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 NEA/EX POST MANAGEMENT OFFICER FOR LIBYA

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, JULY 23, 2015

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

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SHARON JACKSON, *Deputy Chief Counsel*
SARA BARRINEAU, *Investigator*
SHERIA CLARKE, *Counsel*
KIM BETZ, *Member Outreach Liaison*
HEATHER SAWYER, *Minority Chief Counsel*
PETER KENNY, *Minority Senior Counsel*

FOR THE U.S. DEPARTMENT OF STATE

AUSTIN EVERS, *Senior Advisor*

Ms. Jackson. We'll begin. 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 in matters related to and pursuant to House Resolution 567 of the 113th Congress and House Resolution 5 of the 114th Congress.

Ms. [redacted], would you state your full name for the record, please.

Ms. [redacted]

Ms. Jackson. Okay. We appreciate your appearance here today. Thank you for coming in. At least it's not 110 heat index today, so the humidity is down a little bit.

I've introduced myself before, but my name is Sharon Jackson. I am one of the counsels for the majority staff of the committee. I'd like everyone to go around and introduce themselves. You are accompanied here today by?

Mr. Evers. Austin Evers from the State Department.

Ms. Sawyer. Heather Sawyer with the minority staff.

Mr. Kenny. Peter Kenny with the minority staff.

Ms. Clarke. Sheria Clarke, majority staff.

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

Ms. Betz. Kim Betz with the majority staff.

Ms. Barrineau. Sara Barrineau with the majority staff.

Ms. Jackson. Okay. As with anything, we have some procedural issues that we have to go over with you first today just to make sure that you understand, I'm sure you've talked with Austin, who is here representing the State Department today as its counsel. But I'd like to go over the ground rules and explain how this interview will proceed.

The way we generally operate is that the majority staff will ask you questions for up to 1 hour and then the minority staff will ask questions for the next hour, and we'll rotate back and forth in that manner until each side has exhausted all of the questions that they have.

Under our rules, questions may only be asked by a member of the committee or a designated staff member. And I don't anticipate that we're going to have any members of the committee here today, but you never know. One or more might come in during the duration of your testimony or your statement today.

Unlike testimony in a deposition or in a Federal court, the committee's format is not bound by the rules of evidence. The witness or your personal counsel may raise objections for privilege subject to review by the chairman of the committee. If those objections cannot be resolved in the hearing, you can be required to return for a deposition or a hearing.

Members and staff of the committee, however, are not permitted to raise objections when the other side is asking questions. This has not been an issue that we've encountered in

the past, but I just raise it as it's one of our procedural rules.

This session is to begin unclassified. If any question posed by myself or the minority staff calls for a classified answer, please let us know, and we will reserve it until we are in a more appropriate setting. We do have a classified setting reserved for later this afternoon, and so we can move into a classified setting.

In preparation for today, I have limited my questions to documents that pertain to matters that have been marked unclassified, but again, if you feel that any answer you would be required to give moves into a classified matter, just let us know.

You are welcome to confer with Mr. Evers at any time throughout the interview, but if something just needs clarified, we ask that you ask the question to be restated or ask again in some matter. It is important to us that you understand the questions before giving your answer. But if you would like to confer with Mr. Evers, please just let us know, we'll go off the record, and you can have as much time as you need to consult with him.

We will also take a break whenever it's convenient to you. Generally, we do this after every hour of questioning because everybody needs to stretch their legs and things like that, but if you need a break before then, please just let us know. Again, we will go off the record and take a break.

We have water here. We have a coffee maker. I see you

brought your own form of caffeine this morning, but if you need another, just let us know, and we'll take a break so that you can do that. We are going to try and make this process as easy and comfortable as possible.

As you can see, we have an official reporter here taking down everything that is said, questions that are asked, answers that are given, so we ask that you give verbal responses to all questions, and we also ask, and I am to be blamed for this too, is to not talk over each other. I will try and be very conscious of letting you finish an answer before I go into the next question, and if you, too, could not start answering a question until the question is complete.

We also will take our time today. And again, if you need anything repeated or clarified, please let us know. We want you to answer our questions in the most complete and truthful manner possible. So we would be happy to clarify or re-ask.

We understand that there has been a passage of time and that memories are not as sharp, and I can say from given my age, my memory is not as sharp as it used to be, but we are asking that you give your best recollection of events.

Again, we are not bound by the rules of evidence, so we may ask your opinion or to speculate on something, but again, we want you to give us your best recollection of events that happened.

As I used to say when I was a trial lawyer, we were never there when the events unfolded, and so we have to bring in those

people who were there at the time in order to figure out what was going on. If for whatever reason you don't know the answer to a question but you know that someone else has the answer or might know the answer to that, we will ask that you give us the names of any person that might have that information.

This is part of a voluntary interview as part of a congressional investigation. Do you understand that you are required to answer questions truthfully from Congress?

Ms. [redacted] Yes.

Ms. Jackson. Okay. Do you understand that that applies to questions posed to you by congressional staff in an interview?

Ms. [redacted] Yes.

Ms. Jackson. Okay. Do you understand that witnesses who knowingly provide false testimony could be subject to criminal prosecution for perjury or making false statements? Do you understand that?

Ms. [redacted] Yes.

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

Ms. [redacted] No.

Ms. Jackson. Well, that's the end of my preamble.

Does the minority have anything that they would like to add?

Ms. Sawyer. Simply welcome. Thank you for being with us, and is there a time today by which we need to end? It just helps us make sure we are planning.

Mr. Evers. Sharon and I talked before we got started. Ms. [redacted] has some family obligations later in the day, wants to be cooperative and helpful, would appreciate the opportunity to talk to you guys in the afternoon about, you know, if we are getting tight on time, we can talk about it then.

Ms. Sawyer. Okay. Great.

Ms. Jackson. Okay. All right. I see that the clock reads now 10:09, so we will begin the first hour of questioning.

EXAMINATION

BY MS. JACKSON:

Q Ms. [redacted], how long have you been with the State Department?

A I joined the State Department as a foreign service officer in 2003.

Q Okay.

A In September of 2003, so almost 13 years.

Q Okay. And what did you do prior to joining the State Department?

A A couple of things. Right after graduate school, I actually followed my husband overseas. He's also a foreign service officer, and I worked in our Embassies in Conakry, Guinea and Rabat, Morocco between 1995 and 1999.

Q So were you a civil servant before?

A No, I was an eligible family member employee. And then when we came back to the United States in 1999, I took positions

working in the private sector. I worked for Russell Reynolds Associates for a year, and then I went and worked for a small e-commerce company called Luminant for about a year, and then I went to go work for S.R. Clarke Associates for 2 years --

Q Okay.

A -- prior to joining the State Department.

Q And just in general, what were the nature of your positions at those private sector industries?

A Russell Reynolds and S.R. Clarke were both executive search firms, and Luminant was an e-commerce consulting firm, but I worked on executive search type work from the inside, from the corporate side, so working with the recruiters.

Q Okay. And since you've been with the State Department in 2003, can you give us an overview of the various positions and roles you've had as a foreign service officer?

A Sure. I'm a management-coned officer. My first tour, I worked as the desk officer for Tunisia from 2003 to 2004. Then I did a year of mixture of Hindi language training and public diplomacy training and consular training in preparation for my assignment in New Delhi, India from 2005 to 2008. Yes, that's right. Where I worked as the assistant information officer for 1 year, and then the nonimmigrant visa chief for a year, and there was some leave without pay mixed in there as I had maternity leave.

[redacted]

[redacted]. When I returned back in 2008, I went to work at our Foreign Service Institute teaching a course called A-100, which is essentially boot camp for new diplomats. I did that for 2 years.

And then I went to work in the Bureau of Near Eastern Affairs as the post management officer for North Africa initially in 2010, and then by the time the Arab Spring happened in 2011, I shifted over to doing only Libya.

Then in 2012, June, roughly, I shifted to a new position in the bureau of human resources, office of career development and assignments. I was working with junior foreign service officers on how to find their next assignments and get them into those next assignments.

After 1 year in that role, I shifted over to work for the director general of the foreign services chief of staff where I took care of the director general and staffed him in any way that he needed in terms of paper and travel and all those things that a chief of staff would do.

From there, after 1 year, I shifted to work for Deputy Secretary Higginbottom where I've been a special assistant for the last year up until 2 weeks ago, and I was focused primarily on similar issues regarding human resources mainly, and diversity issues as well.

And then I shifted over to -- back to the Near Eastern Affairs and South Central Asian Affairs executive office where I'm

now post management officer for Afghanistan.

Q And how long have you been with back with NEA?

A I'm actually in SCA. It's a combined office, Near Eastern Affairs and South Central Affairs, but I'm obviously working on South Central Asian Affairs because of Afghanistan, but I joined there 10th of July.

Q Okay. When you were in NEA, and as I understand it, it was NEA/EX?

A NEA/SCA/EX is one office that covers two regional bureaus, but it's the central management function for those two bureaus.

Q Well, that was --

A You can just call it NEA/EX, that's fine.

Q All right. And you went there in 2010; is that correct?

A That is correct.

Q Okay. Tell us just in general how NEA and SCA and then NEA/EX were managed, constructed, what were the roles and responsibilities of various people in the various sections of that?

Mr. Evers. Do you understand the question?

Ms. [redacted] Those are very big organizations. Could you be more specific what you're -- how you're trying to -- what you're looking for from me?

BY MS. JACKSON:

Q We see a lot of acronyms, in reviewing documents, so we'll see NEA, we'll see NEA/FO, we'll see NEA/MAG, we'll see NEA/SCA/EX, and so we're trying to get an understanding from someone inside the State Department as who was -- what were each of those directorates, office, whatever you call them?

A Sure.

Q What were their duties and responsibilities and how you all fit together?

A I will speak to it from my understanding of the structure of the Department. The assistant secretary for Near Eastern Affairs reports to the under secretary for political affairs who reports to the secretary.

Q Uh-huh.

A The office of the assistant secretary for Near Eastern Affairs would be what would be referred to as NEA/FO, the front office.

Q Okay.

A And within that office, you have an assistant secretary and you have a principal deputy assistant secretary, which is essentially the number 2 person in the office, and then deputy assistant secretaries. Different bureaus have different numbers. I couldn't begin to tell you just how many NEA had at that time.

Q Before you go any further, I would like to introduce Congressman Westmoreland from Georgia.

[redacted] from the State Department. Thank you for

joining us this morning.

Ms. [redacted]

Mr. Westmoreland. Oh, okay. Great. Thank you being here.

BY MS. JACKSON:

Q And I'm sorry --

A Sure.

Q We were talking about the very -- the overall arching structure of NEA as it existed in 2010, 2011, 2012 when you were there.

A Sure. Generally speaking, each deputy assistant secretary has certain offices for which they are responsible for oversight. So in this case, Ray Maxwell was the deputy assistant secretary who oversaw the Maghreb office, which is NEA/MAG, and then there were others who had different -- sometimes one, they had one office reporting to them, sometimes they had two or three, depending on how they broke up the portfolios.

The office of the executive director for Near Eastern Affairs and South Central Asian Affairs, which is NEA/SCA/EX, it is the management, the logistics function of those two bureaus, and as part of the consolidation in the Department, many bureaus have begun to have these consolidated EX's, so NEA-SCA have a joint EX. EUR, our European Affairs office has a joint EX with the international organizations office, and there is many, many others that have this kind of joint effect.

So you have one executive director who has a DAS equivalent

role in both of the bureaus that they work with, so they don't --

Q And by DAS, you mean deputy assistant secretary?

A Deputy assistant secretary, yes.

Q Okay.

A They don't -- the executive director doesn't usually sit in a front office of an assistant secretary, but they have, generally speaking, a deputy assistant secretary role. Some bureaus treat it differently than others. Different assistant secretaries treat it differently than others, but in terms of function, they tend to go straight to the front office, and EX is -- and I will refer to as the executive office and EX director repeatedly through this. They generally will report to the principal deputy assistant secretary or work directly with the assistant secretary.

I do not know exactly how the reporting structure was for our executive director during the time that I served in that office. I know that he had interactions with the whole front office as matters arose.

Q Would that have been daily interaction, multiple times a day or --

A Yes.

Q -- were more formalized into weekly meetings or something like that?

A All of the above. There's -- it's part of the way that the Department works. There is interaction as matters arise.

There is no one way to say how to characterize the interactions.

Q Uh-huh.

A Within the executive director's office, there is the domestic general services, so the people who handle things like moving furniture, buying toner cartridges, and all that kind of stuff. They are the people who deal with domestic human resources. They are the people who deal with budget and finance for the Washington bureaus but also for -- they deal with the budgets of our overseas posts, and then there are the people who deal with human resources related to our overseas assignments, and then there are post management officers who have broken up the world based on the region that they are working.

So within my portfolio, when I joined the EX, I was the post management officer for North Africa. I had Morocco, Algeria, Tunisia, and Libya, and then in January of 2011, they added Egypt to my portfolio because the person who had been covering Egypt had left to go overseas and they had to spread the wealth, so her portfolio was split among many people.

Q Okay. And then that structure that you've just described changed in early 2011, as I understand, with the onslaught of the Arab Spring and you began focused solely on Libya; is that correct?

A So at the beginning of the Arab Spring, I dealt with the Tunisia evacuation, and at the time that I was dealing with the Tunisia evacuation, the other portions of my portfolio were

managed by other people.

When Tunisia started to normalize and we had sent our people back to Tunisia, I took my portfolio back. When Egypt evacuated, I shed everything but Egypt and focused on Egypt. And when Egypt -- normalize is not the right word. When Egypt began to reach kind of a steady state, then I started to take back aspects of my portfolio.

And then when Tripoli started to blow up, I moved back into the task force room for the third time and shut all my portfolios other than Libya, and other than some incidental interaction, never took anything back because the workload was such that I had to keep just Libya.

Q And do you recall approximately when that shift occurred when you were solely focused on Libya?

A It happened -- I mean, it wasn't like a distinct flip the switch kind of thing. In February, when Libya went into crisis, I was focused solely on Libya. I recall coming back to the office and taking on some of my ancillary duties from the other countries that I covered, but at some point over early summer I said I can't do anything but Libya. It's taking up all my time anyway. It's not fair to the other posts. We need to pass them back out.

Q Okay. Who all within, let's just say NEA/EX --

A Uh-huh.

Q -- were dealing with Libya issues besides you, and

particularly in the -- all of my questions will focus about the 2011, 2012 timeframe.

A Sure.

Q So just -- unless otherwise stated, that's the timeframe that I am focused on.

A Sure. There is myself, [redacted], who was the post management officer for Saudi Arabia who took on some duties related to Libya as well as to backstop me so that I had a backup, but also to -- she had some very discreet issues she worked on.

We had myself, [redacted]. The supervisory post management officer was [redacted], and she was our immediate supervisor, and so she was, as part of that, looped into many of our discussions.

Q Did she have other duties and responsibilities beyond Libya?

A Yes.

Q Okay.

A All of the rest of Near Eastern Affairs and South Central Asian Affairs other than Afghanistan and Iraq and Pakistan. There was a separate supervisory post management officer for Afghanistan, Pakistan, and another one for Iraq.

And then [redacted] reported to [redacted] who was the deputy executive director for Near Eastern Affairs.

Q And then was there a man by the name of [redacted] who was your director?

A [redacted] was the executive director, yes.

Q Okay. You said [redacted] had some discreet areas that she was handling in Libya. What were those discreet areas?

A She worked on the air bridge support when we went back into Tripoli and we were using a State Department plane to get our people in and out. She also worked on the contracting issues related to the life support services for both Benghazi and Tripoli. She didn't write the contracts, but she interacted with our contracting folks to make sure that their questions were being answered and they had the information that they needed.

Q Okay. And what type of contracts would there be?

A We had a contract for life support services, so food, cleaning, laundry, things of that nature.

Q Okay.

A Trash removal, all that kind of stuff.

Q And we'll get to this a little bit.

A Yes.

Q But with respect to Benghazi, that also included the local guard force?

A That was a separate contract. That is something that diplomatic security does completely separate from anything else.

Q Okay. You mentioned that you moved back into a task force room --

A Yes.

Q -- when the Embassy in Tripoli was, in my words, shutting down. There was -- I don't remember all the terminology,

but there is like an ordered departure -- or an authorized departure, ordered departure, and then suspended operations.

A Yes.

Q Do I have those terms correctly?

A Yes.

Q Correct and in the right order?

A Authorized departure and ordered departure, authorized departure does not always precede ordered departure, but you cannot go to authorized departure after ordered departure has been put into effect.

You could have a case where a post would only go on authorized departure, which essentially means that people who want to leave can leave and there is the mechanism for them to get out.

Ordered departure says all people under chief of mission authority who meet this criteria of the order must leave.

Q Okay. And then suspended operations, as I understand it, means closing up the embassy?

A Suspension of operations means that we have not broken our diplomatic relations. It means that we are removing our presence, at least temporarily, from post. So we acquired a protecting power when we left and things like that so that we could maintain those interactions.

Q Okay. And looping back in, you mentioned that you moved back into a task force room. Was this a physical structure?

A Yes.

Q Okay. Could you describe it for us, and you said for the third time you moved in?

A Yes. Our operations center on the 7th floor of the State Department is the communications center for the secretary's communications. Next door to the operations center is the crisis management support division, and that's where we house all of our task forces and our crisis response.

So in the case of a crisis, the executive secretary of the Department would declare this is a crisis that requires the task force, usually in consultation with the regional bureau and that kind of thing, and then the crisis management support folks will stand up the task force.

This rooms are maybe the size of this room, which is not -- it's not large. I know you can't put that in the transcript, but --

Q Say 15 by 30?

A I mean --

Q Thereabouts maybe?

A Some of the rooms are larger; some of the rooms are smaller. They generally have a very long conference table and they have a computer terminal at every desk, and in some cases there are computer terminals at desks around the edges as well.

When the task force is established, all communications relating to that issue move to the task force and so the task force manages the process. It's meant to take some level of

stress off of the offices that are handling the crisis because it shifted into a 24/7 environment and people are staffed on rotating shifts rather than say one person who is the sole person responsible for dealing with these issues.

And many times bureaus that have individuals who are not as busy with a crisis right at that moment in time will volunteer personnel to help staff it.

Q And did that happen with respect to Libya?

A Yes.

Q Okay. And do you recall approximately when that happened?

A It was sometime in February.

Q Did it happen before or after Tripoli went into suspended operations?

A Oh, we -- much before that. I mean, much before. At least a couple of days before that. You can't get to that point of crisis in a post without having a task force stood up to deal with it.

Usually you're going -- it's very difficult to get to that point without a task force.

Q Now, my impression of a task force, having worked with them, is that you will bring in people from different areas of expertise, different subject matter --

A Yes.

Q -- experts, and you will co-locate them in one place to

handle --

A Exactly.

Q -- the crisis. Is that what you're describing for us?

A That is correct. We had people from our Consular Affairs Bureau who were looking at American citizen services, how do we help American citizens depart Libya. We had folks from our family liaison office who were helping to deal with inquiries from family members as to how they could leave post but also the folks who were back here in Washington who wanted to know about what was going on with their family members in Libya.

We had diplomatic security. We had overseas buildings operations. We had the folks in transportation management who dealt with chartering of aircraft and ferries to get our people out. We had people from the political military bureau. I mean, I'm sure there's a list somewhere that has all of that, but I wouldn't have that information offhand.

Q Okay. And were there representatives from other U.S. Government entities that might have interest in, or personnel in what was going on in Libya, particularly the Department of Defense, the CIA, or was it solely a intra-State Department task force?

A I honestly do not remember exactly everyone who was in the task force room at the time. When I was on a Egypt task force just a few weeks previous to that, we did have DOD people involved in the task force. I do not recall specifically in the case of

Libya.

Q And how long did this task force operate with respect to Libya?

A I don't have a specific length of time to give you. I can tell you it stood up as things started to heat up at post, and it was definitely fully operational through the suspension of operations and the removal of our people. At that point, I went on vacation. I was sent to Hawaii.

Q You were sent to Hawaii?

A I was.

Q By the State Department?

A I was ordered by my boss to leave town and not be seen for 10 days, [redacted], and we went to Hawaii, so I don't know exactly --

Q [redacted]

A [redacted] I don't remember exactly when the task force disbanded. Many times, in these kind of cases, the task force doesn't just have a hard stop. It goes to -- it will go to no longer 24/7, and then they will go to a virtual task force, and then eventually they will disband.

Q Okay. And did that happen with respect to Libya? Well, let me ask this first. Did the 24/7 task force disband while you were in Hawaii?

A I have no idea.

Q When you came back, did you go to the task force

office?

A No. When I came back, I came back to my office.

Q Okay. And to your knowledge, was anyone reporting into the task force at that time?

A Not to my knowledge.

Q Okay. Would you have been a logical person to have been up in a task force if it was still operational?

A Yes.

Q Okay. Did it devolve, for lack of a better word, into a virtual task force upon your return from your vacation?

A I do not recall it having devolved into a virtual task force at that time.

Q I would anticipate that -- and I'm just assuming, that there was still heightened scrutiny of what was going on in Libya at that time; is that correct?

A Again, I ended up shifting all of my responsibilities, other than Libya, to others so I could focus on Libya because the workload was very heavy.

Q All right. And at the time you came back, would this have been the end of March? Do you remember when your vacation was?

A It was mid-March.

Q You were back by mid-March?

A Yes, ma'am.

Q Okay. When you came back, were there groups that had

been assembled within the State Department that were addressing Libya-centric issues?

A My memory of the timeline of when various groups were formed is very fuzzy, given that it's been many years.

Q Uh-huh.

A There were many attempts to bring people together to discuss issues related to Libya, which is natural as any post in any country is going through a crisis, there will be those kind of meetings. Whether there was a formal mechanism or a formal group established, I am unaware.

Q Well then let me take a step back. With respect to Libya and any other country that you dealt with within NEA/EX, were there standing groups or committees that met on a, you know, monthly, weekly, daily basis that dealt with certain issues? I mean, were there standing meetings with respect to Libya or other countries that you dealt with within NEA?

A My memory tells me that most meetings were ad hoc based on issues at hand. You know, we had our standard staff meetings that NEA held on a weekly basis. I would attend the Maghreb office meetings. I cannot think of specific Libya-centric meetings that I attended at that period of time.

Q Okay. So the office of Maghreb had a standard weekly meeting?

A Yeah. I mean, most offices have a staff meeting, and that's what it was. I wasn't specific to Libya. It was just

their standard.

Q Everybody go around?

A Everybody go around the room, say what you're doing and --

Q What's hot in your area, what they needed to know?

A Uh-huh.

Q Okay. Another name that has come up in some of the documents that we've reviewed is an [redacted]. Was she in NEA/EX at the time you were there?

A No. [redacted] was in NEA/MAG.

Q Okay.

A She was one of the Libya desk officers. At the time, she may have been the sole Libya desk officer. At some point, there was more than one. I don't know when they added.

Q And what would be her duties and responsibilities, as you saw them?

A A country desk officer is focused on, for the most part, policy issues related to the country that they are responsible for and interacting across the Department and across the interagency on those issues. The post management officer is essentially the management logistics version of a desk officer but on the management issues as opposed to the foreign policy issues.

Q Give us some examples of what those foreign policy issues would be?

A Things having to do with setting up the protecting

power when we suspended operations, looking at what policy statements we might have the Secretary or the President make about what was going on in Libya, things of that nature.

When I was a desk officer for Tunisia, I was looking at human rights issues, I was looking at economic and trade development issues, things of that nature. It's really responding to the foreign policy side of things.

Q Okay. Did [redacted] ever come over to NEA/EX?

A Physically?

Q In a position there. For example, did she replace you when you left in June of 2012?

A No.

Q Okay. Who did replace you when you left in June of 2012?

A That's a very difficult question to answer. There was a temporary replacement when I left in 2012 by the name of [redacted]. He was a first tour officer. I do not know who took over that role come fall.

Q Okay. All right. As we talked before, I have a series of documents. The first one that I'm going to hand you is from April of 2012. It is a --

Mr. Evers. You mean 2011?

Ms. Jackson. No, 2012.

Mr. Evers. Oh, 2012. Sorry.

[[redacted] Exhibit No. 1

Was marked for identification.]

BY MS. JACKSON:

Q And actually -- and it is document number C05394419 for purposes of the record. I do not see that you're on this, but I believe -- but first of all, I'll have you review it and see if you are familiar with the issues that are discussed in there, and it's -- we can go off the record for a couple of minutes.

[Discussion off the record.]

Ms. Jackson. Let's go back on the record.

BY MS. JACKSON:

Q While you were reviewing that, it's come to our attention that you may wish to clarify a prior answer that you gave?

A Yes. When you asked me specifically about if there were standing meetings, I was answering specific to the early April timeframe.

Q April of?

A Of 2011. And at that point, things were still very fluid and very response driven as opposed -- and reaction driven as opposed to planning driven. We evolved, and I cannot begin to tell you when we evolved, but we evolved eventually into twice daily phone calls with Benghazi when we went into Benghazi, and that eventually went to once a day and then maybe once or twice a week over the timeframe of my time in EX.

There were also other policy planning meetings that NEA/MAG

coordinated in concert with the Bureau of Conflict Stabilization and Operations. Those were not meetings that I was regularly involved in.

Q Okay. Well, I think your clarification took care of many of the questions I had regarding this document, and again, I had said before we started that we were going to use a lot of documents.

A Yes.

Q Because a lot was going on at that time, and we want to get the best view of what was happening.

A Uh-huh.

Q And on page 2 of exhibit 1, under the bullet, "Libya," they talk about the Libya weekly meeting schedule is as follows, that there was a meeting on Mondays administered by NEA/EX, on Wednesday it was something called, "The Tripoli policy and planning meeting hosted by NEA/MAG," and on Fridays was the interagency Libya planning meeting hosted by NEA/EX, and you've just described that it evolved over time where there were these more standing committees or regular meetings regarding Libya-centric issues; is that correct?

A Yes. And the specific Friday meeting that is referred to here is one that evolved from our planning for our return into Tripoli, and that continued as an ongoing interagency discussion of issues related to our presence in Tripoli.

Q Okay. And did you attend that Friday meeting?

A Yes.

Q Okay.

Mr. Evers. All of them? This particular Friday meeting, or I'm sorry, I just -- I want the record to be clear.

BY MS. JACKSON:

Q Let me ask this. Did you generally attend those Friday meetings when they occurred?

A That is correct. I generally attended the meetings. I cannot speak as to whether or not I was present at every meeting.

Q Yeah. So I'm just asking generally what was this interagency Libya planning meeting?

A It was meant to hammer out many of the issues related to establishing a new presence in Tripoli. We had begun our return to Tripoli in I think it was late September of 2011.

But in terms of setting up the facility, there were many questions that arose as arises any time you have an interagency presence at post regarding who pays for what, how we're going to acquire leases and things of that nature, and we were trying to have a deliberate planning process, and by pulling the various interagency members into the process, we could have a more fulsome discussion.

Q Okay. And what were some of those other agencies that would attend these Friday meetings? Maybe not on every time, but generally, what were the other agencies that would be represented from the interagency?

A I am reasonably certain that USAID was there frequently. We had some sporadic participation from DOD. I don't know just how many times they came. I need to check something with Austin.

Q Sure.

[Discussion off the record.]

Ms. [redacted] And we also had various partners of the IC who were present at the meeting?

BY MS. JACKSON:

Q Okay. Would anyone from the White House or the national security staff attend?

A To my recollection, no.

Q Okay. The Wednesday meetings were something called, "The Tripoli Policy and Planning," and it says it's hosted by NEA/MAG. Did you attend those?

A No, ma'am.

Q Okay. Do you know generally what they were addressing in that meeting?

A My understanding, from the information that I gleaned just by osmosis, was that they were trying to identify policy priorities and things that we would be focussing on from a foreign policy standpoint.

I was focused on needing to know what they wanted to accomplish so that my team and I could figure out what support platform we needed to establish to make sure that that could

happen.

Q Okay. So would you -- would there be write-ups or synopsis or meeting notes of these meetings that would be -- that you would review to know, or was it more informal of a discussions or both?

A What we were looking for that came out of the meeting was eventual policy determinations in the form of action memos to the assistant secretary for Near Eastern Affairs that would say this is the priority.

Q So, for example, like we need more USAID people in Tripoli, therefore, you would need to know whether you have space available?

A It wouldn't get to that level of granularity. It would say AID needs to focus on the humanitarian crisis of X, and then we would work with AID -- in my office in EX, we would work with AID to determine how many people that would mean and then what the support platform would mean for those people. Does that make sense?

Q Yes.

A Good.

Q And then just the last regular meeting that is identified in here is a Monday conference call --

A Yes.

Q -- with Tripoli, Benghazi administered by NEA/EX. Would you be a part of those calls?

A Yes.

Q And by this time in April of 2012, they were weekly calls, or at least at this time?

A Yes.

Q Okay. And did that ebb and flow over time, depending on the nature of the situation on ground in Libya?

A Yes. I mean, early on as we went into Benghazi and then went into Tripoli, there were few logistics people on the ground, and there was much need to work through many issues, so we had many meetings. We found that doing this by conference call and pulling in the people from the Department who needed to be involved in the discussion as well as the folks at post made the most sense.

We kind of followed a standard format, went through it on a regular basis, and as those two posts became more sufficient and able to handle a lot of those issues on their own, we didn't need as much coordination, and it became more of an an ad hoc reactive discussion as opposed to a we are going to have our regular meeting, we are going to talk through all these issues at the meeting.

Q Okay. You said you had sort of a regular list of things. Was it like a checklist you needed to go through or were there agendas for the meeting?

A The agendas, no. I wouldn't say there were specific agendas, but we would talk through facilities, we would talk

through security, we would talk through budget, anything that was going on at the time, and we kind of -- I can't tell you exactly what the order was at this time, but it got to point where I just kind of knew this was the order, okay, this is now when DS is going to talk about their portion, this is when we are going to talk about this, that kind of thing, but I don't recall having specific agendas established.

Q Now, for --

Mr. Westmoreland. Sharon, could I?

Ms. Jackson. Yes, sir.

Mr. Westmoreland. Going back to this, [redacted]. The last -- on the last page, mine's got a line through it, so it's a little bit -- but it says, "The main OBO project to upgrade the interim embassy residential compound," that -- was that in Tripoli or --

Ms. [redacted] Yes, sir, it was Tripoli.

BY MS. JACKSON:

Q For these conference calls that occurred with Tripoli and Benghazi, would the various persons from Main State, State Department headquarters such as DS or CSO or other entities that might be involved, would you all be physically in one room or would you be on a conference call?

A It depended on the day, honestly. If folks from diplomatic security happened to be in the building when the call was happening at Main State, we would invite them to come up and we would do it in a smaller room but on speaker phone. But if

they were over in Roslyn, they would have dialed in. Overseas building operations generally dialed in from Roslyn as opposed to being physically present.

The conference calls that my office hosted were really focused on the management side of things, logistic side of things. CSO generally would not have been -- to my memory, I don't recall CSO being a part, and the Maghreb office, I don't recall being a regular part of the discussion either. They may have been present at some calls, but I don't recall exactly.

Q Once the Arab Spring occurred and Embassy Tripoli went into suspended operations, did the reporting or decisionmaking change in any way due to that emergency?

Mr. Evers. Do you understand the question?

Ms. [redacted] I'm not sure I understand what you're asking.

BY MS. JACKSON:

Q Okay. Let me ask this. Prior to the Arab Spring, who was authorized to make decisions about, for example, who could travel in and out of Tripoli?

A Prior to the crisis --

Q Uh-huh.

A Tripoli was a normally operating embassy. Chief of mission would approve the electronic country clearance process. I mean, it's delegated from the chief of mission, but it would be done at post. They would determine who could come in to visit.

Q Okay. And who made that decision if there wasn't a

post in a particular country?

A Whenever an embassy goes on authorized or ordered departure or eventually -- suspended operations is not a same status like ordered or authorized departures. Suspended operations is just an explanation that there is no one present at post, if that makes sense.

But when a post is in -- definitely in ordered departure status and there needs to be travel in and out, it's usually a discussion between the under secretary for management and post if the chief of mission is still at post. As to who would have that authority, usually it stays with the under secretary for management to determine who's allowed to go in and out of post.

Q Okay. And that was for countries other than Libya?

A Yes.

Q What other countries have you seen that occur?

A Egypt, Yemen. I'm sure at some point Lebanon, for example, as well.

Q Okay. It's my understanding that when -- when the U.S. State Department personnel were removed from Tripoli, that at Main State you had something that was called "Tripoli In Exile" or "Embassy Tripoli in Exile," or something like that. Can you explain what that was?

A When our team was evacuated from post, the expectation is that all employees of the State Department will continue to work when they leave post. They are not on vacation. So they all

came back to Washington.

In evacuations where some of the embassy remains and some of the embassy leaves, it's very easy to absorb those individuals into the regional bureau usually supporting the desk that deals with those issues.

In this particular case, because all of Tripoli had left, it made most sense to keep them all together and have them all work as -- continue to work as a unit, and that lasted for the duration of the order of departure. Once --

Q So from the end of February to September?

A Six months. One hundred eighty days is the maximum length, according to the foreign affairs manual, of an ordered departure.

Q Okay. What happens after that? You close the post?

A It depends. That's kind of the standard State Department answer. If this had been a different type of evacuation, like the Egypt evacuation, people remained at post. At the end of 6 months, if the security situation is not sufficient to permit the return of those who had been evacuated, the post becomes an unaccompanied post. So family members can no longer be at post, employees would be -- there would be a -- generally an evaluation of whether or not the employees who had been evacuated needed to be returned to post or whether those positions needed to be eliminated, because at the end of that 6-month period, the decision is made as to what the footprint is

going to look like moving forward.

In Tripoli's case, because we had suspended operations and there was no one present at post, we had to look at it and make the determination, well, the security situation does not permit returning to post, the evacuation status can no longer continue, what are we going to do.

And the bureaucratic process of what to do with those positions became a question because there is a desire not to continue to spend money on positions that are not going to be resident at post, and so we had to figure out how to manage that transition.

Q Okay. So the Tripoli personnel came back to Main State for that 180-day period; is that correct?

A Yes.

Q And they were -- were they put in a room all by themselves? Did they -- how did they continue to work on Libya-centric issues while they were not in Tripoli?

A There was a mixture. A couple of folks I recall being sitting in MAG on the desk, but a lot of them sat over on Navy Hill, which is an annex facility very close to the State Department, and they were all physically co-located together. We called it Tripoli on the Potomac.

Q And what did they get to do on a day-to-day basis?

A The management folks, and that's who I was primarily focused on dealing with, they were looking at how do we continue

to pay our local staff who were on the ground. There were still bills that had to be paid, there were still employee evaluations that had to be written, so they were working through a lot of those issues.

Our general services officer was looking at how we could ship people's personal effects out once the security situation resolved enough that we could actually have movers go into people's houses and box stuff up so it could be shipped out, things like that.

Q What about the foreign service officers such as the Ambassador, the deputy chief of mission, were they physically located at Tripoli on the Potomac or were they at Main State?

A I don't recall.

Q Okay. You've described that when we have gone out of the country through an ordered departure, that the under secretary for management will take over the decisionmaking regarding that country. Does that --

A Regarding the arrivals and departures of individuals going in and out of the country.

Q Okay. Does the under secretary for management take over other decisions?

A Could you be more specific?

Q You know what, I'll just reserve that, and I've got a series of examples that we can go through.

A Sure.

Q Does NEA/EX's relationship with the under secretary for

management's office change? Does it become more robust under circumstances in which there's an ordered departure?

A I do not -- let me think about how I want to say this. It would not be limited to posts in a ordered departure status. If there were a -- when there was a crisis, there would be interactions with the under secretary for management on those issues.

And a crisis could be anything from the locally employed staff in Morocco wanting to have the U.S. Government take their income taxes out and pay them directly to the Moroccan government, as much as it was our people are under attack, you know, so there were many different issues through which we would interact with the under secretary's office.

Q Okay. And when those crisis issues arose, the interactions would be more robust or just more?

Mr. Evers. Is there a difference?

Ms. [redacted] Yeah, I'm not sure that there's really a difference?

BY MS. JACKSON:

Q Okay. When there is a crisis situation, is it the under secretary for management's office that is the decisionmaker, becomes the decision maker?

A The under secretary for management's office is frequently the decision maker on management issues, especially crosscutting management issues that hit many of the bureaus that

he oversees.

Q All right. I want to turn now to the spring of 2011 when Chris Stevens was sent into Benghazi as the Envoy, and let me ask this. Prior to your trip to Hawaii, I love that marker, were you aware that Mr. Stevens was going to be sent in as the Envoy?

A No, ma'am.

Q Okay. Were you aware when you returned?

A Yes, ma'am.

Q Okay. Was your understanding that that decision had been made while you were gone?

A Yes.

Q Okay. Do you know who made that decision?

A No.

Q Okay. What did you learn upon your return?

A That we had to figure out the logistics of how to get a Special Representative into Benghazi, and we had to figure out what that would entail, everything from IT, to transportation, to lodging, to everything.

Q Where was Mr. Stevens physically located when you started undertaking the logistics?

A He was somewhere in the T bureau family. I don't know which -- which assistant secretary he was in, but he was somewhere over in that world.

Q And T is training?

A No, T is arms control and disarmament.

Q How did they get the letter "T"?

A I have no idea.

Q Okay. Was he physically in the United States?

A I believe so.

Q Okay.

A I saw him at some point. I don't know when. When I saw him, I didn't know if he had come from somewhere.

Q Okay. Do you know how and why he was selected?

A No.

Q Were you aware that he had gone to Paris to meet with the Secretary and Mr. Jibril from the Transitional National Council?

A No.

Q Or what would become the Transitional National Council?

A No.

Q Okay. So you played no role in the logistics of that trip?

A No.

Q Okay. You stated that you were not aware of why he was selected or when he was selected. Who would know that?

A I really have no idea. I don't know where the choice came from. I was vaguely aware that he had had some previous role in Libya. I was just told that he was going, and I needed to figure out how to get him there.

Q So you were not privy to any of the conversations or

learned about any of the conversations as to how high up in the department or interagency that that decision was made?

A Not to my memory.

Q Okay. Were you ever told that the White House wants someone to go to Benghazi?

A Not to my memory.

Q Do you recall were there any deputy committee meetings or IPC or sub-IPC meetings regarding going into Benghazi?

A Honestly, I don't have specific recollection. My understanding of the way the interagency works, there likely were. As a post management officer, I would not have had much dealing with those other than to be asked to provide specific logistics information that would have been included in something that the policy office would have been dealing with.

Q That was going to be my followup question, and did you have to prepare any briefing papers or provide any information for any such meetings?

A They would have asked us, you know, what are you working on, and they might have added some of that information into say an annotated agenda, but it's not something that we would have specifically drafted.

Q Were you privy or part of any conversations on what were the policy reasons for going into Benghazi at that time?

A There may have been some general discussions, but it was not something that I was deeply briefed in.

Q Do you recall what those were?

A There was a desire to have interaction with the opposition that was rising to counter Qadhafi, and there was some belief that they could potentially become the new government, and it made sense to have some existing relationship with them.

Q Okay. So when you came back in mid-March, you were aware that Envoy Stevens was -- Mr. Stevens was going over as the Special Representative or the Envoy; is that correct?

A I don't know if we had the title of that at the time. I was told that Chris Stevens needed to go to Benghazi.

Q Is "Special Representative" a specialized title within the State Department or "Envoy"? Does it take a like formal memo to make him that?

A I am unaware of the bureaucratic logistics related to determination of that title.

Q Okay. What was your understanding as to the length of his initial trip to Benghazi?

A We had kind of mental markers along the way. I think the initial determination was for perhaps 30 days is my memory, but we were also looking at, you know, the first 2 days of whether or not he could stay and then whether or not he could be there a week and that kind of thing, but my understanding was it was about 30 days was where we were looking at.

Q Okay. What do you recall about when he went in, did he try and get in before he actually went in? Were there security

concerns that prevented his going into Benghazi early on? What can you tell us about that, up until the day he actually arrived?

A There were a lot of moving pieces. Can you be a bit more specific?

Q Well, can you describe what some of those moving pieces were? That's exactly what I was trying to get at.

A As I mentioned before, we were looking at the logistics of how to physically get him in there. Flights were not flying. We couldn't charter a plane because no charter company could get more risk insurance, for example. We looked at the potential for driving in. We looked at the boat situation. We looked at many different options for how to physically get the team in.

We also looked at money, how we were going to get him money. I recall that he was going to Europe to have various meetings before going into Benghazi. We had to move him a couple of different times to get him to the same place where we ended up having him get on I think it was a ferry or freighter or something like that that USAID ended up chartering to get him and the security and the armored vehicles into Benghazi.

Q Do you recall where everybody was located before they got on that freighter or ferry?

A I feel like it was probably Malta or Greece or somewhere like that, but I don't have a specific recollection of the location. There were a lot of different things going on.

Q Okay. Yes, getting armored vehicles to a location, he

had a security detail, did he not?

A There were security who were working to protect him. I wouldn't necessarily call them a security detail.

Q What's the difference?

A When I hear the term "security detail," I think of the people who were assigned to protect the Secretary. It's a very discreet thing that's really about personal protection. The security individuals who went with him were looking overall at security of the group and how that was handled, so it was a security team, but I wouldn't necessarily say it was a detail -- security detail class that was only necessarily security for him.

Q Okay. And so they were -- his security team then was charged with assessing the security in the country or at least in Benghazi?

A They were looking at -- and DS would have the specifics about what they were charged with. My understanding was they were looking at how to secure our presence in Benghazi.

Q Okay. So --

A And they were assessing whether or not, from a security standpoint, it was doable.

Q Who was make -- who was the day-to-day decisionmaker regarding the logistics of getting Envoy Stevens and his team into Benghazi?

A In what sense?

Q As to when he would actually go in, what day he would

go in, did you have to write action memos to [redacted] or other people to get the permission to use the freighter or the ferry?

A We likely did have to write action memos because this is a bureaucracy. You have to memo everything. There was a lot of logistics involved in negotiating with AID, the use of the freighter and what that meant and what their presence would look like and those kind of things. It is entire I will likely we had to do memos regarding that.

It would make sense that those memos would go to the under secretary for management. I don't recall exactly who signed what. Sometimes some things would go to the assistant secretary for Near Eastern Affairs, sometimes things would go to the under secretary for management. It depended on the content of the individual thing that needed to be papered.

Q Do you recall the there was an overall, for lack of a better term, like Benghazi mission plan for the initial foray into Benghazi?

A As a group, we were looking at what the operation would look like, how we could get in there, what we could do. There may have been various working documents as to how that worked. We may have memorialized that in a memo. I don't recall specifically, though.

Q Okay. If it had been memorialized into a document, where would that document reside these days?

A Likely in NEA, but again, I'm not sure. It depends on

who had the pen for said document.

Q Oh, I'm out of time. I'm out of time. For what -- we can go off the record because my hour is up.

[Recess.]

Mr. Kenny. Time is 11:25, we will go back on the record, Ms. [redacted], on behalf of the select committee, minority staff, I just want to thank you again for being here, and take a moment to reintroduce myself. My name is Peter Kenny, I am counsel with the minority staff. I am joined here by our chief counsel, Heather Sawyer. We, again, just want to thank you for your service, your continuing service to our country. And want to share that we understand that appearing before Congress can seem to be a daunting experience, so we want to work with you to make this process as straightforward and as simple as possible. So with that, again, thank you for your time.

EXAMINATION

BY MR. KENNY:

Q I would like to take a little bit of a step back, return to the discussion we were having at the beginning of the last hour about your role, your responsibilities as a post management officer, maybe walk through that a little bit again. You had mentioned that you became the post management officer for Libya in 2010; is that right?

A Yes.

Q Okay. Do you recall exactly when in that timeframe that you became the PMO?

A I am trying to think, it was June or July of that summer.

Q Okay.

A Unclear on exact dates, it was all a little -- it is 5 years ago now, so --

Q Okay. And in the last hour you described for us, and it was helpful, you characterized some of the responsibilities of a PMO. I think you described yourself as a logistics person.

A Yes.

Q I was wondering if you could just give us some examples, perhaps, with specific reference to Libya about what types of logistics you would work.

A The management world at the State Department really has to do with facilities, security, human resources, budget, procurement, vehicles, all of those things. And those are the things that I was watching. Security no longer officially, at a mission overseas security no longer officially sits under the management officer at post. Security now reports directly to the deputy chief of mission and the Ambassador, but it is still something that we watch because it has an impact on resources, among other things, so we want to keep an eye on where things are. So in my role as a post management officer, I was -- I would watch these issues.

Q Okay.

A Yeah.

Q During the relevant time when you were post management officer, did security ever report into management? You described it changed at some point, and security now reports to the DCM and the chief of mission?

A This is something that evolved over many, many years at the Department. I don't know the exact time line of when it changed, but at some point over the last decade --

Q Okay.

A -- it has moved. It was not a sudden change.

Q Okay.

A Yeah.

Q Thank you, that is helpful.

Ms. Sawyer. And had that change already taken place by the time you were --

Ms. [redacted] Yes, yeah. It changed, it may have been even further back than a decade of time ago. When I first worked in an embassy in 1995, the security office was under the management office. By the time I went back overseas in 2005, security was separate and reporting a different change. I don't know exactly what that change took place.

BY MR. KENNY:

Q You said security office?

A The RSO.

Q The RSO shop. And so, at some point in time, the RSO shop was within the management cone, but then that was broken out

and placed under the Bureau for Diplomatic Security; is that accurate?

A Diplomatic Security has always overseen security functions to my awareness. This was just within a structure at embassies overseas. My recollection is it may have had something to do with the embassy bombings in 1998, but I am not --

Q Okay. But at the time you assumed your position in June or July of 2010, did you have any direct responsibilities for security, security posture, security resources at post?

A No.

Q Thank you. That is helpful. I think it would just be helpful to revisit the role of EX within the regional bureaus. You described a few moments ago some of the duties, some of the tasks that you would have performed as a post management officer. We talked about the structure of NEA/SCA/EX in the last hour and some of the different offices there.

A Uh-huh.

Q I think it would be helpful just to hear what the role of EX, how you viewed the role of EX within the regional bureaus. What was their role in supporting the bureaus?

A The EX is the management arm of the regional bureaus. Just like at an embassy, you have a management section, within a regional bureau, the EX would be the equivalent of the management section, and it would oversee all the same kind of functions as it relates to the posts overseas as well as to those functions that

are necessary within the Washington context.

Q Okay. And I apologize, I know some of these questions appear elementary or fundamental, but for those of us outside the State Department, when you refer to, say, the management cone, I think it is just helpful for us to get a better appreciation of what that means or what that entails. So thank you, that is helpful.

And you discussed the reporting structure within your office, how you reported up through a supervisory post management officer, and then to a deputy director and on to an executive director; is that correct?

A Yes.

Q Okay. Who, at that time, did the executive director report to?

A I believe he reported to the principal deputy assistant secretary, but I am not 100 percent on that.

Q Okay.

A I wouldn't have had reason to specifically know his direct reporting chain.

Q Sure. And, again, just to your understanding and your recollection, because of the unique structure of the EX was consolidated, would he have reported to a PDAS in one bureau as a PDAS in another bureau?

A Yes.

Q So he would have had two reporting structures?

A Uh-huh.

Q In carrying out your duties as a PMO, would you have occasion to interact with the Bureau of Diplomatic Security?

A Yes.

Q Okay. With respect to Libya, did you have a primary contact in the Bureau of Diplomatic Security?

A Yes.

Q Who was that?

A [redacted]

Q And what was his role?

A He essentially was my counterpart in the EX side. We both filled action officer roles, and he was the DS desk officer for better -- want of a better word for several countries within the region, one of which was Libya.

Q Okay. And do you recall at all anything about his reporting structure or where he sat and what his position title may have been?

A He was in DS/IP/NEA. When I first came into the position, I know his division director was [redacted] and I think [redacted] was maybe the deputy. And then when [redacted] retired, [redacted] took over that role. And then [redacted] retired, and then I think [redacted] came in at that point, but there may have been somebody in between there.

Q Okay. Do you roughly recall the dates that those transitions may have taken place?

A No.

Q No?

A No.

Q Okay. We may revisit this again at a later point, but would just like to ask now at a general level, how would you characterize that working relationship with [redacted] in DS/IP/NEA?

A I had a very, very good working relationship with [redacted] specifically, but also with his DS/IP/NEA office.

Q Okay. Did you find that he was generally helpful to you and EX?

A Very helpful.

Q Okay. I would like to ask -- this question may have been posed to you before, but in a slightly different way, what is NEA/SCA/EX's role with respect to providing security resources for posts around the world?

A DS has primary responsibility for security and providing security resources around the world. The role of NEA/SCA/EX -- let me take a step back. As a post management officer, picture a funnel with cones at both ends. You have got information coming from post, and information coming from Washington. Basically, what I heard from post, I would then funnel out to the Washington fundaments and vice versa. So when post had been -- had concerns or issues that they wanted to make sure were addressed, they would generally take it back to the

regional bureau and ask the regional bureau to reach out to the relevant functional bureaus. That meant working with the overseas building operations folks, the administration bureau, the Diplomatic Security Bureau, the Consular Affairs Bureau, any number of bureaus on those issues.

Q Okay.

A So carrying water for post and on behalf of post would be how NEA/SCA/EX would be interacting with DS on security issues.

Q Okay. The funnel that you described of information you would be received from post, who would you primarily be interacting with at post?

A I interacted with everyone from the deputy chief of mission, the management officer, the financial management officer, the human resources officer, the general services officer, the information management officer. Everyone within the management section, the deputy chief of mission and the Ambassador when the situation required it.

Q Okay. And during this period, was it your understanding that the diplomatic security staff at post in the RSO shop would have had their own reporting structure to feed information back to Main State?

A Could you be specific about the period you are discussing?

Q So from December 2011 through September 2012, would the RSO have been able to report or had the ability to report

information back to its chain of command in D.C.?

A My understanding is yes.

BY MS. SAWYER:

Q Can I ask -- I think it is clear but I want to make it perfectly clear in your explanation. With regard to all the individuals in that funnel that you would hear from on the ground at post?

A Uh-huh, right.

Q So DCM, is it MO, FMO, HRO, GSO?

A I also heard from the RSO, so yes.

Q And the RSO. With regard to whatever the discreet information they were passing on, or requests they might be making, they were the ones making the actual substantive determination as to what they were requesting?

A Yes.

Q And you were just then passing that information. So you weren't in a role, just so we understand it, of actually making the substantive determination as to what they were requesting?

A No. What I did was I could sometimes help translate for them the Washington context for things. And I could help translate what they were looking for into something that Washington could understand. So facilitator kind of role was the primary function.

BY MR. KENNY:

Q Can you elaborate a little bit on that? So, for instance, people in the field, would there sometimes be difficulty in translating or communicating their needs back to Washington?

A I am going to give a non Benghazi example here just to make it a bit easier to comprehend. One of the issues that we had in Tripoli prior to the Arab Spring was that when we reestablished relationships with the Libyan government, they declared a cemetery in Tripoli as U.S. diplomatic property. This cemetery was a Protestant cemetery in which five U.S. servicemembers are buried who died during the Barbary wars, as well as former consul generals and other U.S. diplomats, but there were also British diplomats and Dutch diplomats, all sorts of things, buried in this very small cemetery that is maybe 10 foot by 10 foot, 10 foot by 15 foot, it is a very small cemetery.

Post knew that there needed to be some way to care for this facility, but they couldn't figure out how to do it based on the budget that they had and the resources that they had and the personnel that they had because it didn't fit neatly into the definitions of things that the State Department handles. The State Department doesn't do cemeteries. So they came to me and they said can you help us figure out what to do with the cemetery? So then I started reaching out to overseas building operations, the American Battle Monuments Commission, the Office of the Secretary of Defense, and others to try to talk through what we were going to do with this cemetery.

Q Uh-huh.

A And so post wouldn't have to figure out exactly who to talk to to try to make this work. But when the deputy chief of mission came back to Washington for consultation, I teed up meetings for her that I thought would be useful for her to be payable to make the case for post needing those resources to take care of the cemetery. So that is just one example, but that is kind of I think the best way to describe my role.

Q Thank you. That is helpful. So would you describe yourself professionally as a professional problem solver?

A That is what most management officers are, yes.

Q Okay. And again, I will ask a few more specific questions to flesh this out, I appreciate your patience and your indulgence in this. Does NEA/SCA/EX have any specialized knowledge or expertise when it comes to securing, inspecting people in facilities overseas at post?

A I am not sure I am understanding exactly what you are asking.

Q Does the executive office have specialized individuals with security experience, for instance, who have knowledge, expertise, when it comes to securing facilities overseas?

A The Bureau of Diplomatic Security has the responsibility and the expertise to determine security for our overseas missions.

Q Okay. So does -- again, I will ask it a slightly

different way, but does NEA/SCA/EX have any direct responsibility for determining the appropriate security posture at overseas posts?

A No.

Q Who in the Department has that responsibility?

A The Bureau of Diplomatic Security and the Under Secretary for Management.

Q Does NEA/SCA/EX have any direct responsibility for providing physical security upgrades at overseas posts?

A No.

Q And who in the Department has that responsibility?

A The Office of Overseas Buildings Operations in conjunction with the Bureau of Diplomatic Security.

Q Okay. Does NEA/SCA/EX have any direct responsibility for providing diplomatic security staffing in overseas posts?

A No.

Q Okay. Who within the Department has that responsibility?

A The Bureau of Diplomatic Security.

Q So what we would like to do at this point, we will also introduce a series of documents to help aid our discussion. We are going to fast forward, we spent quite a bit of the last hour talking about April 2011 and the decision to insert the special envoy and the establishment of that mission. What I would like to do is fast forward to the November, December, 2011 time period.

A Okay.

Q And focus on a key decision point at the end of 2011, and at that time, the Department decided to extend the Special Mission presence through 2012. Do you recall that?

