued that these letters were supposedly sent in response to?

A: Yes.

Q: You did.

A: They sent me—I received an email, I believe it was a copy of a subpoena, from this committee.

Q: And have you seen any of the actual letters that went out?

A: I can't remember.

Q: Okay. Fair enough. What, if any, steps were you supposed to do in response to this subpoena that was sent to you?

A: I think my name was on the letters is possible, so I think that is why they were sent to me. But, you know, I would really like to do my own fact checking before I say with absolute certainty.

Ms. JACKSON. Then we would make a request that you go back and look for that information and produce it to this committee. Could you do that for us?

Ms. DUVAL. What information are you requesting?

Ms. JACKSON. The email that was sent to him with the subpoena, if there was any copy of the letters that were sent, and produce that.

Ms. DUVAL. Why do you need it?

Ms. JACKSON. It has to do with Congressional oversight.

Ms. DUVAL. Of what?

Ms. JACKSON. Of the State Department's compliance with the request.

Ms. DUVAL. Okay. So Congressional oversight of the State Department's compliance with Congressional requests?

Ms. JACKSON. Yes.

Ms. SAWYER. And I would just state for the record I am not sure that we are actually entitled to internal correspondence about how they respond to a subpoena issued by Congress. This is a conversation, Mr. * * *, that doesn't directly involve you, so I am not directing a question at you. I would just state for the record that I think that may be well beyond not only the scope of the investigation, but scope of normal practice about internal communications, so we can have that.

Ms. DUVAL. And to be clear, my okay meant I understand what Sharon is asking for and that she is asking for it because she wants information about how the State Department is responding to Congressional oversight requests. That was what my okay responded to. It was not an assent that that is part of the Benghazi committee's investigation or anything that the executive branch generally turns over.

BY MS. JACKSON

Q: And one final issue. It has been a long morning into the early afternoon. As you sit here before we depart for the day and as you reflect on the questions that have been asked and the answers that you have given, is there anything that you would like to clarify, retract, or add to any of your answers that you have given today?

A: I can't think of anything at the moment.

Q: And again, Mr. * * *, I join in with my colleagues in thanking you for your time.

Yes?

A: I do have something to say. That I have strived to be as truthful and honest and accurate as I can be, okay.

Q: And this committee very much appreciates that.

A: And I am a career Federal civil servant trying to do my job and support records in the Federal Government.

Q: Okay. And thank you for your service. You have a good day.

[Whereupon, at 1:27 p. m., the interview was concluded.]

Certificate of Deponent/Interviewee

I have read the foregoing 133 pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

P. 133 blank

[redacted]

Witness Name

4/8/16

Date

EXHIBIT 1

UNDER SECRETARY OF STATE

FOR MANAGEMENT

WASHINGTON

Cheryl

NOV 12 2014

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 2

NATIONAL
ARCHIVES

MAR 0 3 2015

Margaret P. Grafeld
Deputy Assistant Secretary for Global Information Services
Bureau of Administration
U.S. Department of State
SA-2, Suite 8000
515 22nd Street, NW
Washington, DC 20522-0208

Dear Ms. Grafeld:

The National Archives and Records Administration (NARA) is concerned with the events outlined in the March 2, 2015, New York Times article by Michael S. Schmidt regarding the potential alienation of Federal email records created or received by former Secretary of State Hillary Rodham Clinton. The article also suggests potential issues with the Federal email records created or received by former Secretaries of State dating back to Secretary Madeleine K. Albright.

Based on this article and other news reports, NARA is concerned that Federal records may have been alienated from the Department of State's official recordkeeping systems.

Pursuant to your Department's responsibilities under 44 U.S.C. Chapter 31 and NARA's authorities in 44 U.S.C. Chapter 29, we request that the Department of State explore this matter and provide NARA a report of how these records were managed and the current status of these records.

We request that you provide us with a report as required and described in 36 CFR 1230.14 within 30 days of the date of this letter.

If Federal records have been alienated, please describe all measures the Department has taken, or expects to take, to retrieve the alienated records. Please also include a description of all safeguards established to prevent records alienation incidents from happening in the future. Please also provide NARA all guidance and directives disseminated within the Department that address the management of email records, including those records created using personal email accounts.

NATIONAL ARCHIVES *and*
RECORDS ADMINISTRATION
8601 ADELPHI ROAD
COLLEGE PARK, MD 20740-6001
www.archives.gov

If you are unable to provide a report within 30 days, please provide us with an interim report indicating what actions you have taken and when you expect to submit a final report.

Thank you for your cooperation.

Sincerely,

Paul M. Wester, Jr.