A Yes.

[[redacted] Exhibit No. 2

Was marked for identification.]

BY MR. KENNY:

Q At this point, I will mark as exhibit 2 an action memo for Under Secretary Kennedy, dated December 27, 2011, from NEA Jeffrey Feltman, with the subject, quote, "Future of operations in Benghazi, Libya." The document number is C05261557. I will just provide you a moment to take a look at that document.

The bottom of page 3, you will see a reference to an attachment, it says tab Benghazi proposal. What I'd like to do, I would like to enter into the record what will be exhibit No. 3.

[[redacted] Exhibit No. 3

Was marked for identification.]

BY MR. KENNY:

Q This is a set of documents discussing facility proposals in Benghazi, the document number for this particular document is CO5391931. For our purposes here, I am going to be primarily referring to the first two pages of the set of documents.

A Just glancing through it to make sure.

Q Ready?

A Yes.

Q I will just begin by asking do you recall both of these documents, exhibit 2 and 3.

A Yes.

Q I mentioned just a moment ago that Benghazi -- exhibit 2 included as an attachment the Benghazi proposal, does exhibit 3 appear to be that attachment?

A Roughly, yes, but without seeing them connected, I am not 100 percent certain.

Q Okay. That is helpful. But it appears to be substantially similar --

A Yes.

Q -- to what you recollect what is the Benghazi proposal? Okay. Return to exhibit 2, we will come back to exhibit 3 in a moment. Just to take a step back, this is an action memo, and there was a discussion in the last hour about action memos within the Department. I think at this point, it would be helpful for us to understand just what this action memo is, and what it accomplished if you could walk us through that, that would be helpful.

A An action memo such as this, its purpose is to establish the policy priority, that this is what we are going to be doing, and this is what we -- we need to make it happen. So this memo says that the presence is approved, and that some of

these issues were dealt with to deal with the change in the presence.

Without specific budgets dedicated to these facilities and to this process, there needed to be some sort of mandate to declare this is what we are doing, so that then, the relevant functional bureaus and regional bureau could then say, hey, we have this approval -- I am waving my document -- we have this approval, we need to find money to make this happen.

Q Okay.

A And so that is why this would have been drafted.

Q And why would it be important to have a memo like this that seeks the authority of the Under Secretary of Management? Or would it have been helpful to have his imprimatur on a decision such as this?

A The decision to remain open in Benghazi affected many, many parts of the organization, not just Near Eastern Affairs. It affected our leases for our facilities which is something run and paid for by overseas building operations, it affected our security footprint, it affected vehicles, it affected many different aspects of that. All of the functional bureaus that dealt with these issues, or most of the functional bureaus that dealt with these issues, fell under the umbrella of the Under Secretary for Management. Whenever you have crosscutting issues such as this, it makes sense to have the person who oversees those bureaus be the one to approve it from a bureaucratic standpoint.

Q Okay, okay. I think that makes sense. Then, if your notice comes from NEA, that is the Bureau of Near Eastern Affairs, a document such as this would have been helpful in going to different offices within the M secretariat in order to obtain resources. Am I to understand that correctly?

A Yes, yes. If you see the second recommendation specifically references changes to the leases, and that was such that the overseas building operations folks could do what they needed to do with the leases.

Q Okay. And do you recall whether this memo was successful in persuading the Office of Building Operations to fulfill this mandate?

A I do not recall them being resistant to it. It was that, generally speaking, at a post that operates it under normal circumstances, a chief of mission would be the one who could approve a change of this nature in consultation with overseas building operations. There needed to be someone who could bless the decision to change the leases around. And it was to provide the imprimatur that OBO needed in order to make that happen.

Q Okay. I would like to return to what you described as the process that involves many entities, return to that in a moment. I would just like to ask you, did you have a role in this process?

A Many people had a role in this process.

Q Okay.

A Yes.

Q Okay. What was your role with respect to this action memo?

A I was the initial drafter of this document. To be clear, that means that I put together a straw man version of this document that then got circulated out to a wide range of people who provided very substantive edits to the document over the course of the clearance process. And I married all of those changes together to create the final version.

Q Okay. Just so I understand, it sounds like you put together a structure or a skeleton of a memo, and then the various relevant offices would have flushed out the substance, is that generally a fair characterization?

A I can't specifically to how I structured this memo. It has been a long time. What I can say in general is I likely would have laid out a document with words in it that said, you know, this is our general understanding of what this should be, and put it in front of the experts and said, am I right or am I completely out of it here? And then they would make the necessary edits. That is generally how the clearance process works across the Department when it works properly.

Q Okay. You mention at the outset of our discussion on this memo that one of the purposes was to establish the policy priorities. If you turn to the second page, there appears to be at least one paragraph that deals with the detail, some of that

policy justification.

A Uh-huh, uh-huh.

Q Was that something that you were involved in the drafting of?

A Likely not.

Q Okay. And who would have been responsible for that?

A I likely would have asked the folks in the Maghreb office to contribute. They may have consulted others within the Department in USAID on the content therein. Generally, I probably would have said insert justification here, or I would have said this is where we talk about X, or I might have even laid out a small paragraph. But I don't recall exactly what I did in this particular case.

Q Okay. In some of the justifications here, were these things you would have been privy to or heard prior to the drafting this memo? Were these things being discussed within NEA/SCA/EX, for instance?

A I probably would have heard about them at the regular staff meeting in NEA or in NEA/MAG, this is not something that EX generally would be discussing on a regular basis.

Q Do you have any specific conversation with a special envoy about this policy justification?

A Just as a clarification, I never refer to him as anything other than the special representative. A special envoy is a different beast all together. I know some people did call

him "envoy." Special representative is someone who is designated by the Secretary. It is a different beast.

I spoke with Chris Stevens on a regular basis. It is entirely possible that we had discussions about this. I can't tell you specifically.

Q I think we are trying to get a sense of how widely shared these views were within the Department at this time, or whether this was a policy justification that was new to people who would be reading this document.

A Uh-huh, no, I mean it addressed things that everyone was generally aware of.

Q Okay. Thank you, that is helpful.

We would like to turn now to exhibit 3, which --

A That is this one, not page 3, exhibit 3, okay.

Q -- you identified as substantially similar, if not the same as the Benghazi proposal that accompanied the action memo. Can you describe for us what this document is?

A This looks like something that I received in an email, likely from Benghazi. I am not sure who was sitting in the principal officer seat at the time. I think it may have been [redacted], but I didn't know for certain.

Q Okay.

A And it basically details what they think the options were in terms of continued presence from a logistics standpoint.

Q Okay. Do you recall whether this was something that

you had requested post in Benghazi to prepare for you?

A I don't recall.

Q Okay. And you mentioned that the principal officer at that time was [redacted] --

A Potentially. I am unclear exactly on the flow. There was a lot of transition out there, so --

Q Okay, that is certainly fine. Was it your understanding, though, I will just read the first sentence it reads, "[redacted], here is our best effort to spin out a few more detailed options for a contraction of our footprint here in Benghazi." And it goes on to discuss a series of issues here, but when they say "our," in this sentence with the understanding that this document was being prepared with the input of everybody who was at post at that time to include, for instance, the RSO.

A It is entirely likely, I can't speak specifically to who was involved in the decision-making process at post?

Q Again, this first sentence reference to a contraction of the footprint.

A Uh-huh.

Q And I apologize for jumping forward --

A No problem.

Q -- in time, but we by passed the opening of Embassy Tripoli. I was wondering if you could help set the frame for us so we can understand generally the context of what was happening at this time with the discussion about extending Benghazi the

Special Mission into 2012 with respect to what had happened in Tripoli, at that time, perhaps, the successful reopening of the embassy and the attempts to staff up there, were these things that were being balanced in your mind?

A As we shifted to a renewed presence in Tripoli, personnel who had been deployed in Benghazi, such as the consular/reporting officer extraordinaire were shifted to staff up Tripoli. And Benghazi started to naturally shrink in size because of a government and a presence in Tripoli.

As you could see in exhibit 2, there was a desire for a continued presence in Benghazi for political reasons in terms of interacting with the people of Benghazi, but also the government and business in Benghazi. And if you go back in history many, many moons ago, we had a consulate in Benghazi. So it is not completely unexpected that there might be some discussion of having presence in Benghazi, and that is my editorializing, which is an editorializing.

As we were standing up Tripoli, we needed to have a way to kind of define what Benghazi would look like, and exhibits 2 and 3 are talking about what that meant from a facility standpoint, from a footprint standpoint, so that is really what we were looking at.

Q Okay. So I hate to use a loaded term here, but was the action memo and the staffing pattern that they laid out there, and what was potentially being approached here for a contraction, was that part of an attempt to right-size the Special Mission of

Benghazi based on what was the identified policy to be there?

A I am not clear exactly on my time line of when Chris Stevens became the nominee for Ambassador, but at some point, Chris was no longer going back to Benghazi, he was shifting to Tripoli. We had a more robust presence in Libya overall. Right-sizing is probably a good term that we didn't use that term at the time.

Q Okay.

A But we were looking at ways that the presence in Benghazi would be more logical, based on the requirements at hand.

Q Okay, that is helpful. Thank you.

We would like to spend a little bit more time with exhibit 3.

A Sure.

Q As you can see, the document, it appears to lay out four options for what the future of the Special Mission Benghazi will be. First, it discusses condensing to Villas B and C; second condensing to Villas A and B; third moving to Villa D, and fourth moving to Villa E. Beginning on the second page of the proposal discusses and lists advantages and disadvantages for each of the options.

A Uh-huh.

Q The first page provides a little more context, I would like to read just the beginning and the middle of the page there, it says, "Given the uncertain future for this place and the security environments evolution over time, we did our best to

consider all relevant factors. We had several key factors in mind when ranking our recommendations to include current and likely future security posture, security enhancements at all sites, including the possibility of requesting reasonable waivers, other costs all of them from security, to set up, to breakdown, to moving, upgrades, equipment/furniture and life services, general quality-of-life issues."

Of the four factors that are listed here that were evidently part of the recommendation that was sent to you, three of these refer, or include the term "security." Was it your sense that the drafters of this document that they took security seriously when evaluating the various proposals?

A Yes.

Q Did you have any reason to discount the drafters' opinion on security matters --

A No.

Q -- on the Special Mission?

Okay. Do you recall at this time whether post received any additional assistance from, say, security specialists who would come in to assist them during this time?

A Again, I am not overly clear on the time line. We had a series of TDY personnel come through to do various physical security upgrades at post -- in Benghazi. I am not sure exactly when they came through and in relation to this document.

Q Sure. So that is on the upgrade side.

A Uh-huh.

Q Sure. That is on the upgrade side. But prior to that, do you recall any persons from Tripoli or regional engineering security office whether they had traveled to Benghazi to help evaluate this, various proposals to help generate new ideas for --

A It is entirely likely that they went out. Again, in terms of time line, I don't recall exactly, but people were aware. This particular document references [redacted] coming to visit, he was the facility manager and he was looking at a lot of issues related to these things as well.

Q Okay. And was he a management officer in Tripoli?

A He was a facility maintenance specialist, a facility manager specialist, a foreign service specialist on long term TDY in Tripoli. I am not 100 percent certain if he was a full-time employee or a retiree or actually employed status, I don't recall that.

Q And would his responsibilities have included physical security or was he more focused on whether or not logistically a building would work in terms of size and --

A Primarily he would have been looking at size, water, electrical posts, occupational health and safety issues. [redacted] was a physical security specialist in the diplomatic security bureau. I believe he was a contractor. He traveled out to post on several occasions. I don't know the time line of when he was out there, but he was looking specifically at physical

security.

Q Okay. You turn to the second page, we start to get into the discussion of the various advantages and disadvantage. I would like to direct your attention to the top which is option 1 for Villas B and C. Under advantages, it states the following about Villas B and C, quote, "Best option from a security perspective multiple ingress/egress, that's footprint and setback of the available options, a combination for T&Z guards, reasonable upgrades will help harden." Do you see that?

A Yes, I do.

Q Do you know how the drafters of this document arrived at that determination?

A No.

Q But again, did you have any reason to doubt the expertise of the person who advised or help draft this document when they made a recommendation such as that?

A No.

Q Now, if you turn back to page 1, at the bottom, you will see that it states, "Weighing all these things, our rank order preferences for the new home are as follows: Number one, condense down into Villas B and C."

A Uh-huh.

Q And then it lists the other options --

A Right.

Q -- in their respective order. Just to connect this

document, this proposal back to the action memo that went to the Under Secretary, is this recommendation here, is that the same as the recommendation that was included in the action memo to the Under Secretary for Management?

A From what I am seeing, it looks like it is the same.

Q Do you know whether the drafters of this document, whether this recommendation helped inform the recommendation that was included in the action memo?

A It is likely that it did.

Q Okay. Just real briefly, I would like to touch on this, one of the options that is discussed here is a move to a facility referred to as Villa D.

A Uh-huh.

Q And we understand at some point that may have been a facility that was under serious consideration by the Department. Do you recall those discussions?

A Yes.

Q Do you recall the advantages, disadvantages of the proposal to move to Villa D?

A It would be my preference to continue this discussion in a classified setting.

Q Just to close this out, if I may, if you are uncomfortable, that is fine, we can decide how to proceed, but this document does discuss the Villa D option?

A Yes.

Q And if I could just turn your attention to the fourth page, it lists out some of the disadvantages and the fourth bullet from the top reads, "Lowest quality of life and likely the least secure among the four options, even with all the requested upgrades."

A Yes.

Q To the extent you feel comfortable, can you help us understand, was this one of the reasons why Villa D was not selected?

A Yes. My recollection is that when [redacted] went and visited Benghazi, he went and looked at Villa D, specifically, and determined that the occupational safety and health aspects that would need to be addressed in order to make it habitable essentially ruled it out.

Q Okay. That is helpful, thank you.

Just to now step back, again, you are a post management officer, I would like to ask just based on your experience in this process, and perhaps in other posts, what was your understanding of how easy or difficult it was for the U.S. Government to find suitable properties in Benghazi specifically that would meet the U.S. Government's needs?

A It was very difficult to find properties in Benghazi, had many phone calls with the folks who were looking for properties in Benghazi when they were on the ground there, as well as when they were looking from here, talking to folks at post.

Finding a place that met our security needs, where the rent was not completely outrageous due to the fact that we were in a war zone, that had required ingress and egress that met what security wanted, and that had sufficient clarity on title ownership of the property, such that we felt confident to lease it were all significant issues that had to be overcome in order to identify properties.

Q And was the title issue, had that come up before in discussions about properties in Benghazi?

A Yes. There had been a previous property that we had come very close to signing the lease on. We had given permission to sign the lease, and then we discovered there was quite a bit of murkiness about the title, that the original opener had had -- the property had been seized from the original owner by Qadhafi, and then Qadhafi had either gifted it or sold it at a low price to the current owner who was the one stating they would lease to us, but there was some question as to whether or not it could later come up as a legal issue that could theoretically put us out of the property. And so we ended up not going with that property because of that issue.

Q Thank you. In discussing some of the difficulties in locating a suitable property, you had mentioned the ingress and egress requirements that were identified by the security professionals. And I would just like to ask throughout the process of this selection, were the security professionals

involved in either evaluation in consideration whether this property was suitable for specifically those requirements?

A Yes.

Q I would like to return just to our discussion earlier where we talked about the Under Secretary for Management and the various offices that reside under the Under Secretary, you had indicated that this memo implicated some of those office's interests. I would just like to talk about when putting together a memo like this, how is it that you go about obtaining the various approvals of those offices? Is there an interdepartmental process through which you work that process or those clearances?

A The clearance process in the State Department is one of the most convoluted and painful things on the planet. It can take a very long time, and I remember this particular memo took many weeks to clear, because there were so many different pieces to the puzzle. In general, one office has to have the pen because you can't have multiple drafting offices, it makes it too complicated. One office starts, and then you send it out to people at your level to get input on the document. Some offices can't approve laterally or clear laterally, so they then push it up their chain of command until they reach a sufficient level that that particular bureau feels comfortable giving their clearance on the document.

Q Okay.

A So some bureaus, you move it laterally for comment and

then it goes up before it comes back down -- it goes up and over for approval.

Q In this instance, were you the driver of, so to speak, of the clearance process for this action memo?

A Yes. Others may have assisted, but yes. If I wrote it, I likely pushed it through.

Q So unfortunately, exhibit 2, which we have been speaking about, is a three-page document and it doesn't appear to have a clearance page with it. What I would like to do at this point is introduce exhibit 4.

[[redacted] Exhibit No. 4

Was marked for identification.]

BY MR. KENNY:

Q It appears to be the same action memo for Under Secretary Kennedy, the subject "Future of operations in Benghazi, Libya," and there is no document I.D. to this document, this was a document that was part of a public disclosure of internal State Department documents in October of 2012. I would just like to direct your attention to the last page there.

A Yes.

Q Does this last page appear to be the clearance of page for the December 27, 2011 action memo to Under Secretary Kennedy to extend the Special Mission into 2012?

A Yes. If you look at page 1 of exhibit 4, the tracking number at the top, the 201123787, that is a tracking number

assigned by the line at the Department when you are entering something into the formal process. That is the last thing before it goes for signature, so it is the same document.

Q Okay. That is helpful. I think we just wanted to make that the final page that doesn't appear to have that same marking -- to your belief, is the same or part of this?

A Yes.

Q So just note here that there is an approval line, a drafted line, a cleared line?

A Uh-huh.

Q On the drafted line, appears your name?

A Yes.

Q I think you had mentioned before that you drafted this document, and I think you explained it, but I would like to be as clear as I can on this. Does this mean you personally authored all the content for this memo?

A No, it does not mean that I authored all content for the memo. It means I put together a structure and some content, and then many of those who are listed on the clearance line provided additional edits, comments and substantive information to said document.

Q Okay. That is helpful.

BY MS. SAWYER:

Q At the point, it then gets sent out for clearance, that cleared line, you, with regard to this particular memo, had

incorporated edits that you had received from the various individuals and agencies that is had provided the feedback?

A The clearance process where you are going around getting the okays is where the information is provided. The point at which all that information is assimilated into the document is between getting those okays and sending it to the approver.

Q So the document that precedes this, the document that you indicated bears the 201123787 stamp, does that document then reflect all of the edits --

A Yes.

Q -- that you received from the various folks who had signed off?

A Yes.

BY MR. KENNY:

Q And so when we see various offices and names listed here, just to be clear, when you would send a document around initially, would you be sending the document to these people in particular, or to, perhaps, their assistants who review that document for them and provide edits back to you?

A It depends on the particular office that is represented, for example, DS. I would have sent it to [redacted] in DS/IP/NEA, or whoever was sitting in the desk at the time. He would have looked at it, he would have run it up his chain of command, [redacted], who is here would have been the final DS clearer. His office would have sent it back saying

[redacted] clears for DS, but DS would have had i[redacted] own internal process to get it up to [redacted].

Q Sure.

A But, for example, like the NEA/SCA/EX budget person, that would have been the person to whom I would have sent it for edit. So it depends on the bureaucracy. If I listed every single person that touched a document, the clearance page would be four pages long in some cases. So generally speaking, the highest ranking person in a particular bureau would be the one who is listed as the clearer.

Q I see. But in the instance of the Under Secretary for Management, for instance, there is an [redacted] is listed here.

A That would be his special assistant who had responsibility for this, because he, in this case, it is a memo to him for approval. Someone from his office was given initial clearance on the structure, the substance, the format, those kinds of things. You see here there is a staffer from Deputy Nide's office, from Deputy Burns' office, from the Under Secretary of Political Affairs Office. Those are all special assistants.

Q And you had actually noted that the DS is listed on this line. Your understanding that is diplomatic security; is that correct?

A Yes.

Q Okay. Why would they have been included on this memo?

A Looking back, we make reference to diplomatic

security's current presence. We are talking about the footprint, we are talking about the full complement of agents at the post, we are talking about the need to be there, the facilities. And then the attachment makes reference to security considerations of those facilities. So it would make sense that DS would be involved in the clearance process.

Q Okay. And the other offices and individuals that are listed here, can you explain maybe not walking through individually, but just collectively, would these have been -- would you have come up or populated this list of the people who needed to clear on a memo like this?

A When you are writing an action memo to, say, the Under Secretary for Management, you need to think about which offices or bureaus have equities in a particular document. So if you talk about facilities, you need to make sure that the overseas building operations clears on the document. You can't just send something forward without their input if it is talking about their area of responsibility.

So looking at the content of the action memo determines who should be the clearers. Sometimes during the clearing process, others are identified as the process is going forward. If it is going to be Under Secretary for Management, the Under Secretary for Management special assistant would be listed as a clearer in this particular case because it had all sorts of implications we added in DN, DBNP as well.

Q Okay. An if an office or person is not listed here, is that because their approval would not be required for a decision such as this?

A As I mentioned earlier, if a particular bureau went through a many -- multilayered process of determining their clearance on a document, we would only list the most senior person to provide clearance on the document. If others are not included -- if specific bureaus or offices are not included, they would not have been sent this document for clearance.

Q So notice I just have a few minutes here, so I would like to just quickly continue, if I could. I notice on the DS line, there is an okay listed in the right-hand column?

A Uh-huh.

Q What does that notation mean? Does that mean that they cleared on this memo?

A That means that they provided clearance, yes.

Q Okay. And did diplomatic security, would they have had the option of not clearing on this memo?

A Yes.

Q And if they did not clear on this memo, how would that appear on this page?

A It would be listed either as info, and sometimes if a bureau doesn't feel that they have a substantive need to clear a document, they may ask to be listed as info, or it could actually say, did not clear this document.

Q Okay. Did diplomatic security issue a dissenting or non concurrence memo in reference to the decisions of this document?

A To my knowledge no.

Q We have heard the term "split memo" be used --

A Uh-huh.

Q -- as indicating another way that disagreements can be expressed. Is that something you are familiar with?

A Yes.

Q With regard to this memo, did diplomatic security issue a split memo to express any non concurrence with this -- these decisions?

A To my knowledge, no.

Q Okay. Do you have an understanding of why they did not do that?

A No, that would have been something that DS would have dealt with.

Q Okay. We have heard the diplomatic security expressed some concerns that extending the Special Mission was "unfunded mandate." Do you recall any discussions about that?

A As I mentioned earlier, there was no specific budget allocated for the purposes of the Benghazi presence. This document was intended to help push for resources. By stating this is the priority, this is something that we were doing, this is the approved presence, that would have, in some sense, been the

leading document that put them push for resources.

BY MS. SAWYER:

Q So just so I understand it, you at one point had actually picked that document up and waved it around.

A Yes.

Q So kind of as a dramatic practical matter. In some ways, someone was in any of those there, including DS could then use this document and kind of wave it around to obtain funding to meet the policy priority and resources that it talks about; is that accurate?

A This document would provide the justification to be able to push for financial resources.

Q And did you, yourself, ever use it in that regard?

A It is likely that I did. I don't specifically remember instances.

BY MR. KENNY:

Q So the concerns about there being an unappointed mandate, did you feel that this document, in fact, addressed those concerns?

A This document laid out what the plan was, what the intention was, what the desired footprint was, and it was meant to lay the groundwork for getting the additional resources. Resource management was one of the offices that we asked to clear, they were the budget people. So it was to make sure that they were aware that this is what we were looking to do.

Q Okay. And just to close out, I see I am just about out of time here, but diplomatic security did, in fact, clear on this memo; is that correct?

A If there is okay here, to me, that indicates to me that they cleared the memo.

BY MS. SAWYER:

Q And resource management also cleared?

A If there is an okay, yes.

Q And then I just had a quick question before we left. You had indicated early on in the last round of questioning that you had been involved in -- considering the presence, and I think evacuation or some mode of evacuation, I think you said Tunisia, Egypt, as well as Tripoli.

A Yes.

Q Were there task force -- was a task force stood up in each of those circumstances?

A In the case of Tunisia, it happened over a holiday weekend, there was not, to my recollection, a specific task force, but we convened a virtual version of a task force maybe without the name complete with 2:00 a.m. conference calls via BlackBerry and things of that nature to get to the decision to evacuate personnel.

Q What about for Egypt?

A For Egypt there were two task forces, actually three simultaneous task forces. There was the foreign policy focused

Arab Spring-related task force; there was the Consular Affairs American Citizens Services task force; and then there was a separate management issues task force looking at the sheer logistics of how we got around 3,000 people out Egypt quickly.

Q It is fair to say it sounds like you did your best with respect to Tunisia, and by you, I mean the State Department. And you probably also individually requested to have an ad hoc?

A Yes.

Q So is it fair to say that the preferred mechanism model for helping in that crisis management situation is to be able to convene a task force?

A Yes.

Q So this wasn't a mechanism created specific for Libya?

A No. The task forces have been in existence for as long as I have been around in the State Department. I don't recall when they first started. In the Tunisia-specific situation, that was the beginning of the Arab Spring, by the time Cairo started to really get hot, for want of a better word, people were more aware that this was something that was spreading and task forces were much more necessary.

Mr. Kenny. Thank you. Off the record.

[Discussion off the record.)

[Recess.]

Ms. Jackson. We'll go back on the record. It is 1:22, p.m.

BY MS. JACKSON:

Q Ms. [redacted], thank you for your patience with us today and your willingness to be here. Prior to our resumption, I provided you with several documents, many or all of which you are on, and you've had the opportunity to review those documents. Is that correct?

A Yes.

Q Okay. And for the record, I would note that one of the documents is an email exchange on April 5th, 2011, bearing document number C05395446; another one is an email exchange at the top that's dated April 10th, 2011, and it bears document number C05396329; another document is an action memo for the Undersecretary Kennedy dated April 15th, 2011, bearing document number C05390734.

What appears to be an email with perhaps a cable cover dated April 19th, 2011, bearing document number C05390733; an email dated April 19th, 2011, from [redacted] bearing document number C05395482; an email dated May 12th, 2011, bearing document number C05394877; and another email exchange dated May 18th, 2011, bearing document number C05391797.

And you were provided these for review because they may or

may not be used as exhibits during this next hour and hopefully to expedite to get you out of here as soon as possible. So, have you had an opportunity to review those documents?

A Yes.

Q Okay.

Mr. Evers. And just for the purpose of the record, I'd like to say thank you for doing that. I appreciate it.

BY MS. JACKSON:

Q So, before we get to these documents, I had a couple questions from the follow-up of the last hour based on the questions the minority asked. You had stated that you knew Chris Stevens as the Special Representative and that you did not refer to him as envoy. Can you just elaborate on that or clarify for me what the distinction is, in your mind --

A Sure.

Q -- or within the State Department?

A Sure. I would like to clarify that we went through many iterations of what we were going to call Chris Stevens, what we were going to call Benghazi, because it was not very clear. And from the documents you gave me to pre-read, I see that we did indeed use "Special Envoy" at some times. Generally speaking, a Special Envoy, in my thinking, is someone who has been designated by the President as an envoy. It is a presidential appointment, for want of a better word. And "appointment" may not be the right word there, but it is a presidential designation, whereas a

Special Representative is someone selected by the Secretary to go and do something to -- generally speaking, a Special Representative might be somebody who represents us in negotiations or in a very short-term kind of process, whereas an envoy might be a more lasting presence, if that makes a little bit more sense.

Q Okay.

A So at least as I left EX, we were using the term "Special Representative" more than we were using the term "Special Envoy."

Q Okay.

A But others used those terms interchangeably.

Q And was your understanding that Chris Stevens being sent to Benghazi was at the direction of the Secretary, not the President?

A I did not have specific direction one way or the other --

Q Okay.

A -- as to what it was. Again, we had a mixture of discussions about what we were going to call him.

Q Okay. Do you know whether there was a presidential designation or a --

A No, I --

Q -- presidential direction to go to Benghazi?

A I have no memory of specifics.

Q Okay. If you still have before you the exhibits from

the last hour, number 4, which was the action memo for Undersecretary Kennedy from December 27th, 2011, and it had the clearance page --

A Yes, ma'am.

Q -- on the last page, I have a couple of follow-up questions to that. You had stated in the last hour that this took a long time to work through before it was signed. Is that correct?

A Uh-huh.

Q Do you have an estimate, of was it weeks, was it days, was it months? Was it from the time Chris Stevens went in as a Special Representative?

A No. My recollection was that I started drafting somewhere around Thanksgiving. I don't know if it was before or after Thanksgiving, but -- and it's dated December 27th, so it took weeks.

Q Okay. And you described this as a -- I believe in the last hour we talked about three different aspects of this document. One was the policy justification for being in Benghazi. That was one aspect of this memo. Is that correct?

A Yes, ma'am.

Q Okay. And the other one was what I would deem the real estate aspect for this memo, you know, where they were going to live, you know, what was going to be leased, what wasn't going to be leased.

A Yes.

Q Okay. And then was the third part of this sort of the -- I believe you discussed the staffing or the footprint of that?

A Yes.

Q Okay. And one of the purposes of this memo was to use it as a mechanism to go to various bureaus and stuff to get funding for this project, this mission?

A The clearance process was part of the process to get the funding and what we needed, because we required input from all of the various offices that had equities in what we were proposing to do.

Getting those offices to agree to the language that was used in the memo that then went to the Undersecretary for Management for approval was in a way getting their agreement that they would make this happen.

Q At these levels?

A At these levels.

Q All right. And then I just have another follow-up question on the clearance page. There appears to be two names, R. Maxwell and [redacted], that don't have okays, but there's either initials or a comment, and I cannot read the comment. Do you know what that comment says?

A It looks like it says, with edits and suggestions, and then his initials, RM.

Q Okay. Do you know what those edits and suggestions were?

A No. When the paper is substantially cleared, except for -- if NEA/EX was the drafter, once all of the lateral offices had cleared on the document, before it went to the NEA front office, it would go to [redacted] for his approval of the version that NEA/EX was moving forward to the NEA front office. So that's why his initials are written here instead of there being a typed "okay," because he saw the final version that we were physically taking to the NEA front office.

When you take the final version that comes out of the drafting office to the front office, we were asked to provide an electronic version of the document as well so that when the front office put it through the DAS and the special assistants, there were changes. Those changes were made and then it went to the assistant secretary for approval --

Q So --

A -- but we would not necessarily have seen the changes, but we would have then gotten the final document back.

Q And because this document is signed means that those edits and suggestions have either been incorporated or rejected, but this is the final document?

A Yes.

Q Okay. So that comment doesn't mean that there were yet other edits or suggestions out there?

A No.

Q Okay.

A This is the final version as it went to the undersecretary, because this is the one the undersecretary signed.

Q Okay. So when DS cleared on that memo, they were committing to having five diplomatic security agents in Benghazi?

A When DS signed the memo, they agreed to the language that was included in the memo.

Q Okay. And that included a footprint of five DS agents?

A That included the language that specified the number of DS agents in Benghazi.

Q I want to take a step back in time, because you've talked about how this memo took weeks to get through the clearance process. Do you recall how long the discussion had been ongoing as to whether to extend the mission in Benghazi past its initial 30 days and through the end -- throughout 2011 and into 2012?

A I don't have a specific timeline in my head. My memory says that we were continually looking at the presence and whether or not to extend it and what we were doing with the presence. It was an ongoing discussion.

Q Because we know in reality it was there through 2012, but can you take us through sort of the timeline of events that occurred in 2011 regarding the extended presence in Benghazi?

A That's a very broad question. Can you be a bit more specific?

Q Okay. Do you recall that within a few days of Stevens -- I'm just going to back up and take a different tact with that.

Do you recall that within a few days of Stevens being in Benghazi, that there was discussion that they would have to leave and depart?

A There was discussion about whether or not the security situation would be conducive to remaining.

Q Okay. And --

Ms. Sawyer. Sharon, just to be clear, he arrived in Libya a couple times, so I assume you're talking about --

Ms. [redacted] The initial arrival?

Ms. Jackson. Yes.

Ms. Sawyer. Initial in May.

Ms. Jackson. April.

Ms. [redacted] April.

Ms. Sawyer. April.

Ms. [redacted] The other thing that I would note is that the security situation on the ground in Benghazi was under constant scrutiny to determine whether or not it was safe for the group to remain during that initial period when they first arrived.

Ms. Jackson. Okay.

[redacted] Exhibit No. 5

Was marked for identification.]

BY MS. JACKSON:

Q Let me take what you've previously reviewed as an email chain on April 10th, 2011. It appears to be from you to [redacted]. I've marked it exhibit Number 5. And, again, it would be document number C05396329. This is an email exchange that you reviewed and took some action with. Is that correct?

A I received this email and I forwarded it to the M special, because I noticed that the M special assistant had not been included on the initial -- one of her colleagues had been included on the initial email.

Q Okay.

A Her colleague was [redacted], who may have been the duty officer over the weekend. [redacted] was the person who had the NEA portfolio.

Q I believe there was a name that we discussed in the last hour on the sign-off on the paper of [redacted]?

A [redacted] replaced [redacted].

Q Okay. That explains that. So [redacted] had the NEA portfolio in the undersecretary's office at --

A Yes.

Q -- at this time?

A Yes.

Q Okay. And so you were notifying her of what was going on?

A One of the things that I did on a routine basis was when I saw people with whom I was routinely in communication about

the situation, if I saw that they were not included on an email chain, I would forward it to them so that everybody had the same information.

Q Sort of that funnel that you --

A Yes.

Q -- described before?

A Exactly.

Q You funneled information to all the relevant people?

A Which is why in this case there was no message in the body of my email. It was more for her situational awareness.

Q Okay. And do recall that Stevens had gone in on April 5th, and so this was approximately 5 days later?

A I recall he went in in early April. I don't have the specific dates.

Q Okay. In the initial email, there's a bunch of distribution lists in the to line.

A Yes.

Q SES duty deputies, S underscore special assistants. And then on the S -- on the cc line, there's SES dash O underscore SWO, and SES dash O. Can you tell me what those signify?

A They're distribution lists within the Department. I can't speak to specifically who is on the list, but I can tell you SES dash O is the operations center of the department; the SES dash O underscore SWO, that flags it for the senior watch officer in the operations center; the S special assistant -- S underscore

special assistants would be, I presume those in the S bureau who are the special assistants.

Q Is it the S bureau or the Secretary?

A The Office of the Secretary.

Q Secretary.

A Yes.

Q That is the S bureau?

A Yes.

Q Okay.

A Sorry.

Q We just need to understand --

A Yes.

Q -- the State Department lingo.

A Sorry. And then SES duty deputies, the deputies referenced in that particular thing would likely be the deputy executive secretaries, but, again, this is me making a presumption based on what I'm reading on this piece of paper.

Q Okay. But that's -- yes. Thank you very much for that. That's helpful to our understanding.

Do you recall that -- well, obviously the Special Representative, Mr. Stevens, did not leave Benghazi. He stayed throughout this. Do you recall that one of the issues was to send him even more security to Benghazi?

A It is possible. I don't have specific memory of --

Q Okay.

A -- of that.

Q Let me show you what you've reviewed just a few minutes ago, but I'm going to mark as exhibit 6. It's an April 15th, 2011, action memo for the undersecretary bearing document number C05390734.

[redacted] Exhibit No. 6

Was marked for identification.]

BY MS. JACKSON:

Q And is this an action memo that you would have participated in drafting?

A It is possible. Without seeing the drafting clearance page, I would not be able to tell you specifically if I wrote it. Things were moving pretty fast at this period of time, so it -- this was one of the documents that was a regularly occurring memo. It is possible. I recall that others in my office also generated these memos for Libya at periods of time.

Q Okay. Were you the primary drafter of these type of documents?

A At a period of time, I was, but at a certain point, because my workload became quite heavy, the duty for the routine -- not routine, but the regular memos to the undersecretary about movements in and out of the country, those memos were generated by someone else, and I don't know at what point in time we shifted that.

Q Okay. But I notice that this is 5 days after there was

consideration of the Stevens mission leaving Benghazi, and two additional security agents are being sent there. Do you recall if that was pre-planned or if that was in reaction to the security situation on the ground?

A I do not recall.

Q And then I'm going to mark as exhibit 7 the email from April 19th.

[[redacted] Exhibit No. 7

Was marked for identification.]

Mr. Evers. There's a couple.

BY MS. JACKSON:

Q Yeah. The one that is M approval, DS, SE Stevens, and it's bearing document number C05390733, and that's exhibit Number 7.

Is that how this information gets communicated throughout the State Department? Or can you tell me what the purpose of that document is, what I'm seeing there?

A This document is an archival record email. In the case of Benghazi, they did not have the ability to receive cables very easily, because of their limited technology capability. We had to have some way to convey the information to them at post, so we sent it in this manner so that they could have that record and the Department had an official record of who had been approved.

Prior to this, I do not know if in other cases the same type of method of communication was used. I know cables were sometimes

used, emails were sometimes used. In this particular case, we made a decision to transmit it by record email.

Q Okay. So this is an unusual way of communicating within the State Department? Just trying to get a sense of --

A I wouldn't say it's unusual. SMART, the -- I don't even know what it stands for. It's a messaging archival retrieval toolkit. I think that's what it stands for.

Ms. Betz. We were smiling back and forth.

Ms. [redacted] It came into being shortly before all this happened. It was a new way to transmit the cables, but it was also recognizing that many emails were sent that never made it into cables, and record email was one way to capture that in an archival way.

Not a lot of training had been done by most people on how to use it at this point, but we made the conscious decision to attempt to use this as our means of capturing the information.

Q So then, as I understand it, this was a way to communicate with Benghazi what had been approved at Main State?

A With Benghazi and with the official record.

Q Okay.

A Yes.

Q You've described previously sort of the nature of the calls that -- I would assume at this time in early April of 2011 you were having daily calls with Benghazi, twice daily calls, more often than that?

A We may have even had round-the-clock calls at that point. It's hard to say exactly when it all changed. In the initial insertion period, we were speaking to the team on the ground on a regular basis, and we would say we will touch base with you again in X number of hours and have another phone call.

I don't know when we shifted to a regular schedule versus when we were just saying, okay, we've heard from you now. Okay. Let's talk again in 6 hours once things have gone on. We'll give you 8 hours and let you sleep, and then we'll talk to you again, kind of thing.

Q Were you and others working around the clock?

A Yes.

Q You were on a 24/7 --

A We weren't on duty, but we were working.

Q I understand that.

A There was a period of time during the evacuation from Tripoli and the insertion into Benghazi where I was sleeping with my BlackBerry in my hand and I would wake up when it would buzz. I would have 2:00 a.m. conference calls on a regular basis throughout the Arab Spring, be it on Tunisia, on Egypt, on Libya.

It was kind of -- it's how it worked. I mean, there was no way to spread the wealth and share, because everyone had to have the information together, so we all kind of just did it.

Q When you would have these conference calls routinely early on, how many people would participate from within the State

Department?

A It depended on the nature of the call and what the subject matter was and, frankly, what time of day it was. I'd say the 2:00 a.m. calls had a much smaller participation rate than the 2:00 p.m. calls. There were some calls where we had 15, 20 people on the line, there were other calls where there were five.

Q Did you routinely have other agencies involved in any of the calls, such as DOD for extraction issues or the agency or -- I'm trying to think of others -- the White House, NS -- the national security staff?

A It is likely that we had USAID involved in the phone calls. There may have been points in time when it made sense to have DOD on the phone calls. I don't recall specifics as to who else might have been involved in various phone calls.

Q Would there be some sort of record of these calls?

A At a point in time, I did sometimes take notes as the calls were taking place. There was not an expectation or a requirement that there be notes for every single phone call. When I had availability for a keyboard and the ability to take the notes, I would take the notes and share them with whoever had been on the call, by email.

Q Did you create, like, distribution lists for sending out the summary of the calls?

A There was one distribution list that was Libya management issues that was internal to NEA/EX. If there were

others, I don't recall them off the top of my head. It's possible there were. I just -- I don't recall.

Q Do you recall a Benghazi update one?

A Yes, yes. See.

Q Recognition is so much better than recall.

A Yes.

Q Do you recall who was on the Benghazi update distribution list?

A No. It was a wide cast of characters.

Q Was it State, internal State only?

A I don't remember. And I don't think I actually created that. I think that was something that came out of either Benghazi directly or the Maghreb office or even Tripoli in exile. I do not recall creating that list.

Q Do you know if there would still be a record of who was a participant or included on that distribution list?

A I'm not an expert on IT. You'd have to ask the IT experts within the Department that question.

Q Okay. At some point the Stevens expedition, or Benghazi expedition, as I've seen it referred to, moved from the Tibesti Hotel where they were initially staying into a villa. Is that correct?

A Yes.

Q Okay. Do you recall that was in or around June of 2011?

A That sounds familiar.

Q Okay. And do you recall why they needed to move out of the Tibesti Hotel?

A There was a security incident in or near the Tibesti Hotel. I believe it had something to do with a vehicle. I don't remember the specifics of it.

Q Okay. Do you recall that even prior to that time, prior to them leaving the Tibesti Hotel, that there was discussion of the group moving to a villa compound?

A My recollection from the various conversations that we had with the group was that the Tibesti Hotel had a lot of entrances and exits, there were a lot of people coming in and going out. From a diplomatic security perspective, the agents on the ground felt like they could not -- they expressed in phone calls that I heard that they could not control the access sufficiently to guarantee full safety of the group. There was discussion about how we would get them into a place where they could be more secure.

Q Okay. And did that occur from essentially the beginning of the time that they were there?

A To my recollection, yes. And just one clarification on that. The Tibesti was never seen to be a permanent solution. The presumption was that we would use the Tibesti when they arrived as a place to find a more static location.

Q Okay. And I just want to clarify something. I believe

that you -- when you say, "more static," I believe you had told us earlier today that you thought the initial mission was only going to be for 30 days?

A But even for 30 days, the presumption was they wanted to be somewhere more secure than the Tibesti, so they were looking for some place to be able to put our personnel while they were working things out.

Q Okay. Okay.

A The initial discussion was they were arriving on the boat, they were going to go check out the Tibesti Hotel, see if the Tibesti Hotel would suffice. If it didn't suffice, they were going to have to find something that would.

Q Okay. So let me hand you --

A That's what I understood.

Q I'm going to hand you what I've marked as exhibit 8.

[[redacted] Exhibit No. 8

Was marked for identification.]

BY MS. JACKSON:

Q It is a May 12th -- or May -- yes. I can read that. May 12th, 2011, email, document number C05394877. And I would like you to -- first of all, the subject line of this memo is, Seventh Floor Guidance on Mission Benghazi, and the first sentence says, quote, "the deputies met today with Pat Kennedy to discuss the Benghazi staffing memo," end quote. And then the third paragraph, it says, quote, "staffing should remain at current

levels, paren (which will be 17 once the plane lands.)" End paren.

So I just wanted to ask, what's going on in May of 2011? Do you recall what staffing memo they were talking about?

A I do not recall what staffing memo they were specifically talking about. There were -- I mean, lots of different things were generated. I don't know in particular which one this is referring to.

Q Was it --

A It likely had to do with establishing what a standard footprint would be.

Q It appears to me that this is indicating that we're going to have a longer-term presence in Benghazi. Is that how you interpret this discussion?

A I interpret this discussion as there will be no more than 17 people on the ground. I do not see it specifically setting any kind of time limit.

Q Okay. I'm going to hand you what I'm going to mark as exhibit 9.

[[redacted] Exhibit No. 9

Was marked for identification.]

BY MS. JACKSON:

Q Which is a May 18th, 2011, email exchange bearing document number C05391797. And I want to specifically direct your attention to the last page under Administrative Issues. First of all, is this something that you know to have been written by [redacted]

[redacted]?

A It appears from reading the email that [redacted] and her team drafted it.

Q Okay. And was she in Benghazi at the time?

A If the email that I'm looking at refers to her as the acting Special Envoy, that would indicate that she was in Benghazi at that time.

Q Okay. So --

A I'm looking for my eyeglasses, if you're wondering what I'm doing.

Q We'll give you that -- the print is very small on this exchange.

A Okay. I have my eyeglasses. Okay.

Q Okay. And on the third page under Administrative Issues, it says, quote "[redacted]; acting envoy and DS team looked at three furnished compounds today that could potentially be developed as office and residential space should the decision be taken to move out of the hotel," end quote.

So as of May 2011, there is an active and ongoing effort to identify a villa location?

A Yes.

Q Okay. And did that come to fruition?

A Considering they moved out of the Tibesti Hotel, I would state that yes, it --

Q Okay.

A -- it did.

Q On page 1 of this, it says at the very first line, Note, Pat does not believe post opening would be required, as the Hill knows we are there. Can you tell me what that sentence means?

A As I was not copied on this email and I have no idea who this person is who sent the email, I can't really speak to this.

Q Could I have you, then, go back to the prior exhibit that we had, number 8, which is the May 12th. The second sentence of the May 12th email reads, quote, "as Deputy Steinberg was just on the Hill to discuss Libya, he is acutely aware that the Hill is watching what we're doing in Benghazi, particularly with regard to our footprint. There is no appetite on the Hill for a large presence or a nation building effort," end quote.

Can you read these two emails together to make sense of what is said in the May 18th email where it says, Note, Pat does not believe that post opening would be required, as Hill knows we are there?

A I don't see my role here as to speculate what other people believe or what they say. I think that the sentence speaks for itself based on the previous message. I know nothing more than this based on this. I was not part of that discussion.

Q Who would know something about this?

A I presume the people on the email.

Q Well, what types of notifications are required to Congress when you open a post?

Mr. Evers. If you know.

Ms. [redacted] I don't know that answer to that question. I have not had to be part of that discussion.

BY MS. JACKSON:

Q Okay. Do know that there is some sort of notification --

A Yes.

Q -- that is required?

A Yes.

Q Okay. And obviously there is no notification that is required when you just send the Secretary into the country for a meeting or a visit or something, if you know?

A I'm not an expert on those matters.

Q Okay. Do you know if there was any type of congressional notification for when you moved into the villas in Benghazi?

A I am not in a position to know that information.

Q You weren't part of preparing any packages --

A No.

Q -- or any responses to Congress --

A Not --

Q -- or any --

A Not to my memory.

Q Okay. When the Special Representative went into Benghazi, he went with first eight and then it was upgraded to ten diplomatic security agents. I believe there was a reporting officer that accompanied him. Do you recall that?

A I don't recall when the reporting officer joined him, but yes, he had another person with him.

Q Was that an individual by the name of [redacted]?

A Yes, it was.

Q Okay. And then were there some USAID personnel that also went along?

A I believe there were two, maybe one. I can't remember. Again, my memory of the timeline of when people joined is fuzzy, given that it was 4 years ago.

Q Okay. Do you recall there was a discussion about using any of the Tripoli locally employed staff to support Representative Stevens in his mission?

A We looked at many ways to support what Chris Stevens and the team were trying to accomplish. Some of that was looking at locally employed staff, it was looking at people physically present in Benghazi that we might be able to use, it was looking at who we could send in TDY to support. There were many discussions looking at every possible angle trying to figure out how to work these issues.

Q Do you recall that there were actual locally employed staff hired from Benghazi to assist in the mission?

A There was one individual that we had on a Blanket Purchase Agreement who had been some sort of grantee for us under a public diplomacy program back when Tripoli had been open, who was friendly to the U.S., and he served kind of a translator/fixer role for us.

Q Do you recall who that was?

A [redacted] was his name. And then much, much later, we began to hire a couple of people to help out in doing, like, administrative things and I believe we hired a couple of drivers as well.

Q Okay. You said a Blanket Purchase Agreement --

A Yes.

Q -- for, was it Mr. [redacted]?

A I believe -- Mr. [redacted], yes.

Q [redacted] was not his first name?

A Yeah. [redacted]. That's all I know him as.

Q We'll say Mr. [redacted].

What's a Blanket Purchase Agreement?

A A Blanket Purchase Agreement, or a BPA, it's an acquisitions framework that is used for services, and it's something that's set up under the Federal acquisition regulations, it's part of the simplified acquisitions procedures, and it's one way where you can procure discrete services on an ad hoc basis when needed.

Q Okay. What type of paperwork in involved in that? Is

there, like, a scope of services that's written? What type of document trail would we expect to find?

A That's a very good question to ask. I am not an expert. I just took contracting last month. This is not my field of expertise.

Q What did you learn?

A I learned that there exists a thing called a BPA. I would not have specific knowledge as to what document trails there would be. There was discussion of what we would have the scope of work be. I know that there were discussions of that. It was a means to facilitate payment for services rendered in a very restrictive, constricted environment.

Q Sure. Who would have that information?

A I believe we worked through the Tripoli staff who were --

Q On the Potomac?

A -- in exile on the Potomac. I believe we worked through the financial management officer, the management officer, and the general services officer to facilitate the paperwork. I don't know specifically who did it.

Q Was the management officer an individual by the name of [redacted]?

A No. This was [redacted], I believe.

Q Who is [redacted], if you recall?

A I think he was one of the temporary duty people that we

sent into Tripoli, but I don't know off the top of my head.

Q Okay.

A There were a lot of people moving in and out.

Q Yes. Is the Blanket Purchase Agreement something that's typically used abroad for services?

A It is frequently used in cases such as gardening services or cleaning services or things like that where you might have multiple companies that would perform the same variety of services that you could call on at different times.

BPA is also used for things like acquisition of office supplies. And you might set one up with, you know, two or three different office supply stores so that when you need to buy more printer paper, you can go to multiple sources but you don't have to compete a new contract each time. It's a more -- it's something that was set up by law to make acquisitions more simplified.

Q During the entire time that you worked Libya issues, was Mr. [redacted] employed under this Blanket Purchase Agreement or provided services under this agreement?

A It's not an actual employment. It was something that was intermittent. As he provided services, he received some compensation for his time. Honestly, he probably would have done much of the service gratis. We wanted something to be able to compensate him for what he was doing.

Q But during the entire time that you worked Libya

issues, he was part --

A In and out.

Q In and out of --

A He had other things going on. He had been a [redacted]. He had lots of different things.

BY MS. BETZ:

Q Just to clarify, so in the way that you described the Blanket Purchase Agreement, it seems more for equipment versus -- or --

A It can be for services --

Q For services or personnel?

A -- or for products.

Mr. Evers. You should not talk over each other.

A I'm sorry.

Q I'm awful.

A It could be for services or products.

Q Okay.

A Okay.

BY MS. JACKSON:

Q In the last hour, we talked a lot about the memo extending Benghazi operations into 2012, but I would like to go back and talk about moving into the villas. You had talked about, I think, the initial villa that you looked at, there was an issue with the title and you had to walk away from that villa. Do I remember correctly?

A There was an intermediate step where we were temporarily resident in a villa while we were working out -- because we had to move out of the Tibesti for security reasons, we moved into a temporary space until such time as we could work out what had been intended to be the leased property. Then we had to walk away from that leased property because of the ownership concerns. And then we worked our way into a different property.

Q Okay. And was that what was ultimately known as Villa A, B, and C as described in exhibit 3, the pros and cons?

A Yes. That is my understanding, is that the final version that we ended up in that we signed leases on is known as Villa A, B, and C.

Q Okay. And then the December 2011 memo was, we're going to give up Villa A, but we're going to keep Villas B and C?

A Yes.

Q But there was a villa before Villa A, an interim villa?

A My memory is not very sharp on this issue. It is possible that the interim villa ended up being Villa A. I cannot fully remember. I know that the landlord ended up being the same for some properties in there. Again, we talked about a lot of different properties, so I'm not 100 percent certain.

[[redacted] Exhibit No. 10

Was marked for identification.]

BY MS. JACKSON:

Q I'm going to hand you what I'm marking as exhibit 10,

which you have not seen before.

A Okay.

Q So if you'd take a moment and look at that. And I'm not going to ask you anything about the contents of page 2, except for maybe the part that --

Mr. Evers. But you should feel free to --

Ms. [redacted] I'm just refreshing my memory. It helps put it into context.

BY MS. JACKSON:

Q Okay?

A Uh-huh.

Q In this exchange on June 20th, 2011, you write to an [redacted]?

A You got me.

Q Okay. And you write, quote, "we are treating the interim villa as hotel space dash only 30, 60 days while we wait for the upgrades to the villa compound to come online."

Is this what you were talking about, the interim villa versus the villa compound?

A Yes.

Q Okay. So physically the group moved into a home, for lack of a better --

A Yes.

Q -- term, a residence for a short period of time, and then they were looking at a bigger villa compound?

A Yes.

Q Okay.

A And I believe the villa compound referred to here was the big compound that we eventually discarded as an option.

Q Okay. Because of the title issues?

A Yes.

Q And then you all moved on to Villas A, B, and C?

A Yes.

Q Okay. The next section down, which is [redacted] or [redacted] writing to you, she writes, [redacted], so the bureau would be responsible for the lease costs for the interim villa, correct? Why not OBO? [redacted]

And your answer is that, we're treating it as hotel space. Can you explain the difference in that to us?

A The leases that OBO funds are just that: leases. They are longer-term -- they're short-term leases that are still up to, I think, 10 years, 9 years, and then there's long-term leases that are beyond that. Because this was such a very short duration, the expectation was that the funding would come out of NEA funds as opposed to OBO funds. There was no formal lease. We were literally paying the owner to provide everything at the time.

Q Okay.

A More like a hotel would be paid for. We were just paying for the entire facility.

Q So for missions like that where you would hopefully

just stay in a hotel, that comes out of NEA's pocket?

A Yes. OBO would not pay for hotel space.

Q Does OBO get involved when you're going to have a more permanent presence there? I'm just trying to understand.

A OBO becomes involved when a lease is signed, when a lease that involves regular recurring payments is signed.

Q Okay. And is that 6 months, a year, 2 years?

A I'm not the expert on the leases. I can't tell you specifically what the trigger is. I know that in this particular case, OBO was not involved in the interim villa discussion other than as we were figuring out how to get to the next one.

Q Did OBO ever become involved while you were still there?

A We talked to OBO all the time about the villa compounds and different things. The interim villa, again, NEA was funding that, that cost.

Q Did the funding costs stay with NEA even after they moved into the villa compound?

A I don't recall exactly how the money was broken down. Generally speaking, my memory is that OBO used funds that had been allocated in the Tripoli budget to fund a large chunk of what was being spent on housing costs.

Q Do you recall whether OBO was paying for security upgrades to the facility?

A I don't have specific recollections. However, I do

know that there were discussions of physical security upgrades. OBO and DS were involved in those discussions. I don't recall whose budget it came out of.

Q Okay. Do you know if there was an assessment made as to whether the villa compound that they were going to move to had to meet the security standards of OBO?

A To be clear, the security standards are not set by OBO.

Q Okay.

A OBO implements the security standards.

Q OSPB --

A Yes.

Q -- standards? I got your acronyms mixed up, and that is why you are here to help us through this.

A There were evaluations by various parties who looked at the facilities that we were planning to occupy to determine what needed to be done to upgrade the security. To what extent they were looking at OSPB standards versus waivers versus anything else, I'm not the expert on that.

Q Okay. Do you recall being advised that the standards didn't apply and that waivers and exceptions were not needed?

A I don't have specific recollection of that statement, but it does not surprise me.

Q Okay.

[[redacted] Exhibit No. 11

Was marked for identification.]

Q Let me hand you what I've marked as Exhibit 11. It's very, very short. Do you recall ever seeing -- let me read in for the record, this is an email exchange dated 6/20/2011. It bears document number C05397277.

Do you recall ever seeing this document or learning of its contents?

A I was not copied on this email and I don't recall seeing this email.

Q Do you recall receiving this information?

A I recall various iterations of conversations similar to this. I don't recall this specific discussion.

Q Okay. And what do you recall of the conversations you do recall, the various iterations?

A I recall that there was discussion that it was an interim facility, it was not a permanent facility, it was temporary in nature, people were residing where they were working, and these were things that did not trigger OSPB standards.

Q And do you recall who you had those conversations with or who was in the room, you know, who was having these conversations?

A It would have been in various conversations with OBO, DS, NEA all in the room. I don't have specific names for you.

Q These two names that are on here, [redacted] and [redacted], do you know who they are?

A I know who [redacted] is. I do not know who

[redacted] is.

Q And who is [redacted]?

A [redacted] was one of the leasing specialists in OBO who was working on the leases for the properties.

Q Okay. Envoy Stevens left Benghazi on around November 20th of 2011. Do you recall that being approximately the time that he left Benghazi?

A I recall he left some time before Thanksgiving.

Q Okay. Do you know why he left? Was he called back to Main State because of his impending nomination as Ambassador, or was his work there finished, or were we transitioning to something else? Do you recall why it was that he came back?

A My recollection is he came out as part of a normally anticipated rotation to give him some time out of Benghazi. We tried to rotate everyone who was there on a long-term basis out on a regular basis to give them some R and R and allow them to --

Q Recharge?

A Recharge, yes.

Q Okay.

A And while he was out, I believe that's when the discussion was made about his nomination, but, again, I don't have the timeline specifically in mind.

Q You mentioned an individual earlier by the name of [redacted] who then went into Benghazi. Was there a series of persons who went in to, for lack of a better term, take Stevens' place?

A Yes.

Q And [redacted] was one of those individuals?

A Yes.

Q At the time that Stevens rotated out in November of 2011, was it anticipated that he would go back in, if you know, or was the discussion that there was going to be these series of principal officers?

A I don't recall.

Q Because embassy Tripoli had reopened by then?

A Correct.

Q And Ambassador Cretz --

Is it Cretz or Cretz?

A Cretz.

Q -- Cretz was back in Tripoli. Is that correct?

A I don't recall exactly when he returned to Tripoli, but he did go back into Tripoli some time that fall.

Q Is there a distinction between being a Special Representative and a principal officer?

A A principal officer is a more formal term related to accreditation to a particular host country.

Q So it's a position that's recognized by host countries?

A I believe it's under the Vienna Convention, but I'm not 100 percent certain of that. It's a more typical term that the State Department uses to refer to someone who is the senior-most person in a post.

Q Okay. And it may be a difference without a distinction, and if you know, please let us know, but do you know if [redacted] and the others that followed him went in as the acting Special Representative or if they went in as a principal officer?

A Again I repeat, my memory of the timeline is fuzzy.

At some point in the fall of 2011, we exchanged diplomatic notes with the new Government of Libya in whatever form that happened to be, and with the return of Ambassador Cretz, a Special Representative was not needed at that point, because we had our accredited Ambassador in Tripoli. So at that point, I believe, is when the term "Special Representative" ceased to be used, but again, I don't have specific recollection of the timeline.

Q And you said we had formal diplomatic papers with the new transitional national government, or council, TNC as it was called?

A We exchanged some form of diplomatic notes. I was not present at the exchange. I don't know exactly what form that took. I recall discussions of how we would ensure that we could get some sort of diplomatic privileges and immunities, and there was reference to an exchange of diplomatic notes. That's all I know.

Q So as far as you know, that did occur and --

A Yes.

Q -- there were diplomatic privileges and immunities

extended?

A To the extent that a TNC was able to actually grant such things, yes.

Q Okay. And so one final very quick area. Do you recall that Ambassador Susan Rice went to Benghazi in November of 2011?

A I do not recall that. It may have happened.

Q Then --

A We had several visits --

Q My follow-up question of did you have any role in the logistics of that is probably a similar answer?

A With any visitor who came in, there was a series of logistical issues that arose. If I was on the seat and not on vacation, it's possible. I don't have specific recollection of that.

Q Would her trip over there have to have been approved by Undersecretary Kennedy?

A Generally speaking, all executive branch employees would have had to fall under the undersecretary's approval process. I don't specifically know how it was worked for Ambassador Rice, who was a cabinet level individual. I'm unaware of the specifics of how that worked.

Q You don't recall having to write that memo?

A I may have. I just don't recall.

Q Okay. And with that, we'll go off the record, because our hour is up, and we will take another short break and switch

seats.

A Great.

[Recess.]

Mr. Kenny. We will go back on the record. The time is 2:35.

BY MR. KENNY:

Q Ms. [redacted], again thank you. We appreciate your patience.

I'd like to return and revisit some of the documents that were just discussed in the last hour, try to do so as quickly, as expeditiously as possible. We want to be respectful of your time.

I'd like to return and direct your attention to exhibit 5. This was the email from you to [redacted].

A Okay.

Q And I'd like to direct your attention to the email that's embedded within this email. It's an April 10 email as well from [redacted], to a series of people. You were asked about some of these individuals on this recipient line, but I'd just like to real quickly ask you, the first line here reads, per Special Envoy Stevens. Was your understanding that this was a direct read-out of a conversation that someone had had with Special Envoy Stevens in Benghazi?

A If you look at who the email is from, on the back of the document, it states that [redacted] was in the State Department operations center.

Q Okay.

A So that tells me that Chris Stevens called the operations center and provided the read-out that was included in the email.

Q Okay. So when we look at the language here, would it be safe to assume that this language was the Ambassador, then the Special Envoy's, voice?

A It is likely that when the Ambassador called in, someone was taking notes of the conversation. Whether or not it's in his voice, I do not know.

Q Okay. I'd just like to direct your attention, it's the fourth bullet in, and we were referring to some security incidents, some threat reporting around the initial days of the Special Envoy's insert into Benghazi. This particular line reads, quote, "he plans to discuss the situation further with the Brits, Turks, and the TNC to see if this is an irreversible situation. Departure would send a significant political signal and would be interpreted as the U.S. losing confidence in the TNC. The initial message to the TNC would frame the departure as due to security grounds and as a temporary measure only," close quote.

A Uh-huh.

Q And I'd just like to ask you, understanding that you may not have been privy to the policy discussions about the need or the reasons for the Special Envoy to be in Benghazi around this time, but is your sense in reading this that Special Envoy Stevens had a desire to remain in Benghazi to carry on the U.S. mission

that was there at the time?

A I read this email as stating that he was consulting with his counterparts in other diplomatic missions and with the TNC to determine what the situation was. I infer that some were thinking about departing, and he was evaluating the ramifications of any decisions.

If you look at the email offered by [redacted] up above it, it says, he's weighing whether to pull the team. That's all I got.

Q And these other individuals that are referred to here, the Brits, the Turks, were you aware of whether other foreign missions were present in Benghazi at this time?

A I do not recall the timeline of who showed up when.

Q Okay. But is it safe to assume that if he was to discuss the situation further with these entities, that they were in fact also in Benghazi?

A Yes, they were.

Q Okay. And would that have been prudent from a risk management standpoint to have consulted with the other missions about the security situation in Benghazi in order to plan for the future of the mission?

A It is common to consult with counterparts at other missions when looking at the security situation among other things.

Q Okay.

BY MS. SAWYER:

Q Before we leave that document, I just wanted to ask, you had noted the response that came back from [redacted]. I think there was a discussion in the last hour that she was potentially the -- was she present in Benghazi at this point in time, or was she elsewhere and she went in when he was not there?

A She was resident in Washington with the Tripoli In Exile team. When he would come out for R and R breaks, she would be the one who would fill in behind him. So they would not have been generally present at the same time other than overlap for maybe a few hours. But looking at the read-out from the operations center, she was on the call with him as they were doing the read-out.

Q And she seems to be reporting that Chris -- you know, I think you read it or maybe my colleague read it. It says there, quote, "Chris weighing whether to pull team," end quote. Do you recall whether the Ambassador, and I'm just talking about this point in time related to this particular concern, whether he actually did -- it said, you know, he -- it then said we asked him to consult Euros, and I think you just spoke about that that was relatively routine to consult with counterparts, and give the Department a recommendation. So at this point in time, did Chris, Ambassador Stevens is how I always refer to him --

A At this point, he was not an ambassador.

Q Right. I understand he was Special Envoy or Special

Representative.

Did he make a recommendation that the team should be pulled?

A I recall discussions about the security situation and what an extraction would look like if we pulled him out of Benghazi. I do not recall a specific recommendation to leave.

Q And you had said at various points in time during the conversation today that almost from the moment he was there during this, and I'm just again focusing on this initial time period, we just spent a lot of time on it, there was a constant assessment as to whether a continued presence in Benghazi was possible. So during the time period that we've just covered in the last hour, I think it ran from April to June of 2011, was there ever a recommendation made by the Special Envoy or anyone else to pull the team out of Benghazi?

A With the span of 4 years that have passed since the time that I worked on this issue, I cannot speak with a definitive answer yes or no to that question.

Q To the best of your recollection, do you recall there being a recommendation?

A I recall there many -- I'm sorry for speaking over you.

I recall many discussions about the security situation and what a potential departure would look like. I do not recall specific recommendations one way or the other.

Q And would you have been involved -- it sounds like you recall the discussions about security in particular. Were you

involved in discussions about the reasons for staying as well, the benefits of staying or the rationales for staying, or would that be other folks?

A My awareness of the discussions to stay or to leave were really focused on the logistics involved in that decision and what it would take to make it happen either way. The justification for departure, because it involved security, I had somewhat of a deeper awareness of, because we had to plan on extraction capability, among other things.

The discussion of the reasons to stay, I was aware of the purpose of being there and the ongoing discussion of the value of the presence there.

Q And just to put it in context, the time period that we've now spoken about over the last hour plus, to put it in context, this is during the revolution. Is that correct?

A Again, without having a timeline in front of me, that is the best of my understanding of the timeline, with my fuzzy memory, yes.

Q All right. And do you just recall in general when Qadhafi was captured in terms of a generalized timeline? My sense of it is later in the fall that sort of fell and Qadhafi was captured in October of 2011.

A I recall we returned to Tripoli in late September of 2011, and the situation was such that we were believing that Qadhafi was nearing the end of his tenure.

Q So is it safe to say that at least at this point in time, Qadhafi is still a presence, a controlling presence in Libya --

A Yes.

Q -- and the revolution is ongoing?

A Yes.

BY MR. KENNY:

Q Just real quickly, we'd like to clarify a couple of matters, and we'll, again, try to do this as quickly as possible. Moving to exhibit 8. And in the course of our discussion here, this is the email, it's a May 12th email, 2011, there's discussion, it appears to be at the deputies level within the State Department, it talks about staffing and there's a number 17 here.

You were asked about the original insert team and what their mission was, how far out that that was planned in advance. And I'd just like to know -- and I understand it's difficult without a precise timeline in front of you, but the date of this email appears to be May 12th. And do you recall exactly when the Chris Stevens mission entered Libya?

A The mission entered in early April. I don't recall the exact date.

Q Okay. So is it possible this email would have been outside of that initial 30-day window --

A Yes.

Q -- that the team was originally proposed to be in Benghazi?

A Yes.

Q Okay. And so would this, then, reflect some sort of planning going forward for what the next stage or next phase of the mission might look like?

A My interpretation of this email and my memory of what was going on at the time was that everybody and their brother wanted to go into Benghazi. We had Senators, we had cabinet level individuals, we had Congressmen, we had everyone within the interagency who wanted to go in there, and there was a desire to establish what the maximum number that we could support at any given time was on the ground. And that is part of the planning discussion, but it was really a, how can we set some limits and ensure that we're not putting too many people at risk here.

Q Okay. And just real quickly to possibly try to connect that back to our discussion, you had been asked about the undersecretary's involvement in clearing U.S. Government personnel for travel into Libya. What you just described, would that play into the reason why the undersecretary or the Office of M more broadly would have monitored more closely personnel in and out of the country, this demand for people to go into Libya?

A It's the demand for people to go in. It's the ability to support the people on the -- the ability of the people on the ground to support their function for being there as well as the

function of the visitors coming in, and it's the ability to protect those coming in.

Q Okay. And, again, this is the mid-May time period, so we believe it to be outside of the initial 30 days, beginning to look at a more phased presence and buildup potentially in Benghazi. I understand you had told us a few moments ago that you weren't necessarily involved in the discussions about how to extend or what the mission is, but more how to implement it once decisions are made.

During this time period, do you recall hearing that the mission was viewed as a success within the Department or that the reporting that was being received in Benghazi was useful and valuable to policymakers?

A My recollection was that the reporting coming out of Benghazi was very well received, that there was perceived to be value in having a presence in Benghazi that could help to establish a relationship between the U.S. Government and a presumed new Libyan Government should Qadhafi fall. There was also a desire to address ongoing humanitarian and weapons control issues by being present there.

BY MR. KENNY:

Q Okay. And just real briefly again, to return, there is a sentence that was read to you about Deputy -- then-Deputy Steinberg just being on the Hill to discuss Libya. You mentioned you didn't have a lot of information to share with us about that, but was it your general understanding that the State Department was briefing Congress, providing information to Congress about Libya at this point in time?

A I don't have any specific memories of specific events, but from -- I can extrapolate from this email, among others, that there were discussions on the Hill.

Q Okay. Thank you. And moving now to exhibit 11. This is a June 20, 2011, email. It discusses waivers or exceptions to security standards. First, I'd just like to ask is what is the role of NEA/EX in the waiver or exceptions process, so exceptions to SECCA or waivers to the OSPB standards?

A NEA would -- in general, these kind of waivers would be handled between DS and OBO. NEA might have been asked to clear on a request to clear on language that reflected NEA's inequities in a particular issue, but this was not something that we would draft or be involved in the decisionmaking on.

Q And is that, in fact, reflected in this email,

exhibit 11, which says, quote, "This is to confirm that a determination has been made by DS that no waivers or exceptions to security standards are needed for the Benghazi compound property," close quote.

A I would rather not speculate on a document that I have not been copied on, that I was not involved in the discussion of. I will say that the fact that I was not and no one at NEA/EX was involved in that discussion reflects NEA's level of involvement in the determination.

Q Okay. And just further, to that point, I know here it refers to the Benghazi compound, but we had a little discussion about the timing, the sequencing of when the special envoy, special representative moved from facility to facility. Is it clear to you at all from this email, which villa, whether it's an interim villa or a proposed property under consideration that this email is referring to?

A No.

Q Okay. And just very briefly, before we move on, in several of our rounds, there has been a discussion of this distinction between the special representative and the special envoy designations. I would just like to touch on that real briefly. And again, we've been using special envoy only because that's how we've seen that appear in certain documents, and perhaps in press reports about the special envoy when he was -- contemporaneous with when he was in Benghazi.

I would just like to ask, did that designation, whether he was a special envoy or special representative, would that -- would that have any practical effect on your work in assisting the mission in Benghazi at that time?

A No.

Q Okay. So it would have had no consequence whatsoever in terms of your ability to provide assistance to Benghazi?

A No.

Q Or U.S. --

A It was a linguistic distinction.

Q We'd like to move forward now, and I apologize if it feels like a deluge of exhibits are coming your way. We are going to do our best to keep things --

BY MS. SAWYER:

Q Before we jump into those. You know, we had spoken with you during our first hour about the action memo in December and your involvement in that, and you indicated you, to the best of your recollection, thought you started drafting around Thanksgiving of 2011?

A Yes.

Q And we've now spent a lot of time talking about kind of 6 months preceding even that timeframe, and just speaking in a general way, do you recall the discussions in the fall of 2011 as Tripoli was being reopened, about continuing the presence in Benghazi, and whether one of the potential options was simply

having no presence in Benghazi?

A There were many discussions related to the reopening of Tripoli and the footprint in Benghazi. The drafting of this memo on the future of Benghazi operations started as a vehicle to provoke discussion about what Benghazi would look like.

Q Did anyone on the ground, and by "on the ground," I mean, in Benghazi or reentering into Tripoli at the time, suggest to you as an option to draft into that memo that there be absolutely no presence in Benghazi, that it be shut down and the only presence in Libya be in Tripoli?

A As we were looking at options of what to include, we would have discussed all possible options, including a closure. I don't recall specifically any recommendation one way or the other --

Q So that was --

A -- in any event, but I don't know.

Q So the option of potentially having a presence was certainly an option that people would have been aware of and would have discussed, to the best of your recollection; is that correct?

A That is correct.

Q And the ultimate recommendation, as reflected in what went up to that memo, was to have a continued presence?

A Yes.

Q Okay. So moving forward, we'd like to spend some time to discuss post the action memo in terms of how it was implemented

and its effect in the Department, specifically on security staffing in Benghazi. And so I mentioned that there will be a series of documents we'll use. We'll do our best to point you to relevant portions just so we can move quickly through this.

But I will mark as exhibit 12, it's an email dated January 6, 2012, from you to [redacted] and cc'ing [redacted] with the subject, quote, "Re: Possible visit by PMO," close quote. Document number is C05397563, and I'll give you a moment to review that.

[redacted] Exhibit No. 12

Was marked for identification.]

Ms. [redacted] Okay.

BY MR. KENNY:

Q Okay. So I'll just note at the outset, in the first email in this thread is a January 5th, 2012 email, you wrote to [redacted], and it looks like you were floating the idea of a possible visit to Benghazi, and you propose a few dates there. I would just like to briefly ask you, did you ever have occasion to travel to Libya as part of your duties as a post management officer?

A I did.

Q Okay. Do you recall the dates of your trip?

A I was there in early February. Late January, early February.

Q Okay. And what was the primary purpose of your trip?

A In part, it was to -- the intent of the trip as planned was to lay eyes on the facility in Benghazi, have an understanding of more of the risk -- the constraints that they were facing on the ground, to personally experience the security levels and things like that, so that I could better characterize it for the people back in Washington, and then travel to Tripoli and have a similar experience in Tripoli as well as having some face time with the people I was interacting with on a regular basis.

Q Okay.

A In the end, I never made it to Benghazi.

Q Okay.

A I got trapped on a plane for 8 hours in Istanbul because of snow, and ended up going straight to Tripoli.

Q Okay. When you visited Tripoli, the embassy in Tripoli, I imagine your attention at that time was focused on the resource challenges that were facing the embassy at that time; is that a fair characterization?

A I would say that I was continuing to fulfill my function as post management officer from Tripoli as opposed to from Washington.

Q Okay.

A So I was looking at most of the same issues. Frankly, one of the biggest things I was looking at while I was in Tripoli was how to get exercise equipment for our team who were operating with one treadmill that had been [redacted] personal

treadmill, and everything else was homemade exercise equipment.

Q And this is in Tripoli, you said?

A Yes.

Q Was that based on requests that you were hearing from post --

A Yes.

Q -- that they were wanted exercise equipment?

During your time in Tripoli, were you part of discussions about security resources in Benghazi?

A Yes. One of my goals had been to sit down with [redacted] the RSO, and talk about Benghazi. We had been looking at ways to have Tripoli take on a more leadership role as regards Benghazi, and have it take on more of the role of a constituent post, in essence, of Tripoli.

And one of the things that we were hoping to get post buy-in to was this idea that we would send staff assigned to Tripoli out TDY to Benghazi, and rotate at least one person from Tripoli out to Benghazi so that there would be some more consistent presence on the ground, that is, in Benghazi.

Q Okay. And did [redacted], the RSO at the time, did he have any opinions on that proposal?

A I think he thought it was a good idea, but there was some discussion about how we would get those resources.

Q Okay. I'd like to, just quickly, move up the email here. The second email in this is January 6, [redacted]

writes to you, quote, "I am supposed to depart post on February 1, but I would be pleased to do everything possible to get it set before I depart. You absolutely should come out here and see the place. Thanks for hosting the call yesterday. Not sure it was that productive, but I think it was useful, if that makes any sense. Fair warning that I'm going to be an increasingly vocal gadfly if DS doesn't sort itself out fairly quickly on staffing and security upgrades appreciating that money and people aren't easy to find these days," close quote.

Do you happen to recall -- [redacted], by the way, is, your understanding, is the principal officer in Benghazi at this time?

A Yes.

Q Okay. When he refers to the need for DS to sort itself out fairly quickly, do you -- do you know exactly what he was referring to?

A Around this period of time, there became increasing difficulty in maintaining a stable number of agents on the ground in Benghazi.

Q Okay.

A Some of this was due to visa delays with the Libyans. Some of this was due to transportation difficulties in getting in and out of Benghazi. The plane we were using to get in there at various times went out of service, and DS also had many competing priorities. They were trying to manage multiple crises at once and had to try to figure out how to allocate their staffing --

Q Okay.

A -- adequately.

Q That is helpful context. Based on the concern that Mr. [redacted] raises here, did you ever -- I'm sorry. I would like to read just another portion of his email, which is the last paragraph that reads, quote, "I'd also ask for more detail on DS' proposed RSO rotation system here, unclear to me how it works, and how we don't end up with an average of about four officers, vice five, unless their placement timing is truly impeccable. This and the facility upgrade decision should go beyond [redacted]. I want to see someone senior in DS on the line for whatever resourcing decisions ultimately get made," close quote.

When [redacted] refers to seeing someone senior in DS on the line, and decision going beyond [redacted], is your understanding -- who is your understanding of [redacted] in this context?

A [redacted]

Q Okay. And he the desk officer in DS/IP/NEA?

A Yes.

Q And when [redacted] says he wants senior in DS on the line, who did you interpret him to mean by that?

A I don't know specifically who he intended. I presume he meant someone senior to [redacted] within the DS organization.

Q Okay. Did you ever discuss with [redacted] or mention to him that he should not raise these types of concerns, that he shouldn't be rocking the boat about security staffing in Benghazi?

A No.

Q Okay. Did [redacted], the principal officer, did he ever express to you that anyone had ever told him not to raise these types of concerns and not rock the boat about security staffing in Benghazi?

A Not in my memory.

Q Okay. And finally, in this email thread, you responded to the principal officer and you wrote in the second paragraph, quote, "[redacted] is working closely with DS leadership on this stuff, not to make excuses, but they are also dealing with issues in Syria and Yemen right now that are also drawing on funds and people at an alarming rate. Frankly, part of the problem and the slow-down is at the DAS level in the DS leadership (please don't forward any further)" close quote.

We had mentioned a moment ago, you were talking about some of the challenges that you felt diplomatic security was facing in providing DS agents. One of those was resource constraints, and here you same to mention two of those. Is that part of that discussion; is that --

A Yes.

Q -- what you were referring to?

A Yes.

Q And when you say that those needs or demands were drawing on funds and people at an alarming rate, what did you mean by that?

A There were -- if we go back to the Arab Spring, and this was still -- even though it was a year later, the Arab Spring was still ongoing, it became more of a year than a season, the crises were ongoing. If I'm not mistaken, this is around the time that things were getting really dicey in Yemen. I recall at some point they stormed our embassy and took our flag, and then Robert -- that was in Syria, and Robert Ford went and got it back, but these are -- there were a lot of these things going on.

We had continued physical presence in those posts, but at some point, we did do some drawdown. I don't remember exactly how that went. I didn't cover those countries. But DS' mechanism for surging security support in was something called the Mobile Security Division. They had several of those Mobile Security Divisions, which were meant to be mobile, agile, and quickly responsive and temporary in nature. Several of those were static because they were being used for security in Libya on a rotating basis, so they were not really available to be used to deal with other crises.

Q Okay. And just so we understand, you mention here both funding and available people?

A Uh-huh.

Q Were both of those at play in terms of providing security staffing in Benghazi?

A Yes.

Q Okay. In the first sentence I read to you, you

mentioned that [redacted] was working closely with DS leadership. Who did you understand that to be?

A My understanding was that [redacted] worked up his chain of command. He had told me on several occasions that any time we ask for a DS clearance, he had to make an appointment to go in to brief Charlene Lamb on the issue, so that she could provide her specific clearance, and then it would go from there to Eric Boswell.

I'm not sure if there was an intervening step between Charlene and Eric Boswell or not, but based on those conversations I had had with [redacted], I had every reason to believe that he was working closely senior leadership on these issues.

Q Okay. So you learned this from [redacted]?

A Yes.

Q [redacted] told you --

A And in meetings. I mean, [redacted] was not the sole person from DS in large meetings that we would have on these issues. There would be senior people, depending on the level of the meeting.

Q Okay. I understand. The last sentence here, might draw your attention to, you refer to the slowdown of being at the DAS level in DS leadership. Who or what is the DAS level in DS leadership?

A Charlene Lamb. This was -- for the record, this was not my finest hour in terms of what I wrote in the email. It

reflected my frustration at the time. Clearances from DS had become quite slow, in part, because [redacted] had to personally brief Charlene Lamb and had to fit time into her schedule to brief her before she would clear on an item. And as things were moving fast and furious, having to wait for him to find time in her busy schedule to brief her to get a clearance became quite difficult, and this was me expressing a bit of my frustration at that.

Q So at this time period, this is January 6th when you write this email, we are only a few days out from the action memo, so when you say that [redacted] would have to go brief Charlene Lamb, what, in this context, would he be briefing her on that would require her clearance?

A It would depend on the specific issue. I mean, if we were trying to get a clearance on -- anything that there was a formal memo to the Under Secretary, It would go through the clearance process through DS as part of that process, and he would have to brief her on that, but he would also -- she and others in DS leadership would be briefed on a regular basis on what was going on in Libya.

Q So in this specific context, when you wrote this email in response to the principal officer's concerns about diplomatic security staffing at the Special Mission, was the issue that was being briefed to Ms. Lamb, to DAS Lamb related to security staffing at the Special Mission Compound?

A Based on the context of the email in front of me, I

would presume that that is the case.

Q Okay. So you had mentioned a moment ago that this may not have been your finest hour, that you were expressing some frustration, and we see that in your comment here where it seems you wanted to keep a close hold on your feelings here. I would like to move forward, but I would just like to first understand whether you acted on that frustration in any other way?

So, for instance, did you speak to your supervisory post management officer or your executive director or deputy executive -- executive director about these types of concerns in this time period?

A Yes.

Q Okay.

A In at least a few occasions I recall having [redacted] reach out directly to Charlene Lamb to discuss aspects of the situation. I can recall moments of frustration where I would get up and stomp around the office and say, "I just need a clearance." These things, it's part and parcel of doing the job, and sometimes you have to express your frustration out loud or else it builds up too far.

[[redacted] Exhibit No. 13

Was marked for identification.]

BY MR. KENNY:

Q So with that, I think we'd like to enter -- this will be exhibit 13. And for the record, this is an email dated

February 12, 2012, from [redacted] to [redacted], [redacted] [redacted], [redacted], and you with the subject, quote, "Read DS coverage for Benghazi," close quote. The document number is C05409829.

Okay. So let's start at the beginning of chain. There's an email, it's from [redacted]. It's to a series of people. You are cc'd on the line, and I would just like to quote a portion of this email. It begins, quote, "Apologies for being a broken record, but beginning tomorrow, Benghazi will be down to two agents. The third scheduled to arrive Tuesday, is delayed TBD due to visa issues. Since one agent needs to remain on compound to protect the other USG employees, this leaves just one DS agent to travel off compound. RSO procedures at present call for two agents to do so. We have no drivers and new local guard contract employees have no experience driving armored vehicles. What this means is that we will be all but restricted to compound for the vital February 12-18 timeframe. This will effectively leave us unable to do any outreach to Libyan nationals during the week, and we will extremely limited in the ability to obtain any useful information on reporting."

Just first, who is [redacted]?

A [redacted] was filling the principal officer position in Benghazi at that time.

Q Okay.

A He replaced [redacted].

Q Okay. And next, [redacted] replies on the same day, and in the middle of his response he writes, quote, "While the status of Benghazi remains undefined, DS is hesitant to devote resources, and as I indicated previously, this has severely hampered operations in Benghazi. This often means that DS agents are there guarding the compound with two other DOS personnel present. That often also means that outreach and reporting is nonexisting," close quote.

Just for a little bit of context, this appears to be around the time of your visit to Embassy Tripoli; is that correct?

A It is likely right after my visit to Tripoli.

Q Okay. And you'd mentioned that you met with [redacted] to discuss security resources generally for the country, for the embassies, as well as the Special Mission. Do you recall RSO [redacted] raising this concern here about DS being hesitant to devote resources?

A I don't recall him using those specific words. I recall discussions about the staffing shortages that we were seeing in Benghazi about whether or not the MSD and SST were going to remain in Tripoli and what a platform would look like and how we would get bodies in to perform the security work that needed to be done.

Q Okay. Had you heard this particular concern before either from RSO [redacted] or any of the other -- either through [redacted] or the other DS agents in Benghazi? The reason I

ask is you mentioned a moment ago that some of your frustration was in the need to get clearance from Charlene Lamb for certain decisions. Here RSO [redacted] seems to be expressing a slightly different concern that it's not so much the bureaucracy as it is a decision or a lack of decision by DS. Is this something that you were familiar with at this time?

A Again, my timeline is fuzzy in terms of my memory from several years ago in exactly when things happened. It may be creative memory. I can't be totally honest in saying at this particular time, I remember what conversations were had. I remember conversations at length about security and resources and how to achieve the mission.

Q Did RSO [redacted] ever express to you a concern that these decisions were being held up at the DAS level within DS?

A I don't recall specifically whether or not he expressed those concerns at that time. We all know he expressed those concerns later, but it's -- there were constant discussions about these issues with numerous people. I'm not sure my memory attributes to specific individuals.

Q Okay. Moving up the chain here, it appears that you emailed [redacted] in Libya management issues. I believe you may have addressed this before, but what is Libya management issues?

A Libya management issues was an email collective we had established within NEA/SCA/EX for those people who were working on Libya issues so that we didn't have to always think about am I

copying all the right people. As long as we made sure that we include in that list, everyone who needed to be involved in the discussion within EX would be on the email.

Q Okay.

A So it was somewhere early in the year where we determined that we needed this distri list, and we developed it. I know for certain that I was on the list, [redacted] was on the list, [redacted]. Other than that, I'm not sure who else was part of it.

Q And I'd just to understand a little bit better why you felt the need to send this particular thread to executive director for NEA/EX?

A As I mentioned in the last hour, when emails came across my plate that flagged issues that I felt that others working on the issues needed to be aware of, I made sure to share that information. In this particular context, [redacted] needed to know that this had been sent around amongst the Tripoli and Benghazi crowd, as well as DS so that he was aware of the situation.

I had briefed him of -- about my conversations after I came out from my trip in Libya. He knew that there were concerns about the staffing. He obviously read my mind when I forwarded him the email, because his next email was to -- the next day he sent an email to Charlene Lamb saying what do you want, you know, can we discuss this?

Q Right. The next day -- I'll just quote from there, [redacted]

[redacted] writes, quote, "Charlene, I suspect that the NEA front office will react if the reporting stops. Do you have some time to discuss this tomorrow?" Close quote.

Moving up in the chain, [redacted] then forwards it to [redacted] and asks, quote, "[redacted], what would you like us to say to Charlene?" Close quote.

And farther up in the chain, Ms. [redacted] writes back and responds, thanks everyone, thanks -- quote, "Thanks very much for the opportunity to weigh in on this. For Benghazi, I think the real problem is that DS continues to view Benghazi as an undefined mission, and as such, is unwilling to commit resources to it. Given that M has approved Benghazi's continued existence through the end of the calendar year, DS needs to come up with a long-term plan for staffing the mission that includes three DS agents at all times (one to stay on the compound, the other two to support moves)" close quote.

So you had just returned from MC Tripoli at this time --

A Yes.

Q -- I think you mentioned a moment ago. Was this belief that DS viewed the Special Mission as an undefined mission, was that something that you heard while you were at post? Did any of the staff share that with you in your discussions with them?

A I don't recall the specific words, but I recall the concept or the notion.

Q Okay. Did you personally have the sense that DS viewed

this as an undefined mission?

A I was aware that DS had many crises that they were struggling to react to simultaneously. I was aware that DS viewed this as something that was a continuing requirement without funds to support.

Q Okay. And just to connect that back to our discussion about the action memo, because I think we talked about one of the purposes being able to provide a mandate and to obtain funding through whatever means or whatever resources that were available. Did you ever say to [redacted], we have this action memo, this is our mandate, we need to find the staffing here, or anything to that effect?

A It is likely I did. I don't have specific recollection of a conversation in which I did that.

Q Okay. I note here that Ms. [redacted] makes a request, or states that DS needs to come up with a long-term plan for staffing for the mission. Do you recall whether that ever happened going forward?

A I recall many discussions about how to staff Benghazi. Whether or not DS had a defined plan for how they were going to do it, I don't have specific knowledge of that.

Q Okay. Do you recall that [redacted], the executive director, met with Charlene Lamb at some point in this timeframe to discuss these issues here?

A I do not recall a specific meeting. From this email in

exhibit 13, I'm aware that they were likely going to have a phone call. [redacted] may have met with Charlene, but I don't know specifically if he did or not.

Q Do you recall hearing anything about the outcome or any do-outs in particular from that meeting if there were -- if there was such a meeting?

A The meeting was envisioned to TF [redacted] meeting with Charlene later in the week.

Q Okay. And that's helpful in actually leading the discussion forward here, as I note that she mentions here, "I'm hoping to raise this with DS when I meet with them later this week." Do you recall if that meeting took place?

A Yes, it did.

Q Okay. And did you prepare any materials for Ms. [redacted] or any talking points to use during that meeting?

A I may have prepared talking points for her. I don't recall specifically. I am certain we had discussions preparing her for the meeting.

Q Okay. And was this a meeting in which -- did she happen to be back in D.C. at this time or was she still in -- at the embassy and conducting it remotely? Do you recall?

A [redacted] was out on R&R travel and back for consultations.

Q Okay. And so she would have been meeting with a variety of folks, looking at here --

A Yes.

Q -- to include DS; is that accurate? Okay. And you mentioned you couldn't recall if you prepared any talking points. I don't know if thinking about preparing for that meeting, whether that helps refresh your recollection about whether [redacted] did, in fact, meet with Charlene Lamb?

A Again, I don't know if [redacted] met with Charlene or not. I know for certain [redacted] met with Charlene that week.

Q Okay. Did you attend that meeting?

A I did.

Q Okay. Maybe you could just walk us through that meeting, what sorts of issues were raised, what the response was from Ms. Lamb?

A [redacted] essentially briefed Charlene on the situation in Tripoli, primarily because that's where [redacted] was currently serving. They then discuss Benghazi some. And [redacted] was primarily seeking to get clarity from Charlene on DS' plan moving forward for security in both Tripoli and Benghazi.

During the meeting, there was what appeared to be a different policy set forward by Charlene about our security posture in Benghazi that advocated for local hire drivers and only one armed DS officer per vehicle with some reference to maybe in the future, once people had the foreign affairs counter threat training, some individuals could potentially self drive. That seemed very different from what the previous stated policy of having two DS in any vehicle leaving the compound in Benghazi. It seemed a

significant difference in policy, which raised alarm bells.

Q Did she explain why that policy was changing?

A There were comparisons made to our presence in other high-threat locations. I believe Yemen and Syria were mentioned among potentially others, and discussion of our security stance in those locations and a desire to adjust the posture in a way to make it more in line with the way that we operate in similar environments elsewhere.

Q And that policy was different than the policy that was then in effect --

A Yes.

Q -- in Benghazi? Okay. You mentioned that it raised alarm bells. Could you elaborate on what you mean? Did it raise specific concerns for you? For Ms. [redacted]?

A The way that this policy was stated in the meeting made it sound like that had been DS' position for quite awhile, which was not our understanding of the position, and it changed operating assumptions under which we had been working. And we took this meeting in mind as we worked on [redacted] other interactions through her time there to raise concerns with people like Under Secretary Kennedy and others to say, you know, we need to address this issue and come up with a mutually-agreed policy on the way forward.

Q Are you familiar with the term or the phrase "emergency action committee meetings"?

A Yes.

Q So in the course of our review, we've had the opportunity to review certain emergency action committee cables that would have been produced by post at either Embassy Tripoli or Benghazi, and some examples of those would include changes to or proposed changes to travel security policy.

A Yes.

Q And what you're describing here sounds a little bit like travel security policy. Is that --

A Yes.

Q Okay. Would that ordinarily be something that would be set or determined by post through an EAC mechanism?

A It would normally originate with post in consultation with Washington.

Q Okay. And in this instance, do you recall if post had generated this idea or consulted with Main State at all about this change that you were hearing in terms of what DS agents should be tasked with doing in Benghazi?

A It did not sound to me like something I had heard before.

Q Okay. So we're running a little short on time. We may revisit this in the next hour. I would just like to hopefully close out this particular meeting that you had and ask, you mentioned that the issue may have been escalated; is that --

A Uh-huh.

Q -- right? Can you elaborate further on that, explain what specific steps, what actions were taken following this meeting?

A I don't have specific memory of what actions were taken. There was a desire to increase awareness of this change in policy and find a way to mitigate it in a way that made sense to ensure continued security for our folks in Benghazi and Tripoli.

Q Okay. Did Ms. [redacted], did she express her concerns to DAS Lamb during this meeting --

A Yes.

Q -- about the change in policy? And what was DAS Lamb's response to those concerns being raised?

A I don't have specific memory. I remember that she referenced competing resources and a desire to use more static resources to address the security needs in Tripoli and Benghazi, to allow resources such as the Marine's -- the mobile security divisions and the SST, which I can't remember what SST stands for, but to allow those to be what they're supposed to be, which is temporary and available to be responsive to new crises.

They had taken on a much more static role in Libya, and she was trying to find ways to create a more static footprint that would use resources in a more conventional way as opposed to this mechanism that was meant to be crisis responsive.

Q Okay. And so when we talk about static, we're referring to both Tripoli and Benghazi, right?

A Yes.

Q And it sounds like, was much of the discussion about Tripoli or did it include a blend of both Benghazi and Tripoli?

A I would say the large majority of the conversation between [redacted] and Charlene was specific to Tripoli, because there was discussion of when the MSD and when the SST would be pulling out, and we were trying to figure out how we were going to mitigate that change, but there was also discussion specific to Benghazi because of the continued shortage of personnel on the ground.

Q Sure. And do you recall one of the things being discussed in this meeting, the need to prepare some sort of quantitative assessment or justification for the number of security personnel that were being sought, either in Tripoli or Benghazi?

A I don't remember if that discussion specifically occurred during [redacted] meeting with Charlene, but I am aware that there was a request to post to develop an -- and it came in part from my conversations with [redacted] while I was on the ground in Tripoli. We wanted post to lay out a specific plan for the future as to how they thought security would be best met with more permanent resources in Tripoli and how Benghazi could be more effectively staffed.

Q Okay. And do you recall in the course of those discussions, those conversations, what the level that was sought

in Benghazi was in terms of numbers of security staffing?

A I know that in the future of Benghazi operations memo from December 2011, there was a five -- a number of five security personnel. I'm also aware, though, that as our total numbers began to dwindle and we had fewer people on the ground, that there was really a minimum need of three, one to stay on the compound and two -- two to allow one in each vehicle for vehicle movements, have two separate vehicle movements, but that's presuming that none of those three got any down time, so no rest time, no -- no time to sleep, even if it were moving forward, but three was really the base minimum that was required.

Q Okay. And do you recall who would have requested three, or a minimum of three, where that requirement would have come from? Would that have come from post, for instance?

A It would have been a discussion between Benghazi, Tripoli, DS, to figure out what the base minimum was.

Q And was the number three, was that tied to the discussion of whether DS agents should be used as drivers in Benghazi?

A In part, yes.

Q Okay. We just mentioned you couldn't recall if the quantitative assessment was tied to this specific meeting, but when post eventually did submit that, do you recall how well that was received by Main State, specifically the Bureau of Diplomatic Security?

A I wouldn't have been present in discussions with DS as to their reaction to the memo.

Q Okay.

A Or the cable.

Q Okay. So you never had any follow-up discussions with [redacted] about it?

A I probably had various discussions with [redacted], but in terms of what the actual reaction was, I'm not sure I have anything there.

Q Sure. Okay. Well --

BY MS. SAWYER:

Q And then before we switch over for the next hour, there was -- we discussed a little bit with you earlier with regard to an exchange with [redacted] and he had said he was going to become an increasingly vocal gadfly, and we asked you some questions about that, but did he ever come back to you and say that he had felt that he been penalized, retaliated against, or in any other way, an adverse action taken against him for being, in his view, an increasingly vocal gadfly?

A I don't recall any discussions with him of that sort. I remember discussions with him about per diem issues after he came back. That's really the main discussion he and I had.

Q So he didn't certainly raise any concerns about that?

Do you recall anyone else expressing to you, and speaking, in particular, with regard to personnel posted in Benghazi or in

Tripoli and who were dealing with staffing issues in Benghazi, do you ever recall anyone else coming to you and saying that they had been told not to express their concerns or advocate their concerns with Main State?

A I don't recall a conversation like that.

Q And do you recall anyone coming to you and saying they felt they had been penalized or retaliated against or adverse action had been threatened because they were speaking up about concerns they may have had with regard to staffing?

A I don't recall a conversation like that.

Mr. Kenny. Okay. We'll go off the record. Thank you.

[Discussion off the record.]

BY MS. JACKSON:

Q Let's go back on the record. It is 3:50 in the afternoon, and we anticipate this to be our last round, unless of course you would like to extend your stay and come back and visit with us again.

A I am happy if you say this is your last round.

Q Okay. As you have seen throughout the day, I have some follow-up questions on the questions you were asked in the last hour, so let's go back there first.

Do you -- there was a discussion in the last hour when the -- in the November, December timeframe, when the memo was being circulated, to extend Benghazi throughout 2012, and one of the things that my colleague, Ms. Sawyer, asked you was, was closure

ever -- closure of Benghazi ever an option, and you said yes, it was an option. But as I recall, and I just want to clarify, was -- do you recall any specific conversation or discussion in which the closure of Benghazi was actively discussed or was discussed?

A In official conversations or just in conversations in general?

Q Let's start with official conversations.

A In official conversations, as we met to discuss options related to the Benghazi footprint, that was always one of the items that was out there as a potential decision point. As we were looking at security and others things, closure was always an option.

Q And it was discussed?

A Yes.

Q Okay. What about in informal discussions?

A Informal discussions, likely, every day I said why can't we just shut this place down, but then I also said why can't we just explode it larger. I mean, it was part of -- part of the discussion of what are we trying to achieve? How are we trying to achieve it? What do we need to do to make it happen?

Q In your opinion, did it have to change in some way to make it either effective or change in closing it down because it wasn't being effective?

A I was not in a position to judge its effectiveness. That was not my role in EX. My role was to determine what

footprint we needed in order to support the function of our presence in Benghazi.

Q Okay. You were also shown exhibit 12, which was the January 6 email exchange at the top between you and [redacted], and then -- and [redacted], the three of you are on two of the three email exchanges in this exhibit, and it regarded staffing by the diplomatic security agents principally in Benghazi; is that correct?

A Yes.

Q Yes. Okay. This is January 6th of 2012, and the memo extending Benghazi had been signed on December 27th, 2011. I guess what I wanted to try and find out is had that memo, the December 27th, 2011 memo, been widely circulated? Was this a residual problem from before that memo was signed or -- and was that memo to take care of this problem or was this a continuing problem, notwithstanding that memo? And I understand that's a long explanation, but --

A That's a very multi-parted question.

Q Yes. Can you take it apart for me and -- first of all, just answer what parts of it you can, and then we'll -- I'll do some follow-ups.

A The presence in Benghazi had, over several months, morphed in many different directions. There was not an underlying document outlining the plan and the structure of which I can remember at this point in time. The staffing issues had begun to

arise around the time that we began staffing Tripoli and continued. Part of what we were trying to do with the future of Benghazi operations memo was to put in writing, with everyone agreeing to it, this is what the plan is moving forward.

Was part of that to try to force DS to staff it more fully? There was likely some underlying desire to have that be the case, but there was also just a genuine desire to define the requirement. Everyone was putting forth a good faith effort to react to the situation at hand. Many, including those in DS and OBO, were reacting to multiple competing priorities and crises at the same time, and trying to document it and create that formal decisionmaking process was done in an effort to memorialize this is how it should be.

Q Because in this conversation in January -- in early January of 2012, I don't see reference to that memo or something like, you know, some reference like we fixed it in the memo that was just signed, and you know, perhaps due to the holidays, people hadn't seen it. Was there an underlying recognition that the memo had been signed when you were having this conversation?

A Honestly, I had been out on leave right after I sent the memo out for clearance, and I probably was shortly returned from leave. I am unaware of what the discussion had been prior about the signing of memo.

Q Okay.

Mr. Evers. You want to take a look at page 2?

Ms. [redacted] "This was just signed yesterday." Oh, yes.

BY MS. JACKSON:

Q I'm sorry, what --

A On page 2 of [redacted] email from Friday, January 6th.

Q Uh-huh.

A It makes reference to [redacted] claiming he hadn't seen the recent request for security upgrades outside of the villa move project. His complaint that in effect, quote, This was just signed yesterday, so we haven't done anything, when this memo has been in the works for a month.

That's making reference to, I believe, the future of Benghazi operations memo, so it sounds like even though the memo was dated December 27th, that doesn't necessarily mean that's when it was signed by Patrick Kennedy, so I'm not sure. So let me look at the signed version. If I can read his handwriting there.

Generally speaking, the date on these action memos, I'm looking at exhibit 4, the date on these action memos that's typed on is the date that it is submitted to the principal for signature. That doesn't necessarily mean that the decision is made on the date that is dated on the memo.

Q Could you look at exhibit 2. And in the upper left-hand corner there is a bunch of stuff that's been imprinted on it.

A Yes.

Q And at the bottom there is a date of January 5th, 2012. Does that date signify anything?

A That would indicate that that's the day that action was taken on the memo.

Q Because once action is taken, then it's input in the system in some way?

A Correct.

Q And is that what all of these long lists of letters mean?

A The long list of letters means that these are the offices to which copies of the signed memo would have been distributed.

Q On the date it was signed?

A On the date it was signed.

Q Okay. So this -- so even though exhibit 2, the action memo for Under Secretary Kennedy is dated December 25th, 2011, it is your opinion, from working in the State Department for 20 years and this electronic stamp on it, that it wasn't signed until January 5th?

A Correct.

Q Okay. Thank you. Back -- so then your conversation, your email conversation with [redacted], as recounted in the January 6th email exchange, which was exhibit 12, was literally the day after it was signed?

A Yes.

Q Okay. So DS had not been given any, essentially, opportunity to fulfill what they had committed to in -- in the action memo?

A Correct. And from a bureaucratic standpoint, the electronic version of the signed memo may have been distributed the night of the 5th of January, but at what time it got distributed out to the various action offices for their awareness, I don't have any idea on that timeline.

Q Okay. There is a reference on page 2 of exhibit 12 in the [redacted] exchange to you on January 6th, the last line of the first paragraph, which is a partial paragraph, where he says -- and just reading not the full last line, but quote, "When this memo has been in the works for a month and anyone could see this decision coming (especially DS which was holding it up)," did you -- did you share that assessment with Mr. [redacted] that DS was the one that was holding up the memo?

A As I mentioned previously, the clearance process for the memo was very long and involved, and it was not purely a paper exercise. There were many meetings and discussions surrounding the edits and changes to the document. It was a living document that morphed over time.

There were many, many deep discussions in various bureaus about how they wanted to characterize the aspects that related to their functional area of responsibility in that memo. I don't necessarily think that DS was the only thing holding up the memo.

We had equally long and frustrating discussions with the Bureau of Overseas Building Operations and trying to get the Maghreb office to give us a definitive paragraph on the purpose of staying in Benghazi. The paragraph morphed multiple times because the situation morphed. There was always something changing. I wouldn't necessarily characterize that DS was the only --

Q Okay.

A -- holdup.

Q It just took that long?

A It took a long time.

Q Okay. And then just a couple of questions on exhibit 13, which is the February 12th, 2012, email exchange regarding again DS staffing issues, the SST in Tripoli, pulling the MSD, and a variety of subjects. As I recall, you said this was right after you got back from Tripoli?

A Yes.

Q Okay. So you had met with [redacted] and [redacted] over in Tripoli and seen for yourself what they were up against?

A During my time in Tripoli, I met with virtually everyone in the mission to talk through their issues, especially on the management side of things.

Q Did they try and capture you and make you stay?

A They asked me a few times if I would stay.

Q Yes. Okay.

A I think Benghazi asked me to stay in Tripoli, too.

Q There is a reference in this memo that there were going to be three agents in Benghazi, one to stay at the compound and two to be devoted to off-compound moves. We're now, you know, 5 weeks after the December 11 signing in January of '12 action memo, and the conversation is about having only three agents in Benghazi. What happened?

A There was a series of complex issues that arose involving staffing, medivacs, visa issues, transportation issues that started making it more and more difficult to get DS personnel into Benghazi, any personnel, not just DS personnel. And it became apparent that five -- while it would have been ideal to have five on the ground, needed to find ways to identify what the bare minimum was to ensure that we at least had that profile in Benghazi.

Q And that's -- and so by February 12th, it was down to three as the bare minimum?

A Yes.

Q You also talked about [redacted] came back to D.C. and had meetings, and you attended the meeting that she had with Charlene Lamb. Did she also meet with Under Secretary Kennedy?

A It is likely that she did. I don't recall specifically if she met with him during that series of meetings, but it was not uncommon for her to meet with Under Secretary Kennedy.

Q Okay. And in your -- I assume that you had a lot of

conversations with her while she was attending her meetings back in Washington?

A Yes.

Q Okay. Did she ever convey to you that she raised with Under Secretary Kennedy the issue of DS security support to Libya, in general, Tripoli, and Benghazi?

A As I don't recall if she specifically had a meeting with Under Secretary Kennedy during that period of time, I don't have specific recollection of her telling me whether or not she raised an issue such as that with the Under Secretary at the time. If she had met with Under Secretary Kennedy during that time, which she may have done, there is every likelihood that she would have raised that issue with him, but I don't have specific recollection of that.

Q Would there be some sort of documentation regarding those type of meetings, anytime, that DCM or an ambassador comes back and meets with the principals of the State Department?

A If someone were meeting with Under Secretary Kennedy, for example, there would likely be a briefing checklist that was prepared for said meeting. I don't know specifically if one was created for a meeting for her with him at that time.

Q And who would have prepared those for the Ambassador or DCM when they come back to have those meetings?

A The checklists actually are not for the Ambassador or DCM. They are for the principal.

Q Okay.

A And that would have been fallen to the action officer. I'm talking about a hypothetical document here. I don't have a specific document I'm referring to.

Q So you would do logistics, [redacted] would do DS security, or at least start the draft of those?

A When I arranged meetings for [redacted] with Patrick Kennedy -- I think this is a more specific way to reference it, given that I don't know specifically if a meeting happened in that timeframe. When I would arrange a meeting for her with Under Secretary Kennedy, I would be tasked with drafting a briefing checklist, I would solicit input from DS and OBO, but I would also provide him with any SCA/EX's opinion on where those issues lay at that period of time.

Q Once again --

A But DS and OBO would have to clear on the document.

Q Okay. And once again, you were the funnel for the information?

A Yes.

Q Okay. You talked in the last hour about your awareness of a lot of competing demands on DS' resources at the time, the whole Arab Spring, that was more than a season, it lasted a year, and just the number of overseas posts that the State Department has. You have familiarity with Syria and Yemen as well as Libya; is that correct?

A Some.

Q Some. Okay. Can you, to the best of your ability, kind of compare and contrast what Libya had in Tripoli and in Benghazi versus what Syria and Yemen had, and in that just the physical security they had in their embassies, did Syria and Yemen's facilities meet OSPB standards, you know, was the footprint similar or disparate? Is there any comparisons that you can make?

A This is a very, very broad question.

Q Yes.

A I am not an expert on these issues, nor do I have any physical familiarity with Sana'a or with Damascus. I am not an expert and not able to comment on those. What I can tell you, though, is that both Damascus and Sana'a were permanent embassy facilities.

Q So they would presumably have met OSPB standards or had waivers and exceptions in place?

A I am unaware of what arrangements were made surrounding those facilities, but I know that they were permanent U.S. government facilities. Benghazi was not a U.S. Government facility -- a permanent U.S. Government facility.

Q Was Tripoli a permanent or a temporary facility in -- once you reentered?

A When we reentered --

Q Or reopened.

A When we reentered Tripoli in September of 2011, our embassy that had been there had been burned by Qadhafi's people in May of 2011. It was uninhabitable. Our people eventually set up a temporary facility in the former Ambassador's residence that they turned into office space while they were setting up a separate compound that would eventually become the interim embassy facility. So one was temporary in the lead up to an interim facility.