PAUL M. WESTER, JR.
Chief Records Officer
for the U.S. Government

cc: Ambassador Patrick F. Kennedy
Under Secretary for Management
Senior Agency Official for Records Management
U.S. Department of State
Washington, DC 20520

EXHIBIT 3

United States Department of State

Washington, D.C. 20520

Paul M. Wester, Jr.
Chief Records Officer for the U.S. Government
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

APR 2 2015

Dear Mr. ~~Wester~~, Paul

This letter constitutes our response regarding your March 3 letter in which you note a recent NY Times article regarding the Federal email records of former Secretary of State Hillary Rodham Clinton, as well as of former Secretaries Rice, Powell, and Albright. As you and I have discussed, we look forward to continuing the Department's longstanding demonstrated commitment to managing our records and to leveraging our ongoing partnership with the National Archives and Records Administration (NARA) to address the evolving complexities of email vis-a-vis government records life cycle management.

As you are aware through our reporting over the years, the Department and its leadership have in the past and continue to take very seriously our records management responsibilities particularly as embodied in the President's Managing Government Records Directive and recent amendments to the Federal Records Act. We understand the relationship between a sound records management program, the preservation and life cycle management of the full documentation of the essential evidence of our mission and operations, transparency, and Open Government. Consistent with this commitment, in 2013, the Under Secretary for Management and our Senior Agency Official for Records, Patrick F. Kennedy, asked senior officials ("Senior Sponsors") to review the Department's record email system. Subsequently, an Electronic Records Working Group with Senior Sponsors was formed to examine and make recommendations to address electronic records life cycle management, including Department-wide compliance with the aforementioned new mandates. One of the first actions was the promulgation by the Senior Agency Official for Records of an updated policy message in an August 28, 2014, memorandum to the Department's leadership, which stressed proper records management and advised senior officials that they should not use their private email accounts for official business (see attachment 1). In October 2014, the Department issued a Department Notice and cable to the field for all employees reminding them of their responsibilities vis-à-vis records, emails, and personal accounts (see attachments 2-3). This is an ongoing effort designed to address complex issues surrounding electronic records management issues with which you are deeply familiar as the Chief Records Officer for the Federal Government.

As you know, NARA has been updating its guidance on the management of emails. In furtherance of that guidance and to ensure that our records are as complete as possible, on October 28, 2014, Under Secretary Kennedy sent a letter to the representatives of former Secretaries Clinton, Powell, Rice, and Albright to request that copies of federal records be made available to the Department (see attachments 4-7).[1] Specifically, the Department requested the secretaries provide any federal records in

[1] Due to an error, the letters to the representatives for Secretaries Clinton, Powell and Albright had to be re-sent in November since the original letters to those representatives referenced Secretary Rice instead of their corresponding former Secretary (see attachments 4-7).

their possession, such as emails sent or received on a personal email account, if there was reason to believe the records may not otherwise be captured in the Department's recordkeeping system. (The Department fully recognizes the uniqueness and value of the Secretary of State's records collection, as well as the importance of maintaining it as block files "all together in one group" as provided in our authorized disposition schedules.) At the time the Department sent the letters, it was aware that Secretaries Clinton and Powell had used non-government accounts during their tenures, but the degree to which records were captured in the Department's systems was unknown.

In December 2014, former Secretary Clinton's representatives provided approximately 55,000 pages of emails that they determined to be potentially responsive to the Department's request (see attachment 8). These emails are being reviewed under the Freedom of Information Act and the releasable documents will be made publicly available online by the Department.

Also, last December, former Secretary Rice's representative advised that Secretary Rice did not use a personal email account for official business. In March 2015, former Secretary Powell's representative advised that while former Secretary Powell used a personal email account during his tenure as Secretary of State, he did not retain those emails or make printed copies. In March 2015, former Secretary Albright advised the Department of State that she never used a U.S. Government email or personal email account during her tenure as Secretary of State, and did not have a personal email account until after she left government service.

Finally, recognizing the importance of, as well as the resource challenges involved in, putting the principles of records' preservation, management, and transparency into practice, Secretary Kerry has asked the Department's Inspector General to review and make recommendations for improving the Department's recordkeeping and FOIA practices (see attachment 9). Informed by this review and in consultation and coordination with your leadership, we will continue to work through the complicated electronic records issues consistent with the President's initiative and statutory mandates. These efforts will be addressed in future reporting consistent with our mutual cooperation and resolution.

With continued best regards,

Margaret P. Grafeld
Deputy Assistant Secretary for Global Information Services
Bureau of Administration
U.S. Department of State

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.

INTERVIEW OF CHIEF OF STATION

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, JULY 16, 2015

Excerpts of the foregoing interview transcript were cited in the Report of the Select Committee on Benghazi. The Central Intelligence Agency declined the Committee's request to declassify the interview transcript.