Q Okay. And do you recall that there was an official signing off by Under Secretary Kennedy that the Tripoli facility could be occupied on the interim basis as is?

A Which facility are you referring to?

Q The temporary one, before they went -- I'm sorry, the temporary one before they went to the interim one.

A The one in the Ambassador's residence?

Q Yes.

A I do not recall a specific document. It is possible that something was generated for him to sign off on.

Q Okay. One of the aspects of security at overseas posts is the ability of the host nation to offer security support to U.S. facilities over there and to U.S. personnel over there. Am I correct in that understanding?

A In general, part of a bilateral relationship is that the host government provides some security support for a diplomatic presence on the ground in country.

Q Particularly in 2012, from once it was decided to maintain a presence in Benghazi through 2012, what was your understanding of the host nation support in Benghazi?

A The Transitional National Council, which eventually took on the role of government -- or governing body within Libya had made arrangements for some external security to be made available to us. My understanding is that it was actually provided by one of the militias that was loyal to the TNC.

Q Was there also local guard force services in Benghazi?

A At some point, I cannot remember exactly when we began to have a local guard force, but we did.

Q And do you recall whether there were any problems with that local guard force?

A The local guard force was started from scratch in a place where we had not previously had local guards, where it was not common to have local guards that were of the caliber that we would have expected to provide security. I recall that various folks from DS were involved in training the personnel. I don't have specifics on what training was involved, but I recall that there were discussions of the need for training for these individuals. I also recall discussions of the need for more uniforms.

Q And do you recall discussions entailing the fact that you couldn't use foreign companies to feed the local guard force?

A Could you be more specific?

Q Like, do you recall if there was any restriction by the Transitional National Council, the interim Libyan Government that they would not allow foreign countries to come in to provide security services?

A I remember there was discussion that we could not bring in like a U.S.-staffed company to provide the services, but I don't know anything more than that.

Q Okay. But definitely a U.S. security company could not come in and do that?

A I remember discussions that we couldn't have a Blackwater or something like that come in --

Q Right.

A -- to -- yes.

Q Okay. What -- beyond DS agents, and you talked a little bit about the mobile security deployment or detachment, I don't remember which, the D?

A MSD, division, mobile security division.

Q Okay. And they're, as you describe, sort of a surge protection force that's supposed to be able to react to emerging threats in security situations. Would that be a generalized way of describing them?

A My understanding is there was a duel function to MSDs. Not only were they there for surge support in crises, but they were also there for training to be able to go around to various embassies and provide additional training to guard forces and

others, and that was their main purpose, hence, the mobile part of MSD.

Q Was an MSD team ever sent to Benghazi?

A Yes.

Q An entire team?

A They -- the initial entry group that joined Chris Stevens on his arrival into Benghazi was comprised of members of an MSD. Whether it was an entire MSD or not, I'm unaware.

Q So MSD were the DS security officials that accompanied Chris Stevens in April of 2011?

A Yes.

Q After you moved to the villa compound, did MSD ever devote a team to Benghazi?

Ms. [redacted] I don't believe so, but I am not certain as to the specifics.

BY MS. JACKSON:

Q Okay. Do you know was there any discussion as to why? Was there any prohibition other than resources, was there any other type of policy, prohibition on using MSD resources in Benghazi?

A I personally was focused on ensuring that we had the platform necessary to support the people who were there to do the mission that had been identified for Benghazi. I was not focused on the nature of the security elements that were present in Benghazi. I was focused on the fact that we had security present in Benghazi, and that DS had determined that that was the platform that was needed to provide the security. Whether or not they were MSD, honestly, I didn't know, nor did I truly care what their title was or where they were coming from. I just wanted to make sure we had the security that we needed.

Q You mentioned earlier SST?

A Yes.

Q And what -- not what the words stand for, but generally, whose resource is it? How do you get it? How do they get deployed, that kind of thing. You don't have to tell me what

SS -- I know it is security team, but I don't remember --

A I don't remember the name of it. SST is a DOD resource.

Q And do you recall is there a number associated with an SST team, is it 8, 16, 32, 50?

A Your guess is at good as mine. We had an awful lot of them in Tripoli. I remember having to count them coming in and out and having to track their movements on our airplane coming in and out. How many there were? I don't know. There were a lot.

Q Double digits?

A Yes.

Q So at least 10 or more? Was an SST team ever deployed to Benghazi?

A To my knowledge, no.

Q Do you know of any reason why?

A I was not privy to those discussions, DS are the experts and the determiners of our security needs.

Q Well, we have looked at these emails back and forth between yourself and [redacted] and yourself and [redacted] who were there, who were using you as the funnel of information complaining about the lack of security assets in Benghazi. I just was wondering if you had any discussions with them or anyone else regarding other types of security assets that been used at other places around the world and whether they were available in Benghazi?

A I recall, at some point, discussion of some of the SST in Tripoli being sent to Benghazi to help fill in gaps. How much that happened, I am unaware. We were looking at everything. Benghazi was not normal, was not usual, was not something that was easily compared to other presences around the world, so we were working with DS, who was working with DOD on identifying any and all resources that were available to be tapped.

Q Do you know what a FAST team is? F-A-S-T?

A They are Marines, that is all the I know.

Q And a lot of them?

A They can be varying sizes.

Q Were they ever in Libya?

A Maybe. I don't recall specifically.

Q Is there, for these military assets, either a FAST team or the SST? Is there any cost to the State Department to have them?

A As I have said before, it depends. When any request for support from another agency is invoked -- I am speaking in generalities here -- but whenever we place a request in, like when we asked AID for help in contracting for the ferry to bring the vehicles in and for the vehicles and things like that, the State Department generally asks that the support be provided on a non-reimbursable basis, so that the State Department does not have to pull out of State Department budget to pay for such things. Sometimes those agencies come back and say, we will provide you

the support on a reimbursable basis. I do not have recollection as to whether the support was provided on a reimbursable or non-reimbursable basis.

Q Okay. Were you aware of something known as the White House's "boots on the ground" policy, or "no boots on the ground" policy?

A I was aware there was a "no boots on the ground" policy. There was a lot of joking about well, I guess everybody has to wear loafers.

Q What did you understand that policy to be?

A No uniformed military on the ground.

Q Did that apply to Libya, to your knowledge?

A The "no boots on the ground" policy that I was aware of was specifically in relation to Libya. Who created the policy, or whose policy it was, I am unaware.

Q Did that prevent, in any way, military assets from being deployed to Benghazi?

A The "no boots on the ground policy" was a subject of conversation as we were interacting about DOD's support assets and how they could be used in Libya, whether it was in relation to Benghazi or Tripoli, I do not have specific recollection.

Q And who was a part of those conversations?

A Everyone that I talked to. I don't have specific names for you.

Q All right. In June of 2012, you left NEA/EX; is that

correct?

A Yes.

Q Do you remember when in June of 2012?

A I do not have a specific date in my head.

Q Did you recall whether you were there for most of June?

A It was generally somewhere in the middle of the month, but I don't know actually when. I had started a slow phaseout to kind of wean myself off of Libya and wean my replacement, who was a first tour officer to ensure that as we filled the gap, he would have some support to figure out what he was doing.

Q That was an individual I believe you identified as [redacted]?

A [redacted]

Q [redacted]

A [redacted]

Q And he had not been in a position like yours before?

A He had been working in our office for 8 or 9 months, I believe. He had been serving as a post management officer. He had not been covering Libya up to that point.

Q What country had he covered right before Libya?

A He had multiple countries, I don't know specifically which countries. I believe he picked up at least part of my former portfolio, but I don't recall exactly what he had.

Q But he was in NEA?

A Yes.

Q A series of security incidents occurred in Benghazi in June of 2012, and I wanted to explore with you how many of them you were aware of and that is why I was asking you the questions about your transitioning in trying to figure out which ones might have occurred while you were still in your position. Do you recall some rather significant security incidents occurring in Benghazi as you were leaving NEA/EX?

A My timeline is a little bit fuzzy; if you give me specific incidences, I can let you know if I remember them. But a lot happened over the timeframe I covered Libya.

Q Do you recall an incident wherein an IED exploded at the wall of the compound and blew a big hole in it?

A Yes.

Q That was approximately early June of 2012?

A I remember an incident where something blew up, I don't remember it being an IED.

Q An explosion of some sort?

A Yes.

Q It do you recall that there was an attempted assassination of the U.K. ambassador in Benghazi?

A I recall an attack on the convoy of the U.K. ambassador.

Q Do you recall what was used to attack?

A No.

Q So you don't recall whether it was an RPG or anything

like that?

A I don't recall.

Q Do you recall being advised that there was a large Islamist rally in downtown Benghazi where there were close to 1,000 people protesting and waiving al Qaeda banners?

A Specifically, in June of 2012, I don't remember.

Q Do you remember that general incident occurring during the time that you were on the clock, shall we say, with NEA/EX on Libya issues?

A I recall many incidences in Tripoli and Benghazi where a group of many, many people started to assemble for a demonstration. It is not that hard in that part of the world to pull together any large number of people very quickly.

Q In the time you were there before you left in June of 2012, do you recall any discussions of potentially closing Benghazi because of these incidents?

A I recall discussion of security of post, discussion of trip wires, looking at what we needed to do to ensure the continued safety and security of our personnel.

[[redacted] Exhibit No. 14

Was marked for identification.]

BY MS. JACKSON:

Q I am going to hand you what is marked as Exhibit 14. If you just take a moment to look that over. This is Exhibit 14 is an email exchange dated June 30, 2012. The various

participants are [redacted], [redacted] and yourself on this.

A Uh-huh.

Q And the first one is from [redacted], and I believe you described him earlier you thought you recalled he was in Tripoli?

A Yes.

Q And what was he doing in Tripoli?

A I believe he was filling in as a management officer. He was a retiree on a what we call While Actually Employed status.

Q Is that also the acronym WAE?

A Yes.

Q And so he would be like the head management person in Tripoli?

A Yes.

Q And so he writes to [redacted] and copies you and asks, quote, "Are you hearing any talk at the NEA front office or M levels regarding the closing of Benghazi?" And you are cc'd on the response, but [redacted] is the one that responds. Do you recall Tripoli inquiring at this time regarding this?

A I do not recall this particular discussion. At this point, I was likely in the process of transitioning out, and I was copied for my awareness, but not necessarily for my action. Honestly, I was probably fixated on trying to get myself out of EX.

Q I anticipate it had been a stressful tenure in EX. A lot had happened while you were there?

A Yes.

Q Would that be a fair assessment of it?

A Yes.

Q You don't have any recall of who all in the Department was discussing whether Benghazi needed to close?

A No.

Q After you left NEA/EX, did [redacted] or others reach out to you for institutional knowledge or keep you in the loop as to what was happening in Libya throughout the summer of 2012?

A There was a period in time when I filled in up Under Secretary Kennedy's office for about 6 weeks covering NEA, and I continued to watch those issues during that time. It is possible I was copied on messages during that time. Other than that, there was no continual dialogue. There may have been an odd question here or there, but nothing.

Q When was that 6-week period when you were in Under Secretary Kennedy's office?

A Immediately after I left EX, before I joined HRCEA.

Q And do you remember when you joined whatever those letters were on the HR department?

A It was probably somewhere between mid- to late June and early August. I was bridging a gap between two special assistants in the M family. And given everything that was given on in the

NEA, they wanted to have somebody who had familiarity with all the players.

Q Okay.

A So they had me fill in there.

Q Okay. In the time you were at Under Secretary Kennedy's office, were you aware of, privy to, or part of any discussion by anyone from the White House national security staff who was going to travel to Benghazi?

A I don't have specific recollection of any discussions. If something came up, I might have been copied on it. I don't have any --

Q At that time, was Under Secretary Kennedy still personally approving everybody who traveled into and out of Libya?

A It is my understanding that he was.

Q Even though embassy Tripoli had reopened?

A I am not 100 percent certain, honestly.

Q Your recollection was that he still was?

A But he was also approving Syria and Yemen, there was a lot of moving pieces. The specific time line as to when he stopped approving travel into Tripoli, I don't know for certain.

Q Your recollection, though, is that it listed past Tripoli reopening?

A Yes.

[[redacted] Exhibit No. 15

Was marked for identification.]

BY MS. JACKSON:

Q I want to hand you what I have marked as exhibit 15. And you are not on this email exchange, but it is an email exchange dated July 26, 2012, and bears document number C05579456. But I would direct your attention to the bottom portion of this where -- let me just ask you, do you recognize any of the names in the "from," "to," and "cc" of the bottom portion of this email, the first -- the starting email of this exchange?

A I do not know [redacted]; [redacted], the name sounds familiar. I think he was probably DS, but I don't remember him specifically; [redacted], of course, we established that I knew; [redacted] I knew; [redacted] was filling in that principal officer position in Benghazi.

Q So these are obviously people talking about Benghazi-related issues, and I just want to read into the record that this email exchange says, "Please see attached operational plan for the upcoming weekend visit of NSC staff director for Libya, Ben Fishman to Benghazi." And I provided this as a frame of reference to see if it refreshed your recollection in any way as to a trip by Ben Fishman to Benghazi?

A No.

Q Do you recall if, during this time period, that you would have been in Under Secretary Kennedy's office at this time?

A I transitioned out somewhere at the end of July or early August. I don't remember the exact time.

Q Would the State Department have put together any type of materials for somebody from the White House National Security Council who was going to travel to Benghazi? Would that be typical?

A If something like that were created, it would have not been done by NEA/EX, so I don't know specifically.

Q Who would have been -- who would have had been charged with preparing briefing papers for a White House official to travel to Libya?

A He's a staff level, I am not certain that anything would have been created, but it would likely have come out of the Maghreb office, if something did.

Q And who had Libya in the Maghreb office at that time?

A I don't remember.

Q Prior to your leaving NEA/EX, or during the time that you worked in Under Secretary Kennedy's office, were you aware or ever privy to any conversations or meetings regarding Secretary Clinton making a trip to Benghazi?

A No, not that I recall.

Q Not aware that there was any discussion of a planned trip for her in the fall of 2012?

A I do not recall anything like that.

Q And grant it, you were not there, but in August of 2012, there was an information memo that went to the Secretary regarding the deteriorating security situation in Libya. In the

time that you worked in NEA/EX, do you recall ever preparing such a memo for the Secretary?

A Such a memo would not have come from EX in the first place, likely.

Q Who would have been the primary drafter of such a memo?

A If it was talking about the declining security situation, it would have depended on whether it was about the policy side of what was going on in the political climate, versus whether it was specific to security of our personnel.

Q So if it was political instability, it would have come out of the policy side of the house?

A Yes.

Q And if it was overall violence and increases in attacks against Westerners or something, it would have come out of the security side of the house?

A It depends.

Q Okay.

A If it were specific to the security and safety of our personnel, it likely would have come out of DS. If it were more general about the situation on the ground, it likely would have been drafted by the Libya desk in conjunction and consultation with Benghazi.

Q By Libya desk, would that be NEA/MAG?

A Yes.

Q Were you working on the day of the attack in Benghazi

on September 11, 2012?

A I am not 100 percent certain. I remember when I heard about the attack, I was in my home. In the job that I was working at that time in the Bureau of Human Resources, I teleworked on those days. I believe that was a Wednesday, but I don't remember for certain. I teleworked Wednesdays, that is the only reason it is sticking in my head. I remember being present at home when I heard about the attack. I don't know if I had just gotten home from work or if I was working from home that day.

Q Were you called back in any way to augment resources or anything? Did you have any role that you played in the aftermath of the attack to assist in any way, given your background in Libya matters?

A When I heard about the attack as it was happening, I called the operations center and spoke to the folks in the crisis management office, and I offered to come in and assist any task force that was being stood up. At that time, I was told that my offer was very much appreciated, but they felt like they had sufficient resources at the time. They would keep me in mind if this ended up being an ongoing discussion. Given that I had left a job and -- my current job had no reason to have a BlackBerry, there was an offer to just make sure that I had information so that I knew what was going on in the after hours time.

Q So did they provide you with a BlackBerry?

A No, no.

Q Okay. Did you -- you called the operations center and volunteered your services. Did you reach out to any of your other former colleagues in NEA regarding what was happening?

A I may have. It is human nature to reach out to people and share, shared sorrow.

Q Do you remember discussing with them who was responsible for the attacks, or who was believed to be responsible for the attacks?

A I don't -- I don't recall any discussions like that. It might have happened.

Q I have one last area. Following the attacks in Benghazi, the Secretary convened an Accountability Review Board. And as I understand it, from looking at the documents, there was a memo or a requirement that people with relevant documents were to gather them up and send them into the ARB, do you recall that?

A Yes.

Q Okay. And did you -- what steps did you take in response to that?

A I worked with NEA/EX and they asked me to compile the relevant requested documents and share them with NEA/EX. I did that.

Q How did you physically do that? Did you have to go back to NEA/EX? Did you still have access to them through your current position?

A There was an email box that was established that I was

asked to put relevant -- put the requested emails into that email box and then I was asked to look through any documents that I may still have had access to as well. There may have been also discussions about where things might have been saved on shared drives, and share points and things like that.

Q Okay. And so how did you -- explain to me this email box. So if you went through your what, inbox? Outbox? Did you have archived files? How do you gather up relevant emails to send to this collection box?

A I went through the archived emails that had been generated from the time that I had been in the EX office.

Q Did you archive them at the time, or was there some sort of automatic archiving?

A At the time of my departure from post, created PSTs to capture that information.

Q So you were given those PST files?

A They were recovered for me when the need was established.

Q Okay. There were also congressional inquiries in as early as September of 2012 following the attacks. Did you get a similar directive regarding the congressional inquiries?

A I may have, I don't have specific memory of that.

Q Okay. Other than your own records that you would have had your signature on and found from your archived emails, did you have any role in gathering or producing other documents, you know,

memos or other hard copy documents or anything like that?

A No.

Q Was there someone within NEA/EX who would have had that role? Do you have a records management officer or someone who gets tasked with responding to requests for information?

A At that time, I was not working in NEA/EX.

Q Right. When you were there.

A At the time that the request for documents was made, I was not working in NEA/EX. The person who made the request to me was, I believe, [redacted]. It could have been someone reaching out to me on behalf of [redacted]. I produced the documents in whatever form I was asked to produce them to whatever relevant person I was asked to produce them to.

Q Okay. You are -- you currently, just recently left Deputy Secretary Higginbottom's office; is that correct?

A Yes.

Q As of when was that again?

A I was in training for about 5 weeks. My last official day was July 9. In reality, I left that office at the end of May.

Q And again, because it has been a long day, for you especially, but what were your duties and responsibilities when you worked in her office?

A I was one of many special assistants working for the Deputy Secretary. I was focused mainly on human resources, diversity issues, specifically LGBT issues. Also, I was being

looking at Consular Affairs and western hemisphere affairs issues.

Q So you had no involvement in implementation of ARB recommendations, or responding to congressional inquiries, or FOIA litigation or anything like that?

A No.

Q Who had that portfolio in her office while -- as of July 2012 when you left?

A 2012? 15.

Q I am focused on 2012. Yes, 2015?

A At that time it was [redacted]

Ms. Jackson. I think that is all the questions I have. I would like the record to reflect it was 50 minutes, not 60 minutes.

Mr. Evers. I will reflect right back, I appreciate it.

[Discussion off the record.]

BY MR. KENNY:

Q The time is 7 minutes to 5:00 here. Ms. [redacted], thank you again, appreciate your patience, we are hopefully in the final stretch and we will try to work through this as quickly as possible and get you on to your next adventure.

I would like to quickly turn to Exhibit 14, if I can. This was an exhibit that was introduced during the last round, an email June 13, 2012. You were asked a series of questions about this particular email, and you said that you didn't recall, or recollect this particular discussion about whether to close the

Special Mission in Benghazi.

What I would like to ask you about in the first, the email at the top here from [redacted], it refers to [redacted] watching the EAC yesterday to see if post was going to recommend a drawdown. I wanted to ask you a question as a follow-up to our discussion about the EAC, and first just ask, as a post management officer, would you track the Emergency Action Committee cables that would come back from post?

A Yes.

Q Okay. And can you just explain why you would have done that as a PMO?

A Again, was part of being the funnel and being the advocate for post, making sure the issues that are raised in the EAC cable are raised to the relevant folks. It is usually security-related, but sometimes it has to do with another agency's presence or some other things. So it is just being aware of the situation on the ground and where we need to go. Sometimes we would raise that thing with others, other times we would just have it to complete our awareness of the situation on the ground.

Q Okay. And then when [redacted] refers to looking to the EAC to obtain information about whether post had recommended a drawdown or a closure, just to understand, was the EAC one of those vehicles by which that information would come from post that, for instance, Special Mission of Benghazi should have been suspended?

A I am going to speak in generalities for a moment about the way that an embassy functions in a crisis.

Q Please.

A The Emergency Action Committee at an embassy would make a recommendation to the chief of mission as to whether or not to request a drawdown of personnel which would trigger a request for an authorizer and order departure, for example.

In this particular case, the EAC would be looking to make a Tripoli-based recommendation -- this is my extrapolation, given that I was not physically involved in the discussion, but I was copied on the email -- my extrapolation from reading this was that the Tripoli EAC was looking at the situation in Benghazi, likely in consultation with Benghazi and working up a -- and determining whether or not to make a recommendation to the Ambassador about whether or not to recommended a drawdown.

Q And you said those discussions or that information in that cable would have then triggered discussions in D.C. or Main State; is that correct?

A Yes, correct.

Q So would that have been normal, recognizing there are many crises, defining normal may be difficult, but would that have been standard practice?

A In the experience within my interactions with post during crises, during the Arab Spring, that is generally how things worked.

Q Okay. And again, you have no memory or recollection of an EAC, this particular EAC which --

A I have no specific recollection of the EAC that is mentioned in this document.

Q Okay. I would like to shift back to Exhibit 13. This is an email from [redacted], February 12, 2012. There was a follow-up discussion in the last hour about specific security requirements for staffing in Special Mission Benghazi.

A Uh-huh.

Q You had been asked where the number 3 came from, or what the number 3 was based on. Do you recall that conversation?

A Yes.

Q So one of the things that would be helpful for us to understand is the different roles, the different individuals were playing with respect to security. Now [redacted], you told us earlier, was the deputy chief of mission for them; is that correct?

A That is correct.

Q And in your experience with her, you had mentioned that you met with her when you visited Embassy Tripoli; is that right?

A Yes.

Q Was your assessment that Ms. [redacted] was concerned about the safety and security?

A May I make a clarification?

Q Please.

A [redacted] and I may have only overlapped for a short period of time when I was in Tripoli. I now recollect that the vast majority of my time, Gene Cretz was the only one present at post. I don't have specific recollection of meeting with [redacted] while I was in Tripoli. I met with [redacted] over the phone, or in person, kind of constantly over the 2 years that I was covering Libya. Specific to my trip to Tripoli, I recall that [redacted] was out for at least part of my time there, if not the entire time I was there.

Q No, thank you. That is a helpful clarification.

But in the course of your discussions in the 2 years with Ms. [redacted] where you would be discussing various matters, would those touch on security?

A Yes.

Q Was your assessment that Ms. [redacted] was concerned the safety and security of the U.S. presence in Libya?

A Yes.

Q Okay. Did you have any evidence that she wasn't anything but fully committed to providing the best security resources that she could for the mission and the embassy?

A [redacted] was fully dedicated to ensuring that we had sufficient resources to fulfill our mission in both Tripoli and Benghazi to include security, to include budget, to include facilities, to include personnel.

Q And so in your view, was she a vigorous advocate for those types of resources?

A Yes.

Q So continuing the discussion of the levels of security staffing, you were asked in the last hour about the Accountability Review Board process, are you aware that they released a report in December of 2012?

A Yes.

Q Okay. They had also reviewed security staffing levels and how those fluctuated over time and attempted to understand better the reasons why that happened. One of the statements I would like to just read for you and ask you a question about it, it reads, "As it became clear that DS would not provide a steady complement of five TDY DS agents to Benghazi, expectations on the ground were lowered by the daunting task of gaining approval and the reality of an ever-shifting DS platform. From discussion with former Benghazi-based staff, board members concluded that the persistence of DS leadership in Washington in refusing to provide a steady platform of four to five DS agents created a resignation on the part of post about asking for more."

You were asked in the last hour about how the initial number of five that was set out in the action memo had changed over time, and how three became the requirement at one point, maybe it may have fluctuated again thereafter. I would just like to ask, was it your sense as well that the personnel at post that various individuals working, serving at the embassy there, that they became resigned about requesting additional DS security personnel?

A To clarify, I did not say that the new level had become three. What I said was that it was determined that the minimum level of staffing was three in order to be able to provide security for movements.

In terms of the attitudes regarding security in Benghazi, in my interactions with the folks in Benghazi, in Tripoli, during my time covering Libya from NEA/EX, I do not recall a time when they ceased to seek additional support. They -- I do not recall a point in time when there was resignation that they would not get what they needed. I felt like there was a continual advocacy to attempt to get to where they thought they needed to be.

Q Okay. And just continuing our discussion about the ARB, I would like to ask a little bit about your involvement in that process. There have been a series of allegations that the ARB didn't receive all of the information, the documents, they didn't need it to do the job properly. Just to be clear, none of those allegations are directed at specifically you or any particular person, they are general claims of information about how individuals may have been pressured not to provide the ARB with information. So I would like to ask, were you able to be fully forthcoming with the ARB?

A Yes.

Q Did you withhold any information about the ARB?

A No.

Q Were you ever under any pressure from anyone to

withhold information from the ARB?

A No.

Q And I believe you mentioned that you had the opportunity at one point in time to read the ARB; is that correct?

A I read the unclassified portion.

Q Okay. Was your sense that it generally reflected, or accurately captured, your experience working with the NEA/EX?

A Given that it has been many years since I have read the ARB report, my general memory is that the general tenor of the report seemed to reflect my experience. I did not feel that they had substantially gotten things wrong.

Q Okay. I would like to note that the ARB commended the executive office, stated that personnel within the office, I guess, that would include you, showed dedication in collaborating on solutions with DS counterparts in responding to TDY staffing requests and demands, so I did just want to note that.

A Thank you.

BY MS. SAWYER:

Q So within that, you have been asked a lot of questions in the course of today and you have answered and provided very valuable context about the back and forth that went on. And it certainly seems, and I think a little bit was captured in the ARB, that there was kind of a consistent back and forth to try to achieve adequate and appropriate DS agent staffing levels. Given all of that, and given the fact that you really were, as you

described it, kind of funneling and helping that conversation. Did you ever have the sense that anyone in that chain was acting with anything other than good faith and trying to make sure that they got whatever resource that they could to both Tripoli and Benghazi?

A My belief is that all of the people working on Benghazi and Tripoli issues were making a good-faith effort to meet the requirements in the face of the vast array of crises that they were facing around the world.

Q And some of the back and forth that was reflected in some of the exhibits that we showed you indicated some of your efforts to, when you thought necessary, elevate the conversation by making sure that, I think it was Mr. [redacted] as the executive director of your entity, was having conversations with DAS Lamb to try to resolve and make sure attention was being given to the staffing.

Did you feel that that helped improve the situation at any point?

A I feel that the overall situation was one where there were discussions at all levels of the Department as we were working through issues, we would naturally elevate things as we needed to elevate things to ensure that they received proper focus and attention. I did not feel that anything impeded that function.

Q And did you feel, I think my colleague may have some

additional questions about this as well, understanding that you weren't a security expert, but would you have felt constrained in any way if you had felt that there was a dire need to remove people from Benghazi? Would you have felt constrained in any way from raising that point during the period of time from the beginning when you were there in the spring of 2011 to when you left in 2012?

A No.

Q And did you ever raise that as a concern?

A As security issues were discussed between Benghazi, Tripoli, and Washington, we all raised thoughts and concerns about these issues as things came up and had fulsome discussion about those issues. In the end, the final decision about security determinations fell to the experts in security which were the diplomatic security folks.

Q Did you ever hear anyone within diplomatic security -- did anyone ever describe to you, or did you hear anyone in diplomatic security kind of indicate that they had a belief that Benghazi was a suicide mission?

A I did not hear those terms used, that term used.

Q Did you ever hear anyone in DS or anywhere else say that they knew that people in Benghazi were at grave risk and they just did not care and would not provide the resources?

A I did not hear anyone say that they did not care about the safety and security of personnel in Benghazi.

BY MR. KENNY:

Q So at this point, I would like to ask you a series of questions about a number of public allegations related to the attacks. We understand the committee is investigating these allegations, and therefore, we have to ask everyone about them, but I would not want you to think by us asking these questions that we or the Democratic members are saying that any of these allegations have any merit. There are a lot of allegations here, so I just ask for your patience as you bear with us. For the most part, I am going to ask whether you have any evidence that would substantiate any of these allegations. If not, we will move on to the next one.

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." 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 Secretary of State Clinton issued any kind 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 to denying security to Libya. The Washington Post fact checker evaluated this claim and gave four Pinocchios, its highest award for false claims. Do you have any evidence that Secretary Clinton personally assigned in April of 2012 a cable denying security resources to Libya?

A I have no evidence that she personally signed a cable in April of 2012.

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 has misrepresented or fabricated intelligence on the risk posed by Qadhafi to his own people in order to garner the course of 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 from military operations in Libya in spring of 2011?

A No.

Q It has been alleged that the U.S. mission in Benghazi included transferring weapons to Syrian rebels for 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" closed

quote, and that they found, quote, "no support for this allegation," closed 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 weapon transfers from Libya to Syria or to any other foreign country?

A No.

Q The next allegation: A team of CIA security personnel was temporarily delayed from departing the annex to assist the Special Mission compound on the night of the attacks. 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 the team was not ordered to quote, "stand down," closed 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 was part of the annex to assist the Special Mission compound?

A No.

Q A concern has been raised by one individual that in the course of producing documents to the Accountability Review Board, damaging documents may have been removed or scrubbed out of that production. Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to the ARB?

A No.

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

A No.

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

A No.

Q It has been alleged CIA Deputy Director Michael Morell altered unclassified talking points about the Benghazi attack 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 non partisanship," closed quote. Do you have any evidence that CIA Deputy Director Mike Morell gave false or intentionally misleading testimony to Congress about the Benghazi talking points?

A No.

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

A No.

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

A No.

Q It has been alleged the President of the United States was, quote, "virtually AWOL as Commander in Chief," closed quote, on the night of the attacks, and that he was, quote, "missing in action," closed quote. 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 team of four military personnel at Embassy Tripoli on the night of that attacks were

considering flying on a second plane to Benghazi were ordered by the superiors to stand down, meaning see-saw 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 reported 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, quote, "there was no stand down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi," closed quote.

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 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," closed 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 the Pentagon leadership intentionally decided not to deploy?

A No.

Q Appreciate your indulgence on that. Last set of questions here just to conclude, the ARB has conducted and concluded its investigation within 2 months issued a report in 2012. Congress received that report in the same month. This is now the eighth congressional investigation into the attacks following the ARB's work and were committed to ensuring it is the last. So one of the things that we were interested in just exploring with you is whether -- what impact the continued investigation has had if any -- on you personally?

A I have fatigue of hearing about it. I am very frustrated by having to continually hear about the things that I went through and having to go through them again and again. I knew Chris very well, he died. It is a horrible thing that he died. Thank you.

The process that has gone on to continue to question this is not one that I think has seen a whole lot of additional benefit. The Department did what it does after any tragedy. We looked at what happened, and we worked to learn from it to figure out where to go from there. And I can tell you that I have seen in contingency planning and other things as we try to move to address crises since that time that the lessons of Benghazi have been taken to heart. And this continued investigation is very

stressful for those of us who lived through this time. We have a lot of retained stress from it. We will never quite get away from it. It is an experience that will not leave us. We would like to be able to move beyond it, though.

Q And that is certainly our and the ranking member's intent as we hope that this is the last investigation into this matter.

I would like to just thank you for sharing that.

BY MS. SAWYER:

Q I think likely covered in your explanation, but is there anything from your perspective that you think this committee, in particular, needs to be examining to finally kind of put to rest the congressional side of the inquiry and to the before, during and after of the Benghazi attacks?

A As I mentioned before, I feel that the Department has taken many of the lessons of what happened in Benghazi and used it to inform future operations in the way that we do things. Obviously, it is Congress' prerogative to continue to look into these things to figure out what happened. I -- I don't have any specific things to advise.

Ms. Sawyer. We certainly appreciate your testimony today, certainly your service over the many years with the Department. We also very much appreciate your sharing, to the degree you did, the impact. It is very important for the committee to understand that. It is also part of the scope of our jurisdiction to

understand how we can help advise Congress in how it conducts investigations. So as painful as that question is, we do appreciate your willingness to share that information with us, because it does help inform hopefully Congress in the way it conducts investigations going forward. So again, thank you very much for your time with us today. We have nothing further for you, and so we hope that you make it to your dinner party. It is 5:21 in a timely fashion.

Ms. [redacted] Thank you.

Mr. Kenny. Thank you.

[Whereupon, at 5:21 p.m., the interview was concluded.]

Certificate of Deponent/Interviewee

I have read the foregoing 216 pages, which contain the transcript of the answers made by me to the questions therein recorded, and I request the below corrections to the transcript, as detailed on this and two additional pages:

Page 9: ***"In September of 2003, so almost 13 years."***
Please factually correct to 12 years, as this interview took place in 2015.

Page 11: ***"I shifted over to work for the director general of the foreign services chief of staff…"***
Correct to "I shifted over to work for the Director General of the Foreign Service as his Chief of Staff"

Page 12: ***"NEA/SCA/EX"***
Correct to "NEA-SCA/EX"

Page 14: ***"NEA/SCA/EX"***
Correct to "NEA-SCA/EX"

Page 14: ***"that have this kind of joint effect."***
Correct to "that have this kind of joint EX."

Page 24: ***"Q: You were sent to Hawaii? A: I was."***
Please clarify that this was personal travel. I was not sent on official travel.

Page 46: ***"We couldn't charter a plane because no charter company could get more risk insurance…"***
Correct to "We couldn't charter a plane because no charter company could get war risk insurance…"

Page 48: ***"It is entire I will likely we had to do memos regarding that."***
Correct to "It is entirely likely we had to do memos regarding that."

Page 53: ***"NEA/SCA/EX"***
Correct to "NEA-SCA/EX"

Page 54: ***"would have reported to a PDAS in one bureau as a PDAS in another bureau?"***
Correct to "would have reported to a PDAS in one bureau and a PDAS in another bureau?"

Page 57: ***"NEA/SCA/EX"***
Correct to "NEA-SCA/EX"

Page 60: ***"NEA/SCA/EX"***
Correct to "NEA-SCA/EX"

Page 61: two instances of ***"NEA/SCA/EX"***
Correct to "NEA-SCA/EX"

Page 67: ***"NEA/SCA/EX"***
Correct to "NEA-SCA/EX"

Page 71: ***"Right-sizing is probably a good term that we didn't use that term at the time."***
Correct to "Right-sizing is probably a good term but we didn't use that term at the time."

Page 74: ***"a combination for T&Z guards"***
Correct to "a combination for TNC guards"

Page 77: ***"that the original opener had had"***
Correct to "that the original owner had had"

Page 83: ***"DN, DBNP"***
Correct to "D(N), D(B), and P"

Page 86: ***"leading document that put them push for resources."***
Correct to "leading document that let them push for resources."

Page 114: ***"This was [redacted], I believe."***
I misspoke in this statement. I now recall that the name of the Management Officer was [redacted].

Page 126: ***"To the extent that a TNC was able to actually grant such things, yes."***
Correct to "To the extent that the TNC was able to actually grant such things, yes."

Page 136: ***"a request to clear on language that reflected NEA's inequities in a particular issue"***
Correct to "a request to clear on language that reflected NEA's equities in a particular issue"

Page 150: ***"Read DS coverage for Benghazi"***
Correct to "Need DS coverage for Benghazi"

Page 152: ***"NEA/SCA/EX"***
Correct to "NEA-SCA/EX"

Page 153: ***"that we needed this distri list"***
Correct to "that we needed this distro list"

Page 154: ***"So you had just returned from MC Tripoli at this time"***
Correct to "So you had just returned from Embassy Tripoli at this time"

Page 156: ***"The meeting was envisioned to TF [redacted] meeting..."***
Correct to "The meeting was envisioned to tee up [redacted] meeting..."

Page 174: ***"I would also provide him with any SCA/EX's opinion on where those issues…"***
Correct to "I would also provide him with NEA-SCA/EX's opinion on where those issues…"

Page 188: ***"Immediately after I left EX, before I joined HRCEA."***
Correct to "Immediately after I left EX, before I joined HR/CDA."

Page 195: ***"might have been saved on shared drives, and share points and things like that."***
Correct to "might have been saved on shared drives, and SharePoints and things like that."

Page 199: ***"which would trigger a request for an authorizer and order departure…"***
Correct to "which would trigger a request for an authorized or an ordered departure…"

[redacted]

11 March 2016
Date

EXHIBIT 1

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

[redacted]

From: [redacted]
Sent: Wednesday, April 04, 2012 10:48 AM
To: Bultrowicz, Scott P
Cc: [redacted]
Subject: Fw: Background Information for M meeting APR 4

Importance: High

FYI

From: [redacted]
Sent: Wednesday, April 04, 2012 10:36 AM
To: [redacted]; DS-IP-NEA
Cc: [redacted]; Lamb, Charlene R.
Subject: FW: Background Information for M meeting APR 4

Great background from IP/NEA for this afternoon's meeting with M focusing on items listed in the agenda.

SBU
This email is UNCLASSIFIED.

From: [redacted]
Sent: Wednesday, April 04, 2012 10:31 AM
To: [redacted]
Subject: Background Information for M meeting APR 4

[redacted]

Here is some informational background for this afternoon's meeting:

- YEMEN:

[redacted]

- SYRIA:

[redacted]

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

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[redacted]

- LIBYA:

DS/IP/NEA has a current full briefing paper on Libya available on ClassNet if requested. Also, a representative, usually [redacted] attends all the planning and policy meetings. The Libya weekly meeting schedule follows:

- Mondays- Tripoli/Benghazi conference call administered by NEA/EX it is basically a run down from the country team including RSO that the mission is working on.
- Wednesdays- The Tripoli Policy and Planning meeting hosted by NEA/MAG. This meeting covers a broad range of interagency programs and policy issues dealing with Libya.
- Fridays- The interagency Libya planning meeting hosted by NEA/EX. This meeting is focused on getting the post operational covering the OBO make ready projects, the missions projected staffing level and interagency coordination on cost sharing.

[redacted] put together this summary of current issues:

- (SBU) GoL inability or unwillingness to provide a range facility to train the first class of 12 member LES Bodyguard (BG)/security escort force. The first class of 12 BGs has completed all but SPE live-fire training. As of April 4, RSO does not have a range. Even if allowed training the GoL has not responded to Post's Diplomatic notes, nor Ambassadorial level meetings with MFA, MOI and MOD to allow LES employed by the USG to have weapons permits to operate in Libya. Post is not optimistic that they will get any resolution until after the national elections in June.
- (U) The Libyan Embassy in DC has been unable to issue visas for the last 3 weeks as a result of a new visa foil policy, followed by an IT issue. The Libyans are hopeful that they will be able to issue visas perhaps as early as this week. DS has 11 Agents with MFA approval for visas, but they are unable to travel until the visa issue is resolved. This is having a negative impact on RSO staffing in both Tripoli and Benghazi.
- (U) The mission in Benghazi has been approved by M to remain operational through calendar year 2012. Both the outgoing and incoming Ambassador's have recently expressed the desire to keep the mission in Benghazi open past this date.

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- (U) The main OBO project to upgrade the interim Embassy/Residential compound (including numerous physical security projects) is in the solicitation stage. OBO is expecting the sole source contractor to provide them with their proposal on April 20. OBO is optimistic that the contractor can start working in June (The perimeter wall has already begun on a separate contract). OBO is anticipating that the project will be completed by May of 2013.
- (SBU) The CAA container project is still on schedule to be completed by September of 2012.

Please let me know if this will suffice, and if you have any questions.

Regards, [redacted]
X5-3425

SBU
This email is UNCLASSIFIED.

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

EXHIBIT 2

(STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.)

ORIG TO IPS
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Treat as Original

United States Department
Washington, D.C. 20520

SENSITIVE BUT UNCLASSIFIED

December 27, 2011

ACTION MEMO FOR UNDER SECRETARY KENNEDY - M

FROM: NEA – Jeffrey Feltman

SUBJECT: Future of Operations in Benghazi, Libya

Recommendation 1:

That you approve a continued U.S. presence in Benghazi through the end of calendar year 2012; and that you approve a combined footprint of 35 U.S. government personnel in Benghazi, including eight State Department and USAID and two TDY beds.

Approve _____ Disapprove _____

Recommendation 2:

That you approve the release of the existing State Department lease in Benghazi on Villa A; and that you approve the retention of Villas B and C for office and residential space for the State Department presence.

Approve _____ Disapprove _____

Background

The Transitional National Council (TNC) recently declared Libya liberated and moved the center of TNC operations from Benghazi to Tripoli. Chris Stevens, the Department's original Special Envoy to the TNC, has been replaced by Bureau of Political Military Affairs officer [redacted], who previously served at Embassy Tripoli. Entry level officer [redacted] transitioned to Tripoli in mid-December and USAID has shifted its permanent presence to Tripoli. Because of budget constraints and the reduced footprint, Diplomatic Security's current presence consists of two Special Agents, with an additional three slots currently unfilled.

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With Information Management Officer (IMO)/Management Officer [redacted] the permanent presence in Benghazi is five, down from an approved footprint of 17. The current leases are paid through February 4, 2012, and extendable at our discretion through 2015.

Although our presence in Benghazi has shrunk considerably since the reopening of the Embassy in Tripoli, I would like to maintain a small State-run presence in Benghazi through the end of calendar year 2012, to include the critical summer elections period. Headed by an FS-02 or GS-14 officer, this office would work in close coordination with Tripoli on political and economic reporting, public diplomacy and commercial work in the eastern part of Libya and serve as "host" for the activities of USAID, PM, and any other U.S. government TDY personnel in Benghazi. Because this would be a smaller operation, Benghazi would continue to be supported by one IRM TDYer for communications and management issues and one NEA TDY reporting officer in addition to the TDY head of operations. NEA also would support the continuation of an LES PSA position to provide translation, policy, and administrative support. With the full complement of five Special Agents, our permanent presence would include eight U.S. direct hire employees, two slots for TDY PM and USAID officers, and one LES program assistant.

A continued presence in Benghazi will emphasize U.S. interest in the eastern part of Libya. Many Libyans have said the U.S. presence in Benghazi has a salutary, calming effect on easterners who are fearful that the new focus on Tripoli could once again lead to their neglect and exclusion from reconstruction and wealth distribution and strongly favor a permanent U.S. presence in the form of a full consulate. They feel the United States will help ensure they are dealt with fairly. TNC officials have said some government agencies may shift their headquarters to Benghazi (such as the National Oil Company). Other government agencies and corporations already have their headquarters in Benghazi and will likely remain there for the foreseeable future. The team will be able to monitor political trends (Islamists, tribes, political parties, militias) and public sentiment regarding the "new Libya," as well as report on the critical period leading up to and through Libya's first post-Qadhafi elections. Programmatic benefits to a continued U.S. presence in Benghazi include building on USAID/OTI's programs to strengthen civil society groups, media training, and capacity building in municipal councils. We should continue to engage with the populace, particularly with the large population of Libyan youth, an important and receptive audience with high expectations for the post-revolution period.

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Facilities

The current Benghazi State platform (Villas A, B, and C) is a 13-acre walled compound with 3.5 villas, office space, and a dining hall. Although all groups have come to the conclusion that co-location is the best and most economical option for continued presence, [redacted] and the current State facility is not large enough to permit co-location. Tripoli Facility Manager [redacted] recently traveled to Benghazi to study a proposed villa compound (Villa D – see Tab) [redacted] and determined that the electrical, plumbing and physical security work needed to bring the facility up to an acceptable standard would negate any cost savings of the move.

The current Villa Compound is much larger than we need for the duration of our presence in Benghazi. We currently pay $70,000/month for the three properties (A - $28,000/month, B - $14,000/month, and C - $28,000/month). NEA proposes to release the Villa A property and use Villa C for residential and Villa B for offices, dining facility, and TDY housing. If you agree with this course of action, NEA will work with DS to rapidly implement a series of corrective security measures as part of the consolidation of the State footprint. We have one-year leases renewable for up to three additional one-year periods on these villas, with an option to terminate without financial penalty after the first six months, with sixty days notice. In order to avoid any additional rent payments on Villa A, NEA proposes to give immediate notice of termination, but would like to retain the leases on Villas B and C through the end of calendar year 2012 [redacted]

Attachment:
Tab – Benghazi proposal

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EXHIBIT 3

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[redacted],

Here is our best effort to spin-out a few more detailed options for a contraction of our footprint here in Benghazi. We've done our best since your request on Monday to get the fullest set of facts possible, taking into account security, pricing, future personnel plans, etc. to the best of our ability – particularly when there's quite a bit that remains undecided.

You will find attached a breakdown authored by [redacted] of the estimated costs of the various options we explored, which are:

- Condense down into Villas B & C
- Condense down into Villas A & B
- Move entire operation to Villa D ([redacted])
- Move entire operation to Villa E (a new property suggested by [redacted])

(NOTE: We included B in our plans based on your guidance that we should retain it to maintain some separation between work and office (something we certainly support); the retention of B also gives us additional housing space to accommodate TDY'ers. Villa E was a property recommended by [redacted] that we checked while [redacted] was in town from Tripoli).

Given the uncertain future for this place and the security environment's evolution over time, we did our best to consider all relevant factors. We had several key factors in mind when ranking our recommendations, to include:

- Current and likely future security posture
- Security enhancements at all sites, including the possibility of requesting reasonable waivers
- Other costs – all of them – from security to set-up ,to break-down, to moving, upgrades, equipment/furniture and life services
- General quality of life issues

Weighing all these things, our rank-ordered preferences for a new home are as follows:

1. Condense down into Villas B&C
2. Move entire operation to Villa E
3. Condense down to Villas A&B
4. (last resort) Move entire operation to Villa D

Please see the following pages for some further elaboration on these preferences.

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Discussion

Option 1 (Villas B&C)

Advantages:

- Good number of beds (14 max) – supports unforeseen surge/TDY/VIP visits
- Good quality of life with separate office/work areas/green space & pool
- Well-understood physical plant
- Well-functioning comms, electrical, plumbing, etc.
- Best option from a security perspective – multiple ingress/egress, best footprint and setback of the available options, accommodation for TNC guards, reasonable upgrades will help harden
- Ground space available for further enhancements to footprint (housing/office pods or repurposing of existing structures as security/funds allow), even to the point of safely adding consular services if that decision is made in future
- Property is under 3-year leasing agreement, with more than 2 years left – any enhancements to the property will automatically carry-over if Mission extends beyond 2012 timeframe
- Minimal move-out expenses (repair of walls, etc .only to Villa A) and no moving expenses
- Sufficient representational space for public events
- Sufficient office space for on-compound meetings

Disadvantages

- [redacted] (which also has its advantages)
- Highest monthly rent
- Security upgrades are required to elevate and strengthen some exterior walls – a security waiver will also be required to fully use all structures (some of which are currently in-use anyway – Annex to Villa C and Villa B office spaces); wall upgrades are essential (4-foot high in one stretch; another is unstable and must be shored-up)
- Lingering issue with owner of Villa B property, although he is under contract for another 2.5 years – still should make an effort to address his concerns if possible
- Furniture will need to be accounted for in transition and/or change of LSC (still TBD)

Option 2 (Villa E)

Advantages:

- Good number of beds (12 max) – supports unforeseen surge/TDY/VIP visits
- 2nd cheapest rent of available properties
- Efficient use of property space – small but efficient footprint
- Never been occupied – rooms and appliances all brand new and high-end
- Good office spaces and separation of work/office space
- High (12') walls on sides; upgrades reasonable to other walls/gates
- Sufficient representational space for public events
- Sufficient office space for on-compound meetings

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Disadvantages:

- [redacted] (which also has its advantages)
- Move-out (Villas A, B, C), moving and move-in costs (Villa E)
- No experience with the physical plant, neighborhood
- No read on the sufficiency of title/ownership
- Farther from the city center; area is largely waste areas and construction zones
- Multiple waivers required – especially for set-back of all buildings
- Very near a large gas station (50m) – traffic and presence of fuel trucks
- No space on the compound to add additional capacity

Option 3 (Villas A&B)

Advantages

- Largest number of beds (16 max) – supports unforeseen surge/ TDY/VIP visits
- Highest monthly rent (same as B&C)
- Good quality of life with separate office/work areas/green space
- Well-understood physical plant
- Well-functioning comms, electrical, plumbing, etc.
- Security is workable, but requires multiple waivers that might not be granted (and perhaps should not be)
- Property is under 3-year leasing agreement, with more than 2 years left – any enhancements to the property will automatically carry-over if Mission expends beyond 2012 timeframe
- Minimal move-out expenses (repair of walls, etc only to Villa C) and no moving expenses
- Sufficient representational space for public events
- Sufficient office space for on-compound meetings
- Space on the compound to add additional capacity

Disadvantages

- [redacted] (which also has its advantages)
- Security upgrades are required to elevate and strengthen some perimeter walls
- Substantial security waivers will also be required to fully use all structures, including the main residence (Villa A) and office spaces (B) due to insufficient setback
- Lingering issue with owner of Villa B property, although he is under contract for another 2.5 years – still should make an effort to address his concerns if possible
- Furniture will need to be accounted for in transition and/or change of LSC (still TBD)

Option 4 (Villa D)

Advantages:

- [redacted] (which also has its disadvantages)
- Cheapest monthly rent (at least at this point in the discussions)
- Consolidation of LSC [redacted]

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Disadvantages

- Only sleeps 8 if entire facility cannot be used (in which case it rises to 10)
- Move-out (Villas A, B, C), moving and move-in costs (Villa D)
- Containerized housing/office space likely required to meet space requirements
- Lowest quality of life and likely the least secure among the four options – even with all requested upgrades
- Compound is too narrow – requires security waivers on 3 sides for setback
- Barring waivers, 2/3 of buildings on compound would be storage only
- Augmenting security in back of the property may not be possible – building in that area shares the back wall of the facility, and property in rear is not owned or controlled by landlord – unclear whether additional set-back could be obtained there
- Facility and grounds have several unfinished parts (e.g., guard shack up front, driveway and patio area around house, landscaping, paint, etc)
- Requires an estimated $23K in electrical and plumbing upgrades
- Property shows wear and tear, some water damage
- Poor, possibly insufficient separation of living/office space
- Title adjudication remains unclear – [redacted] but still outstanding
- Owner appears of limited means – may be hesitant/unable to absorb the costs and inconveniences (including moving out his family and also renters of a storage space at property front) required for upgrades, particularly for a one-year lease
- Furniture is sub-standard in parts – would need replacement
- ~~Additional acquisitions of kitchen, facility and entertainment equipment.~~
- No adequate representational space
- Meeting space very limited
- Little/no ability add capacity on the property, especially if containers are used to bring it up to meet initial capacity requirements

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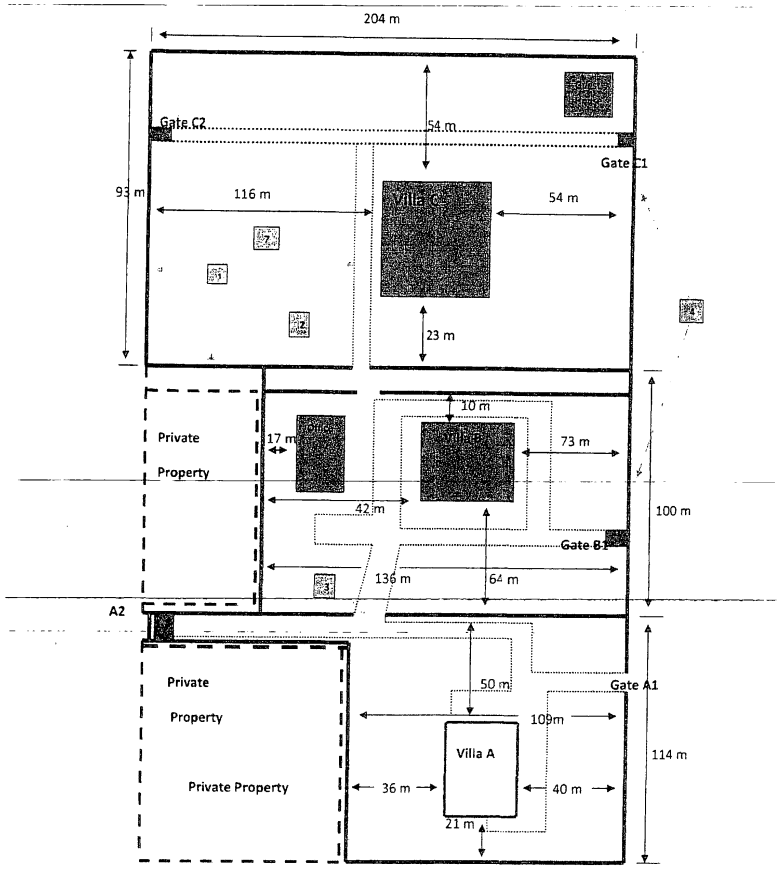
Benghazi Compound B & C



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Benghazi Compound B & C

CORRECTIVE MEASURES

1. At area # 1, which is the perimeter wall at Gate C2, remove 93 linear meters of the decorative upper section on the existing wall and install solid CMU blocks to extend the wall height to 3 meters on the "Attack Side". The replacement shall be done in sections in order to minimize the wall opening exposure.
   a. At Gate C2, install jersey barriers across the width of the vehicle gate to replace the SUV.
2. At area # 2, remove 69 linear meters of the decorative upper section on the existing wall and install solid CMU blocks to extend the wall height to 3 meters from the "attack side". The block replacement shall be done in sections in order to minimize the wall opening exposure.
3. At area # 3, seal the 5 meter wide vehicle driveway opening on the perimeter wall of Villa B. The opening shall be sealed using CMU blocks and cement plaster and painted on both sides to match the surrounding walls.
4. At area # 4, increase the perimeter wall (193 meters) to a consistent height of 3 meters from the road side of the wall. The wall presently has 1.2 meters of solid wall base and 1.4 meters of decorative CMU block. Over lay the CMU solid block in front of the existing decorative blocks to obtain the appearance of a solid wall as it is viewed from the road.
5. Gate B1 is being considered as the primary entry for vehicles into Compound B. The vehicle screening point is under development by the RSO.
6. All Gates currently blocked by the use of SUVs shall be changed to use Jersey barriers instead.
7. Widen to 5 meters the existing pedestrian opening between Villa B and C to allow vehicle access. Construct a new gravel driveway to connect the two villa compounds to allow a secondary vehicle egress. Consider the use of gravel from the existing access driveway between Villa B and A.

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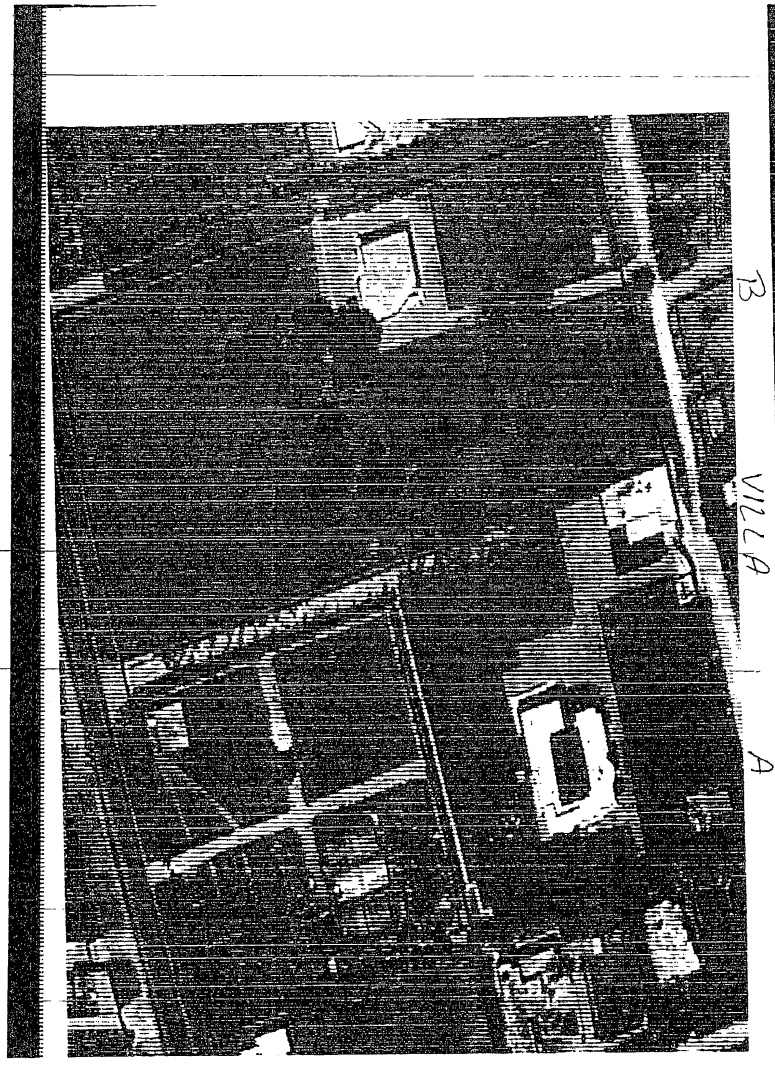

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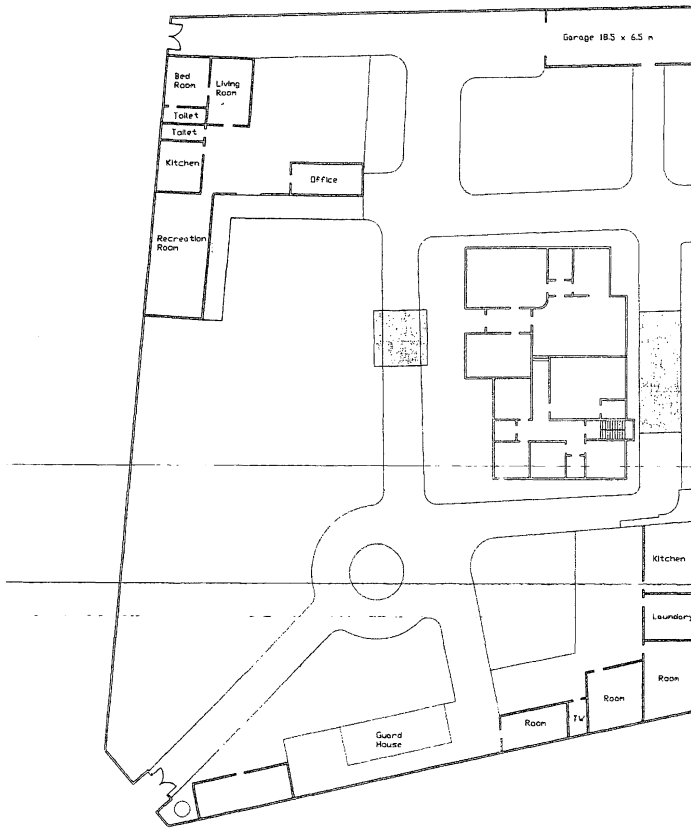

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Various Cost Factors

Food: Mission Personnel 5 @ $93/day = $13,950/mth

7 @ $93/day = $19,530/mth

LGF: 1 @ 8hr shift = $32/day = $960/mth

1 @ 12hr shift = $48/day = $1440/mth

NTC: 1 @ 27/day = $810/mth

Rent: Villa A = $28,000/mth

Villa B = $14,000/mth

Villa C = $28,000/mth

Villa D = $15,000/mth

Villa E = $20,000/mth

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Villa A & B

Sleeps 15

Rent: $42,000/mth

Food: 5 @ $93/day = $13,950/mth

7 @ $93/day = $19,530/mth

LGF: 10 @ 12hr shift = $14,440/mth

NTC: 3 @ 27/day = $2,430/mth

Security Upgrades: One time costs.

Perimeter Wall Upgrade: $100,000

Security Platforms(2): $5,000

Gate Barriers (3): $11,550

Exceptions: Villa B Annex Rear setback

Villa A Eastern wall setback

Villa B Main House western wall setback

Other Issues:

Villa annex furniture for NTC = ?

Mthly costs @5 = $72,820

@7 = $78,400

Security Upgrades = $116,550

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Villa B & C

Sleeps 13

Rent: $42,000/mth

Food: 5 @ $93/day = $13,950/mth

7 @ $93/day = $19,530/mth

LGF: 10 @ 12hr shift = $14,440/mth

NTC: 3 @ 27/day = $2,430/mth

Security Upgrades: One time costs.

Perimeter Wall Upgrade: $100,000

Security Platforms(2): $5,000

Gate Barriers (3): $11,550

Exceptions: Villa B Annex Rear setback

Mthly costs @5 = $72,820

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Security Upgrades = $116,550

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Villa E

Sleeps 12

Rent: $20,000/mth

Food: 5 @ $93/day = $13,950/mth

7 @ $93/day = $19,530/mth

LGF: 4 @ 12hr shift = $5,760/mth

NTC: 3 @ 27/day = $2,430/mth

Security Upgrades: One time costs.

Front wall upgrades: ?

Roof guard shack: $1000

NTC furniture: ?

Exceptions:

Office building roadside setback

Garage setback

Main building setback

Mthly costs @5 = $42,140

@7 = $47,720

Security Upgrades = $1000

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Villa D

Sleeps 9

Rent: $15,000/mth

Food: 5 @ $93/day = $13,950/mth

7 @ $93/day = $19,530/mth

LGF: 4 @ 12hr shift = $5,760/mth

NTC: 3 @ 27/day = $2,430/mth

Security Upgrades: One time costs.

Rear Wall Jersey barriers: 55 @ $500/ea = $27,500

Gate Barriers (1): $3,850

Roof access ladder: $750

Roof guard shack: $1000

NTC furniture: ?

Exceptions:

Rear Building setback

Main building western and eastern perimeter wall setback

Mthly costs @5 = $437,140

@7 = $42,720

Security Upgrades = $33,100

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EXHIBIT 4

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2011253181

United States Department of State

Washington, D.C. 20520

SENSITIVE BUT UNCLASSIFIED December 27, 2011

ACTION MEMO FOR UNDER SECRETARY KENNEDY - M

FROM: NEA – Jeffrey Feltman

SUBJECT: Future of Operations in Benghazi, Libya

Recommendation 1:

That you approve a continued U.S. presence in Benghazi through the end of calendar year 2012; and that you approve a combined footprint of 35 U.S. government personnel in Benghazi, including eight State Department and USAID and two TDY beds.

Approve _____ Disapprove _____

Recommendation 2:

That you approve the release of the existing State Department lease in Benghazi on Villa A; and that you approve the retention of Villas B and C for office and residential space for the State Department presence.

Approve _____ Disapprove _____

Background

The Transitional National Council (TNC) recently declared Libya liberated and moved the center of TNC operations from Benghazi to Tripoli. Chris Stevens, the Department's original Special Envoy to the TNC, has been replaced by Bureau of Political Military Affairs officer [redacted], who previously served at Embassy Tripoli. Entry level officer [redacted] transitioned to Tripoli in mid-December and USAID has shifted its permanent presence to Tripoli. Because of budget constraints and the reduced footprint, Diplomatic Security's current presence consists of two Special Agents, with an additional three slots currently unfilled.

SENSITIVE BUT UNCLASSIFIED

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A continued presence in Benghazi will emphasize U.S. interest in the eastern part of Libya. Many Libyans have said the U.S. presence in Benghazi has a salutary, calming effect on easterners who are fearful that the new focus on Tripoli could once again lead to their neglect and exclusion from reconstruction and wealth distribution and strongly favor a permanent U.S. presence in the form of a full consulate. They feel the United States will help ensure they are dealt with fairly. TNC officials have said some government agencies may shift their headquarters to Benghazi (such as the National Oil Company). Other government agencies and corporations already have their headquarters in Benghazi and will likely remain there for the foreseeable future. The team will be able to monitor political trends (Islamists, tribes, political parties, militias) and public sentiment regarding the "new Libya," as well as report on the critical period leading up to and through Libya's first post-Qadhafi elections. Programmatic benefits to a continued U.S. presence in Benghazi include building on USAID/OTI's programs to strengthen civil society groups, media training, and capacity building in municipal councils. We should continue to engage with the populace, particularly with the large population of Libyan youth, an important and receptive audience with high expectations for the post-revolution period.

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Facilities

The current Benghazi State platform (Villas A, B, and C) is a 13-acre walled compound with 3.5 villas, office space, and a dining hall. Although all groups have come to the conclusion that co-location is the best and most economical option for continued presence, [redacted] and the current State facility is not large enough to permit co-location. Tripoli Facility Manager [redacted] recently traveled to Benghazi to study a proposed villa compound (Villa D – see Tab) [redacted] and determined that the electrical, plumbing and physical security work needed to bring the facility up to an acceptable standard would negate any cost savings of the move.

The current Villa Compound is much larger than we need for the duration of our presence in Benghazi. We currently pay $70,000/month for the three properties (A - $28,000/month, B - $14,000/month, and C - $28,000/month). NEA proposes to release the Villa A property and use Villa C for residential and Villa B for offices, dining facility, and TDY housing. If you agree with this course of action, NEA will work with DS to rapidly implement a series of corrective security measures as part of the consolidation of the State footprint. We have one-year leases renewable for up to three additional one-year periods on these villas, with an option to terminate without financial penalty after the first six months, with sixty days notice. In order to avoid any additional rent payments on Villa A, NEA proposes to give immediate notice of termination, but would like to retain the leases on Villas B and C through the end of calendar year 2012 [redacted]

Attachment:
Tab – Benghazi proposal

(STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.)

EXHIBIT 5

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

From: [redacted]
To: [redacted]
Subject: Fw: (SBU) Update from Special Envoy Stevens
Date: Sunday, April 10, 2011 10:02:25 AM

Sent from my blackberry

From: [redacted]
Sent: Sunday, April 10, 2011 09:26 AM
To: [redacted]
Subject: Fw: (SBU) Update from Special Envoy Stevens

Fyi - situation in ajdabiyah worsening; chris weighing whether to pull team. We asked him to consult euros and then give dept a recommendation. M, P, DS will need to be involved. Jeff feltman has alerted p

From: [redacted]
Sent: Sunday, April 10, 2011 06:09 AM
To: SES_DutyDeputies; S_SpecialAssistants; Feltman, Jeffrey D; Schlicher, Ronald L; [redacted]
Cc: SES-O_SWO; Tripoli Cooperation; SES-O
Subject: (SBU) Update from Special Envoy Stevens

(SBU) Per Special Envoy Stevens:

- The situation in Ajdabiyah has worsened to the point where Stevens is considering departure from Benghazi. The envoy's delegation is currently doing a phased checkout (paying the hotel bills, moving some comms to the boat, etc). He will monitor the situation to see if it deteriorates further, but no decision has been made on departure. He will wait 2-3 more hours, then revisit the decision on departure.
- He received reports of shelling last night in Ajdabiyah as well as snipers shooting people in the city. AFRICOM reported Qadhafi's forces took the eastern and western gates of Ajdabiyah, with 5 vehicles at the eastern gate and 50 at the western gate. More Qadhafi forces are heading to Ajdabiyah from Brega.
- The Brits report Qadhafi forces are moving from Sirte to Brega, which they interpret as preparation for another assault on Ajdabiyah today.
- He plans to discuss the situation further with the Brits, Turks, and the TNC to see if this is an irreversible situation. Departure would send a significant political signal, and would be interpreted as the U.S. losing confidence in the TNC. Initial message to the TNC would frame the departure as due to security grounds and as a temporary measure only.
- [redacted] said she would discuss these developments with Amb. Cretz.
- If the group departs, the contract for the boat stipulates they return to Greece. One scenario could be the group stages elsewhere for a few days.

Ops will continue to monitor the situation.

Best regards,

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[redacted]
State Department Operations Center
Tel: 202.647.1512

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United States Department of State

Washington, D.C. 20520

UNCLASSIFIED

April 15, 2011

ACTION MEMO FOR UNDER SECRETARY KENNEDY – M

FROM: NEA-SCA/EX – [redacted], Executive Director

SUBJECT: Request for Permission for TDY Travel of USG Personnel to Libya During Suspended Operations to Accompany Special Envoy Stevens

Recommendation

That you approve the request for U.S. Government personnel listed on the attached spreadsheet to travel to Libya during Suspended Operations as part of Special Envoy Stevens' security detail. NEA-SCA/EX will send notification of decision via record email.

Approve _____ Disapprove _____

04/15/11

Background

Embassy Tripoli went on Authorized Departure on February 20, 2011, upgraded to Ordered Departure the next day, and suspended operations on February 25, 2011. Post remains on Ordered Departure through April 20, 2011. Diplomatic Security requests that the personnel named in the attached list travel to Libya as part of Special Envoy Stevens' security detail.

Attachment
Tab – List of Personnel Requesting Travel

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STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
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EXHIBIT 7

C05390733

[redacted]

From: SMART Core [svcSMARTBTSRctSPrec@state.gov]
Sent: Tuesday, April 19, 2011 12:17 PM
To: [redacted]
Cc: [redacted] RMTLibyaCE_DMO@ofda.gov
Subject: Libya: M Approval of TDY During Suspended Operations
Attachments: M Approval DS SE Stevens -2DS TDY 2011-04-15.pdf

Categories: Archival

UNCLASSIFIED

MRN: 11 MDA 26900
Date/DTG: Apr 19, 2011 / 191616Z APR 11
From: [redacted]
Action: [redacted] *ROUTINE*; [redacted] *ROUTINE*
E.O.: 13526
TAGS: AMGT, OTRA, LY
Reference: A) 11 MDA 26896
Subject: Libya: M Approval of TDY During Suspended Operations

On April 15, 2011, Under Secretary of State for Management Patrick Kennedy approved the travel of the following Diplomatic Security (DS) personnel to Libya during Suspended Operations to accompany Special Envoy Stevens:

[redacted]

Details of the request are found in the attached, signed memo. Notification of approval of an increase in USAID Disaster Assistant Response Team (DART) TDY personnel, also traveling with Special Envoy Stevens, was sent separately as 11 MDA 26896.

Questions regarding this request may be directed to [redacted], Post Management Officer, NEA-SCA/EX.

Drafted By:
Released By:
Info:
Attachments: M Approval DS SE Stevens -2DS TDY 2011-04-15.pdf, Metadata.dat

Action Post:
Dissemination Rule: Released Copy

UNCLASSIFIED

EXHIBIT 8

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMM.
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C05394877 Date: 10/20/2015

C05394877-MOU

From: Carl Yoder, Samantha A
To: Feltman, Jeffrey D; Sanderson, Janet A; Lamb, Charlene R.; Lohman, Lee; Orr, Pittman A; Keshap, Karen; Hill, G. Kathleen; Kaster, Erica (DCHA/OTI); Jenkins, Robert (DCHA/OTI); Shanks, Fiona(DCHA/OFDA); Mortensen, Ron(DCHA/OFDA); Cretz, Gene A; Kalmbach, Heather F; Roebuck, William V; Kennedy, Patrick F
Cc: Catalano, Elisa; Schreppel, Dawn M; Burl, Tomekah L; Mencher, Daniel A; Sullivan, Stephanie S
Subject: 7th Floor Guidance on Mission Benghazi
Date: Thursday, May 12, 2011 6:36:16 PM

All,

The Deputies met today with Pat Kennedy to discuss the Benghazi staffing memo. As Deputy Steinberg was just on the Hill to discuss Libya, he is acutely aware that the Hill is watching what we are doing in Benghazi, particularly with regard to our footprint. There is no appetite on the Hill for a large presence or nation-building effort. Additionally, there is an expectation on the Hill that Libya, a wealthy country, will be able to provide resources for development in the future.

After a long discussion, both Deputies agreed to the following:

--Staffing should remain at current levels (which will be 17 once the plane lands). As the situation changes in Benghazi and the east, the Deputies will revisit staffing needs.
--USAID should refrain from using contractors/implementing partners for additional assessments at this time.
--Any DG assistance planning should be done with regard to a national political transition, rather than looking to build up the TNC as a government. USAID should proceed with mapping and scoping assistance, with a focus about the whole of Libya rather than just the East.
--Assistance to Libya should be provided on a multilateral basis; the USG should be part of any multilateral partnership.
--The USG as a whole needs to improve coordination on assistance with the international community, both on the ground and perhaps in Brussels or Paris.
--The Deputies and M believe that we can still support limited Codels – using the early Baghdad model for Codels (6 members and staff total, no overnights, only one program).

This information has been relayed to senior levels of USAID and the NSC.
Please let us know if you have any questions.

Best
Samantha and Dawn

****
Samantha A. Carl-Yoder
Special Assistant

C05394877 Date: 10/20/2015
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C05394877 Date: 10/20/2015

Office of Deputy Secretary Thomas Nides
U.S. Department of State
HST 7240
202-647-5094

C05394877 Date: 10/20/2015
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EXHIBIT 9

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C05391797 Date: 10/20/2015

C05391797-MOU

Tynan, Kelley K

From: Hochuli, Jurg
Sent: Wednesday, May 18, 2011 1:13 PM
To: Hicks, Jay A; McNamara, Patrick J; Hebert, Marcus; Toussaint, Joseph W
Cc: Reba, Jeffrey C; Tynan, Kelley K
Subject: FW: Benghazi Sitrep 38
Attachments: Benghazi sitrep 38.docx

Categories: Working
AttachmentsClassification: UNCLASSIFIED
Classification: UNCLASSIFIED
SensitivityCode: Sensitive

Note Pat does not believe post opening would be required as the Hill knows we are there.

SBU
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From: Namm, Adam E
Sent: Tuesday, May 17, 2011 2:27 PM
To: Estrada, Roland; McDonald, Scott D; Finnegan, John J; Hession, Leo J.; Hochuli, Jurg; Giacobbe, Nicholas J
Subject: Fw: Benghazi Sitrep 38

From: Kennedy, Patrick F
Sent: Tuesday, May 17, 2011 01:22 PM
To: Boswell, Eric J; Namm, Adam E
Cc: Culver, Jeffrey W; Lamb, Charlene R.; Muniz, Lydia J
Subject: FW: Benghazi Sitrep 38

From: Burl, Tomekah L
Sent: Tuesday, May 17, 2011 1:20 PM
To: Kennedy, Patrick F
Cc: M_Staff
Subject: FW: Benghazi Sitrep 38

From: Ludwig, Samantha B
Sent: Tuesday, May 17, 2011 12:15 PM
To: af-jocchie[redacted] /; Amr, Hady (ME/AA); Andrew.bauko[redacted]
Andrew.Goodhart[redacted] gov; Anjali.Garc[redacted] ann.mccai[redacted]
Aronson, Kristina L; [redacted] ; Bombard, John J;
[redacted] l, Tomekah L; Carmia.salcedo[redacted] Catalano, Elisa;
Catherine.Wiesner[redacted]
christopher.leins[redacted] CMT Battle Captain; CMT Deputy Team Chief; CMT J5 Action Officer; CMT Team Chief;

C05391797 Date: 10/20/2015
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C05391797 Date: 10/20/2015

Cochran, Cybele (DCHA/CMM); ; Crocker, Bathsheba N; Daniellawrence.qlaser
; Downs, Jeffrey J;
Elaine.Paplos ; Fulton, Heide Bronke;
v; Gent, Stephanie R; Gregory.Pollock ; Helf, Gavin (ME/TS); Hill,
G. Kathleen; Holtz, Greta C (NEA); James.H.Baker james.schear Jeffrey.McManus
v; Joseph.Roth Keshap, Karen;
Lauren.Geetter Libya Policy Coordination-DL; Lindborg, Nancy (DCHA/AA); Lisa.samp Lohman, Lee;
Luyen.Tran Maltz, Gideon (PPL/SPP); Miller, Andrew P;
Nancy.Oliver NEA-Staff-Assistants-DL; ; NJOIC Battle Captain;
nioicpol : Reiling, Kirby (DCHA/CMM);
; stephen.wickman ; Tonya.Brown.ctr
Troy.Thomas Tuebner, Paul; TYLER.LEWIS Wells, Alice G;
William.Brandt William.Bushmar
Subject: Benghazi Sitrep 38

Colleagues,

Attached please find Benghazi Sitrep #38 from Acting Envoy Joan Polaschik and team.

Best,
Sam

Samantha Ludwig
Embassy Tripoli - Washington, DC
202-776-8835

SBU
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SBU
Benghazi Sitrep 38, May 17 2011

Political/Economic Developments:

Reaction to the Possible Defection of Shukri Ghanem: Our contacts in the east have few details on Qadhafi regime oil minister Shukri Ghanem's defection to Tunis. One said that Ghanem's defection would be significant given his closeness to Saif al-Islam al-Qadhafi. Another told us that Ghanem is not considered to have blood on his hands and would be acceptable in any eventual national unity government.

Ceasefire Negotiations in Russia: A TNC MFA official told poloff that it had no plans to send a delegation to Moscow to meet with Russian officials about a ceasefire and political solution to the conflict. This contradicts the statement by Russian Foreign Minister Sergei Lavrov that TNC diplomats would be arriving soon to Moscow.

Formation of the National Committee of Religious Scholars: Poloff met with Libyan Islamic scholars who recently established theNational Committee of Religious Scholars. The body will attempt to be a unified voice for Libyan Islamic leaders and will issue religious opinions (fatwas) on various political issues relating to the drafting of a consitution, political participation, and civil rights. They said terrorism is forbidden in Islam and that there are very few religious extremists in Libya. They affirmed their commitment to the peaceful transfer of power and human rights.

Opposition Activists Return From Exile: Libyan Islamic Brotherhood leader Suleiman Abd al-Gader returned from exile on May 16 and held meetings in Benghazi, including with TNC member Fathi al-Baaja. A number of leaders from the

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C05391797 Date: 10/20/2015

National Front for the Salvation of Libya have also recently returned from London to organize their political activities. Poloff will meet with NFSL leadership in the coming days.

Administrative Issues:

Villas: Acting Envoy & DS team looked at three furnished compounds today that could potentially could be developed as office and residential space should the decision be taken to move out of the hotel. These compounds had appropriate setback but would need some security upgrades. DS is working on contingency plans that would lay out the likely upgrades and guard force required to support a mission in one of these compounds. Monthly rental costs ranged from 30,000 to 60,000 dinars and would not include utilities, make-ready costs, guard force, char force, etc. Current monthly costs for the office and residential space at the Tibesti Hotel are roughly 55,000 dinars per month.

Security: DS also is working on plans for possible physical security upgrades that could be implemented at the Tibesti and will run it through its channels before presenting the plans to NEA/EX.

C05391797 Date: 10/20/2015
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EXHIBIT 10

C05393024

From: [redacted]
To: [redacted]
Subject: RE: Notes from the 6/19 Benghazi conference call
Date: Monday, June 20, 2011 9:04:32 AM

We are treating the interim villa as hotel space - only 30-60 days while we wait for the upgrades to the Villa Compound to come online.

This email is UNCLASSIFIED

[redacted]
NEA-SCA/EX
Post Management Officer
Morocco, Algeria, Tunisia, Libya, and Egypt
202-647-6355 office

-----Original Message-----
From: [redacted]
Sent: Monday, June 20, 2011 8:22 AM
To: [redacted]
Cc: [redacted]
Subject: RE: Notes from the 6/19 Benghazi conference call

[redacted]

So the bureau would be responsible for the lease costs for the interim villa, correct? Why not OBO?

[redacted]

This email is UNCLASSIFIED

-----Original Message-----
From: [redacted]
Sent: Sunday, June 19, 2011 10:18 AM
To: Benghazi Update
Cc: [redacted] (DCHA/OTI); [redacted] (DCHA/OFDA)
Subject: Fw: Notes from the 6/19 Benghazi conference call

[redacted]
Post Management Officer
Algeria, Egypt, Libya, Morocco, and Tunisia NEA-SCA/EX

----- Original Message -----
From: [redacted] [mailto [redacted]]
Sent: Sunday, June 19, 2011 10:15 AM
To: [redacted]
Subject: Notes from the 6/19 Benghazi conference call

Interim villa
- Benghazi completed walk through yesterday, submitted proposal, everything ready by Monday night, including life support
- Formally requested two TNC guards
- Can move in before funds transfer
- AQM need fiscal data to identify funding on lease document. [redacted] will need to send the

C05393024

info first thing Monday. AQM will send [redacted] the document as soon as it is ready

Villa Compound
- Benghazi collected requested docs and passed to OBO. Let Benghazi know if anything is missing or still needs to be translated.
- Checked on progress today. Electrical system running, AC units installed and functioning.
- [redacted] will look at specifications and update term sheet according to suggestions from Benghazi.
- Aiming for a lease commencement date of July 1, but can move that date up to date of lease signing.
- We need proof that the landlord has control over the vacant land that he is subleasing to us. Benghazi needs to provide copy of that lease agreement.
- Does the landlord need to include bedding, etc as if in a hotel? Chris Stevens is going back to the landlord to ask him to provide.
- Has the landlord raised concerns about transfer of funds? Is he anxious about the money? We can move in before transfer of funds. Two options for payment - offshore account or into a Benghazi bank account.
- Are drop arms outside of physical security upgrades contract? No - take it off task list.
- Furniture already in the villas? Do we need to specify the kitchen equipment that should be installed? Chris does not think so. Service provider is talking directly to landlord about requirements. OBO will put in language stipulating sufficient equipment to provide food service for up to 24 people.

Life Services contract
- AQM is working with Benghazi to secure contract with preferred vendor, working to pull items out of the agreement that are not needed.
- Will the food services company have to provide food preparation equipment, tables, etc? Or will they have to just provide food and bodies? Property owner will provide furniture, appliances, china, silverware, etc. Service provider will have to prepare food and serve it. Will need to maintain same level of service as at the other compound, to a general international standard.
- Need to have contract reflect total possible number of 24 to reflect capacity of facility.

Security Upgrades
- Modified version of scope of work sent by Benghazi today is very helpful and much more detailed.
- AQM appreciates the good working connection with [redacted]

Guard services and food services implementation are priorities. Drop arm for any active gate and guard force must be in place before any USG personnel move in. Ideally all agreements will be concluded by June 28. [redacted] would fly in to execute (will coordinate with [redacted] on travel)

Communications
Need to work with IRM to get some dates lined up. Will discuss on Tuesday.

USAID OTI officer may rotate in for 3 days from Crete in late June, swapping with [redacted] OTI will get proposed travel schedule to [redacted] as soon as possible.

[redacted] is doing a fabulous job. Hoping to get the work done in time for him to install the communications equipment before he leaves.

Chris will not be on the call Monday, but [redacted] will represent for Benghazi.

Next call Monday 6/20 at 0930. Dial in to [redacted]

Participants:

NEA-SCA/EX - [redacted]
AQM- [redacted]
M- [redacted]
DS [redacted] DS Command Center, [redacted]
D(N) [redacted]
Benghazi JCStevens
Tripoli [redacted]
OBO [redacted]

C05393024

OFDA [redacted] + 1
OTI [redacted]
MAG [redacted]

EXHIBIT 11

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMM.
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C05397277 Date: 10/20/2015

CLASSIFICATION: UNCLASSIFIED

C05397277-MOU

From: Baker, Christopher A
To: Doubek, Robert W
Subject: Benghazi Compound
Sent: 6/20/2011 3:20:13 PM

Bob,

This is to confirm that a determination has been made by DS that no waivers or exceptions to security standards are needed for the Benghazi compound property.

Chris

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CLASSIFICATION: UNCLASSIFIED

Printed By: Doubek, Robert W

C05397277 Date: 10/20/2015
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EXHIBIT 12

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

From: [redacted]
To: [redacted]
Cc: [redacted]
Subject: RE: Possible visit by PMO
Date: Friday, January 06, 2012 8:49:57 AM

I think it helped to get everyone together to discuss, and to flesh out for [redacted] what the expectations are. I think what works best for DS, frankly, is to push a project at a time, like you did for the jersey barriers. What will really push this forward is a visit by the physical security specialist. I called him yesterday and asked when he is going to Tripoli and asked him to plan to visit Benghazi at the same time. It looks like he and his boss (the head of physical security) are trying to get to Libya at the end of the month or early in February. I'm pushing to get them out at the same time that I travel, as I think it would be useful for them to be there when OBO is doing their site selection survey in Tripoli.

[redacted] is working closely with DS leadership on this stuff. Not to make excuses, but they're also dealing with issues in Syria and Yemen right now that are also drawing on funds and people at an alarming rate. Frankly, part of the problem and the slow-down is at the DAS level in the DS leadership. (please don't forward any further)

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

This email is UNCLASSIFIED.

From: [redacted]
Sent: Friday, January 06, 2012 7:58 AM
To: [redacted]
Cc: [redacted]
Subject: RE: Possible visit by PMO

Absolutely! I am supposed to depart post on Feb 1, but I'd be pleased to do everything possible to get it set before I depart. You absolutely should come out and see the place.

Thanks for hosting the call yesterday...not sure it was that productive, but I think it was useful (if that makes any sense).

Fair warning that I'm going to be an increasingly vocal gadfly if DS doesn't sort itself out fairly quickly on staffing and security upgrades (appreciating that money and people aren't easy to find these days).

Between us (and [redacted], cc:'ed), I wasn't encouraged by [redacted] claiming he hadn't seen our recent

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request for security upgrades (outside of the villa move project), when I know for sure he has them...or his complaint that (in effect) "this was just signed yesterday, so we haven't done anything" when this memo has been in the works for a month and anyone could see this decision coming (esp. DS, which was holding it up).

I've also asked for more detail on DS' proposed RSO rotation system here...unclear to me how it works, and how we don't end up with an average of about 4 officers, vice 5, unless their placement timing is truly impeccable. This and the facility upgrade decisions should go beyond [redacted] – I want to see someone senior in DS on the line for whatever resourcing decisions ultimately get made.

Thanks,
[redacted]

From: [redacted]
Sent: Thursday, January 05, 2012 6:33 PM
To: [redacted]
Subject: Possible visit by PMO

It looks like I'll be heading to Tripoli either 1-8 Feb or 5-12 Feb. I would dearly like to get out to Benghazi as well. Would you be willing to host a visit from me before I head to Tripoli?

Cheers, [redacted]

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

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EXHIBIT 13

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

From: [redacted]
To: [redacted]
Subject: Re: DS coverage for Benghazi
Date: Sunday, February 12, 2012 2:27:41 PM

Thanks very much for the opportunity to weigh in on this. For Benghazi, I think the real problem is that DS continues to view Benghazi as an "undefined" mission and, as such, is unwilling to commit resources to it. Given that M has approved Benghazi's continued existence through the end of the calendar year, DS needs to come up with a long term plan for staffing the mission that includes 3 DS agents at all times (1 to stay on compound, the other 2 to support moves). I'm also concerned about DS plans for Tripoli; I've heard from our RSO that DS wants to pull an MSD team in March and not renew SST in April. I think those timelines may be ambitious given that we're just starting the hiring process for the LES bodyguard force. I'm hoping to raise this w DS when I meet them later this week but it would be great if you could ask Charlene to clarify her views on future MSD and SST staffing for Tripoli, if you have a chance when you speak to her. Many thanks!

From: [redacted]
Sent: Sunday, February 12, 2012 09:27 AM
To: [redacted]
Subject: FW: DS coverage for Benghazi

[redacted]

What would like us to say to Charlene?

[redacted]

From: [redacted]
Sent: Sunday, February 12, 2012 9:24 AM
To: Lamb, Charlene R.
Subject: FW: DS coverage for Benghazi

Charlene,

I suspect that the NEA Front Office will react if the reporting stops. Do you have some time to discuss this tomorrow?

[redacted]

From: [redacted]
Sent: Saturday, February 11, 2012 3:10 PM
To: [redacted]; Libya Management Issues
Subject: Fw: DS coverage for Benghazi

[redacted]

Post Management Officer - Libya

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NEA-SCA/EX

From: [redacted]
Sent: Saturday, February 11, 2012 01:13 PM
To: [redacted]
Cc: [redacted] Cretz, Gene A; [redacted]
Subject: RE: DS coverage for Benghazi

[redacted]

In discussions with DS/IP/NEA, they plan to make the 2nd ARSO position in Tripoli at least temporarily assigned to Benghazi to assist in continuity. That being said, it will be a long time until that happens. I'll speak with our SST personnel to see if they can free up 1 or 2 bodies for Benghazi. They had expressed a willingness to support while MSD is tied down with training. They are constrained to moving with another DS agent as part of their conditions, however, that may allow for at least one movement team and 2 persons at the compound.

While the status of Benghazi remains undefined, DS is hesitant to devout resources and as I indicated previously, this has severely hampered operations in Benghazi. That often means that DS agents are there guarding a compound with 2 other DOS personnel present. That often also means that outreach and reporting is non-existent.

In terms of visiting prisons and detention facilities, these sites are already a politically sensitive area. A refugee camp was recently attacked outside Tripoli. With all of our DS/MSD assets and SST assets, we have taken CODELs to Abu Salim prison in Tripoli, and it has been less than ideal. It is my understanding from my UK colleagues that they have a [redacted] person team assigned to just their head of mission, so they have made a commitment to maintain a larger presence in Benghazi then the USG. The UN has made a decision requiring less movement security in otherwise stable areas, hoping that the UN name will keep them safe.

If the senior DS agent on the ground has concerns about visiting a detention facility, I will support their assessment.

[redacted]
Regional Security Officer
U.S. Embassy
Tripoli, Libya
[redacted]
http://libya.usembassy.gov/

SBU
This email is UNCLASSIFIED.

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From: [redacted]
Sent: Saturday, February 11, 2012 5:29 PM
To: [redacted]
Cc: [redacted] Cretz, Gene A
Subject: DS coverage for Benghazi

Apologies for being a broken record, but beginning tomorrow Benghazi will be down to two agents. The third, scheduled to arrive Tuesday, is delayed TBD due to visa issues.

Since one agent needs to remain on compound to protect the other USG employees, this leaves just one DS agent to travel off compound. RSO procedure at present calls for two agents to do so. We have no drivers and new local guard contract employees have no experience driving armored vehicles.

What this means is that we will be all but restricted to compound for the vital February 12-18 timeframe. This will effectively leave us unable to do any outreach to Libyan nationals during the week and we will be extremely limited in the ability to obtain any useful information for reporting.

The new RSO at post has disapproved a visit to the local facility housing detained African migrants planned for tomorrow (2/12). After inspecting the facility, he is uneasy with the lack of security at the location and the number of Somalis being held there. Other western diplomats and UN officials (including AmCits working for the UN) visit the facility routinely.

Similar concerns are likely to occur for most off compound movement this week, due to expected demonstrations surrounding the February 17 anniversary.

We are all here to serve as needed, but having two non-security employees restricted to compound does not appear to be the best use of USG resources.

I know we have exhausted almost all recourse at this point, but anything that could be done to either: 1) obtain additional DS resources; or 2) alter the requirement for protected movements in Benghazi, would be greatly appreciated.

Regards,
[redacted]

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EXHIBIT 14

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
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From: [redacted]
To: [redacted]
Cc: [redacted]
Subject: RE: Benghazi
Date: Wednesday, June 13, 2012 7:34:25 AM

At this point, I have not heard anything to that effect.

I know that you folks were going to discuss staffing yesterday afternoon, but I was watching your EAC yesterday to see if Post was going to recommend a draw down.

Otherwise, I have nothing to report from this end. I will let you know if I hear anything.

[redacted]

SBU
This email is UNCLASSIFIED.

From: [redacted]
Sent: Wednesday, June 13, 2012 7:05 AM
To: [redacted]
Cc: [redacted]
Subject: Benghazi

Are you hearing any talk at the NEA Front Office or M levels regarding the closing of Benghazi?

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EXHIBIT 15

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
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[redacted]

From: [redacted]
Sent: Thursday, July 26, 2012 10:31 AM
To: [redacted]
Cc: [redacted]
Subject: RE: Prelim Report -- NSC Fishman Visit to Benghazi 072012
Attachments: 20120724 NSS Tripoli.docx

[redacted]

Great job with this. Given the security situation there I think this is a good plan. If you need anything from us let us know.

The schedule is still developing here but I attached what we have. At this time we are not doing anything special in Tripoli for him. His movements will be handled the same as the rest of the Americans here. As always there is a chance for change. If the government insists on having police we will dedicate a BG to coordinate.

[redacted]

From: [redacted]
Sent: Thursday, July 26, 2012 3:18 PM
To: [redacted]; [redacted]
Cc: Benghazi RSO; [redacted]
Subject: Prelim Report -- NSC Fishman Visit to Benghazi 072012
Importance: High

[redacted]/[redacted]:

Please see attached operational plan for the upcoming weekend visit of NSC Staff Director for Libya, Ben Fishman, to Benghazi. Advance work for the current schedule was conducted today by SA [redacted] and SA [redacted]

Please let me know if there are any questions.

Thank you,

[redacted]
RSO Benghazi – [redacted]

[redacted]
Special Agent
Diplomatic Security Service
Office of Protective Intelligence & Investigations
Desk: (571) 345-7780
Mobile: [redacted]

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From: [redacted]
Sent: Monday, July 02, 2012 10:42 AM
To: [redacted]
Cc: TRIPOLI RSO; Benghazi RSO
Subject: RE: press headlines

[redacted]

Confirmed that the offices were ransacked.
[redacted](UN contact) was on the ground at the election office, which is located approximately 1.5miles South East of the US Mission Compound.
He confirmed they were setting fire to ballots and other items they removed from the building.

I am planning on driving by the area later this morning to try and see the damages first hand; I will re-confirm once I have the chance.

Thanks!
[redacted]

[redacted]
RSO Desk - 240-553-9328

From: [redacted]
Sent: Monday, July 02, 2012 10:21 AM
To: Benghazi RSO
Cc: TRIPOLI RSO
Subject: FW: press headlines

[redacted]

Please confirm and provide further details when you can. Demos and incidents on/about July 1 in Benghazi were one of our tripwires.

[redacted]

Libya Alwatan:
http://www.alwatan-libya.com/

-Federalists stormed the Benghazi HNEC center (District 3) on Saturday and ransacked all its equipments and files related to the upcomming elections. Furthermore, TNC spokesperson, Salah Darhoub, denied the media circulated rumors regarding Abduljalil's resignation and described them as a mere lie.

Libya AlMustakbal Website:

-http://www.libyaalmostakbal.net/

-The HNEC center in Benghazi was stormed by young angry protesters demanding redistribution of seats for then General National Congress.

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From: [redacted]
Sent: Monday, July 02, 2012 3:39 AM
To: [redacted] Tripoli TOC
Cc: [redacted]
Subject: press headlines

Hi,

Please find attached file.

Thanks,
[redacted]

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INTERVIEW OF SENIOR ADVISOR FOR STRATEGIC COMMUNICATIONS, NEAR EASTERN AFFAIRS BUREAU

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, JULY 29, 2015

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

DANA CHIPMAN, *Chief Counsel*
SHARON JACKSON, *Deputy Chief Counsel*
CRAIG MISSAKIAN, *Deputy Chief Counsel*
MARK GRIDER, *Deputy General Counsel*
SARA BARRINEAU, *Investigator*
SUSANNE SACHSMAN GROOMS, *Minority Staff Director/General Counsel*
HEATHER SAWYER, *Minority Chief Counsel*
PETER KENNY, *Minority Senior Counsel*
RONAK DESAI, *Minority Counsel*
KENDAL ROBINSON, *Minority Detailee*

FOR THE U.S. DEPARTMENT OF STATE

AUSTIN EVERS, *Senior Advisor*

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

This is a transcribed interview of Mr. [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 related matters pursuant to H. Res. 567 of the 113th Congress, H. Res. 5 of the 114th Congress.

Mr. [redacted], can you please state your full name for the record.

Mr. [redacted]. [redacted].

Mr. Grider. On behalf of the committee, we appreciate you coming today. My name is Mark Grider. I am one of the lawyers or counsel on the committee staff, the majority staff. And I am going to have everyone else go around the room at the table to introduce themselves, and then we will continue on.

Mr. Missakian. Good morning. I am Craig Missakian. I am also a lawyer with the majority staff.

Mr. Kenny. Peter Kenny with the minority staff.

Ms. Sawyer. Heather Sawyer with the minority staff.

Ms. Robinson. Kendal Robinson with the minority staff.

Mr. Desai. Ronak Desai with the minority staff.

Mr. Chipman. Dana Chipman with the majority staff.

Ms. Jackson. Sharon Jackson with the majority staff.

Ms. Barrineau. Sara Barrineau with the majority staff.

Mr. Evers. Austin Evers, State Department.

Mr. Grider. All right, I would like to go over some ground rules

and explain how the interview will proceed. Generally, the way the questions proceeds is that a member from the majority staff will ask questions first for up to approximately an hour, and then the minority will have an opportunity to ask questions for the equal period of time, if they choose.

A question may only be asked by a member of the committee or the designated staff member. We will rotate back and forth. Possibly we will consider, if we go 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 Federal rules of evidence.

The witness, you, may ask your counsel -- you or the counsel may raise objections for privilege, subject to review by the chairman of the committee. If these objections cannot be resolved during the interview, the witness can be required to return for a deposition or a hearing at a later point.

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 want to make sure you are clear and have a clear understanding.

This session is to begin unclassified. If any question calls for a classified answer, please let us know. We'll reserve that answer until we move into a classified setting. 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 confer with your counsel and we will handle it accordingly.

You are welcome to confer with counsel at any time throughout the interview, but if something needs to be clarified we ask that you make this known to us. If you need to discuss anything with your counsel, we can go off the record, stop the clock, and provide you an opportunity to talk to your lawyer or your counsel.

We will also take a break whenever it is convenient for you. This can be every hour, after every hour of questioning, after a couple of rounds, whatever you prefer, so you just let me know.

During a round of questioning, if you need anything, a glass or a bottle of water, we have plenty here, the use of facilities, or just to talk to counsel, please let us know. We like to make this process as easy as possible on you.

As you can see, to my left there is an official reporter who's 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 am going to ask the reporter to please free to jump in, in case you do not respond verbally. Do you understand that?

Mr. [redacted]. Yes.

Mr. Grider. Also, and this is something I need to work on, we should not try to talk over each other so it is easier to get a clear record. We want you to answer our questions in the most complete and truthful manner possible. We will take our time to repeat or clarify

any questions, if necessary. If you have any questions or you don't understand any of our questions, please let us know. We will be more than happy to clarify or repeat our questions.

If you honestly don't know the answer to a question or don't remember, it is best not to guess. Please give us your best recollection. And if there are things you don't know or can't remember, just say so and please inform us who, to the best of your knowledge, would be able to provide a more and complete and full answer.

Mr. [redacted]. Okay.

Mr. Grider. So do you understand that you have an obligation to answer questions from Congress truthfully?

Mr. [redacted]. Yes.

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

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 this?

Mr. [redacted]. Yes.

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

Mr. [redacted]. No.

Mr. Grider. Okay, that is the end of my preamble. We are going to clock it at 10 after 10, and we will get started.

EXAMINATION

BY MR. GRIDER:

Q All right. Mr. [redacted], can you just give us a little background about your job background prior to joining Department of State Department?

A Prior to joining Department of State?

Q Yes.

A I was a student.

Q So when did you join Department of State?

A January of 2003.

Q So can you walk me through your to current position, your titles?

A Starting from 2003?

Q That is correct.

A I came into the Department as a presidential management fellow. So it is a 2-year program, 2-year fellowship. I worked at Bureau of Resource Management, I did -- as part of the fellowship, I went to the Pentagon for 6 months, returned back to State. Went to another detail within the Bureau of Public Affairs where after my fellowship I was hired on permanently. Worked in their press office for -- until about 2008, I think. Then went to the Bureau of Near Eastern Affairs, where I currently am.

Q So just to clarify, you went to NEA, the Bureau of Near Eastern Affairs, in 2008?

A Yes.

Q And you have been there to the present?

A Correct.

Q In 2008, can you walk me through just your titles? Tell me what's your current title right now?

A Current title is senior advisor for strategic communication.

Q We will come back to a little bit more of the structure. But in 2008, until you became the senior advisor for strategic --

A Communications.

Q -- communications, what were your other positions?

A Before my current title, I was deputy spokesperson for domestic media.

Q And in 2012 -- what was your title in 2012? What were you, if you recall?

A I believe in 2012 is when I became senior advisor, which is my current title.

Q Do you possibly recall when in 2012 that occurred? Was that before or after the attack in 2012?

A My best guess is before.

Q Okay. Okay, let's sort of focus on the Senior Advisor of Strategic Communications. What were your specific duties and responsibilities? Just sort of explain that to us.

A In a nutshell, I run the press section in the Bureau of Near Eastern Affairs, which is primarily responsible for the production of talking points, statements, preparing the State Department spokesperson daily for his or her daily press briefing, making sure

that they are prepared to deal with whatever issues may arise that are NEA related. I also conduct interviews with journalists on NEA-related issues.

Q Can you explain what are NEA-related issues? So what areas? I have a map of it.

A Basically anything in North Africa, from Morocco up through the Levant, across all the way to Iran.

[Discussion off the record.]

BY MR. GRIDER:

Q Go ahead.

A So what we consider the Middle East, so all the way, the Levant, North Africa, Levant, Iraq, Iran, it stops there.

Q Obviously, that includes Algeria, Libya, and Egypt.

A Correct.

Q Just so you know, my counsel may jump in as well to sort of clarify questions.

Okay. You mentioned that you run the press section.

A Uh-huh.

Q So can you explain what is the press section? How many people? Who do you report to?

A The press section consists of roughly, and it varies because people come and go and at any given time we may have a couple of interns, but it is basically seven people, but it changes. And the press officer, Secretary, you know, the press officers that I supervise, again, are the ones that are responsible primarily for producing daily

press talking points and press statements, helping prepare the spokesperson for their daily press briefing.

Q So I just want to be clear, so we have -- you were the Senior Advisor. I imagine underneath you, you had press officers, you are suggesting?

A Correct, correct.

Q Okay. And how many people were -- you are saying about seven?

A About, about, it is not a hard number.

Q Okay. And so those seven press officers would report up to you, is that correct?

A Correct. That includes a secretary, it might include a couple of interns.

Q Okay. You mentioned that you were preparing statements for the spokesperson. Who is that, who are you referring to?

A Currently it is John Kirby.

Q Now is that the spokesperson for --

A For the entire Department.

Q Okay. In 2012, who, if you recall?

A At the time it was Toria Nuland.

Q Now, just looking at your role in 2008 as the deputy spokesperson, who was in your role, who was the senior -- whose role did you take over as senior advisor?

A There was -- it wasn't -- it was a new position.

Q Okay. All right. So let's talk a little bit more about

sort of the structure of -- I think we have a general sense of the structure of the NEA press office. We may come back to it a little bit more. But can you sort of clarify the structure of NEA and sort of what is the role of press in sort of the broader context of NEA?

A Within NEA, so we -- the press section reports to the deputy assistant secretary for public diplomacy. There are roughly half a dozen deputy assistant secretaries within NEA that supervise the various policy offices, and they report to the assistant secretary and the principal deputy assistant secretary.

Q If you can give me, when you were there in 2012, who was the deputy assistant secretary of public diplomacy?

A For public diplomacy it was [redacted].

Q How do you spell that last name?

A [redacted].

Q And so is that who you reported to?

A Yes.

Q So that was your boss?

A Yes.

Q It is my understanding that you have, of NEA, you have a policy section and then you have sort of what's called EX?

A Yes.

Q So can you explain the difference between EX and sort of the policy section?

A EX, from my understanding, primarily deals with management administrative functions. I don't really deal with them too much,

through.

Q That was going to be my next question. Does the press office obtain any information from EX or do you all interact with them on occasion?

A Not -- on occasion, not often.

Q Can you give an example on --

A If there is a press issue relating to, you know, staffing in our Embassy in Iraq, we might reach out to them to obtain information.

Q So who primarily would you be getting your information from? It wasn't EX. Were you more working with the policy folks? Who are you getting your information from, who are you communicating with?

A During our work of planning to prepare the spokesperson and producing whatever press documents may be needed, we communicate with the NEA policy office to obtain facts.

Q All right. So just to clarify, you were saying in preparation of the spokesperson you primarily work with the NEA policies offices?

A Correct.

Q And just so I am clear, because I have not worked at State, so you're saying policy offices. So can you name them? Are they different offices or --

A They cover different parts of our region that we cover, the Middle East.

Q So the policy offices within NEA, is that correct?

A Correct.

Q Okay. So can you explain to me which -- how many different policy offices are within NEA? Does Egypt have its own?

A Right. So there is one for the Maghreb, North Africa, there is one for Israel, Palestine, there is one for the Levant, there is one for Iraq, there is one for Iran.

Q Okay. So within -- do they call it the MAG?

A Yeah.

Q So within MAG, who is sort of your primary point of contact within MAG?

A Now?

Q Now, and then we will go back to 2012.

A I can't remember who is currently the head of MAG.

Q Do you recall when you became the strategic communication advisor who you were dealing with in MAG?

A At the time it was -- Ray Maxwell was the director, [redacted] was the deputy, and then of course under them there's various desk officers.

Q Does the name [redacted], does that ring a bell?

A Yes, she was a desk officer on the Libya desk.

Q So that's within MAG?

A Correct.

Q Did you work with her?

A Uh-huh, yes.

Q So we are going -- later we are going to sort of, obviously, get to the attacks in Libya, okay?

During that time, were you primarily working with MAG or were there other offices, when you were handling that issue, were you working with other policy offices?

Mr. Evers. The attacks in Benghazi?

Mr. Grider. That's correct. That's correct. Thank you.

During the attacks in Benghazi.

Mr. [redacted]. I mean, the Middle East is a pretty dynamic region with a lot going on any given day, so I am dealing with various offices.

BY MR. GRIDER:

Q So in gathering information you could have gotten information from MAG policy desk?

A Yes.

Q Israel, Palestine?

A Yes.

Q So that is within NEA. Any other -- I'll just give you sort of the metaphor, sort of hub and spoke. I am trying to figure out where you are getting all your information to sort of prepare. So can you help me any other places within NEA that you are getting information that I may not be --

A Within NEA?

Q Yes, correct.

A No, that's primarily it.

Q Okay, okay. So let's go outside of NEA. So, obviously -- I think you said Toria, Victoria?

A Victoria Nuland.

Q Nuland. She didn't sit with NEA, correct?

A Correct.

Q What was her role and where did she sit?

A She was the State Department spokesperson and she sat within the Bureau of Public Affairs.

Q And who do they report to?

A Who is "they"?

Q The Bureau of Public Affairs, who do they report to?

Mr. Evers. If you know.

Mr. [redacted]. I don't work in that Bureau so --

Mr. Grider. Okay. So Toria Nuland was the spokesperson for the entire State Department, is that correct?

Mr. [redacted]. Correct.

Mr. Grider. So can you explain to me, once you got information within the NEA, what was your process in preparing her? Was it a conference call, were you emailing. So explain that. I'm not sure how the press office works there, so if you can explain that to me.

Mr. Evers. Are you asking as a general matter or --

Mr. Grider. Yeah, a general matter first, yeah.

Mr. Evers. Okay.

Mr. Grider. And then we'll get to some of the specifics of what happened on that --

Mr. Evers. I appreciate it.

Mr. [redacted]. So generally speaking, my press officers and I go down every day and sit at a table like this where she sat across from

me, like you are, and we'd just go over the talking points on a given issue that we feel she may have to deal with in her briefing with reporters. She'll ask questions. We'll answer, help prepare how she may get questions, that sort of thing.

BY MR. GRIDER:

Q I have been in the State Department probably, like, two or three times. So you mentioned you go down. So is the press -- where is your -- are you within main State?

A Yes.

Q Okay. And so, is the press office -- this is helping me just sort of -- is the press office on the first floor or -- you said you would go down, is that essentially --

A Actually, the spokesperson at the time sat -- we would go up, it was on the sixth floor.

Q Okay. So they sat on the sixth floor. All right. And then what floor were you on?

A At that time we were on the second floor.

Q Second, okay. So you would go up, you would go up in the morning, and you would give them sort of an update on sort of all NEA talking points issues in a general context, is that correct?

A Yes.

Q Okay. Now during this time, was it just -- would she just schedule a time solely with NEA press or would there be other press officers from --

Mr. Evers. Can you say which time?

Mr. Grider. In the general context, we are not specifically referring to the September 11th timeframe. So I'll point that out when we go there.

Mr. Evers. So you mean when Toria Nuland was the spokesperson?

Mr. Grider. That's correct. When Toria. Thank you.

BY MR. GRIDER:

Q When Toria Nuland was the spokesperson and you went up to the sixth floor in the morning to sort of brief her or go over talking points, was it just NEA or were there other bureaus there?

A There was other bureaus as well.

Q Okay. So I think we've covered the waterfront with respect to NEA. I have a pretty good idea of what's on the sixth floor and the press. Did Toria have anyone else from her staff there or was it just her?

A Generally speaking, on any given day when we were prepping her, when we were prepping her, she had her deputy spokesperson there usually, maybe one of her press officers.

Q Do you recall who that was at the time?

A The deputy spokesperson?

Q Yes.

A I believe it was [redacted].

Q Were there any agencies outside of State Department that you collaborated with to get information prior to briefing Toria?

A Again, generally, we'd collaborate with the NSC press office.

Q The NSC press office?

A If need be. The press office within DOD, if need be. And others as needed. It kind of just depends. But those are the two that we most frequently deal with.

Q Primarily NSC, DOD. Can you give me some of the other ones that possibly?

A It could be the press office within DOJ, Department of Justice.

Q Would you coordinate or communicate with the White House press office? And I'm not too familiar with that.

A It's very, very rare. I can't even remember the last time we did. The NSC press office is our main point of contact.

Q What about the U.N., does the U.N. have a press office?

A Our mission to the U.N. does.

Q Explain that to me. What do you mean by the mission to the U.N.?

A I guess the best way to describe it is we have, obviously, as you know, embassies, posts we call them, missions, but the U.N. is essentially our mission, our post for the United Nations.

Q So on occasion would you communicate with them or not or would it be someone else?

A On occasion myself or someone within my office.

Mr. Grider. Craig?

Mr. Missakian. Just keep going.

Mr. Grider. So we are going to move, direct your attention to

2012, the year of 2012. We will narrow a little bit more as we go.

During that time period, if you recall, was there ever a time that you assisted in drafting talking points to Congress.

Mr. [redacted]. To Congress?

Mr. Grider. Yes.

Mr. Evers. Do you mean -- given the context, do you mean for Members of Congress to use or for the State Department to use when talking to Congress?

BY MR. GRIDER:

Q Let's go with State Department employees talking to Congress?

A No.

Q Was there ever an occasion that you were involved in preparing anyone for Hill briefings, sort of in mid-2012? Were you involved in preparing State employees for Hill briefs?

A No.

Q So is that a role that NEA press would play?

A I draw a hard line within my office that we only deal with -- primarily with reporters, the press.

Q During 2012, did you ever draft speeches for the Secretary?

A No.

Q Does your office contribute to drafting speeches for the Secretary?

A No.

Q The sixth floor is where Toria Nuland sat at the time. It

is my understanding that you have sort of seventh floor principals, a lot of the principals sat on the seventh floor?

A Yes.

Q On occasion did you, during 2012, did you ever coordinate with seventh floor principals in your role?

A Yes.

Q Can you tell me who?

A At the time?

Q Yes.

Mr. Evers. Any particular issue?

Mr. Grider. I just want to know did he coordinate.

Ms. Sawyer. I just ask what you mean by coordinate.

Mr. Grider. Or talk to. I am just trying to figure out information. I'm trying to understand his role and who he was communicating with, on a broad sense, and then we can narrow it if you want to narrow it?

Ms. Sawyer. So are you asking him if he talked to anyone on the same floor --

Mr. Grider. Yes. In your role.

Ms. Sawyer. -- during 2012?

Mr. Grider. Yes. In your role.

Mr. [redacted]. I mean, that was a long time ago. But my best guess, my recollection is talking about the seventh floor, people who physically sat on the seventh floor. So I would have perhaps -- Jake Sullivan, staffers who sat on the seventh floor, staff, principals.

Mr. Grider. Okay. So in your communications role on occasion you did talk to individuals on the seventh floor like Jake Sullivan and staffers?

Mr. [redacted]. When you say "talk," I would characterize it more as emails.

Mr. Grider. Okay.

[Discussion off the record.]

Mr. Grider. I want to direct your attention to the protest in Cairo, September of 2012. Do you recall that event?

Mr. [redacted]. Yes.

Mr. Evers. Can we go off the record for just a second?

[Discussion off the record.]

BY MR. GRIDER:

Q So what was your involvement as NEA press officer during the protest in Cairo?

A I was in my role, as I described earlier, in running the press section for NEA.

Q So how did you hear about the protest?

A I don't recall at the time how I first heard about it. My best guess is through media reports.

Q And based on the media reports, what, if anything, did you do?

A We usually -- I don't recall any specific instance, but just generally speaking we probably huddled with my press officer, who may have been dealing with Egypt issues, to see how we should respond to

questions, you know, we may get or were getting. I don't recall any specific instance.

Q To your knowledge, did Cairo or State have any advance warning of the protest?

Mr. Evers. Can we put a date on the protest?

Mr. Grider. I think I mentioned September 11th.

Mr. Evers. Thank you.

Mr. [redacted]. Repeat the question, I'm sorry.

BY MR. GRIDER:

Q To your knowledge, did Cairo or the State Department have any advance warning of these protests in Cairo?

A I don't recall. I don't recall one way or the other.

Q Any information that the protest might have occurred before it began on Twitter or Facebook, anything, any knowledge about --

A I just don't recall.

Q So do you have any opinions or belief of what prompted the Cairo protest?

A I don't recall having an opinion at the time.

Q So when the protest occurred, I believe I have it here at 11:00 a.m. on September 11th, you stated you got the information through media reports. You may have met with the press officer with Egypt on issues. Do you recall briefing, if Toria was there at the time? Was there any briefing about the protest that you were involved in?

A I don't recall specifically that day what what we did. But again, generally, we would have coordinated or communicated with the

spokesperson's office or her, herself, as it would have been, I would imagine, one of the issues she had to deal with in her press briefing that day.

BY MR. MISSAKIAN:

Q Mr. [redacted], let me just jump in. You said you don't recall having an opinion about the cause of the Cairo protests at the time. Are you saying that you may have had one and you have since forgotten or you don't believe you ever had one at the time?

A I, frankly, I just don't remember.

Q Don't remember one way or the other?

A One way or the other.

Q Since that time, have you formed an opinion about what led to the protests in Cairo?

A Honestly, I haven't given it that much thought.

Q Have you given it any thought?

A No. So much happens in NEA that we are just dealing with crisis after crisis. You just kind of just move on and you don't have really time to think about what happened in, you know, before or something else.

Q Do the events of that day stand out in your mind in any way compared to the other many crises that you face at NEA?

A The events of that day -- are we talking specifically about Cairo.

Q Cairo, yes.

A No.

Q So your best recollection then is the events that were happening in Cairo were not unusual in your mind?

A In Cairo, no.

Q Not unusual?

A Not unusual, not unusual.

Q Thank you. Actually, I'm sorry, let me jump back in. Mr. Grider asked you about possibly getting information about those protests in Cairo from Twitter or Facebook. Was it the practice of the NEA press office to have somebody monitor Twitter and Facebook, Twitter feeds and Facebook pages that might relate to your work in that part of the world?

A Within my office?

Q Yes.

A We didn't -- there wasn't a designated person whose sole job was to do that. We individually on our own wouldn't do -- monitor social media. But at that time it wasn't a formal process or a designation of a person to do that.

Q Do you recall if at that time you, yourself, monitored Twitter or Facebook for relevant information about the area that you covered?

A I don't recall at that time doing that.

Q So what is your best recollection? I believe you said that you believe you heard about the Cairo protests through media reports. Is that correct?

A I would imagine my best guess is that's how I learned about

it.

Q And do you have in mind a particular media outlet that you would have heard it through or is it just a jumble in your mind at this point?

A I would imagine there is media outlets who were reporting on it. I can't tell you -- I can't recall which specific outlet is the one that informed me first.

Q And how would you have seen those media reports? For example, would somebody send them to you or would you be monitoring them yourself on your own personal computer?

A It would be either through my television in my office, which I typically have on, on the news channel, or through my computer after receiving various media alerts from the Bureau of Public Affairs.

Q So as best you sit here today, your first knowledge of the protests in Cairo came from a media report as opposed to an official channel within the State Department. Is that correct?

A To the best of my recollection.

Q Thank you.

BY MR. GRIDER:

Q To follow on that, later, once you were informed through media, were there official channels that you received information through about Cairo?

A There would have been on that day, most likely, to the best of my recollection. We would have been in touch with our Embassy there, their public affairs section.

Q How would you have been communicating with them?

A Over email.

Q And what, if any, types of reports were they giving you over email?

Mr. Evers. If you remember.

Mr. [redacted]. I don't recall specifically, but it would be standard practice to receive just informal -- if you say report, it wouldn't be on a formal report. But it would be an email perhaps just informing us of what's going on.

BY MR. GRIDER:

Q What took place?

A Right.

Q During the Cairo protest, other than the Embassy, would you be receiving any other information from any other source?

A I don't recall.

Q Going back, you mentioned that you coordinate with NSC, DOD, DOJ. So let's walk through this list, that is why I was going through it earlier. During that timeframe in the Cairo protests, did you have an occasion, if you recall, of communicating with NSC?

A I don't recall.

Q During the Cairo protest, did you have an occasion to communicate with DOD's press office?

A I don't recall.

Q During the Cairo protest, did you on occasion have a chance to talk to or communicate with the U.N. press office?

A I don't recall.

Q During the protest, was Toria Nuland the press secretary at that time?

A She -- to the best of my recollection, yes, she was the spokesperson, yes.

Q That protest occurred approximately 11 a.m. on September 11th. Were you involved in any way with the attacks, managing the message with respect to the attacks on Benghazi?

A I don't recall.

Q Did you receive information, did you know about, do you recall the attacks?

A Yes, of course I recall the attacks.

Q So how did you hear about the attack in Benghazi?

A I don't recall what was -- what initially informed me of the attacks.

Q Do you recall what you did once you were notified? Do you recall that day?

A I recall the day, but I don't recall what first informed me of them.

Q Okay. Let's move past what first informed you. Do you recall receiving any information about the attacks in Benghazi?

A Yes. I mean, generally, yes.

Q I'm sorry?

A So generally I recall receiving information.

Q So let's go into sort of the afternoon timeframe, if and

when you were notified. You don't recall exactly when you were notified about the attacks in Benghazi, but you do recall receiving information about the attacks, correct?

A [Nonverbal response.]

Mr. Evers. You have to answer for her.

Mr. [redacted]. Oh, yes.

BY MR. GRIDER:

Q In this initial timeframe, do you recall -- I am not saying the initial contact -- do you recall receiving anything from the MAG desk?

A No, I don't recall.

Q During that timeframe did you coordinate -- in the initial phase did you coordinate with anyone in the MAG office or communicate with anyone in the MAG office?

A I don't recall having done so, but as a general matter there would have been, but I just don't recall specifically having done so.

Q Do you know who more than likely you would have been communicating with during the attacks?

A During the attacks there would have -- again, generally speaking, there would have been communication, as would be standard, with MAG, people on the Bureau of Public Affairs, the NSC press office.

Q Who in the NSC press office during that timeframe would you more than likely have been communicating with?

A At the time it likely would have been Bernadette Meehan. Bernadette Meehan.

Q What was her role or title, if you recall?

A I don't recall her title.

Q What was her role?

A She was a press officer within the NSC press office.

Q My colleague mentioned the monitoring of Twitter or Facebook. Do you recall yourself monitoring anything about the attack on social media?

A I don't recall myself monitoring it on social media.

Q Okay. What about anyone else in your office?

A I don't recall. I don't recall.

Q During the September 11th, do you recall meeting or communicating by email with Toria Nuland?

A On this -- on that day?

Q Yes.

A I don't recall having done so specifically.

Q Do you remember having a meeting? So you mentioned that you would have these morning meetings and briefings?

A I don't recall a meeting, having a face-to-face meeting on that day with her.

Q Do you recall emailing?

A I don't recall any email communication with her specifically on that day.

Q So I realize there has been sort of a timeframe as far as between now and the attacks. So let me ask a general question. Do you recall anything about the attacks?

A That was a long time ago in NEA time. As I said earlier, we deal with ever since -- especially since the Arab Spring we will dealt with many, many crises.

For myself, I don't -- it's a long time ago, it's hard to retain a lot of information, because you just kind of move on to the next thing, and to the next, and to the next, and you're dealing with a crisis on any given day. And so it's -- my memory from that time is -- I don't remember a lot.

Q So in preparation for this meeting, hearing, or interview, did you -- what, if anything, did you review, or did you review anything in preparation for this?

A In preparation for this I sat with counsel to help refresh my memory, because I don't remember a lot and I still don't. Frankly, it's something I just haven't wanted to think about for the last 3 years. With counsel, I reviewed some documents, transcripts from that time.

Q So when you sat with counsel, you were attempting to refresh your recollection of the attacks in Benghazi. Is that correct?

A From that day.

Q Right, from that day.

A Yeah.

Q So you have reviewed information about the day of the attacks. Is that correct?

A [Nonverbal response.]

Q How long ago was this, this meeting that you had to refresh your recollection?

A I met with counsel yesterday.

Q So it was yesterday you went over sort of you said transcripts and over your recollection with respect to the attacks. Is that correct? Yesterday.

A [Nonverbal response.]

Q You have to --

A Yes.

[Discussion off the record.]

Mr. [redacted]. To clarify, when I said transcripts, I'm talking about transcripts of Toria. I recall yesterday seeing a transcript about a press briefing that took place around that time. It's press transcripts.

Mr. Grider. So tell me about the press briefing, do you remember the date? This is just yesterday. So what press briefing do you --

Mr. [redacted]. For example, I saw a transcript yesterday from a background press briefing that took place, it would have been maybe a week after the attacks.

Mr. Grider. And what, if anything, on that transcript -- it was dealing with Victoria Nuland or anything that recall from the review yesterday about that transcript?

Mr. [redacted]. That transcript was a background briefing from senior State Department officials speaking to the press about the attacks.

Mr. Evers. Can I just interject? We are spending a lot of time talking about yesterday and not September of 2012. I guess for the

sake of the record I would just like to clarify that documents -- as we have told you guys before, the documents that he reviewed were to refresh his memory for today. They have been produced to the committee. So --

Mr. Missakian. That's fine. For the record, we're entitled to know which documents he used to refresh his memory. So Mr. Grider is entitled to ask both about the transcripts and the documents he reviewed.

Ms. Sawyer. Well, I'm not sure that that is the case actually that we are entitled to know exactly what he reviewed yesterday.

Mr. Missakian. Do you mind if I stop the clock?

Ms. Sawyer. No, I would like this to be on the record. You can stop the clock. I don't have an objection to that.

Mr. Missakian. That is what I was talking about. I didn't say the record, I said the clock.

Ms. Sawyer. That's fine. I'm not sure that we are entitled to that. I don't think that's in any way -- there are no rules that govern this. This witness has never been shown any rules that would govern what he has to answer, he doesn't. I'm not sure that we are entitled to that information.

These daily press briefings are not only made available to the committee in discovery. They are on the Web site of the State Department. They are public documents. So to the extent you guys have questions based on documents that we have gotten as part of our document production request or that are in the public domain, I think it is

appropriate to ask him specific questions, but I am not sure that it is both respectful of his time and really in furtherance of this investigation to have him try to recall what he may or may not have looked at yesterday and whether it was in the public domain or in the document production.

So if you have specific questions, would you please just move to asking them?

Mr. Missakian. Okay. Well, I think there's some confusion, Heather. I mean, if the witness reviewed documents that he used to refresh his memory, we're entitled to know what he looked at. We're not going to ask him specific questions about documents that may be in the public domain, but we are entitled, like any witness who testifies after having reviewed documents, to know what they looked at. And that's simply it. Once he identifies the documents, we'll move on.

Ms. Sawyer. I think it's asking a lot for him to be able to remember every document.

Mr. Missakian. If he can't remember, that's fine, that's fine. All he has to do is say so.

Mr. Evers. Either the instructions at the beginning of interviews are sincere or they're not. You guys say if he doesn't remember things, that's all right. And you also say that this interview is not governed by the Federal rules of civil procedure or evidence.

So we've never gone down this road before. I think it is

intruding. I don't think we need to go down it. I would say that it would probably be in everyone's best interest for a productive investigation to ask him the questions that you wanted to ask him when you identified him as a witness, not what happened yesterday.

Mr. Missakian. Well, I think it's very simple, this has gone on much longer than it needed to be, if he can't remember what he reviewed yesterday, he can simply say that and we'll move on. Is that fair?

Mr. Grider. I think it goes to the credibility of the witness, of his recollection.

Mr. Missakian. Let's go back on the record.

Mr. Evers. We were on the record.

Ms. Sawyer. Well, I disagree --

Mr. Missakian. I mean, go back on the clock.

Ms. Sawyer. If he does not recall honestly every document he looked at yesterday, that has nothing to do with his credibility.

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

Mr. Evers. No, stay on the record.

Mr. Grider. I'd like to go off the record and talk to my chief counsel real quick.

Mr. Evers. That's fine.

Mr. Grider. Off the record.

[Recess.]

Mr. Grider. Mr. [redacted], once again I want to reiterate we appreciate you being here. And I want to clarify, as we were having discussions about sort of committee rules and how we get information,

we or I was in no way communicating anything about your specific credibility. We're here just to get the facts and to plumb your recollection based on what you recall happening. And we were trying to do that and see if you had refreshed your recollection yesterday.

So in no way were we talking about your credibility. We were more talking about the process of getting a witness and what they recall during the timeframe.

Mr. [redacted]. Thank you. I appreciate that. And if I can just get out for the record that I am here to cooperate and I am here to tell the truth and be as accurate to the best of my ability, to the best of my recollection.

Mr. Grider. Well, we appreciate that.

So can you tell us, during the night of the attacks, can you sort of walk us through what happened and what you recall during that timeframe when you were at State?

Mr. [redacted]. What I can remember most, if I can just say, what I remember most about that night -- that day -- is the facts are very jumbled. Like, I don't remember a lot of actions or things that I or other members of my team or others in NEA or another office may have done.

You asked my earlier were you in contact with MAG. So things like that, I don't remember, I have a hard time remembering, because for me what I remember most about that day and what I have tried to not think about is the emotions. So the facts are all fuzzy.

What stands out for me that day, that night, is the emotions, the

worry about where are our people. Where's Chris Stevens, you know, we couldn't find him. The immense -- I remember the sadness when we first learned that he had died that night. To me, those emotions are the memory that stick out for me from that day, that night, and, frankly, in my State Department career, that and when Secretary Clinton came to speak to us. She spoke with us in NEA, in our NEA conference room, I think it would have been the next day. And I remember the heartfelt talk and the emotions from that.

So that's what I remember the most from that day and those events. So, you know, who talked to who, who communicated, all that, frankly, like I said earlier, I haven't really wanted to give it much thought. I know this has been in the news. I tune it out, I intentionally avoid it. I, frankly, as an American, I'm frustrated that we're still talking about this. So if I keep saying I don't remember, I don't remember, I don't remember, I haven't wanted to remember.

Mr. Evers. You want to go off the record for just a quick second?

[Discussion off the record.]

Mr. Grider. Are we back on the record?

BY MR. GRIDER:

Q First, I want to acknowledge sort of the emotional aspect. I understand that was a significant event, and I don't want to dismiss that in any way. Any other witness I have dealt with, I acknowledge there were a lot of facts going on, but there was enormous amount of emotion about your colleagues. So I want to be very respectful about that, and I ask that you help me be very respectful.

Nevertheless, based on your counsel telling me, you do have somewhat of a chronology that you can walk us through, and I would welcome that.

A Okay. It's going to be a rough chronology, because, again, I don't remember a lot of specifics.

So I remember spending most of that day in my office monitoring news reports. I remember, again, the overriding theme was to worry about where is Chris, where is Chris, what are the people -- you know, are they okay. I remember trying to get information about, you know, just any kind of information about were our people okay. I remember --

Q Let me pause you real quick so everybody's with you, we understand. So help us. The first thing you said you recall

monitoring reports. Give me a timeframe. Was it in the afternoon or was it in the evening, was it night outside when you started monitoring reports? Was it in the morning, you had a cup of coffee?

A Yeah. I don't remember when it started, frankly. I remember being there for the most part in my office monitoring news reports on television or through the computer. I remember it was a very long day. I was there very late.

Q Do you recall how late you were there?

A It was past midnight. I want to say, roughly, guess, it was like 2 in the morning when I left.

Q So between you being notified, monitoring news reports, and 2 a.m., let's walk through that.

A I remember being in touch with -- just with other people within NEA. I remember my colleague [redacted] at the time. Again, the overriding concern about, where is Chris, where are our people, are they okay. I remember being in touch with members of my leadership in NEA, what the time would have been, all kinds of things, Acting Assistant Secretary Beth Jones, Principal Deputy Liz Dibble, Deputy Assistant Secretary [redacted]. I remember my phone ringing off the hook. It was just ringing and ringing and ringing.

Mr. Missakian. Timing is everything.

Mr. Evers. Let the record reflect that a phone just rang.

Mr. Grider. Let's pause, go off the record.

[Discussion off the record.]

BY MR. GRIDER:

Q Let's go back on the record.

A I remember my phone ringing off the hook, which I didn't answer because I knew it was journalists calling trying to get a comment or find out what was going on, because they were getting information from their sources. And I didn't have any information to give them. And so rather than pick up the phone and say, "I have got nothing for you," I just avoided answering the phone.

I remember going up to Beth's office. So I was primarily in my office, but I would occasionally run up to what we call the front office, the NEA front office, where our leadership sits on the sixth floor. And I remember huddling with Beth and Liz, [redacted], [redacted] was coming in and out. Everybody was just focused on trying to find out whether or not our people were okay.

Q I'm going to let you continue on. Anything else that you remember?

A I mean, that's what stands out for me. I mean, it's hard for me to give you a chronology like, you know, at 3 o'clock this, at 6 o'clock this, at 7 o'clock. All that is very scattered in my memory. I just kind of generally remember just being in my office, the emotion, the focus of trying to find out if people were okay, going up to Beth's office, monitoring news reports, my phone ringing off the hook. That's what I remember.

Q So you mentioned [redacted]. What was his role? What was [redacted] role?

A At that time he was the deputy director for the press section

within the NEA. I guess his title was spokesperson and deputy director for the NEA press office. I guess that would --

Q Did he report to you?

A We were colleagues at the time.

Q And what, if anything, do you recall communicating with him or working on with him?

A Again, it was just -- it was more just, you know, what have you heard about? What are you hearing about people? Are they okay? It was more like, again, it was finding out information. That was the overriding thing at the time.

Q Sure. Very good. All right, let's slow down.

How were you attempting to find out this information?

A It was primarily through the news reports, because oftentimes reporters know stuff before we do, even though reporters come to us for information, but oftentimes they get it first. So monitoring news, hearing what -- you know, being in touch with other members within NEA on what they may have heard through contacts they have on the ground.

Q Did you have any contacts on the ground?

A We had, if I recall correctly, we had -- I think he was an information officer. I think that was his title, our IO. He would have been in Tripoli, I think, during that -- at that night. I don't recall specifically where he was physically located. I think it was Tripoli. So I recall email communications with him. Again, what do you know, like, what is going on?

Q So you recall emailing back and forth with this individual in Tripoli, presumably in Tripoli?

A Yeah, roughly, yeah.

Q Do you recall this individual's name?

A [redacted].

Q Can you spell that for me?

A I think it's --

Q I just couldn't hear it.

A [redacted].

Q [redacted]?

A Yeah. And I don't recall his last name.

Q What, if anything, do you recall [redacted] communicating to you via email about the situation?

A It was, you know, for the longest time we didn't know the status of our folks in Benghazi, and so it was a lot of -- everybody was just grasping at whatever tidbits of information. It would have been -- I think it was him just saying for the most part that day, to the best of my recollection, that, you know, we don't know where Chris is, you know.

Q Were you communicating with anyone in Benghazi?

A I don't recall communicating with anybody in Benghazi, because my principal point of contact would have been our -- as a press person would have been the press person in Libya, so that would have been [redacted].

Q Understanding the emotion and sort of the confusion at that

time, based on your role as a communications person, what was your job to do during that time?

A On that day?

Q Right.

A When there is a crisis like that it -- we all went from having a job to being -- again, it was -- it's almost like we didn't have a job anymore. It was all about -- it all stopped. It was all about our people. And like I said, my phone was ringing off the hook with journalists. There was nothing to tell them. So I wasn't -- I wasn't -- there wasn't a job in the -- it was all about finding out whether or not people were okay. That was -- it was -- it was --

Q You were gathering information.

A Right.

Q Correct?

A Right. All attention was on Chris and our people.

Q Once you were gathering that information, who were you relaying that information to?

A It was -- it would have been to my leadership. That's what I recall. So it would have been Beth and Liz, kind of this is what I'm seeing in the news. They were also monitoring the news, so it was a lot of just -- I mean, everyone just was focused on news reports.

Q So when you went to Beth's office, to your recollection, what was sort of the sum and substance of you going there? What was the purpose?

A Just like to hear, you know, this is what I am hearing, this

is what I am seeing on the news, to hear what they may know, what is going on, you know, again, about Chris and our people there. It was a -- you know, when something tragic like this happens, there is like a huddle atmosphere that happened to console -- it is almost like to console. It's like we're a family. You know, at NEA at that time, even now, but at the time we were like a family. And so one of your family members may be hurt or worse, and so there's this huddle mentality to, like, console one another.

Q Was anyone working on talking points, a press release during that timeframe?

A Not that I recall. Well, not that I recall in my office. When something like that of that magnitude occurs, it's kind of taken out of NEA and it goes up to a much higher level.

Q So that's -- go ahead.

A Yeah.

Q So where's that higher level? If not you, then who, who is that higher level?

A So it would usually, in an instance like that, it would be the spokesperson, the seventh floor, and the NSC.

Q During the night of the attacks, you stated that you left around 2 a.m. Were you in any meetings with -- I think you said the spokesperson was Toria Nuland, the seventh floor, the NSC?

A On that day, I don't recall any meetings. My memory is primarily of me being in my office and occasionally running upstairs to the NEA front office.

Q And in the NEA front office, based on what you're communicating, it sounds like there was an exchange of information, you were communicating what you found, they were communicating. Who would, to your recollection, who would take sort of that information and move it up the chain? Who was sort of the lead person there?

A Within --

Q Within that sixth floor. I think you were saying you were going to Beth's office. So I don't want to assume that Beth -- you were sort of giving information to Beth. But who were you giving information to? And do you know who was sort of taking that information somewhere else?

A So I was communicating what I was learning through the press reports to Beth, to Liz, I would imagine others within the NEA, and I don't know what they were doing with that information.

Q Okay. Do you recall anything between the timeframe of, you know, before you left at 2 a.m.? Do you recall -- sort of getting to the close here -- but do you recall before, what prompted you to go ahead and go home?

A Well, it was late, and we had unfortunately learned that Chris had passed. I remember sticking it out that late because they had IRN calls that we were getting -- I don't remember if it was from media reports or through our people there -- that they had found the body, you know, so there was this waiting, and we were waiting and waiting, the staff, there may have been others, for them to finally get American eyes on it and identify that it was indeed Chris. So I

wasn't there. It wasn't long thereafter that I left, I feel like I left at that point.

Q You mentioned the next day.

Ms. Sawyer. Is that an hour at this point?

Mr. Grider. Yeah. Go ahead.

Ms. Sawyer. We are done with --

Mr. Grider. No, that's good. That's good. Thank you.

All right. Let's go off the record.

[Recess.]

Mr. Desai. Let's go back on the record. The time is 12 noon.

Mr. [redacted], good afternoon. My name is Ronak Desai. I am one of the counsels with the minority staff of the Select Committee. I am joined here today by some of my colleagues, Heather Sawyer, Peter Kenny, Kendal Robinson, and Susanne Sachsman Grooms. And on behalf of the entire minority staff of the Select Committee, I just want to thank you, first, for your appearance here today. And also want to thank you for your service to our country. I know appearing in front of Congress can be a formidable task, but I will do my best to make this as easy and straightforward for you as possible.

BY MR. DESAI:

Q So just to jump right back in, I want to pick up on a thread that my colleague in the majority had asked you about right before the break. And I think one of the things that you told him was that when an incident of the magnitude of Benghazi occurs, that the press response and press coordination is taken out of the relevant bureau and then

escalated up to, I think you had said it was the Department spokesperson. Is that right?

A Definitely to the higher chain of command, to the higher leadership.

Q Okay. And that person would have been Ms. Victoria Nuland. Is that right?

A That would have been one of them.

Q One of them?

A Yes.

Q Is one of the reason why that occurred, why it's brought up higher, is to assure the accuracy and consistency of information, to make sure that there is a wider coordination taking place, just to basically ensure that there is information moving along at the right levels at the right way?

A Correct.

Q Okay. You mentioned, I think, that -- you used the term the seventh floor. Is that right?

A Yes.

Q If I could just ask you, were you personally aware at the time who on the seventh floor these press responsibilities would have been escalated to from the relevant bureau up to the seventh floor, if you are aware and if you can recall?

A I don't recall in the specific instance on that day.

Q Okay. So you wouldn't have been privy to any conversation that would have happened about press from anyone on the seventh floor

since you don't recall. Is that right?

A I don't recall.

Q Okay. You also mentioned, if I am not mistaken, that when an incident of this magnitude occurs, the NSC press department, if you will, gets involved. Is that right?

A Yes.

Q Okay. And do you recall who at the NSC press bureau or department would have been involved with Benghazi that evening?

A It would have been Bernadette Meehan and other colleagues of her at the time.

Q Do you recall who those colleagues would have been at NSC?

A The other one that I would recall is Ben Rhodes.

Q Now, is one reason why, again, press responsibilities would have brought these folks from the NSC press in because an attack like Benghazi, where we have four Americans who have been tragically killed, will necessarily implicate equities of other agencies, in this case, for example, the White House. Is that right?

A Correct.

Q Okay. And were you privy personally to conversations that took place between State's press coordination and NSC's press bureau, which would have been with Ms. Meehan and Mr. Rhodes?

A Was I privy on that day? I don't recall.

Q Okay.

BY MS. SAWYER:

Q Before we go on, you indicated -- my colleague asked

specifically about other agencies, arms of the executive branch that potentially would have had equities in an instances like Benghazi. You know, it was an attack, Americans were killed. One of the other entities certainly would have been the Department of Defense, who would have equities in that instance. Is that correct?

A That would be fair.

Q And they would have been, in the same way that the State Department was getting press inquiries, being asked to confirm information, they likely were getting those same kinds of inquiries. Is that likely?

A That's very likely.

Q And along with the Department of Defense, ultimately, the Department of Justice and the Federal Bureau of Investigation would have been entities that would have equities at stake in this type of an incident. Is that accurate?

A That's fair, yeah.

Q And like the Department of Defense, like the Department of State, like the NSC -- and that stands for National Security Council?

A Although I think at the time they called it NSS.

Q The National Security Staff?

A Yeah.

Q They also would receive inquiries from the press about the Benghazi attacks?

A Yes. I would imagine a lot of people's phones were ringing off the hook.

Q And so part of the need in getting the Department's spokesman, Ms. Nuland, and other individuals in the interagency press offices involved is to ensure that information is being shared among the various entities as it comes in. Would that be accurate?

A Yes.

Q And you want to then be able to vet through these different arms of the executive branch the information each is receiving?

A Yes.

Q And to try to ferret out? Because I think you told my colleagues in the first hour that oftentimes reporters know information before we do -- you said "we do," meaning the press folks -- to be able to both share that and vet the accuracy of what's coming in as quickly as possible. Is that correct?

A Correct.

Q So the goal there is to share, vet, get accurate information as quickly as possible. Would that be accurate?

A Yes. As accurately as possible, certainly.

Q And then to have all of the executive branch speaking in a consistent voice so as not to cause further confusion about an incident?

A Correct.

BY MR. DESAI:

Q So Ms. Nuland was the Department of State's Department spokesperson, and it appears that she was then the point person for conveying information about the attacks on behalf of the Department

the day of and the days subsequent to the attack. Is that correct?

A Correct.

Q Okay. And it appears that one way she would convey information to the press were these Department daily press briefings that I believe you had mentioned in the last hour. Is that right?

A Yes.

Q And if I recall correctly, you were involved in helping her prepare for some of these press briefings, correct?

A Correct.

Q Now, in the days immediately after the attack it appears that Ms. Nuland held these daily press briefings. Is that right?

A Yes.

Q And the entire briefing was not exclusively focused on the Benghazi attacks. Is that right?

A I don't recall, but I would imagine that was the case.

Q That the briefing would cover other --

A They cover a variety of subjects as well, what is in the news at the time.

Q A variety of subjects across different regions, different places in the world, not just Benghazi, not just Libya. Is that right?

A Correct.

Q Okay. During one of her briefings, which was on September 14th -- I am just going to read you just a very short response that Ms. Nuland had given to a question about the attacks. And what she says is, quote: "I am going to frustrate all of you infinitely by

telling you that now that we have an open FBI investigation on the death of these four Americans, we are not going to be in a position to talk at all about what the U.S. Government may or may not be learning about how any of this happened, not who they were, not how they happened, not what happened to Ambassador Stevens, not any of it, until the Justice Department is ready to talk about the investigation that it's got. So I'm going to send you to the FBI on any of those kinds of questions and they're probably not going to talk to you about them while the investigation is open."

So, generally, do you recall her making that statement in response to an inquiry? I know it was a long time ago.

A I don't recall it. I don't recall it.

Q Do you generally agree with what she said?

A The way I interpret that statement is that it was -- it conformed to, I think, the overriding -- of what we were all trying to achieve, which was to get all the facts, get all the information, be responsive, but be accurate.

Q Okay. So your understanding of why she said that was just to ensure that -- it was to achieve this goal of -- I think what you just said was making sure you got all the facts and that those facts were as accurate as possible. Is that right?

A Correct.

Q Okay. At the time, do you recall, to the extent that you did, did you have any reasons to object or express concerns about what she said in that passage that I just read to you?

A I'm sorry. Can you repeat the question?

Q Sure. So from what you recall, to the extent that you did, did you have any objections or concerns to this idea of telling the press that she wouldn't be able to convey any information because there was an ongoing FBI investigation?

A No, not on my part.

Q And at this time the investigation was ongoing. Is that correct?

A From my recollection, yes.

Q And from what you recall at this point in time, there hadn't been any definitive conclusion that had been reached about what happened or many of the different components or aspects of the attack. Is that right?

A Yes.

Q So I'm going to shift focus here just a little bit, Mr. [redacted]. I want to talk to you about the intelligence community's talking points.

So just to start off, are you aware that the same day that Ms. Nuland gave this press briefing, September 14, 2012, it was a Friday, that Congress requested unclassified talking points about the Benghazi attacks from the intelligence community?

A No.

Q You were not aware of this?

A No.

Q So at this time I am going to enter into the record exhibit

1.

[[redacted] Exhibit No. 1

Was marked for identification.]

Mr. Desai. So I have entered into the record Exhibit 1. And what we have here is a single page from the U.S. Senate Select Committee on Intelligence Review of the Terrorist Attacks on U.S. Facilities in Benghazi, Libya, September 11th to 12th, 2012, together with Additional Views, dated January 15, 2014.

Mr. Missakian. Just so the record is clear, are you admitting both pages in or just the single page that you referred to?

Ms. Sawyer. Both pages.

Mr. Desai. Both pages. So the cover sheet and then the adjoining page, which is page 43.

Mr. Evers. Do you want him to take a second to read the page?

Mr. Desai. Yes.

Mr. Evers. Why don't we go off the record for 1 second.

Mr. Desai. Sure. We can go off the record.

[Discussion held off the record.]

Mr. Desai. Go back on the record.

BY MR. DESAI:

Q So I have entered the exhibit right before we went off the record -- to the record, excuse me -- exhibit 1, which comprises with a cover sheet of the Senate Select Intelligence Committee report, as well as a second sheet, page 43. At the very top of the page it says: "Appendix I: The Benghazi Talking Points." And you have had time to

review is that. Is that right, Mr. [redacted]?

A Correct.

Q If I can, please, direct your attention to the middle of the page where it says, quote: "The final, unclassified version of the CIA talking points, as provided to HPSCI on September 15th, 2012, reads as follows."

And just for the record, HPSCI stands for the House Permanent Select Committee on Intelligence. Is that right?

A Yes.

Q So it looks as if, based on this, that the talking points in this document originated with the Central Intelligence Agency, and it appears as if that these talking points then went through an interagency coordination review process on September -- around this time, September 15th. Were you aware of that?

A No.

Q At that time?

A At the time, no.

Q Were you part of that process of interagency coordination review at the time?

A No.

Q Do you know who was involved in this process at the time?

A I don't.

Q Were you aware at the time that Ms. Nuland was involved in this process, if you can recall?

A I don't recall. My guess would be yes, but I don't recall,

specifically.

Q Right. So Congress requests these talking points on the 14th. They go through this process over the weekend. Did you ever see these talking points over that weekend either on the 14th, 15th, or 16th of September, 2012?

A I don't recall, no, ever seeing these.

Q At the time?

A At the time.

Q Given that you were not involved or aware of these talking points at the time or involved in the process of interagency review and formulation, I can assume, then, that you didn't see the original draft or any of the changes that were made before these talking points were finalized by the intelligence community?

A That is correct.

Q Nor are you aware at the time that the deputy director of the CIA at the time, Mr. Michael Morell, was responsible for shepherding through these talking points through the interagency coordination process and then finalizing them for HPSCI and the other intelligence committee. Is that correct?

A That is correct.

Q Okay. So if I can now turn briefly to the actual content of these talking points. The very first bullet reads, quote: "The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the U.S. Embassy in Cairo and evolved into a direct assault against the U.S.

diplomatic post in Benghazi and subsequently its annex. There are indications that extremists participated in the violent demonstrations."

The very next bullet point makes clear that this assessment may change as more information becomes available. And this bullet point reads, number 2: "This assessment may change as additional information is collected and analyzed as currently available information continues to be evaluated."

So these were delivered to Congress on September 15th, 2012. Ambassador Susan Rice then appears on Sunday morning talk shows the next morning, September 16, 2012, where she was asked and spoke about the attacks in Benghazi and said the protests -- that protests preceded the attacks in Benghazi.

Mr. [redacted], do you recall seeing Ambassador Rice on these talk shows?

A I don't recall having watched them that day.

Q Did you learn about them through any other means?

A Yes.

Q That day?

A I don't recall if it was that day, but I do recall learning about them through media reports and, to the best of my recollection, through contacts within the State Department.

Q Right. So she appears on these talk shows on the 16th, she is asked about the attacks, and she says that protests preceded the attacks in Benghazi.

To the extent that Ambassador Rice said on those shows that a protest or demonstration took place in Benghazi, that statement is consistent with that first bullet that we just reviewed, which says that there were demonstrations in Benghazi that evolved into an attack. That statement -- Ambassador Rice's statements on that show to that extent are consistent with this first bullet point. Is that correct?

A Yes.

Q Now, the day after Ambassador Rice appeared on the Sunday shows, Ms. Nuland was asked about Ambassador Rice's statements during the daily press briefing, which would have then been on September 17th, 2012.

So at this time I am going to enter into the record Exhibit 2.

[[redacted] Exhibit No. 2

Was marked for identification.]

Mr. Desai. And if I can direct your attention, Mr. [redacted], to page 6. And for the record, this document has a document ID of C05394583, and it is designated "unclassified" at the bottom of that document. And I believe I directed your attention to page 6 at the very top of that document. I'll allow you to just have a few minutes to review it.

You can just go back off the record while the witness reviews that portion of the document.

[Discussion off the record.]

Mr. Desai. Back on the record.

BY MR. DESAI:

Q Mr. [redacted], I have just handed you a document that I have marked exhibit 2. Can you please just confirm that the document that I have handed you with the document ID that I just read to you before we went off the record is a transcript of the State Department's daily press briefing from September 17th, 2012, as indicated on page 3 of the document -- excuse me, page 4. Yes?

A Yes.

Q Great. So refocusing your attention to page 6, at the very top of the page, Ms. Nuland is reminded that in the last State Department briefing, which took place the Friday before the 14th of September, 2012, she referred all questions about the Benghazi attacks to the FBI given the ongoing investigation. The reporter asking the

question then points out to Ms. Nuland that Ambassador Rice, on the Sunday talk shows the day before, had provided more information and notes that, quote: "Given that Ambassador Rice is out there talking publicly about it" and not referring the press to the FBI, will Ms. Nuland not answer questions in this press briefing?

In response, Ms. Nuland answers -- and here I am saying -- she says, quote: "Ambassador Rice in her comments on every network over the weekend was very clear, very precise about what our initial assessment of what happened is. And this was not just her assessment. It was also an assessment that you heard in comments coming from the intelligence community and comments coming from the White House. I don't have anything to give beyond that."

Do you see that on page 6?

A Yes.

Q Great. So it appears here that Ms. Nuland is confirming on Monday, September 17th, 2012, Ms. Rice's statements from the Sunday talk shows the day before in which Ambassador Rice said that the initial assessment is what it is, and that was given to her by the intelligence community and others. Is that right?

A Yes.

Q And it appears that Ms. Nuland is making clear that this isn't Ms. Rice's assessment alone, but rather reflects the intelligence community's assessment, as well as others. Is that right?

A Yes.

Q Did you disagree with Ms. Nuland and what she said on Monday, September 17th, here in this capacity?

A Nope.

Q And one thing I would like to point out is Ms. Nuland in her response to this particular reporter's question, she says that this was the IC, the intelligence community assessment at the time, and that they are entirely responsible for making these types of assessments. Would you agree with that?

A Yes.

Q So if I can switch gears here a little bit. At this point in time, I'd like to enter another document into the record, and this is going to be exhibit 3.

[[redacted] Exhibit No. 3

Was marked for identification.]

Mr. Desai. So I have marked this as Exhibit 3 for the record. Let me first read the document ID number. For the purposes of the record, it is C05580618. And I'll just give the witness a few minutes just to read through the chain.

We can go off the record in the interim.

[Discussion off the record.]

Mr. Desai. Let's go back on the record.

BY MR. DESAI:

Q So, Mr. [redacted], I've just handed you a document that I've marked as exhibit 3. This is an email chain which appears to comprise some discussion between you and your colleagues about some of the

statements that Ambassador Rice made on the Sunday talk shows.

Now, you appear at the very top of this document as the sender. But what I would like to do is just start, actually, from the bottom of the chain, the email thread, and make our way up.

So starting at the bottom, which for the purposes of the record looks like page 32, but really is page 31, it appears that someone by the name of [redacted] sends press guidance on -- NEA press guidance, September 17, 2012. The title here is "Libya: Update on Investigation on Attack in Benghazi."

So just to start off with, who's [redacted], Mr. [redacted]?

A She was one of my press officers.

Q In the NEA Bureau, is that right?

A Correct. Correct.

Q And were you on this initial thread? Were you one of the recipients of the press guidance that Ms. [redacted] sent -- Ms. [redacted], excuse me.

A Oh, Ms. [redacted] is a male.

Q Mister.

A Mister.

Q Third time's a charm.

A I don't see myself. I'm not on any of these distros. I don't see myself in the initial sent email.

Q Okay. You weren't included in the original chain. From what you can tell by just reviewing this document, what was the purpose of this press guidance that Mr. [redacted] had sent out to the distribution

list and to these various recipients?

A This looks like an email that [redacted] would have sent to various people to okay that morning's press guidance.

Q Okay. So we move a little further up the chain, and it seems as though Mr. -- it seems that Ms. [redacted]. Is that right?

A Yes, right.

Q And who's [redacted]?

A She worked -- or works -- in the M Bureau.

Q Okay. And just for the purpose of the record, what bureau is that?

A Management.

Q Right. So it seems as if Ms. [redacted] sends an email to these same recipients. And she says here: "Hi - I made some tweaks. I am not keen on the first point, even as I edited it, but don't have any better suggestions. Maybe it was not 'planned well in advance.' The rest of it looks good. I added DS to this message also. Thanks, [redacted], M/PRI."

For the purpose of the record, what's DS?

A Diplomatic Security.

Q Okay. We then move further up the chain. So Ms. [redacted] sends this email at 12:34 p.m., September 17th, 2012. Two minutes later, at 12:36 p.m. the same day, we get another email from Mr. [redacted]. And what he writes to these recipients is: "This is actually the most recent. Just saw NSS language, which I used as the key points here."

Now, Mr. [redacted] is indicating that this language is from NSS, and I think you mentioned just a little while ago that's the National Security Staff --

A Correct.

Q -- which is also akin to the National Security Council at one point. Is that right?

A Correct.

Q Okay. So what is your understanding of what she is referring to here and what's happening in this portion of the email thread?

A So it looks like [redacted] has revised the press guidance to conform to the NSC -- NSS points, because they are the ones driving the message, the messaging.

Q Right. So if I can have you -- so it looks like she's provided the updated talking points, which she says are based on: Just saw the NSS language.

If I can just have you -- and the key points -- if you can take a look back at exhibit 1, and page 43 of exhibit 1, that second sheet behind the cover page. And if I could just have you, Mr. [redacted], compare the talking points that Mr. [redacted] provides, the most updated one, with the talking points that we had here under Appendix 1 of the Senate Intelligence report on page 43 that we were just discussing, just take a couple of minutes to take a look at that compare those. Let me know when you are ready.

A Ready.

Q Okay. So you have gotten a chance, Mr. [redacted], to compare the talking points provided by Mr. [redacted] with the updated NSS language, and you've compared that to the Benghazi talking points provided by HPSCI and the intelligence community, which are memorialized on page 43. Is that right?

A Correct.

Q Okay. Provided to HPSCI, excuse me, from the intelligence community. And you've compared those two things. And the language is identical. Is that right?

A Yes.

Q And do you see any differences between the language of the talking points provided by Mr. [redacted] and the talking points provided by the intelligence community to HPSCI?

A No, not with respect to those three points.

Q Okay. Now, when Mr. [redacted] had sent along these talking points to these recipients, at this point in time had you --

Mr. Missakian. Just for clarification, I'm sorry to interrupt, my reading of this email is there are two sets of what I would describe as talking points coming from Mr. [redacted], so the extent you are referring to Mr. [redacted] talking points, can you refer to the first set or the second set, just so the record is clear?

Mr. Desai. Sure. No, I tried to make it a point to say the most recent talking points, but I am happy to clarify further.

Mr. Missakian. Thank you.

BY MR. DESAI:

Q So we are looking at recent set that Mr. [redacted] at 12:36 p.m. Now, at this point, when these talking points are sent to these recipients by Mr. [redacted] at 12:36 p.m., had you seen at this point the CIA-formulated talking points that went through the interagency coordination process?

A No.

Q You had not seen those?

A No.

Q Okay. So this language, the most recent talking points that had been sent by Mr. [redacted], when you finally do see them once you are included on this chain, that was the very first time you were seeing this particular language. Is that right?

A To the best of my recollection, yes.

Q Okay. And when you finally did see the language that are memorialized in these talking points provided by Mr. [redacted] at 12:36 p.m., the most recent, to your recollection, this was the very first time you saw them, is that correct, you just said?

A Yes.

Q Now, did you have any idea at the time that the language that's reflected in these talking points provided by Mr. [redacted] the second time, at 12:36, that that language actually came from the Central Intelligence Agency and not the NSS as Ms. [redacted] -- or that Mr. [redacted] indicated in her email?

A I did not know that.

Q You did not know that at the time. Is that right?

A Correct.

Q Okay. Now, continuing up the same chain, and I am still here on page 29 of the document, what we have now is Ms. [redacted], am I pronouncing that correctly?

A I have trouble pronouncing that as well, but I think that's close enough.

Q Okay. So we have Ms. [redacted], [redacted], is that her name?

A [redacted].

Q [redacted] sending you an email now dated the same day, September 17th, 2012, the time is now 1:59 p.m., and she says: "[redacted] - per my call. Note sure we want to be so definitive - what does A/S Jones say?"

Now, just for the record, who is Ms. [redacted]?

A At the time she was the deputy director of the MAG office.

Q Okay. And it looks as if that you then respond -- I am now on page 28 of the document -- it looks like you respond to a host of folks here, [redacted], Ms. [redacted], Ms. [redacted], and you say here, "Toria planned on walking it back just a bit, though."

So, again, just to start off with, who is [redacted]?

A [redacted] was a colleague of mine in NEA press.

Q And that is a mister?

A Mister.

Q Mr. [redacted]. Okay. Very good. We have identified Ms. [redacted]. Who is [redacted]?

A She was a -- on the Libya desk.

Q Okay. So you write back to these folks, and you say: "Toria planned on walking it back just a bit, though."

And, again, just for the record, who is Toria?

A Spokesperson for the Department.

Q Okay. And Ms. [redacted] email further down the chain, it looks as if she raises a concern about being so definitive. What was your understanding about what she meant by that?

A To the best of my recollection, it had to do with the characterization of the attack having been spontaneous.

Q Okay. And the concern was that?

A The concern was that it was, within NEA, with some of us anyway, was that it was too definitive. By that, meaning that there was still a lot of information that we didn't have, a lot of things we didn't know. And so I think what we wanted to do is -- was have language that was more open to give time for the investigations to happen and conclude. Because, again, the overriding goal here was to be accurate in whatever we were putting out.

Q Right. Just to make sure I have understood, the concern here from Ms. [redacted] that she is reflecting in this email is that Ambassador Rice on her appearance on the Sunday talk shows had been too definitive and that the concern in NEA and the sentiment was that we want to make sure that we have all the facts and that we are as accurate as possible and that this is a fluid situation that's developing. Is that right?

A That's correct.

Q Okay. Now, when you said to Ms. [redacted] here at the bottom of page 28 of the document that she planned on walking it back, what were you referring to exactly? Do you recall?

A I don't recall specifically why I wrote this email, but, again, I think the general sentiment was that we needed to be very careful. There was a lot of scrutiny on everything that folks were saying on this issue. And because there was this cloud, because there was -- you know, events were fast moving, it was very fluid, we wanted to be accurate. We wanted to make sure we had all the information. We wanted investigations to happen. So we wanted to have language that allowed for that.

Q And did you feel as if Ms. Nuland actually did walk it back during that September 17th, 2012, press conference?

A I think that -- I think -- I don't disagree with anything that she said.

Q Right. Because on the contrary, it appears as if -- again, going back to exhibit 2 -- that Ms. Nuland actually just confirmed and reiterated Ambassador Rice's statements insofar as Ambassador Rice, you know, appearing on these talk shows and saying -- giving her assessment, which were fully consistent with the intelligence community's assessment as enumerated in the talking points prepared for Congress by the intelligence community. Is that right?

A Correct.

Q So going back to the document, exhibit 3, we are going further up the email chain. We are now on page 28. We have Ms. [redacted]

saying: "I think Rice was off the reservation off this one." And then further up she says: "Off the reservation on five networks!"

Now, did you ever talk to Ms. [redacted] or Mr. [redacted] about what they meant about Ambassador Rice being off the reservation, if you recall?

A No, I don't recall specific conversations, but just from seeing this chain, that is how I would interpret what we are talking about here.

Q Okay. So you never spoke to them specifically from what you recall about what they meant beyond just looking at the document and speculating yourself. Is that right?

A Correct. I don't recall having, yes, conversations.

Q Okay. And as we discussed just a few minutes ago, Ms. Nuland confirmed in her press statement on Monday, the 17th of September, that the statements made by Ambassador Rice on the Sunday talk shows, at least with respect to the protests, were consistent with the intelligence community talking points that were provided to the Intel Committees on Capitol Hill. Is that right?

A Yes.

Q And are you aware, Mr. [redacted], of whether Ms. [redacted] had ever seen the intelligence community talking points at the time she made these comments in this email?

A I'm not aware that she ever saw them.

Q And are you aware if Mr. [redacted] ever saw the talking points that were provided by the intelligence community to the Intel Committees on Capitol Hill?

A I'm not aware.

Q So it's possible that neither Mr. [redacted] or Ms. [redacted] were aware that at the time that they wrote these emails that Ambassador Rice was, in fact, speaking consistently with the talking points that had been provided to her by the intelligence community. Is that right?

A That's fair, yes.

Q Now --

Ms. Sawyer. And my colleague asked you with regard specifically to her statement that there had been protests that preceded the attacks. And one of the things you identified that you recall being of concern to you and your colleagues was the notion of whether there was spontaneity involved. And I just want to direct you back to exhibit 1 for just a moment.

And, again, these are the talking points prepared by the Central Intelligence Agency on behalf and at the request of Congress that we've talked about a bit. And, again, in that first bullet point, and I will just read, I know we have read it before: "The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the U.S. Embassy in Cairo and evolved into a direct assault against the U.S. diplomatic post in Benghazi and subsequently its annex."

So, again, akin to what we've discussed with regard to to the extent Ms. Rice mentioned that there were protests that preceded, to the extent she said that those protests -- the protests then spontaneously evolved, her saying that was consistent with the talking

points that had been prepared by the intelligence community and circulated on September 15th, the evening before she appeared. Is that correct?

Mr. [redacted]. I would say so, yes.

BY MR. DESAI:

Q Great. So if I can, again, refocus your attention back to the document. Again, on page 28, responding to Ms. [redacted], it appears you say, quote, "Yup, luckily there's enough in her language to fudge exactly what she said/meant," end quote. Now, again, at this point, when you wrote this response to Ms. [redacted], you hadn't seen the unclassified talking points that had been prepared by the intelligence community provided to Congress, is that right?

A Correct.

Q And just to clarify, what did you mean when you wrote that there's enough in her language to fudge exactly what she said/meant, if you recall?

A To the best of my recollection, to the best of my recollection, it was the fact that, I don't recall specific why, you know, precisely why I said what I said there. I think it would have been because of the bullet point that said this assessment may change as additional information is collected and analyzed and as currently available. So I was trying to, I think, make the point that I think we're going to be okay because we have this, the language.

BY MS. SAWYER:

Q And, in fact, I would just direct your attention back to what we've entered into the record as exhibit 2. And, again, just

directing your attention to page 6 that we spoke about, we directed your attention to a paragraph about half way down that started with Ambassador Rice. The very next paragraph, where Ms. Nuland, again, the very next day, is talking to the press says, quote, "She also made clear, as I had on Friday, that there's an ongoing FBI investigation. So, frankly, I'm not sure that it's useful to go beyond that. I'm not capable of going beyond that. And we'll have to just see what the FBI investigation brings us," end quote. So in that regard, would that have been consistent with your belief that she would be able to walk it back in the sense that she would remind the public that there was an ongoing investigation?

A Correct.

Q And on the Sunday talk shows, Ms. Rice, herself, for example, on Fox News that morning said, quote, "Obviously we will wait for the results of the investigation. And we don't want to jump to conclusions before then. But I do think it's important for the American people to know our best current assessment," end quote. So when you were talking about --

Mr. Missakian. Counsel, is that from the exhibit? Or is that something else -- that you just read?

Ms. Sawyer. It is not from the exhibit.

Mr. Missakian. Okay. To the extent you read anything into the record, I think the document from which you're reading needs to go in as an exhibit.

Ms. Sawyer. We would be happy to do that.

Mr. Missakian. Great.

Ms. Sawyer. Let's go off the record for a second.

[Discussion off the record.]

[[redacted] Exhibit No. 4

Was marked for identification.]

BY MS. SAWYER:

Q Go back on the record. I'm going to hand the witness what we've marked as deposition exhibit 4 for identification purposes. That document bears the number C05409625. It's a six-page document. The subject line is transcript Fox News Sunday/Susan Rice, U.S. Ambassador to the United Nations. And I want to direct your attention to page 6, about the middle of the page there. And before we went off the record, I had read a statement to you that started "Obviously, we'll wait for the results of the investigation. And we don't want to jump to conclusions before then. But I do think it's important for the American people to know our best current assessment." Do you see that statement there? Take your time.

A Okay.

Q So to the extent you had expressed in the email with your colleagues that you felt Ms. Rice had also certainly left room in her statements on the Sunday talk show, and I've just given you one example, would her referring back to the FBI investigation, indicating that was ongoing, that we would have to wait for results, would that have been consistent with what you thought about what she had been saying?

A Yes.

Q And, again, she indicates in that statement to Fox that she felt, nonetheless, even though we didn't know every single thing about the attacks, it was important to give the American people the best current assessment based on what was available, would you agree with that?

A Yes.

BY MR. DESAI:

Q Great. So if I can refocus your attention back to the document, exhibit 3. We're now at the very top of page 28 of that document. What you write here to Mr. [redacted] and Ms. [redacted] and Ms. [redacted] is you say, quote, "WH very worried about the politics. This was all their doing," end quote. And this first WH, you meant the White House, is that correct?

A Correct.

Q Can you explain to us what you recall of what you meant by writing this to these recipients?

A I don't recall why I wrote the first sentence. The second sentence, this was all their doing, I think I was referring to what I thought at the time was that the talking points had come from the NSS or the White House.

Q Okay. So just to be clear, from what you recall, it appears as if, because Mr. [redacted] had sent you two iterations of talking points, the most recent at the time being sent to 12:36 p.m., and Mr. [redacted] conveying on that email chain that this was the most up-to-date language from NSS, you may have been confused or under the assumption

that that language had come from the White House or the National Security Staff, and that's why you wrote this is all their doing, is that correct?

A Correct.

Q Aside from the concerns that you've already expressed to us, with respect to, at the time, you were wondering whether or not Ambassador Rice's statements on these talk shows were too definitive, meaning that the investigation was still ongoing, the facts were still fluid, this was a fluid situation, did you, at that time, have any objection to the substance of what Ambassador Rice said on the Sunday morning talk shows on September 16, 2012?

A At the time? At the time --

Mr. Missakian. Can we establish a foundation that he's aware of what she said on each one of those shows?

Mr. Desai. I think we've done that.

Mr. Missakian. I don't think we have. He's not even sure if he saw the shows.

Ms. Sawyer. He did indicate that he later became aware.

Mr. Missakian. Being aware of the shows is one thing. But having specific knowledge of what she said, which is the premise of the question, is something entirely different.

Ms. Sawyer. We can just simply rephrase it to make sure that it's clear.

BY MS. SAWYER:

Q So, Mr. [redacted], do you have a recollection at the time,

so around about September 17th, 2012, when this email exchange is occurring, do you recall whether you, you are commenting about Ms. Rice's appearances, do you recall whether you had concerns on a substantive level with what she had said?

A I recall -- I recall having initial concern. Because, if I recall the reporting on this, I don't recall seeing the shows, but it became a big to-do. And I recall a lot of partisan talk focusing on particular comments she had made. And from that, I remember having initial concerns that oh, perhaps we were too definitive saying, characterizing it as spontaneous. But then, you know, seeing this, remembering, refreshing my memory, the comments that I, you know, I think there's enough room in her language, I think, you know, my thoughts at the time, as I recall best, is that we were -- I think we were going to be okay once I saw the language here, as I pointed out, because of the second bullet.

Q And when you talk about the fact that you were too definitive and there was an ongoing investigation, from the best of your recollection, at that point in time, September 17th, 2012, was there a definitive conclusion that you were aware of as to whether or not the attacks were spontaneous?

A There was not.

Q As to whether or not a protest preceded the attacks in Benghazi?

A Right. Correct.

Q There was not a --

A There was not.

Q -- definitive --

A Correct.

Q Sorry. I don't want to speak over you. So at that point in time, September 17th, 2012, to the best of your recollection at that time, there was not a definitive conclusion as to whether protests had preceded the attacks in Benghazi?

A That is correct.

Q And you indicated when you were just talking to us that there was intense scrutiny of how the, how the attacks were being talked about. So was some of the concern that you expressed when you said we were too definitive, was that if some of the information as it was evolving turned out to change, to be incorrect, that there would be a backlash because of that, there would be political criticism?

A Certainly I was aware of the heightened scrutiny, the heightened sensitivity with everything that was being said. I remember feeling very concerned that we had to be extra careful to be accurate. But that's generally what I recall.

Q Do you think that, in fact, you ended up being correct in the sense that when some information did change, there was intense scrutiny and criticism? In fact, eight congressional committees worth of intense scrutiny and criticism, isn't that accurate?

A Yes.

Q And given all that scrutiny, I think it's just important for us to ask, from your perspective, did you ever get a sense that

Ms. Nuland or anyone in her press shop -- so I think you said Bureau of Public Affairs, is that right?

A Yes.

Q Was trying to conceal facts about the Benghazi attacks for political advantage?

A No.

Q Did you get a sense that Ms. Nuland or anyone in the Office of Public Affairs, Bureau of Public Affairs --

A The Bureau of Public Affairs.

Q -- was concealing the truth in order to avoid embarrassment or to perpetuate a false narrative about the attacks?

A No.

Q Turning to the National Security Staff, you indicated Ms. Meehan had, to your knowledge, potentially been involved?

A Yes.

Q Did you ever get the sense that Ms. Meehan or anyone else within, of her colleagues, were trying to conceal facts about the Benghazi attacks for political advantage?

A No.

Q Did you ever get a sense that Ms. Meehan or anyone in her -- any of her colleagues were concealing the truth in order to avoid embarrassment or to perpetuate a false narrative about the attacks?

A No.

Q And then, with regard to within your bureau itself, even though you were not the lead on it, did you ever get the sense -- did

you, yourself, or any of your colleagues, to the best of your knowledge, try to conceal facts for political advantage?

A No.

Q Did you try to conceal the truth in order to avoid embarrassment or to perpetuate a false narrative about the attacks?

A No.

Q Were you ever pressured to conceal facts about the Benghazi attacks?

A No.

Q Were you ever asked to conceal the truth or change the story or perpetuate a narrative about the Benghazi attacks?

A No.

Q Do you have any reason to believe that Ms. Nuland, Ms. Meehan, anyone in their respective press shops or any of your colleagues and yourself were doing anything other than their best, good-faith effort to, as quickly as possible and as accurately as possible, get to the truth of what happened in Benghazi?

A We were all doing the best that we could under difficult circumstances.

Q And you did feel it was important to get the accurate information to the American public as quickly as you could?

A As quickly as we could, but as accurately as we could. That was even more important than being quick.

Q Now, we spoke specifically about the National Security Staff, National Security Council, some people consider them

co-extensive with individuals in the White House. But aside from those individuals, did you have, do you have any knowledge of anyone else, first, beyond the National Security Staff that would have been in the White House press office who would have been involved in helping coordinate and convey accurate information to the press and the American public about the attacks?

A I'm not aware, other than the names that I've given.

Q And with regard to everyone that you engaged with, or that you know was involved, certainly you have no question that they did their very best to get to the bottom of the truth, make sure that that was conveyed to the American people?

A Correct.

MR. DESAI: I think that's it for now. We'll go off the record.

[Recess.]

Mr. Grider. Okay. All right. Let's go back on the record please.

BY MR. GRIDER:

Q Mr. [redacted], I appreciate you being back here so that we can sort of walk through some of the questions. I believe we ended with sort of the night of the attacks.

A Uh-huh.

Q Before we go there, I think I initially had asked you about your background before coming to the State Department. And you had mentioned that you came from school into the Presidential --

A Management Fellowship.

Q Yes. Which school was that? Was that college or --

A It was law school.

Q Okay. Which law school was that?

A Boalt.

Q Is that in California?

A Yes.

Q Okay. Let's go back, and I want to touch on -- we're going to come back to government exhibit 3 -- but there's just a few questions that the minority brought up, I just want to just sort of clarify in my notes. Being in the press office, you mentioned that your objective, or your goal, was to be as accurate as possible, is that correct?

A Correct.

Q And during -- and sort of gathering the facts on the night of the attacks, was that your objective to be as accurate as possible?

A Yes.

Q Let's take a look at exhibit 3. And I believe the email that my colleague from the minority staff had us look at was the email that you sent to [redacted], [redacted], and Ms. [redacted] on September 17th at 2:17 p.m.

A Okay.

Q Can you read that for the record, please?

A Yes.

Mr. Evers. The --

Mr. Grider. Just the email.

Mr. Evers. I got you.

Mr. Grider. The language of the email, that specific email.

BY MR. GRIDER:

Q Go ahead.

A "Yep. Luckily there's enough in her language to fudge exactly what she said/meant."

Q Okay. Now, not being involved in press, just what is your understanding of "fudge" when it comes to the context of the notion of being exact?

A What is my --

Q What did you mean by "fudge"?

A Well, I don't recall exactly, precisely why I wrote it in this formulation. But as I said earlier, knowing my thought process, what I think I meant was that I was referring to the language in the email below in reference to that it was my feeling, I think, that we would be okay in that that second bullet gave us enough room, so that we weren't as definitive as I thought we had been, and so we would be okay.

Q We would be okay to be as accurate as possible?

A Yes. That we were, in fact, being accurate.

Q Going up to the earlier email, the email right above that of [redacted], where he says, "off the reservation on five networks," to your knowledge, based on -- and [redacted] worked for NEA, he was on the NEA desk, he was with NEA press with you, correct?

A Correct.

Q To your knowledge, was there a general consensus within NEA based on what actually had taken place? So we're suggesting that off the reservation, so that means there was a -- there may have been a location and someone is off, someone has moved away from a general consensus. Was there --

Ms. Sawyer. I'm going to object to that, because you are -- that's your definition of off the reservation, it's never what he said.

Mr. Grider. I'm asking --

Ms. Sawyer. I think earlier he said he hadn't talked with them about that that meant, talked with these individuals about what they meant by that specific term.

BY MR. GRIDER:

Q So where did [redacted] work at the time that he wrote these emails?

A In NEA press.

Q And was he in the same office as you?

A He was actually physically located at the time on the 6th floor.

Q Okay. So near --

A He was not in the NEA front office suite, but in the suite next to it.

BY MR. MISSAKIAN:

Q Mr. [redacted], if I could just follow up on the objection that was raised. In the email from [redacted] she says, and I'm quoting

here, "I think Rice was off the reservation on this one," end quote. You then respond to that email. Now, in your response, you don't ask her what she meant. You don't express any confusion about what she meant. So is it fair to conclude that you had an understanding in your mind about what she meant when you wrote your email in response?

Mr. [redacted]. Yeah, I don't remember. I don't remember what I thought at that moment.

BY MR. MISSAKIAN:

Q I'm not asking you if you remember what you thought at the moment. I'm just now asking you if you had been, if there was a question in your mind about what she meant, it would have been logical for you to respond back and say I'm not sure what you mean. You would at least agree with me there?

A I agree that at the time, I must have had an understanding.

Q Right. As you sit here today, do you have an understanding of what she meant?

A I think I know what she meant. I can't speak for her.

Q Of course not. We're not asking you to. We're asking you if you have an understanding of what you believe she meant and what is that understanding?

A I think what she meant was that Susan Rice had been too definitive in some of the language that she used.

Q Okay. What is that belief based upon?

A From the email chain, from exhibit 3.

Q So your understanding at the time, we're talking about what

you believed at the time, was based solely on your reading of the email chain that preceded your response, is that what I'm understanding?

Mr. Evers. I think you were just asking what his understanding is today.

Mr. Missakian. No. I'm not.

Mr. [redacted]. That's what I thought you were talking about.

BY MR. MISSAKIAN:

Q I'm asking if you had an understanding of what she meant when she used the term "off the reservation" at the time.

A Oh, at the time --

Mr. Evers. I think he said he doesn't remember what he thought.

Mr. Missakian. Please, you know, he's the witness here. You don't have to put words in his mouth.

Mr. Evers. Neither do you.

Mr. Missakian. If you have an objection, please do. I'm not. I'm simply asking the questions. And I think the record will reflect that.

Ms. Sachsman Grooms. The record will reflect he's already answered this particular question, which I think is what the attorney was trying to reference. But go ahead.

Mr. Missakian. That's not what the attorney said.

Ms. Sachsman Grooms. Why don't you answer the question again.

Mr. Missakian. Please do.

Mr. [redacted]. I don't remember what I thought at the time. I'm basing what I'm saying on seeing this email again now at this time.

BY MR. MISSAKIAN:

Q Okay. So you're basing your understanding of her use of that term based on reading the email as you sit here today?

A Correct.

Q Is this one of the emails that you reviewed yesterday with the attorney that is sitting next to you?

A I did see this email yesterday, yes.

Q Did you have any conversations with Ms. [redacted] at the time, or since, about the contents of this email exchange?

A No.

Q Other than the email exchange, you had no other face-to-face communications?

A At what point?

Q Back then.

A I don't recall.

Q Have you had any conversations with her at any point since then?

Ms. Sawyer. About this particular exchange?

Mr. Missakian. Yes.

Mr. [redacted]. About this?

Mr. Missakian. Yes.

Mr. [redacted]. No.

BY MR. MISSAKIAN:

Q So if you could, just flip through the email that we're talking about here, this is exhibit 3. And could you point to the part

that, in your mind, leads you to conclude that what she meant by use of the term "off the reservation" was what you testified to earlier?

A So if we start at the email at 1:41, and then the email at 1:59. I would say those --

Q Those two emails?

A Those helped inform me, yes.

Q Those helped inform you. Okay. Thank you.

BY MR. GRIDER:

Q During the night of the attacks, you stated you were at your desk. You often went to the 6th floor, gave information, received information, is that correct?

A I spent most of the time at my desk. I remember running up, on occasion, up to the 6th floor.

Q During the night of the attacks, did you have any definitive information concerning the motive of the attacks, did you?

A I did not have any definitive information.

Q Did you have any information about the motive of the attacks? Or did you receive any information about the motives of the attacks?

A I did not, I don't recall receiving information about the motives of the attacks.

Q So when did you learn, so government exhibit 3 talks a little bit about the motive of the attack, correct? Protest. Video. When did you -- was it September 17th that you formed your opinion? Or did you have an opinion during the night of the attacks?

A During the night of the attacks, there was a lot of confusion of what was going on. I may have said this before, there was a cloud, some call it a fog of war. You don't really have definitive information, none of us did, about what was going on. We certainly -- there was bits and pieces coming in. And you try to make sense of it all, based on information that was, in no way, definitive. My opinion, that night, was simply that this was a terrorist attack.

Q So let me just make sure I'm clear. So your opinion on the night of the attack, when you were at the State Department, your opinion was that it was a terrorist attack?

A Correct.

Q And what was the basis for that opinion?

A Conversations that were -- of overhearing conversations. Again, as I said, I was, some of the time that day, I was in Beth's office because I was trying to figure out what was going on. And so that helped inform my opinion, because everyone was reaching out to their contacts. So as I said earlier, with me it was my press counterpart or press contact in Tripoli. I'm sure others, Beth, Liz, were reaching out to people, their contacts. Everyone was trying to get information to find out about Chris and the rest of our people.

Q How long did you hold that opinion, that it was a terrorist attack?

A I continue to hold that opinion.

Q So even today?

A [No verbal response.]

Q So do you believe that that opinion is somewhat based on your -- the email traffic here?

Mr. Evers. Do you understand the question?

Mr. [redacted]. Yeah, I'm not sure I understand it.

BY MR. GRIDER:

Q All right. Let me rephrase. Your opinion, you stated that on September, the night of the attack -- let me pause.

We don't have the ability for a readback, so I don't want to mischaracterize -- I have in my notes that you may have stated, or maybe I wrote this, you were concerned about a false narrative being perpetuated. That may have been a question.

Mr. Evers. My memory is that it was a question.

Mr. Grider. A question, that's correct.

BY MR. GRIDER:

Q And I think your response was were you concerned about a false narrative being perpetuated?

Mr. Evers. Before going on memory, the best of my memory, for what it's worth, is that the question was: Did you ever have any concern that people, and it was phrased several ways, various press offices were trying to perpetuate a false narrative.

Mr. Grider. Right. Do you want me to repeat the question?

Mr. Evers. No. No. That's fine.

Mr. [redacted]. No one was trying to.

BY MR. GRIDER:

Q Were you ever concerned about a false narrative being

perpetuated?

A What I was concerned about was being too definitive in the language that we would use going forward in how we respond to press inquiries, given that we didn't know a lot, and there was a lot of confusion about what exactly happened.

BY MR. MISSAKIAN:

Q Let me ask you this, Mr. [redacted]. Let's just try to cabin the information you had at the time. What did you know about what happened that night? And I'm talking about in the period after when you first learned of the attack and, say, when you went home that night?

A None of us really knew much. We certainly had opinions. But we were keenly aware that there was a lot of confusion, there was a lot of cloud. No one knew, I mean, know in the use of the word. We certainly had impressions. We had opinions.

Q I'll accept that. But if you could, just kind of think back to that night. And you said you had opinions. I assume you had opinions about what had occurred. Typically, opinions are based on something. Sometimes they're based on other opinions. Sometimes they're based on facts. Sometimes they're based on a combination of things. To the extent you can, what was your opinion based upon?

A It was based upon, as I said earlier, based on, from the best, from the best that I can recall, conversations that I may have been a part of or overheard from my leadership and colleagues that day.

Q Right. So let's try to break those down a little bit. Do any of those conversations stand out in your mind now? Or do they all

kind of blend together as just one big conversation?

A It all blends in together. Nothings stands out.

Q Do any of the individuals that you had these conversations with, or who may have been part of a conversation, can you identify any of those people?

A Yes. As I said before, Beth Jones, Liz Dibble, [redacted].

Q [redacted], I think you said.

A [redacted].

Q Right. Let's go -- do you recall anything that night that Beth Jones said about the attack?

A I don't recall specific things. But I recall, in general, a sense that a general opinion that what was occurring was a terrorist attack.

Q And would that be the same sense that you got from the conversations involving Liz Dibble, [redacted], and [redacted]?

A I can't be specifically one by one down the line. But in general, I remember there was a general opinion among us.

Q In these conversations that you're referring to, were they conversations that were limited to the personnel in the NEA, or were these conversations that may have gone beyond NEA, involving other departments or areas of the State Department?

A I don't recall specifically. But my -- I think that night, that day, I would have been in contact with others not just within NEA, but other offices, maybe other agencies. But I don't recall

specifically.

Q Fair enough. I think you may have said that you recalled speaking to Victoria Nuland at some point during that time period that we're talking about. Do you recall anything specific from your interaction with Ms. Nuland during that time period?

A That day?

Q That day, yes. Again, the time period I'm talking about is when you first learned about the attack up until the time around 2 a.m. in the morning when you went home.

A Okay. I don't remember any specific conversation or exchange with her.

Q Do you recall anything generally?

A I don't.

Q What about any of the other more senior-level leadership in the State Department? Did you participate in any meetings where any of the folks sort of at the Jake Sullivan level were involved, for example?

A No.

Q Why was that? Do you know?

A The focus within NEA, and especially with the folks that I mentioned, was -- again, it wasn't work, it was concern for Chris, for our people. There was a lot of emotion. A lot of the contact that I had, that I vaguely, in general, you know, recall having with others in the building, or perhaps other agencies. You have to recall, we're not just colleagues, but with a lot of these people, we're also friends.

Again, the overriding concern, the overriding topic of the conversations were having to do with Chris and his well-being and those of our people.

Q Is that a function of the fact that it seems as if the press reporting element of what was going on that day was moved out of NEA into the Victoria Nuland main press shop?

A Correct. It wasn't within NEA.

Q Is was not?

A Right.

Q So at that point, your shop, for lack of a better term, didn't have any formal product it was putting out?

A I'm sorry, repeat the question.

Q So at that point, once Victoria Nuland's department took over, did NEA, did your press shop have any responsibilities to put out any formal statements or press releases or anything like that?

A I don't recall working on anything like that that day or having responsibility for that.

Q Sure. Afterwards, obviously, you guys came back into the picture. We've seen some talking points from somebody from your department here. So by the 17th at least, the NEA press shop is brought back in and working on statements and press releases and talking points and that sort of thing, at least by that date?

A The primary responsibility on this subject matter, even after that day, was with leadership.

Q Okay. How would you describe NEA's role, they had the

primary role, how would you describe your press shop's role?

A We did not have, frankly, much of a role, which I was perfectly fine with, because there were other things within NEA going on, as there always is.

Q Let me just ask you, I have a whole bunch of other questions about exhibit 3, but focusing on page 31 of exhibit 3, which is, these are the actual talking points that Mr. [redacted] had prepared and sent around to Bernadette Meehan and others. And before I get to that, there's a group email address here, NEA-LIBYADESK. Are you are part of that distribution group?

A NEA-LIBYADESK?

Q Yes.

A No.

Q Who would be part of that, do you know?

A That would be the Libya desk officers. And it may be their leadership in that office. But I don't recall who was on it at the time.

Q So do you have any understanding why Mr. [redacted] prepared these key points, these talking points? What is the purpose of this document?

A Yes. Oftentimes in these kind of situations of this gravity or this magnitude, there isn't always, because NEA was somewhat taken out of it, it's not unusual, we don't always know what is going on with leadership. And so what I think this was was, you know, we still try to be helpful as much as we can within NEA press and to make

sure that leadership has what can be helpful to them. And so I think [redacted] was taking initiative to draft, and to be helpful, to draft talking points for use that day. So, as you can see then, later on in this chain, unbeknownst to us, there were already talking points from the NSS.

Q At the time, you were Mr. [redacted] boss?

A Yes.

Q So when you say you believe he may have taken initiative to do this, was this an assignment you gave him? Or do you believe he came up with this on his own?

Mr. Evers. If you remember.

Mr. [redacted]. Yeah, I don't recall. I don't recall having a conversation with him about that that morning.

BY MR. MISSAKIAN:

Q Was it his practice, if you can recall, to do something like this on his own? Or would he have expected to get direction to do it from you?

A I mean, generally speaking, it would have been standard for him to come to me and be like, Hey, how should we approach this this morning?

Q And would this document have been edited by you or reviewed by you before it was circulated?

Mr. Evers. If you remember.

Mr. [redacted]. Yeah, I don't remember specifically with this.

Mr. Missakian. Again, all the questions I'm asking, just so your

lawyer sitting here doesn't have to repeat it every time, we're just looking for what you remember, not asking you to guess.

BY MR. MISSAKIAN:

Q And I know you answered this already so I apologize, who is [redacted]?

A She is -- she works -- I don't know what her title is, but she works in the M Bureau, M as in management.

Q Would it have been typical for somebody in your department, in the press department in NEA, to send talking points like this to somebody in the M Bureau for review? Or is that something unusual in this situation?

A Generally speaking, it's pretty standard to when we produce press guidance or talking points, that we coordinate with offices that may have equity to make sure that it conforms to policy and facts.

Q Do you recall having any conversations with Ms. [redacted] about these talking points?

A I don't recall having a conversation.

Q I believe you said that one of the documents you reviewed yesterday was, at least some portion of this exhibit 3. Did the document you reviewed include this last section, pages 31 and 32, if you recall? Did it have the actual talking points?

A 31 and 32, yes.

Q And I notice on the first paragraph, the first bullet right below key points, there are certain words that have been stricken out. I haven't seen, maybe it exists, a document that doesn't have that.

Do you have any understanding of what we're looking at here? For example, are we looking at a Word document that was cut and pasted into an email, and there might be a Word document out there that hasn't been produced? Do you have any sense of what we're looking at?

Mr. Evers. If you know.

Mr. [redacted]. I mean, it looks to me, I mean, I don't know. It looks to me like it's just an email with press guidance.

BY MR. MISSAKIAN:

Q It appears these changes were made before these key points were circulated. I just wonder if you have any understanding of who made the changes? And by "changes," I mean, struck out the word "time" in the second line and struck out the words "premeditated" or "coordinated" in the last line.

Mr. Evers. If you know.

Mr. [redacted]. Yeah, I don't know who made those changes.

BY MR. MISSAKIAN:

Q All right. Prior to seeing this document yesterday, did you have any recollection of seeing it at the time? And by the time, I mean September, whenever it was circulated, September 17th or thereabouts?

A No.

BY MR. GRIDER:

Q Okay. Let me, my colleague may come back to that, we're going to just sort of try to -- to your knowledge, during the night of the attacks, do you know if there was an operations or ops center?

A Well, we always have an ops center within State.

Q Okay. Did you interact with the ops center during the night of the attacks?

A I don't recall having done so.

Q Do you know during the night of the attacks was a task force formed?

A I don't recall one being formed the night of the attacks.

Q What about after the attacks?

A I recall, I recall there being a task force being formed. And I say that with parentheses, because I don't recall if we called it that, but there was something like that formed, yes.

Q What's the basis of that recollection?

A Just, I mean I just recall that. The basis is just --

Q Did someone tell you about it? Or did you observe it?

A I recall being informed that one had been stood up, which often happens during crisis situations of this magnitude.

Q So do you recall who informed you?

A No.

Q But you were informed. Do you recall when you were informed?

A I have the memory of it, but I don't recall how that --

Q How you came to know that there was a task force?

A Correct.

Q We earlier talked about Cairo. To your knowledge, do you know if there has a task force created for the Cairo protest?

A I don't recall one being formed for that.

Q For daily meetings with the Department spokesperson, did you or others prepare written materials, for instance, bullet points?

Mr. Evers. Generally are we talking about --

Mr. Grider. Generally.

Mr. Evers. Okay.

Mr. [redacted]. In general, on the subject matter, at some point.

BY MR. GRIDER:

Q During those meetings, you had mentioned earlier you met with Nuland in the morning. Did you prepare, did you come with materials, bullet points?

A On the day after you're talking about?

Mr. Evers. He's asking generally.

Mr. [redacted]. In general, yes. In general, that's what we do.

BY MR. GRIDER:

Q With respect to Libya, where are those documents, those general bullet points, where are they kept?

A The ones that are produced by my office are kept in our files.

Q So if you were briefing or preparing talking points for Toria on Libya --

A Uh-huh.

Q -- based on what you stated, you would have bullet points with respect to Libya if you're going in to talk to her generally, is that correct?

A Correct.

Q To your knowledge, were those turned over to this committee?

Mr. Evers. If you know.

Mr. [redacted]. I don't know.

BY MR. GRIDER:

Q It's my understanding that with respect to the Cairo protest, there may have been an embassy message that was posted on social media. Do you have any recollection about that embassy message posted on social media?

A I vaguely recall a message.

Q Can you tell me what you recall?

A I vaguely recall the message having to do with protests in Cairo around our embassy, if I recall correctly.

Q And was there ever an occasion that that message was, quote/unquote, "dialed back"?

A I remember vaguely that there was a big to-do about the message that Embassy Cairo put out somehow. I don't recall if it was social media or what, social media. But there was an issue with the message. I don't recall what that issue was. I vaguely recall discussion about it back here in Washington, there being an issue, and us having to have Cairo pull down the message.

Q Okay. So what was the nature of the message? Was it the sky is blue? What was the nature of the message?

A As I said, I vaguely recall it having to do with protests that were happening.

Q Okay. So you said it was a big to-do. So I'm assuming you don't recall exactly that message?

A That is correct.

Q Okay. So it was about a protest. And then based on your testimony, there was a big to-do about that message, is that correct?

A Correct.

Q And then later you stated that that message was either, was it changed or pulled down?

A I recall it having to be taken down.

Q And why was that?

A Because there was a determination made in Washington that that wasn't a message that should have gone out.

Q Okay. Do you recall generally, so it was about a protest. Do you recall generally what it was suggesting about the protest?

A I don't recall.

Q With respect to the task force that you recall being set up on the night of the attacks or, after the attacks, were you a part of that task force?

A No.

Q Do you recall the individuals that were part of the task force?

A I don't recall who was on it.

Q During or before the night of the attacks, did you receive any ops center alerts?

A I don't recall specifically, but that would be, that would

not be unusual. It would be pretty standard to receive ops alerts.

Q So during the Cairo protests, you may have received an ops center alert?

A I may have, yes.

Q So tell us, what is an ops center alert?

A It generally tends to be a message, distributed widely, with what is believed to be the best information at the time on what we're to be alerted about, or to update us on events that may be happening.

Q Where does that information come from?

A Ops, I've never worked in ops, so I don't know where they get the information exactly. But it's, it's from various offices I would imagine involved.

Mr. Grider. Let's go off the record for just a minute here.

[Discussion off the record.]

BY MR. GRIDER:

Q Are you familiar with the term SVTCS?

A I am.

Q Can you tell me what it is? I'm glad you are.

A I couldn't tell you what it stands for. Even I don't know that. And I've been working at State for a while. It's kind of embarrassing. SVTCS is a meeting that would be, that we would have in the Department in a room with a video conference, and it would beam in other officers.

Q So have you ever attended a SVTCS?

A Yes.

Q During the night of the attacks or post-attack, did you receive a SVTC?

A On this subject matter, I don't believe I ever did.

BY MR. MISSAKIAN:

Q Mr. [redacted], I just kind of want to walk through exhibit 3 in a little more detail with you know. I think you've got it in front of you. You may have covered this in your prior answers. But going back to the second to the last page in exhibit 3, which is marked as page 31, Mr. [redacted] is transmitting a PG, which, I gather, means press guidance, this is all I really have for today. Is this something that was done a regular daily basis or weekly basis where someone within your press shop would send guidance to the White House or the National Security Staff, or was this something that was done on an ad hoc basis as needed?

Mr. Evers. Can I ask if you're asking about a particular time period or just as a general matter?

Mr. Missakian. General matter.

Mr. [redacted]. As a general matter, the production of press guidance occurs in the NEA press on a daily basis.

BY MR. MISSAKIAN:

Q Is it typical for that press guidance to be directed to this distribution list, Bernadette Meehan, White House and National Security Staff, and some of these others folks? Or does this list appear to be something that was cobbled together specifically for this document?

A The distribution list, the clearance process for press guidance varies from issue to issue.

Q On this issue, what was the, who were the people that had the clearance for press guidance?

A It would have been people who worked in offices that we felt or [redacted] felt, or whomever felt had equities on this issue.

Q Let's go through the list then. We know who Bernadette Meehan is, obvious equities in it. After NEA-LIBYADESK, it says CAPRESSREQUESTS. CA press requests, I gather?

A Uh-huh.

Q What does that stand for?

A That's the distribution list that contains the press officers in the Bureau of Consular Affairs, press section.

Q [redacted] we talked about. [redacted], who is that?

A [redacted] at the time was spokesperson for U.S.

Q And [redacted], or [redacted]?

A [redacted] at that time, I don't recall what job [redacted] had at that time.

Q Do you recall what agency she worked for?

A State.

Q State?

A Yes.

Q And how about [redacted]?

A I don't recall. It was at State but I don't recall his specific job at that time.

Q [redacted]?

A [redacted].

Q [redacted].

A [redacted], again, also at State. But I don't recall her position at the time.

Q And, lastly, [redacted]?

A Now, that is a name that I really don't remember. I couldn't even tell you if it was State. I'm assuming it would be, but I don't remember.

Q Fair enough. Thank you. Let's go to the next page. There are a couple of names that are added here and then a cc. You've got [redacted], do you recognize that name?

A [redacted], I do not.

Q How about [redacted]?

A I do not.

Q And M Clearance?

A M Clearance, oh, M Clearance on the cc line, that would be the distribution list within the M Bureau, Management Bureau.

Q Who was the head of that bureau at the time?

A At the time, Pat Kennedy.

Q All right. Let's flip forward to page 29. I just want to ask you a couple of questions about the two emails that you had referred to earlier. The first one is from Ms. [redacted] at 1:41 p.m. in which she says, quote, "I really hope this was revised. I don't think we should go on the record on this -- period." And I gather you agreed

with her sentiment there?

Mr. Evers. If you remember.

Mr. [redacted]. I don't remember.

Ms. Sawyer. I just want the record to reflect that I don't think he's on the chain yet.

Mr. [redacted]. Yeah, I'm not on the chain yet.

Mr. Missakian. Right. I know.

BY MR. MISSAKIAN:

Q But you previously, in your testimony, when I asked you about how you came to your conclusion about the fudge language, and how you responded to Ms. [redacted] statement about being off the reservation, you pointed to those two emails as informing your opinion. Do you recall when you testified to that?

A Yes.

Q So I'm now just asking you if you agree with the sentiment she expresses in this that she didn't, I don't think we should go on the record on this. At that time, do you believe you agreed with that sentiment?

A In general, I agreed that we shouldn't have language that was very definitive.

Q Okay. And why was that?

A Again, because we still didn't know a lot. There was still facts coming out. There was an investigation that had to be done. And so we wanted to be as accurate as possible in whatever we said.

Q Fair enough. And when you said an investigation had to be

done, are you referring to an FBI investigation that had to be done, or some other type of investigation?

A I'm referring to, in general, any investigation at the time that would gather all of the facts.

Q Were you aware of any such investigations that were ongoing at the time?

A I recall there being an FBI investigation.

Q How do you recall hearing about the FBI investigation?

A I'm just now refreshed from our discussion earlier that there was one.

Q So --

A I think there was mention in the transcript of Victoria Nuland.

Q Putting aside what you read in the documents that you used to refresh your memory yesterday, do you believe that you, at the time --

A That was today.

Q Okay. Whether it's today or yesterday, putting those documents aside, the information that came to you from those documents, do you believe you were aware of an FBI investigation back at the time on or around September 11th?

A I vaguely recall that there was one, or would be one.

Q Fair enough. Do you recall how you learned that there either was one or there might be one?

A I don't recall.

Q Now, you were shown a transcript of some comments that

Victoria Nuland made, and I'm paraphrasing what she said, but she was essentially asked a question and she said she was not able to answer because of a pending FBI investigation. Do you recall that? It's page 6 in that exhibit, if you want to review it.

A Yes.

Q Please go ahead. And I believe that you were asked if you agreed or disagreed with what Ms. Nuland said in that portion of the transcript. And you said that you agreed with what she said.

A That's correct.

Q Okay. Could you be more specific about what you were referring to when you said you agreed with what she said? If you could just, if it's the whole section, fine. If it's a sentence or a word, fine. We just want to know exactly what you were talking about.

A I agree, there's nothing in here that I disagree with.

Q Okay. So we know -- obviously you haven't read the whole thing.

A I'm speaking for this section.

Q What are you speaking of? Okay. Starting, why don't you identify the first work in the first paragraph.

A Starting with "Well, let me start by reminding you," and then finishing with "and we'll have to just wait to see what the FBI investigation brings us."

Q Great. Thank you. So you agree that during the pendency of an FBI -- putting aside what she said. I'm just now asking you what your opinion is. Pending the completion of the FBI investigation, it

would have been appropriate to direct all questions about the Benghazi attack to the FBI?

A It would have been appropriate for us to convey in our messaging that, that there wasn't a lot we could say, because we're still waiting on information and facts to come to light.

Q Where do you draw the line between what you can say and what you, where you stop and say for that you have to go to the FBI? Again, I'm not referring to that document. I'm just talking now generally about the attack.

A You know, generally speaking, it would be anything that we just don't know.

Q As an example, as an example, we knew that, you knew at that point that Ambassador Stevens had passed away. So would that be an example of something you would be comfortable confirming or saying and beyond that, say, the identity of the attackers, for that you would refer to the FBI, something that was known versus unknown?

A Correct.

Q Now, were you, specifically you, given any direction with regard to how the pendency of the FBI investigation would impact press statements from your press shop?

Mr. Evers. You mean NEA press shop specifically?

Mr. Missakian. Let me withdraw the question and ask it again.

Mr. Evers. Thank you.

BY MR. MISSAKIAN:

Q Were you, specifically, as the head of the NEA press shop,

given any direction about what you could, or the NEA press shop could or could not or should or should not say about the attacks because of the pendency of the FBI investigation?

A Our general posture within NEA press, just that world, was to defer to leadership on the messaging.

Q My question is a different one. Were you, as the head of the NEA press shop, given any instructions one way or the other about what you could or could not say as a result of the pendency of the FBI investigation?

A I don't recall receiving specific instructions.

Q Do you recall receiving general instructions?

A No.

Q Okay. I had to ask. Okay. Now we're going to, we're still on the exhibit 3. If you could flip back to exhibit 3, page 29, move you up from the [redacted] email at 1:41 to the [redacted] email at 1:59. Do you see that?

A 1:59, yes.

Q In the email, she writes "[redacted], per my call, not sure we want to be so definitive. What does AS Jones say?" Let's start at the beginning here. Do you recall having a telephone call with [redacted]?

A I don't.

Q At the end of the sentence, it suggests that you were either going to speak with Assistant Secretary Jones or you had, or it implies you knew what Assistant Secretary Jones would say on the subject. Do

you recall anything that Ambassador -- withdraw that. Do you recall anything that Assistant Secretary Jones said on this topic?

A On this specific topic, here in this email? No.

Q Do you recall having any conversations with her about the topics in this email?

A No.

Q Have you ever had a conversation with [redacted] about this email or the contents of the email?

A No.

Q Have you ever had any conversations with anyone else on this email distribution list, Ms. [redacted], Mr. [redacted]?

A No.

BY MR. MISSAKIAN:

Q Let's flip to the front page then. This is now page 28. At the very bottom we have an email from you, September 17th at 20:05 p.m., you are sending it to [redacted], [redacted], cc'ing [redacted]. The subject is: "RE: Libya PG." You write: "Toria planned on walking it back just a bit, though."

First off, do you recall what you meant by that?

A I don't recall specifically, but as a general matter, though, in my thought process, I think it was important to, again, not be so definitive in our language, to allow for more facts, to be as accurate as possible. And to emphasize the language in the talking points, that I think was misappropriate, which was that the information may change as more information came to light.

Q And what was your basis for expressing your belief that Toria planned on walking it back just a bit?

A Again, I don't recall specifically, but there was, as I gather from the email, concern with what Susan Rice had said. Our policy people on this chain appear to be concerned. As a press person, it's often my job to try to calm them down, that, look, it's going to be fine, we have language here that actually -- if we emphasize the second bullet, we're fine.

Q And what specifically about the talking points were you

concerned with?

A Well, I was -- it's not so much concerned, it was that Toria emphasized the fact that our initial assessment may change as more information comes to light.

Q Right. But that only comes into play, you only have to rely on that language, the language that you referred to as kind of fudged language, if you have to change something else that was said. So was there anything in particular about the talking points that gave you concern, that might have to be walked back?

A I was -- I recall vaguely there being concern that, again, because a lot of the reporting at the time was focusing -- overly focusing on certain words or word that Susan Rice said on the Sunday shows. And so I think it was important to emphasize and provide the full context of the message.

Q Okay. First, you were going to answer that question by expressing your personal belief, then I think you changed it and said there was concern. Either way is fine.

Mr. Evers. I didn't appreciate that. I'm not sure you know how he was going to answer a question.

Mr. Missakian. Well, he said the words, and then he changed it, so I know exactly how he was going to answer it.

Mr. [redacted]. It was -- it was --

BY MR. MISSAKIAN:

Q Let me ask it this way. You've referred to there being concern about specific words that Susan Rice emphasized on the talk

shows. Is that fair?

A Not that she emphasized. It was the way it was being reported.

Q Correct, correct. So there was concern about certain words. Now, was that your personal concern or was that a concern shared by others as well?

A I recall it being the concern from the reporting was general, not just my own, but others as well.

Q And who were those others, if you recall?

A There was a general concern within NEA.

Q And what were the words that people were concerned about?

A It was -- again, it was the reporting that we were concerned about and the overemphasis by the reporters of certain words.

Q And what certain words were they overemphasizing?

A From what I recall from the reporting at the time, the focus was on her saying that -- characterizing the protest as spontaneous.

Q Okay. At that point in time, did you have any information to suggest that a protest preceded the attack in Benghazi?

A I'm sorry, repeat the question.

Q Sure. At that time, you say September 17th, you are now almost a week into -- after the attack, up to that point, did you have any information to suggest that a protest preceded the attack in Benghazi.

Ms. Sachsman Grooms. You mean other than the NSS talking points?

Mr. [redacted]. I did not have that information.

Mr. Missakian. Please, please. I mean, you know that it's inappropriate to put words in the witness' mouth.

Ms. Sachsman Grooms. I was asking you to clarify the question.

Mr. Missakian. I ask you not to do that. The question was perfectly clear.

Ms. Sachsman Grooms. Perfectly clear to you, not to me. I apologize.

Mr. [redacted]. I did not have information.

Mr. Missakian. I'm sorry, could you repeat --

Mr. [redacted]. My answer was I did not, I was not aware of information. I didn't have information.

Mr. Missakian. Okay. Thank you.

BY MR. MISSAKIAN

Q At that time were you aware of any information that would go to the motivation of the attackers in Benghazi?

A No.

Q Did you have any information as to the identity of the attackers in Benghazi?

A No.

Q So at the time you were not aware of both public and private reports that a group called Ansar al-Sharia had initially taken responsibility for the attacks?

A Again, the facts are fuzzy. I don't recall who initially claimed responsibility. I don't recall when that claim first came in.

Q Fair enough.

Now, I know my time is up. What I'd like to do is just finish a couple more questions on this email and then hand it back over to you guys, if that's okay?

Ms. Sawyer. Sure.

BY MR. MISSAKIAN

Q Just so it's clear, we have referred to the NSS talking points and the CIA talking points and you have been shown exhibit 1. Prior to seeing that document here today, had you ever seen the CIA talking points prior to today?

A I don't recall ever seeing them, no.

Q Do you recall being aware of it then in the week period after the attacks?

A I don't recall being made aware, no.

Q Do you recall any discussion about the CIA talking points in the office at any point after the attacks, up until today?

A At some point there was discussion. I recall vaguely discussion about NSS talking points.

Q And what do you recall about that discussion?

A I mean, I just vaguely recall there being a discussion.

Q Okay. But you don't recall any, generally or specifically, anything that was said?

A Correct.

Q Now, moving up to the very top of the email chain where, again, you are writing here: "WH very worried about the politics." And I know you were asked this, I just want to make sure I have got

your full recollection on this. What did you mean in reference to "the politics." Were you referring to, for example, the Romney campaign using the attacks in Benghazi to potentially attack the Obama administration, for example, or was there something else, if you recall?

A As I said before, I don't recall at the time why I wrote this sentence.

Q Do you recall the basis for your expressing that opinion?

A I don't.

Q And when you refer to, "This was all their doing," again, what is the "this" that you're referring to?

A I don't recall. But, again, just going back to just -- what I think I was referring to at the time was my understanding that the talking points came from the White House and the NSS.

Q Now, when you say the talking points, you're not necessarily referring to the talking points contained in this email, there could have been other talking points, for example?

A I don't know.

Q You just don't recall?

A I just don't know. What other talking points may exist?

Q Right. For example, there are -- I can represent to you, you don't have to take my word for it, but we have seen documents that are labeled talking points that came from the White House.

Ms. Sawyer. I am absolutely going to object, since you objected before and asked me to show him a document.

Mr. Missakian. That's fair, that's fair. I'll withdraw that question. That's fair.

Okay, I'll turn it back over to you guys?

Mr. Evers. Five-minute break?

Ms. Sawyer. Yeah, let's take a break. We can talk.

[Recess.]

Mr. Missakian. Back on the record.

BY MR. MISSAKIAN

Q Mr. [redacted], I am going to go through my notes and ask some follow-up questions primarily. So bear with me. There may be points where I'm just reading my notes and formulating questions. So appreciate your patience.

Before I get to that, I finished by asking you some questions about the attacks, and I think I asked you if you had any information that a protest preceded the attack and you had answered that.

Did you have any information at the time, around the time of the attacks, that suggested the motive of the attackers had anything to do with the video that led to the protests in Cairo?

A I did not.

Q Did you have any facts available to you that suggested the attacks in Benghazi were spontaneous?

A I don't recall having facts, no.

Q At the time, do you recall having any facts to suggest that the attack in Cairo was somehow related to what had occurred in Cairo earlier in the day?

Mr. Evers. You mean the attack in Benghazi? You said Cairo twice.

Mr. Missakian. Oh, did I? Okay, let me ask the question again.

BY MR. MISSAKIAN

Q At the time, did you have any facts to suggest the attack in Benghazi was related in any way to what had occurred in Cairo earlier in the day?

A I don't recall, no.

Q I believe you had testified earlier that there was some process of collaboration between the press offices, press office or press offices in the State Department and the National Security Council's office or National Security Staff office. Do you recall testifying to that?

A Yes.

Q Could you just describe in more detail the nature of that collaboration? And I am speaking generally.

A Generally, on any given day, with the documents that we produce, usually it's press guidance talking points or press statements. We send them to the NSS press office so that they can review them and talk on them if need be so that we're all coordinated.

Q Mr. Grider had asked you about briefings that the State Department had provided to Members of Congress. Do you recall that?

A Yes.

Q As you sit here today, are you aware of any of the briefings that the State Department provided to Members of Congress about the

Benghazi attacks?

A I'm generally aware that people have testified.

Q When I refer to briefings, I'm not referring to people that have appeared on Capitol Hill who testified before a hearing. When I use the term briefing, I am really referring to a closed door meeting or a closed conference call where a member of the State Department or members of the State Department would provide information to Members of Congress or their staff.

A Yes, I am generally aware of that, yes.

Q Okay. What briefings are you aware of?

A I'm just generally aware that those briefings take place. It's not unusual for leadership to come in and brief Members or staffers.

Q Are you aware of any briefings the State Department provided to Members or staff on the Benghazi attacks?

A I'm not aware of specific briefings.

Q Are you aware of any individual from the State Department that participated in any such briefing?

A I am not.

Q Did you participate in the preparation for any such briefings at any time?

A No, I definitely don't recall that.

Q In my earlier questioning, I tried to focus on the time period before, between the time you first learned of the attack and when you went home that night about 2 in the morning. I'd now would

like to kind of focus on the time period between when you went to bed that night and we'll say the 17th of September. Are there any meetings or conversations or any information that you received that stands out in your mind during that period? Now, we are talking about basically September 12th forward?

A That stands out? No, I don't recall specific conversations or meetings that stand out during that time.

Q And do you recall whether or not you met with Victoria Nuland during that period?

A I mean, that -- that would have -- that would have happened. We'd meet with her almost daily, or we did.

Q Do you recall -- I believe, although I am not sure, that she gave a press conference on Friday, September 14th, there may have been others that preceded that between the attack and that -- do you recall any specific meeting with Victoria Nuland to prepare her for either that press conference or any other press conferences she may have given?

A I don't recall specifically that we did, but I would imagine that we in fact did meet with her that Friday, as would have been customary.

Q Did you have any practice or with regard to those meetings of taking notes?

A No.

Q You wouldn't have taken notes?

A No, that's not standard. When we prep her or meet with her

before she briefs?

Q Yes.

A No, I don't think so.

Q Okay. Does anybody on your team who participates in those meetings take notes?

A No, it's very much a verbal back and forth conversation or discussion.

Q And just to make sure, as you sit here today you can't remember any specific meeting related to the Benghazi attacks. Is that correct?

A Not a specific meeting, no.

Q Again, focusing on that period, September 12th forward, were there any other people from the State Department leadership that you recall meeting with about the Benghazi attacks?

A No.

Q Do you recall being contacted by anybody in the State Department's leadership about the Benghazi attacks?

A Not specifically, no.

Yeah, I do -- I had referenced earlier when Secretary Clinton came to talk about what had happened that night, but I guess I didn't equate that, I think of that as a personal thing, it was very much a very personal talk. But I obviously recall that.

Q Right. Thank you for clarifying.

Do you recall having any interaction with Patrick Kennedy during that period of time?

A No.

Q Do you recall anybody coming to the NEA press shop to obtain information about the Benghazi attacks?

A No.

Q I believe you testified that you believe your primary source of information about the Benghazi attacks was coming through news reports at the time?

A That night.

Q That night?

A Yes.

Q Did that change after that night?

A Again, a lot of it was, yes, we were learning a lot just by watching the news or reading the news. There were, obviously, conversations throughout the building about what had happened. It was a very big event. But I don't recall the specific conversations that I can recall and tell you about.

Q Do you recall any discussion about eyewitness accounts to the attack?

A I vaguely recall discussions about with -- not with, but about our people who were there on the ground and what they may have seen or not seen.

Q What do you recall about that conversation or conversations?

A I mean, again, a vague recollection of conversations being had about that.

Q Do you recall about when those conversations took place?

A It would have -- soon thereafter, but I couldn't give you a timeframe.

Q So it could have been that night, it could have been in the immediate aftermath?

A Right.

Q Okay. You may have answered this, and if you did I apologize -- I think you did, I withdraw that.

When counsel from the minority asked you about the importance of the government or all of the executive branch agencies, I believe she used the term speaking with one voice or a single voice. Do you remember those questions?

A Yes.

Q She asked you if it was important to do that to avoid what she referred to as further confusion, and you agreed that, yes, it was important to do that. What did you mean by that?

A Well, you want to ensure a consistent message, because when dealing with reporters and the fact that reporting can be, for lack of a better phrase, all over the map, you want to try to convey the message that will -- that is most accurate and that we are all saying the same thing so that you don't have reporting all over the place.

Q So consistency is just one goal, accuracy is also an equally important goal?

A Correct.

Q Mr. [redacted], you testified that some of the information you

were receiving was coming to you through media reports. Would you ever rely solely on media reports in preparing talking points or a press statement that was going to be used by the State Department?

A No, no.

Q What process, if any, would you use to look at those press reports, vet them, and decide whether or not they should or should not be used?

A Well, we don't use press reports in our formulation of talking points. We try to use, to the best of our ability, the facts, because reporting can be wrong, and so we didn't rely on it. So we use the facts that we -- as we know them through our internal reporting channels.

Q You were asked if the intelligence community was -- the word was entirely responsible for making the assessment that was reflected in exhibit No. 1. Do you recall when you were asked and you gave those answers?

A Yes.

Q What did you mean by that?

A That it was my understanding that these came from the intelligence community.

Q And your understanding of that is based on what?

A Based on this document.

Q So you had no independent knowledge of those talking points or the basis for the talking points or whether they were accurate or anything like that. You're just reading a document and drawing a

conclusion here as you sit today?

A As I stated earlier, I have not seen these documents before or these talking points in this form.

Q Again, I think you touched on this when I was asking you questions earlier, but at some point immediately after the attack the messaging aspect of the response was taken away from NEA and it was handled by the main press shop, correct?

A Yes.

Q And now we know, looking at exhibit 3, that at some point NEA press got back involved?

A I would not -- we never got back involved. We were never involved. It was immediately taken away from NEA.

Q Well, then, if you could, just to help me understand, put the talking points that Mr. [redacted] drafted, put those into context then.

A I can see why that would be confusing to someone who doesn't work in our building but -- or in NEA press -- but it would not be unusual if there is so much confusion, especially the day after, when we are dealing with a press issue, that we don't know yet how it's going to be handled. And so our first instinct is to try to be helpful to our leadership. And so it wouldn't be unusual that talking points are drafted within my shop, but then don't ever -- never get used, because leadership goes: Oh, no, we got this. And we're like: Okay.

Q So it's possible that they were just being sent to the White House just to be clear, which seems to be the standard procedure?

A This would have been standard procedure, yeah.

Q Can I just have a moment? Can we go off the record, please?

[Recess.]

Mr. Desai. The time is approximately 3:50.

BY MR. DESAI:

Q So, Mr. [redacted], just a short handful of questions to wrap up where we are.

In the last session my colleagues in the majority asked you a set of questions about what you knew on the night of the attacks with respect to certain factual dimensions of the attack. And my goal here is just to convey that the absence of information wasn't in one direction or the other. So I am just going to ask you a set of questions about the attack and the night that these attacks took place and what you knew.

So on the night of the attacks, did you have any independent information that there wasn't a protest that preceded the attacks in Benghazi?

A I did not have independent information.

Q And do you have any independent information or independent facts that the attacks that took place in Benghazi weren't connected to the protests in Cairo that happened earlier that same day?

A I did not.

Q And did you have any independent factual information that the attackers who perpetrated the Benghazi attacks weren't motivated by a YouTube video insulting the Prophet Mohammad?

A I did not.

Q On the night of the attacks, would you able to verify that

evening with any degree of certainty with respect to questions of who the attackers were, what the motivations were, and how the attacks unfolded?

A No.

Q Now, I think in the last few sessions from today's interview you testified, and I think you used the term "fog of war" maybe once or twice. And you painted a pretty powerful picture, I think, of the fact that there was a lot of fluid information, that things were -- developments were ongoing, you were receiving information from various sources.

Were there any facts that you could have definitively verified with respect to what happened in Benghazi on the night of the attacks themselves?

A No.

Q And at the end of the day, as the spokesperson for the NEA Bureau, is it your responsibility to assess and to verify the information that you're receiving or to draw conclusions about the veracity of the information connected to those attacks?

A No.

BY MS. SAWYER:

Q And can I just quickly -- my colleague focused on the night of -- we spent a lot of time today talking about the Sunday talk shows which happened on the 16th, and then kind of some of the follow-up from that. So expanding out just from the night of the attacks through we'll just say the following week, so up through when Ambassador Rice appeared

on Sunday, with regard to that, the questions my colleague just asked, did you have independent information to be able to say with certainty that no protests occurred in Benghazi on the night of the attacks?

A I did not.

Q That the attacks in Benghazi were not connected in any way to what had happened in Cairo with regard to protests earlier that day?

A I did not.

Q And with regard to whether attackers at the mission compound or at the Annex in Benghazi had been motivated by the anti-Muslim film mocking the Prophet Mohammad, did you have any information up through when Ambassador Rice appeared on Sunday that would have indicated that was not --

A I did not.

Q -- the case. Thanks.

BY MR. DESAI:

Q So, Mr. [redacted], I'm going to shift gears a little bit here and I would like to ask you a series of questions about a number of public allegations that have been made related to the attacks. We understand that the committee is investigating these allegations and therefore we have to ask every witness about them, but I don't want you to think that by asking you these questions that either I or the Democratic members of the Select Committee are saying that any of these allegations have merit.

You also see that there are a lot of these allegations, so this takes a little bit of time, and I apologize in advance and ask for your

indulgence, so please just bear with me. The way we will proceed is I will ask you whether or not you have any evidence or information to support each one of the allegations I'll convey to you. If you do not have any information, we'll move on to the next allegation. Is that clear?

A Clear.

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

Do you have any evidence that Secretary of State Clinton ordered Secretary of Defense Panetta to, quote, "stand down," end 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 is 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 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, nor to garnish 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 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 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," end 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 agreed with the decision to delay temporarily or think it was the right decision, do you have any evidence that there was a bad or improper reason behind the temporary delay of the CIA security personnel who departed the Annex to assist the Special Mission Compound?

A No.

Q A concern has been raised by one individual that in the course of producing documents to the Accountability Review Board damaging documents may have been removed or scrubbed out of that production. Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials

that were provided to the ARB?

A No.

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

A No.

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

A No.

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

Do you have any evidence that CIA Deputy Director 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 any evidence that Ambassador Rice intentionally misrepresented facts about the Benghazi attacks on the Sunday talk shows?

A No.

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

Do you have any evidence to support the allegation that the President was virtually AWOL as Commander in Chief or was 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, quote, "stand down," meaning to cease all operations. Military officials have stated that those four individuals were instead ordered to remain in place in Tripoli to provide security and medical assistance in their current location.

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

Do you have any evidence to contradict the conclusion of the House

Armed Services Committee that there was no stand down order issued to U.S. military personal 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, and I quote, "Given where the troops were, how quickly this 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 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.

Q I think that's it from us. Thank you so much, Mr. [redacted]. We can go off the record now.

[Discussion off the record.]

Mr. Missakian. Mr. [redacted], I just have a couple of follow-ups.

BY MR. MISSAKIAN

Q Mr. [redacted], just a couple of follow-ups and we'll be done

here.

Going back to the day of the attacks, I believe you testified that you at some point during the day became aware of protests in Cairo.

A I have a vague recollection, yes.

Q And what is your best recollection as to how you heard about those protests?

A Past recollection, best guess is through media reporting.

Q Do you recall having seen any media reporting that suggested there was a protest in Benghazi that preceded the attack?

A I don't recall.

Q And you were just asked a question about production of documents to Congress. Were you asked at any point in time to collect documents under your custody or control that might be relevant to the Benghazi investigation for purposes of producing those to Congress?

A I don't recall ever being asked.

Mr. Missakian. Thank you. Nothing further.

Mr. Grider. The only thing we have to say is, on behalf of Chairman Gowdy and the committee, we appreciate and want to thank you for your time, and also thank you for your service at the State Department.

Mr. [redacted]. You're welcome.

[Discussion off the record.]

Ms. Sawyer. We'll just go back on the record, briefly. I promise that I will be very brief.

BY MS. SAWYER:

Q Again, Mr. [redacted], thank you for your patience. I just have a couple of quick follow-ups. I didn't want to walk away and leave the record with the impression that there had been no press reporting on night of the attacks --

A Right.

Q -- about a potential protest in Benghazi.

I understand you said that you didn't recall?

A A lot of it is just a blur.

Q Right. And that was -- my math is always horrible, I think it was 3-1/2 years ago. Is that approximately right?

A In NEA time, that is a long time. There is a lot that's happened in the Middle East.

Q Yes. I understand. And so I just wanted to make sure it didn't sound as if there had been no such reports, understanding that it is understandable that you wouldn't recall how many, the volume, et cetera. But our review of documents that were turned over by the State Department did reveal --

Mr. Missakian. I would object to this line of testimony. You are talking about documents that you have reviewed, that the witness hasn't.

Ms. Sachsman Grooms. I think she is going to show him the document.

Mr. Missakian. That's fine, but she's talking about multiple documents that have been produced by the State Department, not just the one that she has in her hand.

Ms. Sawyer. I would be happy and I am going to as quickly as I can show you a few examples of what are we going to cover. So I am going to hand you right now what I have marked for identification purposes as exhibit 5.

[[redacted] Exhibit No. 5

Was marked for identification.]

BY MS. SAWYER:

Q That document bears the number C05561847 for identification purposes. It's a two-page document. I'm going to give you just a moment, but I want to confirm as you're reviewing it that you are indeed on the email. So I just direct your attention to the middle of the first page.

A Uh-huh.

Q There is a "from" line that says arshad.mohammed@thormsonreuters.com. It is to Victoria Nuland. On the cc line includes [redacted], [redacted], [redacted], and [redacted], which is you?

A Correct.

Q And the time stamp on this indicates Tuesday, September 11th, 2012, 6:12 p.m. Do you see that?

A Yes.

Q I want to give you a moment just to read. The subject line says: "Libya - any comment?" So I just want to give you a moment to read that few paragraphs there. Just let me know when you're done.

A [Nonverbal response.]

Q Just going down to the body of the email sent, it looks to me as if -- I don't know if it's Mr. Mohammed. Do you know who he is?

A I do.

Q Who is he?

A He's a reporter for Reuters that covers for the State Department.

Q And this appears to me, I don't know you can tell, you are steeped in the press world much better than I am, as if he is sending a Reuters report and asking for a comment on that report. Does that seem accurate?

A That would be my understanding, yes.

Q And in the body of the Reuters report it says: "Benghazi, Libya, September 11 (Reuters) - Gunmen and security forces clashed at the U.S. consulate office in the eastern Libyan city of Benghazi on Tuesday as the armed group protested over a film being produced in the United States, a security officials said. The incident followed a protest in neighbouring Egypt where demonstrators scaled the walls of the U.S. embassy, tore down the American flag and burned it during a protest over what they said film that insulted Prophet Mohammad."

Do you see that in the report?

A Yes.

Q So does this refresh your recollection as to whether or not there were press reports on the night that indicated that a protest had occurred in Benghazi?

A It does.

Q And that there was a connection between what occurred in Benghazi and what had occurred in Cairo earlier that day?

A I recall the reporting to that effect, yes.

Q And in this particular report, the source there, if you go

to the next paragraph under what I just read, there is another quote: "There are fierce clashes between the Libyan army and an armed militia outside the U.S. consulate." And then it says, "Abdel-Monen Al-Hurr, spokesman for Libya's Supreme Security Committee, said."

So this particular report cites someone from what is called the Libya Supreme Security Committee. Is it possible that was someone on the ground in Libya at the time?

A It would be possible, yes.

Q And that person later in the same report, if you go down two more paragraphs, says, quote: "There is a connection between this attack and the protests that have been happening in Cairo" end quote. Did you see that?

A Yes.

Q So twice in the same story there is a connection drawn between what happened in Benghazi to what happened in Cairo earlier that day. Is that accurate?

A Yes.

[[redacted] Exhibit No. 6

Was marked for identification.]

BY MS. SAWYER:

Q Now I am just going to show you what I'm marking as exhibit 6 for the record. And this is just a 1-page document. It bears, for identification purposes, the number 05561964. This is a pretty short email. And just so the record reflects, the "from" line says Catherine Chomiak, spelled C-h-o-m-i-a-k, and then in parens (NBC Universal).

The "to" line includes Victoria Nuland, [redacted], you, and then [redacted]. The subject line is "American killed in Libya?" And I will give you a moment to read that.

A Okay.

Q Now, it looks to me as if, again, there is a first line on this email that reads: "We are seeing this from APF sourcing Libyan official - can you confirm? Any details?" And then below that it says: "From AFP." And then there is a short report.

Was it your understanding that Ms. Chomiak was seeking to confirm the information in that report?

A Yes.

Q And I just want to read for the record what the report actually states. It says, quote: "A U.S. official was killed and another wounded on Tuesday as an armed mob protesting over a film they said offended Islam attacked the U.S. consulate in Benghazi, an official told AFP."

It goes on to say, quote: "Libya's deputy interior minister Wanis al-Sharef said: 'One American official was killed and another injured in the hand. The other staff members were evacuated and are safe and sound.' He could not say if the dead man was a diplomat," end quote.

So, again, does this refresh your recollection as to whether there was press reporting that there was indeed a protest in Benghazi on the night of the attacks?

A It does.

Q And do you have a recollection with regard to either of these exhibits, both of them represented reporters reaching out seeking to confirm or obtain details from the State Department. Did you personally respond to either of these, to the best of your recollection?

A I don't recall responding to either of these specifically. My general posture that day, that evening, was one of radio silence because we didn't know. And we didn't want to go out and confirm something that we weren't sure about or confirm anything for that matter that we weren't sure about. So I don't recall responding to either of these.

Q And do you know whether anyone else in the Department, either the individuals that were included on either email or anyone else, responded to Ms. Chomiak or Mr. Mohammed?

A I don't recall any response by anyone.

Ms. Sawyer. Thank you. I think that's really all that we have.

Mr. Evers. You're going to do another one?

Mr. Missakian. Yeah. It will be fine, I promise.

BY MR. MISSAKIAN:

Q Mr. [redacted], you were shown a couple of exhibits, one marked exhibit 5 and one marked exhibit 6. Let's begin with exhibit 5. Do you have that in front of you?

A Yes.

Q Now, counsel referred to the portion of the email at the bottom as a Reuters report. I just want to clarify, when I read this, it appears to be something that has not yet been disseminated by

Reuters, but something that may be disseminated that they are asking for comment on before doing so.

A This looks like a report that has already been disseminated.

Q Already been disseminated?

A Yes.

Q And they are asking for comment on the content of it?

A Yes, that's my understanding based on [redacted] response.

Q Does it ever occur where a reporter will send a draft of the story to get a comment on it before it's published?

A Reporters typically don't send their drafts. They typically just -- it is an ethical thing for them. They usually will generally say: I'm working on X, Y and Z, this is what I think I know, can you confirm or provide more information or context?

Q As you sit here today, do you recall having read this particular set of emails that's been marked as exhibit 5?

A I don't recall seeing this until now, I haven't seen this until now.

Q Put yourself back to the night of September 11th, there was a lot going on, you described it as a crisis situation, I believe. Was it your practice to read every one of your emails that came in at that point or as many as you could?

A I would definitely read as many as I could. Traffic can be heavy at times, especially on an incident like this. But definitely you're trying to keep up with what's coming in.

Q So it would be possible, since I think you testified that

you weren't answering your phone because you thought many calls were coming from reporters, it is possible that when you were picking and choosing emails to read, that those involving reporters you may have skipped? Is that possible?

A Emails from reporters I tend to read. I don't necessarily respond, but I do read them.

Q And in this case, since the email was actually going to Victoria Nuland, would you have expected the response, if any, to come from her?

A In this particular situation, yes.

Q Now, this email came in at 6:12 p.m. eastern time, and if my math is correct, that is a little bit after midnight in Benghazi, so well after the attacks in Benghazi had concluded. I would like to focus your attention now on the period before you -- I believe the attacks began at about -- around 3:40 p.m., eastern time. I'd like you to focus on the period before that.

A Before it.

Q Before 3:40 p.m. eastern time.

A Eastern time?

Q Yes. In that period of time, do you recall seeing any media reports, getting any information to suggest that there was a protest going on in Benghazi?

A I don't recall.

Q Okay. If that information had existed, how do you believe it would have come to you, either through media reports or some other

channel?

A How the press reporting would have come to me?

Q No. If you had received information that there was a protest in Benghazi, now I'm talking about this period right before the attack, how would that information have come to you?

A It would have either come through press reporting or, for example, perhaps through [redacted], who was the press person who I think physically was in Tripoli on that day, or it may have come through the Libya desk. It depends.

Q But as you sit here today, you can't remember anything specifically that came to you on that subject?

A Correct.

Q Putting aside the press reporting that may have referred to a protest in Benghazi, as you sit here today, are you aware of any other information that there was a protest in Benghazi preceding the attack?

A No.

Q Are you aware of any information that the -- aside from press reporting now -- any information that the motive of the attackers in Benghazi was somehow connected to the video that was referred to?

A No.

Q And other than the press reporting, are you aware of any other facts that would draw a connection between the attack in Benghazi and what occurred in Cairo?

A No.

Mr. Missakian. Thank you. I don't have anything further.

Ms. Sawyer. Off the record.

[Whereupon, at 4:21 p.m., the interview was concluded.]

EXHIBIT 1

113th Congress
2d Session

SENATE

S. Report
113–134

REPORT

of the

U.S. SENATE SELECT COMMITTEE ON INTELLIGENCE

REVIEW

of the

TERRORIST ATTACKS ON U.S. FACILITIES IN BENGHAZI, LIBYA, SEPTEMBER 11-12, 2012

together with

ADDITIONAL VIEWS

January 15, 2014.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
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APPENDIX I: The Benghazi Talking Points

On September 15, 2012, the CIA provided the HPSCI and the SSCI with unclassified talking points for Members' use in media and public statements regarding the September 11, 2012, terrorist attacks in Benghazi, Libya. The talking points were requested by the HPSCI during a meeting with then-CIA Director Petraeus on Friday, September 14, 2012. As made clear by 100 pages of emails released by the Obama Administration on May 15, 2013,[136] the talking points were then also provided to U.S. Ambassador to the UN, Susan Rice, in her appearances on several television talk shows on Sunday, September 16, 2012. The contents of the talking points and Rice's comments in her public appearances generated significant controversy, including in Congress. As discussed in more detail below, the SSCI devoted considerable staff time and held three closed briefings for Members to address the Benghazi talking points issue.

The final, unclassified version of the CIA talking points, as provided to HPSCI on September 15, 2012, read as follows:

> **—The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US diplomatic post in Benghazi and subsequently its annex. There are indications that extremists participated in the violent demonstrations.**
>
> **—This assessment may change as additional information is collected and analyzed as currently available information continues to be evaluated.**
>
> **—The investigation is ongoing and the US Government is working with Libyan authorities to bring to justice those responsible for the deaths of US citizens.**

[136] ABC News, "White House Benghazi Emails," accessed December 3, 2013, http://abcnews.go.com/images/Politics/white-house-benghazi-emails.pdf

EXHIBIT 2

C05580618

From: [redacted]
Sent: Monday, September 17, 2012 2:19 PM
To: [redacted]
Subject: RE: Libya PG

Classification: UNCLASSIFIED
SMARTCategory: Working

WH very worried about the politics. This was all their doing.

This email is UNCLASSIFIED.

From: [redacted]
Sent: Monday, September 17, 2012 2:18 PM
To: [redacted]
Subject: RE: Libya PG

Off the reservation on five networks!

From: [redacted]
Sent: Monday, September 17, 2012 2:17 PM
To: [redacted]
Subject: RE: Libya PG

Yup. Luckily there's enough in her language to fudge exactly what she said/meant.

This email is UNCLASSIFIED.

From: [redacted]
Sent: Monday, September 17, 2012 2:16 PM
To: [redacted]
Subject: RE: Libya PG

I think Rice was off the reservation on this one.

From: [redacted]
Sent: Monday, September 17, 2012 2:05 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Libya PG

Toria planned on walking it back just a bit, though.

This email is UNCLASSIFIED.

C05580618

From: [redacted]
Sent: Monday, September 17, 2012 2:02 PM
To: [redacted]
Cc: [redacted]
Subject: Re: Libya PG

The horse has left the barn on this, don't you think? Rice was on FIVE Sunday Morning shows yesterday saying this. Tough to walk back.

From: [redacted]
Sent: Monday, September 17, 2012 01:59 PM
To: [redacted]
Cc: [redacted]
Subject: FW: Libya PG

[redacted] – per my call. Note sure we want to be so definitive – what does A/S Jones say?

From: [redacted]
Sent: Monday, September 17, 2012 1:41 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Libya PG

I really hope this was revised. I don't think we should go on the record on this.

From: [redacted]
Sent: Monday, September 17, 2012 12:36 PM
To: [redacted] 'Bernadette_M_Meehan [redacted] NEA-LIBYADESK; CAPRESSREQUESTS; [redacted]
Cc: M_Clearance
Subject: Re: Libya PG

This is actually the most recent. Just saw NSS language, which I used as the key points here.

NEA Press Guidance

September 17, 2012

Libya: Update on Investigation on Attack in Benghazi

Key Points

- The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the U.S. Embassy in Cairo and evolved into a direct assault against the U.S. mission and subsequently its annex. There are indications that extremists participated in the violent demonstrations.

- This assessment may change as additional information is collected and analyzed and as currently available

C05580618

information continues to be evaluated.

- The investigation is ongoing, and the U.S. Government is working with Libyan authorities to bring to justice those responsible for the deaths of U.S. citizens.

Q: Do we have any confirmation of the names and condition of those injured in Benghazi yet?

- Due to privacy considerations, I have no comment.

Q: Can we confirm the authenticity of the cell-phone video of Amb. Stephens?

- We cannot confirm the authenticity of the video.

Q: Do we have any adjustments in the time line, sequence of events in Benghazi?

- As I said, there is an ongoing investigation and I am not going to comment any further at this time.

Q: Has the FBI provided any investigation updates? Has the FBI been able to even reach Benghazi yet?

- I refer you to the Department of Justice for information on the ongoing investigation.

From: [redacted]
Sent: Monday, September 17, 2012 12:34 PM
To: [redacted] Meehan, Bernadette <[redacted]>; NEA-LIBYADESK; CAPRESSREQUESTS; [redacted]
Cc: M_Clearance
Subject: RE: Libya PG

HI – I made some tweaks. I am not keen on the first point, even as I edited it, but don't have any better suggestions. Maybe was not "planned well in advance." ?

The rest of it looks good.

I added DS to this message also.

Thanks, [redacted] M/PRI

From: [redacted]
Sent: Monday, September 17, 2012 12:13 PM

C05580618

To: Meehan, Bernadette; NEA-LIBYADESK; CAPRESSREQUESTS; [redacted]
Subject: Libya PG
Importance: High

Hi Everyone –

Please see the below PG on Libya. This is all I really have for today.

Thanks,

[redacted]

NEA Press Guidance

September 17, 2012

Libya: Update on Investigation on Attack in Benghazi

Key Points

- We will continue to wait for the findings of the ongoing FBI investigation before reaching a final conclusion, but at this preliminary stage, ~~time,~~ we have not yet seen any signs that the attack on our consulate in Benghazi was other than spontaneous. ~~premeditated. or coordinated.~~

- I have nothing more for you due to the ongoing FBI investigation.

Q: Do we have any confirmation of the names and condition of those injured in Benghazi yet?

- Due to privacy considerations, I have no comment.

Q: Can we confirm the authenticity of the cell-phone video of Amb. Stephens?

- We cannot confirm the authenticity of the video.

Q: Do we have any adjustments in the time line, sequence of events in Benghazi?

- As we have said, there is an ongoing investigation into the tragic events that occurred in Benghazi, and I am not going to comment any further at this time.

Q: Has the FBI provided any investigation updates? Has the FBI been able to even reach Benghazi yet?

C05580618

- I refer you to the Department of Justice for information on the ongoing investigation.

[redacted] **Press Officer** | **Bureau of Near Eastern Affairs** | **U.S. Department of State**

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EXHIBIT 3

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[redacted]

From: [redacted]
Sent: Tuesday, September 18, 2012 10:59 AM
To: Smith, Dana S (PA)
Subject: Excerpts

Classification: UNCLASSIFIED
SMARTCategory: Working

Excerpt from Toria at DPB 9/17:

QUESTION: Can I ask you to just step back and take a 30,000 foot view for a moment here? On Friday, the people who read what we write and who watch us on TV and who listen to us on the radio and who are not foreign policy experts but just ordinary American – who, by the way, happen to be in the middle of a presidential election season – see on their screens 33 different locales across the world, stretching from Western Europe to South Asia, where either U.S. embassies or American citizens, American diplomatic personnel or Western fast food chains and the like are under attack.

And this prompted two lines of thought that I would like you to address. Number one is that the United States – its position in the world is diminished from where it would have been, say, four years ago because we're under attack. Our standing is obviously diminished because our adversaries around the world feel free to attack us. And the second point that I'd like you to address is the notion that President Obama, with his Cairo speech and his outreach to the Arab Muslim world, that that has failed, or that it's been rejected in some core sense when the locales that we're talking about are all Arab Muslim locales.

MS. NULAND: Well, I'm going to start, since you are an infrequent visitor to our briefing room here, by reminding you that we don't do politics here. We represent this Department in its --

QUESTION: I didn't ask you any political questions.

MS. NULAND: I understand. But you're talking about calendar cycles in this country. So I'm just going to lay that marker down, just to remind you of what we do here.

Let me also remind you that, sadly, this is not the first time, as Ambassador Rice made clear, that we've seen acts of violence erupt in many parts of the world in response to insults against Islam, insults against other religions. And they are often difficult to contain. But the larger point – and this goes to the vision that the President laid out in Cairo – is that in every one of these places that has had a democratic transition, that has had a change, we are seeing the governments standing up and rejecting this violence, rejecting the extremism that these represent, calling on people to respect rule of law, calling on people to express their grievances through the ballot box, through the newly available democratic principles, and that's good for America.

It is good for America that so many of these people now have the right and the ability to express their concerns, express their grievances through real politics, through peaceful means. That doesn't mean that we – that those governments have convinced everybody to use those available methods, but at least we have relationships with governments across North Africa and the Middle East that are democratically elected, that represent people, that are accountable to people, that have to deliver peace, justice, security, prosperity. This is not going to be easy. They have a long road to go. But it underscores the importance of Americans and this country standing with those who want to live as we do. Because democratic countries make better allies and friends of America.

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QUESTION: So, wait. There are just two – there were two points, and I'm still waiting for you to address them. Number one is address the notion that this reflects diminished U.S. influence that we could come under attack like this. And the second is that the President's outreach policy, starting with his great Cairo speech and so forth, has obviously failed. I didn't say I'm agreeing with those points of view, but I've asked – they're out there, and you're well aware of that, and I'm asking you to address them.

MS. NULAND: I --

QUESTION: Is our influence stronger? Is this evidence of that? And number two, has President Obama's outreach policy to the Arab Muslim world been a success?

MS. NULAND: I addressed the second part of that question in making clear that we are now standing with governments across this region that are freely elected, that have to be accountable to their people, and that is better for us than where we were before this Arab Spring. But we can't abandon these people now, particularly because they are facing extremism in their midst; they are facing folks who want to roll back the clock inside their countries and between their countries. And that's all the more reason why we have to continue to work with them.

America, sadly, for decades has been the victim of violence. You can look at the Beirut bombings of the '80s; you can look at terrorist attacks ever since September 11th. We all wish this weren't the case, but these are people who obviously don't believe what we believe, which is that if you have grievances, if you feel insulted, you address them politically, you address them peacefully. And we all have to stand together as an international community against grievance being expressed through violence, through terror, and we will continue to do that.

Excerpt from POTUS 9/13 interview with 60 Minutes:

Q Have the events that took place in the Middle East, the recent events in the Middle East, given you any pause about your support for the governments that have come to power following the Arab Spring?

THE PRESIDENT: Well, I said even at the time that this is going to be a rocky path. You look at a country like Egypt, this is the first democratic government they've had in -- what -- 7,000 years, right? I mean, you don't have the same civil society and traditions and habits where suddenly they're going to start operating like the United States or Switzerland overnight.

But the question presumes that somehow we could have stopped this wave of change. And it was my early assessment that over time, in this world where information is flowing constantly and ideas are constantly flowing and images are constantly flowing, that it was untenable to expect that the people of the Middle East -- Arabs, North Africans -- that somehow they would think, well, everybody else has freedom, but we don't have it; everybody else has a voice in their government, but we don't have it.

And so I think it was absolutely the right thing for us to do to align ourselves with democracy, universal rights, a notion that people have to be able to participate in their own governance. But I was pretty certain, and continue to be pretty certain, that there are going to be bumps in the road, because in a lot of these places the one organizing principle has been Islam, the one part of society that hasn't been controlled completely by the government. There are strains of extremism and anti-Americanism and anti-Western sentiment and anti-modern sentiment in some of those countries that are strong and can be tapped into by demagogues.

So we're going to have to work very carefully in these countries to say we support democracy, we support freedom, we support universal rights, but part of what we consider to be democracy is protecting

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women from abuse, making sure that religious minorities are protected, that there's transparency and openness in how governments operate, that we abhor corruption.

And the more that we're talking about those values and being clear about what our interests are, then there will probably be some times where we bump up against some of these countries and have strong disagreements, but I do think that over the long term we're more likely to get a Middle East and a North Africa that is more peaceful, more prosperous, and more aligned with our interests.

This email is UNCLASSIFIED.

From: State Department Press Office [mailto:Press@state.gov]
Sent: Monday, September 17, 2012 6:47 PM
To: State Department Press Office
Subject: Daily Press Briefing with Victoria Nuland, Spokesperson - 09-17-12

On-Camera Daily Press Briefing Index
Monday, September 17, 2012
1:57 p.m. EDT
Briefer: Victoria Nuland, Spokesperson

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^^ **Embassy Cairo / Consul General Alexandria / Demonstrations**

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U.S. DEPARTMENT OF STATE
DAILY PRESS BRIEFING

DPB # 163

MONDAY, SEPTEMBER 17, 2012
(ON THE RECORD UNLESS OTHERWISE NOTED)

1:57 p.m. EDT

MS. NULAND: All right, everybody. It is a new week. I hope you all received everything that we were sending out over the weekend as we continued to monitor the situation around the Middle East and North Africa. I don't have anything at the top, so let's go to what's on your minds.

QUESTION: Well, as you continue to monitor, can you give us an update of Tunis and Khartoum, the situations there since the ordered departures on Saturday? Saturday, whatever day it was.

MS. NULAND: Situation in Tunis is largely calm. There – the mission is closed to the public today. In Cairo, our Embassy is open, but we are not doing any immigrant or nonimmigrant visa appointments. We made that decision just to reduce crowds around the mission. But we are providing American citizen services. Consulate General Alexandria is closed today and tomorrow. And as you know, the Egyptians have been very responsive in providing the additional security that we've been looking for.

QUESTION: Sorry. I asked about Khartoum, though.

MS. NULAND: And Khartoum. So as you know, on Saturday or – yeah, Saturday, after carefully reviewing the damage done to the outside of our building, we authorized ordered departure for all the family members, the nonemergency personnel. The Embassy is remaining open under our chargé, and – but it's going to be closed to the public, I guess, today and tomorrow.

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QUESTION: What about Lebanon? The Travel Warning went out, and then there were reports on Embassy staff allegedly destroying confidential documents out of an abundance of caution. Is that usual practice? Is that true?

MS. NULAND: Well, with regard to the Travel Warning on Lebanon, that was one of our periodic updates, and frankly, the timing of it wasn't related to the demonstrations that we've seen around the region. It was updated to cover some of the changes we've made with regard to the Fulbright and the English language program, also to take into account some of the shelling that we've seen on the border area coming from Syria, et cetera.

I'm not going to speak to how we handle classified. You can imagine that wherever we think it's necessary, we take appropriate security measures, and we will continue to do that.

QUESTION: Could you clarify whether the Consulate in Alexandria was attacked?

MS. NULAND: There have been some small demonstrations, I think, in the hundreds in Alexandria. But to my knowledge, the Consulate was already closed for the weekend when those had begun, and we agreed with the Egyptians to keep it closed for a couple days and see.

Okay.

QUESTION: There were also demonstrations in Pakistan. Do you have any update what's going on now?

MS. NULAND: I do have a little bit of a situation report there for our – it was Pakistan you asked about, Goyal?

QUESTION: Yes, ma'am.

MS. NULAND: Yeah. So all of our personnel in Pakistan are safe and accounted for. We did have protests that were relatively widespread around the country today. However, most of them have been dispersed peacefully. We are obviously continuing to monitor the situation closely. My understanding is that our missions were open today.

QUESTION: Can you be more specific? When you said on the Lebanon Travel Warning that the Fulbright and whatever the other program was suspended, when was – when were they suspended? Today? Or was that something just done recently that hadn't been --

MS. NULAND: No, I don't think it was in connection with this round of demonstrations around the region --

QUESTION: No, no. I'm just asking when.

MS. NULAND: I think these were – I don't have a date, but I can get that for you, Matt. It was as a result of the deteriorating security situation in general that the decision was made to suspend those programs. But I will get the timing. I think it was more than a month ago.

QUESTION: Okay. And when you're getting the date or the timing, how many people does that affect?

MS. NULAND: Yeah. I had it. I think it's about 10, but it may be more than that.

QUESTION: And that means that if the program is canceled, they come home?

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MS. NULAND: Yeah. Usually. Usually. Yeah.

Please.

QUESTION: Toria, in Friday's briefing, Friday evening, you essentially stated that all questions concerning any aspect of the Benghazi attack – the circumstances surrounding it, the outcome of it, et cetera – would henceforth be directed by you to the FBI since it's their investigation.

And yet, on five Sunday shows yesterday, Ambassador Rice, who works for the same agency as you, was giving the latest U.S. assessment of how this event unfolded, specifically by saying we don't believe it was premeditated or preplanned, and by saying that those with heavy arms and so forth showed up, in essence, as she put it, to hijack an ongoing demonstration.

So my first question for you is: Given that Ambassador Rice is out there talking publicly about it and not referring Bob Schieffer and Chris Wallace and the rest to the FBI, may we consider that we can again begin asking you questions at this podium about the circumstances of the attack? If it's fair for the Ambassador to discuss it, it should be fair in this room, correct?

MS. NULAND: Well, let me start by reminding you that Ambassador Rice outranks me, as does my own boss, so she is often at liberty to say more than I am. And I guess that's going to continue to be the case.

What I will say, though, is that Ambassador Rice, in her comments on every network over the weekend, was very clear, very precise, about what our initial assessment of what happened is. And this was not just her assessment. It was also an assessment that you've heard in comments coming from the intelligence community, in comments coming from the White House. I don't have anything to give you beyond that.

She also made clear, as I had on Friday, that there is an ongoing FBI investigation. So frankly, I'm not sure that it's useful to go beyond that. I'm not capable of going beyond that, and we'll have to just see what the FBI investigation brings us.

QUESTION: You would acknowledge, however, that the account of the events, the preliminary account of the events that Ambassador Rice offered, diverges starkly from the account offered by the Libyan President, correct?

MS. NULAND: Well, we've heard a number of different things from Libya. I would simply say that what – the comments that Ambassador Rice made accurately reflect our government's initial assessment.

QUESTION: And one last question, if I might, because Ambassador Rice spoke to this. She suggested that there had been an ongoing demonstration outside the Consulate or in the proximity of the Consulate in Benghazi that was, in essence, hijacked by more militant elements who came armed to the affair. I just want to nail this down with you. You are – you stand by this notion that there was, in fact, an ongoing demonstration?

MS. NULAND: I'd simply say that I don't have any information beyond what Ambassador Rice shared with you and that her assessment does reflect our initial assessment as a government.

Please.

QUESTION: The Libyan Interior Minister said today that he dismissed two security officers in relation to the attack on the Consulate in Benghazi. Is this something that you are expecting? Do you think this is a step in the right direction? And do you think that the Libyans should have taken more fully a responsibility for protecting

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the Embassy in Benghazi? And how close are you in terms of cooperation with the investigation? I mean, what level, I mean?

MS. NULAND: Well, we talked about this a little bit last week, and I'm going to stand by what I said, which is obviously the Libyans are leading an investigation. We have our own FBI investigation. We also have close FBI and Libyan cooperation as we both pursue these. But I'm not going to get into the back and forth of who's arrested, what we think, what we know about any of this. And the investigation is obviously going to lead us to the appropriate conclusions about precisely what happened and how it happened.

QUESTION: Can you confirm at least that there's two security officers have been dismissed because of that?

MS. NULAND: I'm going to refer you to the Libyans, because this appears to be – you're – appear to be giving me backaction that they may have taken.

QUESTION: Do you have confidence in the Libyans' ability to do a prompt and thorough investigation?

MS. NULAND: I would say that we are already working well with the Libyans, as we have throughout this very difficult period. And – but with regard to the precise aspects of how we're cooperating on the investigation, I'm going to send you to the investigating agency.

QUESTION: You've had – there's been other investigations that the Libyans were supposed to have done that they've struggled, I guess, to finish, one being the circumstances of Qadhafi's death, I think, in October. And I think it's 11 months and you guys have no information, if that's correct.

MS. NULAND: I frankly don't know what the status of the Libyan investigation on that is. But with regard to --

QUESTION: That was two weeks ago, so --

MS. NULAND: With regard to this one, as you know, they are doing an investigation, we are doing an investigation, and we are going to collaborate together. So presumably, information will be shared, and we'll help each other.

QUESTION: And have any of their investigations into various things since a year and a half ago – there was Yunus, there was Qadhafi – have any of them borne any information that's been solid that you've received?

MS. NULAND: I really can't speak to that, Brad. I haven't looked into all of these different things.

Annie.

QUESTION: On Egypt, you said the Egyptians have been cooperative in providing the additional security you requested. Can you talk a little bit more broadly about what the contact with the Egyptians has been like over the last few days? And what is the status of the discussions about delivery of aid? Has that been affected at all?

MS. NULAND: Well, as you know, the White House reported that the President had a good conversation with President Morsi. I think it was before the weekend. I can't actually remember. It might have been Friday. Right. And then the Secretary talked to Foreign Minister Amr on Saturday. I think we reported that conversation out to you over the weekend. She, as you know, spoke to leaders around the region on Saturday. She also spoke to Foreign Minister of Saudi Arabia, FM al-Faysal. She spoke to the Libyan Prime Minister

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Abushagur. She spoke to Foreign Minister Davutoglu, spoke to Foreign Secretary Hague, and Foreign Minister Fabius of France.

So the points that we are continuing to make are about the importance of maintaining security, vigilance, working together. That is moving well. And as you know, we are continuing to work with the Hill on the support that we think is important to support those very forces of moderation, change, democracy, openness in Egypt that are very important for defeating extremism of the kind that we saw.

Please.

QUESTION: Is that a harder argument to make this week than it was about two weeks ago when some of that roadblock seemed to be moving out of the way?

MS. NULAND: Well, it's a conversation we obviously have to continue to have, and the Secretary will be having it with the Congress as well this week, we expect. I mean, from where we are sitting, if you look at what happened, not just in Egypt but in other parts of the region where we saw violence, it is those who have the more extreme views who were not successful in some of these electoral contests. And they're resorting to the street. They're resorting to violence. And it underscores the message that we've been giving that we need to support those who are willing to see change that is truly democratic, that's truly representative of the will of the people, and that isolates extremism.

QUESTION: Victoria --

MS. NULAND: Margaret, and then I'll come back to you, Said.

Please.

QUESTION: On Friday, you went into some detail explaining to us how the FAST teams are structured and function, also talked a bit about under the Vienna Convention some of the stipulations for host countries and security that they need to provide. You mentioned that at times the U.S., while they cede the protection to the host country, we do at times have conversations about increasing security, improving security, more along the lines of what the U.S. would like.

That was sort of standard practice. Now that we've had this event on 9/11, can you talk to me about whether those conversations have continued, whether that has in any way changed the relationship of the host country security practices and what we advise them?

MS. NULAND: Well, around the world – and not just for the United States but for every country's diplomatic mission, as we talked about on Friday – we all have to rely for the outer ring of security on any diplomatic mission on host country security. Usually, in normal, calm times, it can be done by regular static police posts. Sometimes it has to be done by higher level police. And when situations get out of hand, sometimes the military has to be brought in.

So it is an ongoing conversation in every part of the world with the host government as to what we are seeing, what the threats and risks might be, how their forces are postured, training we might be able to provide, how we can work together. But it is always the responsibility of host governments to deal with security outside of an embassy perimeter wall. And then it is obviously our responsibility inside the perimeter.

So I think what we saw last week was that in some cases we had governments that had a lot of will to protect us but may have overestimated the capability of the forces that they had around and had to augment, and it took them a little bit of time to catch up, so we had to have conversations – very, in some cases, high-level

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conversations – about what we were seeing. Those conversations continue. And as I said, the Secretary talked to a lot of her colleagues in the affected areas to maintain – to ensure that we're maintaining vigilance going forward.

QUESTION: But in some of those cases, there have been fatalities. Lethal force has been used. Has the U.S. voiced any concern about the methods that the host countries are using to protect these U.S. interests?

MS. NULAND: Well, regrettably, there have been some demonstrators who have lost their lives. This is, again, a host country decision. What we generally see is an effort to quell demonstrations that get out of hand that move beyond the peaceful realm, first with less lethal means, whether it's water cannon, whether it's gas. But obviously, it's up to the host country how it determines when it needs to and if it needs to move to lethal force.

QUESTION: Toria, going back to Friday's briefing --

MS. NULAND: Yes.

QUESTION: -- you said that you would endeavor to tell us if there was anything that had been in that initial timeline that was fundamentally incorrect. Are you aware of anything that was incorrect in that initial timeline?

MS. NULAND: I am not at the moment, but I'm not privy to all the investigative information on that.

QUESTION: And you're sticking with – you will try to tell --

MS. NULAND: I will.

QUESTION: -- and you will tell us if --

MS. NULAND: I will.

QUESTION: And then secondly, are you aware there is apparently a video of Ambassador Stevens being taken out of the room in the consulate? Have – I have not seen it, but apparently there are – there's some chanting in the background. Are you aware if anyone has – in this building has seen this video?

MS. NULAND: I've heard about this video.

QUESTION: Is it your understanding that the people who were pulling him out were excited that he was alive or appeared to be alive, or is it your understanding that they were celebrating his death?

MS. NULAND: Matt, clearly, this video and whether or not it's authentic and whether or not it has – it's an accurate representation of what happened, whether or not it's Ambassador Stevens, is going to be part and parcel of this investigation. I would simply say that, speaking as a member of the corps of this Department, it's very, very difficult to see that circulating on press organizations, and I would ask if that's appropriate in this circumstance. But I'm not in a position to confirm what, who, where, and whether it has any value in this.

QUESTION: Okay. And then just one last thing from Friday – excuse me – from Friday's briefing. You again didn't want to get into the number of embassies that actually have Marine guards, so the Marine recruiting – the center for – or whoever it is that does recruiting for the Marine guards, for the Marines themselves, say that they have outfits or units in about 125 embassies. This is on the publicly accessible websites.

MS. NULAND: Okay.

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QUESTION: Does that sound about right to you?

MS. NULAND: It does. I'm happy to check it against our data if that's helpful.

QUESTION: And it's about – there are roughly 200 or so --

MS. NULAND: About.

QUESTION: -- missions?

MS. NULAND: About. I will check both of those for you, Matt.

QUESTION: Victoria --

MS. NULAND: Said.

QUESTION: Yes. You said that some countries were trying to protect us rather enthusiastically or genuinely, suggesting that perhaps other countries were not. Let me ask you this question in that light. Do you attribute that the inaction or the slow action by the President of Egypt – do you attribute it to inexperience, or perhaps he was trying to play to the animosity of a popular sentiment?

MS. NULAND: Well, I'm obviously not standing here in a position to parse anybody's motives. I would simply say that we have seen in the past that – and the Egyptians themselves saw in the context of Tahrir Square – that as some of these events get out of hand, the police in Egypt have not been the strongest reed and it's ultimately taken military force to quell difficulties, whether they were Egyptian internal difficulties or whether they involved their Vienna Convention obligations.

So it was when we began to get military forces around the Embassy that we began to get the situation under control, and that's obviously a decision that is never an easy one for any government to make for the reasons that we've talked about here, but they did ultimately make it and we are feeling much better about the security now.

QUESTION: So you think that basically the problem is a result of the breakdown in the – let's say the security institution rather than just a political position?

MS. NULAND: I can't really parse it here, Said, but there are a lot of factors that go into this. We talked a little bit on Friday that governments across the region that used to be autocracies had one kind of a relationship with their military, and now they have a different kind of relationship with their security structures, with their military, with their police, and there are some growing pains here, obviously.

Please, Andy.

QUESTION: To follow up on that, sort of next door on Sudan over the weekend, there were reports on Sudan's state news agency that they had turned down our request to send Marines to beef up security around our Embassy Khartoum, whereas the Yemenis apparently let them in. Can you tell us what happened there? And is there ongoing discussion with the Sudanese about improving security in Khartoum?

MS. NULAND: Well, I'm obviously not going to speak to our internal deliberations with the Sudanese. I think I did release a little bit of a statement on Saturday, which frankly I don't have in front of me right now, Andy, about safety and security at our mission in Khartoum. But as you know, Khartoum was another mission

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where we directed our family members and our nonemergency personnel to leave. We had ordered departure on Saturday. There was external damage to the building, and we are continuing to work with the Sudanese to ensure that the response going forward is appropriate.

QUESTION: So you're not able to confirm from the podium that the Sudanese turned down the request for additional Marines?

MS. NULAND: I'm not going to get into our internal security deliberations for the Sudanese.

QUESTION: Well, are you comfortable with the level of security at the Embassy right now?

MS. NULAND: Our personnel and our facility is safe at the moment, but we are continuing to evaluate the security posture of Sudanese forces on a daily basis.

QUESTION: Victoria, just two things, one on Libya and one on Egypt. First on Egypt, my understanding is that Ambassador Patterson was out of Egypt at that time. I think she was here on September 10.

MS. NULAND: Correct.

QUESTION: Is it the case that on that day, September 10, staff at the U.S. Embassy in Cairo cabled Foggy Bottom alerting officials here to the effect the video was having and the likelihood for violent protests and was effectively ignored by Foggy Bottom?

MS. NULAND: Well, I'm first of all not going to speak about internal government telegrams, et cetera. What I will say to you is that we were well aware, both through Embassy monitoring of social media and other sources available to us, that this video was being used to whip up strong feelings in Egypt that could, in fact, lead to demonstrations. And it was on that basis that the charge took the precaution on the morning of September 11th, or even before they came into work, of having most of the Embassy staff stay home that day well before the protests even began. So when we had the difficulties, there was actually minimal staff in the building because we were already alerted and we had alerted the Egyptians as well.

QUESTION: Okay. And on Libya, again, mindful that you've already told me once today that you won't be in a position to say anything other than what Ambassador Rice disclosed --

MS. NULAND: You're going to try again anyway. Go ahead.

QUESTION: Simply on the basis of what Ambassador Rice has publicly disclosed, does the United States Government regard what happened in Benghazi as an act of terror?

MS. NULAND: Again, I'm not going to put labels on this until we have a complete investigation, okay?

QUESTION: You don't – so you don't regard it as an act of terrorism?

MS. NULAND: I don't think we know enough. I don't think we know enough. And we're going to continue to assess. She gave our preliminary assessment. We're going to have a full investigation now, and then we'll be in a better position to put labels on things, okay?

QUESTION: And what message will Secretary Clinton have? You mentioned that she's – that the Department is working with the Hill in large measure – I think it was in response to an earlier question about Egypt – what message will Secretary Clinton have for lawmakers when she sees them imminently?

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MS. NULAND: Well, obviously, we'll let her speak herself to members of Congress, but you can understand that they want to have a full assessment of what happened, what we know, what measures we took at the time, what measures we're taking going forward to continue to protect our personnel and our facilities. I think she, in general, has been heartened that so many members of Congress have reached out to say, "What do you need? How can we help?" So I think she'll want to talk about all of those things, but she'll also want to, I would guess – and we'll see where this goes and I'll speak to it after she does it – but as we've said here, to make clear, as Ambassador Rice also did over the weekend, that our assessment is that these people in all of these transitioning countries who have stood up for change and who have fought for change in their own countries, whether you're talking about Libya or Tunisia or Yemen or Egypt, don't want now to let some – a few mobs hijack their desire for a better future.

So America can't turn our back now on these countries. We have to continue and deepen and broaden our support so they have a better, more peaceful, more democratic future – a future where people who have grievances express them peacefully, express them to the ballot box rather than having protests turn angry and violent. So she will want to underscore that. She'll want to talk about it in terms of the programmatic support that we're asking for from the Hill.

QUESTION: Do you expect that she'll be able to answer any of their questions, or will she refer the lawmakers to the FBI's investigation and say that they're (inaudible)?

MS. NULAND: I can't speak to that, but obviously, we're all focused on ensuring the integrity of the investigation.

Goyal. Anything else on this part of the world?

QUESTION: (Inaudible) what you're saying about the Secretary's prospective message, given the – sort of the urgency of the situation as it's been demonstrated by these incidents, is there any chance that the State Department might up its request for aid for these countries?

MS. NULAND: I'm not going to speculate, Andy, at this point. We're looking at everything, obviously, but first and foremost at security.

Please.

QUESTION: What's your assessment of the degree of infiltration of al-Qaida in the Maghreb in Libya today?

MS. NULAND: You're asking me to make an intelligence assessment from this podium. I'm not going to do that. I'm sorry.

Goyal and then Samir. Goyal first and then Samir.

QUESTION: Nepal?

MS. NULAND: Nepal, my goodness.

QUESTION: Yes, ma'am. Since State Department has already revoked the terror designation of the Maoist government in Nepal, now what Nepalese are asking – what kind of U.S. help – asking to have a new government or continuing the democracy, and of the violence against so many governments there by the terrorists or Maoists in the past?

MS. NULAND: Was there a question in there, Goyal?

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QUESTION: Yeah. The question is now – that was the demand by the Maoists to remove – the U.S. should remove the terror designation in order to support the democracy and the constitution and the future government there.

MS. NULAND: Well, we've spoken about this before, and we will continue to talk to all forces in Nepal with regard to this, but I don't have anything new to give you today, if that's what you're asking.

Please, Guy.

QUESTION: Regarding --

MS. NULAND: Oh, Samir, I promised you. I apologize, Guy. Samir.

QUESTION: Go ahead.

QUESTION: There were lots of press reports in the weekend about Iran increasing its Revolutionary Guards and intelligence people in Turkey, Yemen, Syria, and Lebanon. Do you have anything on this?

MS. NULAND: I don't have anything specific, but you know that we have been concerned about Iranian activity not only with regard to Syria, with regard to its affiliations with Hezbollah, but the – an increase, an up tempo in general, but I don't have anything specific for you, Samir.

QUESTION: Speaking of Iran and Syria, can you offer any initial read on the meeting this weekend between President Assad and Lakhdar Brahimi?

MS. NULAND: I can't. My understanding is that Envoy Brahimi is going to finish the rounds that he is doing now before he begins consulting with the international community on his conclusions and his proposals going forward. So we are going to respect his desire to have a full round of consultations, and I'm expecting that we'll hear more from him next week when we're all in New York.

QUESTION: Apart from any security measures going on in Beirut, do you have any comment in general on the Hezbollah demonstrations?

MS. NULAND: I don't have anything new today. Hezbollah demonstrations over the weekend?

QUESTION: No, today.

QUESTION: Today.

MS. NULAND: I don't have it coming down. Let me see if I've got anything to give you later in the day.

QUESTION: On Iran and Syria, one more: There were some comments over the weekend acknowledging or appearing to acknowledge some – the presence of Revolutionary Guards in Syria. How do you view that, and I guess, does this validate some of the long suspicions that you've spoken about here about their role in the Syrian civil war?

MS. NULAND: Yeah. I mean, it didn't surprise us in the least. We've been saying for months and months and months that we're concerned about the involvement of Iran in Syria, and that this wasn't simply a matter of political support and economic support; it was a matter of fighters, it's a matter of materiel, and we are very concerned about it.

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QUESTION: I think that the commander who was quoted, he said the Revolutionary Guard weren't involved in direct military operations, but only advising, I think, and financial assistance. Do you have – do you think this has any credibility, this limited role as he described it?

MS. NULAND: Well, we are concerned, we continue to be concerned that it is about materiel, it is about training, it is about personnel in units. And I don't know where he draws the line, but clearly this is active and strong support for the Assad regime.

Said?

QUESTION: Toria, should the violence of the past few days against the embassies give the United States pause as it considers aiding the rebels in Syria, and what kind of forces that might emerge and take part in that country?

MS. NULAND: Well, Said, I think this speaks to the work that we've been doing for many months now to try to unify the opposition, internal and external, behind a transition strategy that is democratic, that is based on universal human rights, where there's a place for all Syrians, no matter who they are. And our concern remains that the longer this goes on the more the delicate fabric of Syria, with its many ethnic groups and confessions, tears and the more the institutions are destroyed. And this is why not only do we need to hasten the day that the bloodshed ends, but we need a strong, unified plan of the opposition so that we minimize the damage going forward.

QUESTION: Okay. But the common slogan among all these rebel groups or opposition groups in Syria seems to be – and it really rhymes beautifully in Arabic – it says, "Alawites to the grave, and Christians to Beirut." I mean, this seems to be the common thread between all these groups. Are you counting them against espousing such horrible and hateful sectarian slogans?

MS. NULAND: Well, you know we are and you know we have been. The code of conduct that the opposition groups put forward back in July has a very strong bill of rights to it, which speaks about the rights of all of the different groups of equal – of appropriate representation, all of those kinds of things. Even some of the FSA websites have talked about the importance of a Syria for all Syrians. And our message here from this podium, the Secretary's message, has been that anybody fighting in the name of the Syrian people has to be prepared to work for and support a Syria for all Syrians, where no group dominates another. We don't want to trade – and nor do the Syrian people – one set of authoritarian thugs for another set of authoritarian thugs. We need a Syria that represents all the Syrian groups, that protects all of their rights, that includes political participation for them and a place for them, and rule of law for all Syrians.

Please.

QUESTION: Can I ask you to just step back and take a 30,000 foot view for a moment here? On Friday, the people who read what we write and who watch us on TV and who listen to us on the radio and who are not foreign policy experts but just ordinary American – who, by the way, happen to be in the middle of a presidential election season – see on their screens 33 different locales across the world, stretching from Western Europe to South Asia, where either U.S. embassies or American citizens, American diplomatic personnel or Western fast food chains and the like are under attack.

And this prompted two lines of thought that I would like you to address. Number one is that the United States – its position in the world is diminished from where it would have been, say, four years ago because we're under attack. Our standing is obviously diminished because our adversaries around the world feel free to attack us. And the second point that I'd like you to address is the notion that President Obama, with his Cairo speech and

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his outreach to the Arab Muslim world, that that has failed, or that it's been rejected in some core sense when the locales that we're talking about are all Arab Muslim locales.

MS. NULAND: Well, I'm going to start, since you are an infrequent visitor to our briefing room here, by reminding you that we don't do politics here. We represent this Department in its --

QUESTION: I didn't ask you any political questions.

MS. NULAND: I understand. But you're talking about calendar cycles in this country. So I'm just going to lay that marker down, just to remind you of what we do here.

Let me also remind you that, sadly, this is not the first time, as Ambassador Rice made clear, that we've seen acts of violence erupt in many parts of the world in response to insults against Islam, insults against other religions. And they are often difficult to contain. But the larger point – and this goes to the vision that the President laid out in Cairo – is that in every one of these places that has had a democratic transition, that has had a change, we are seeing the governments standing up and rejecting this violence, rejecting the extremism that these represent, calling on people to respect rule of law, calling on people to express their grievances through the ballot box, through the newly available democratic principles, and that's good for America.

It is good for America that so many of these people now have the right and the ability to express their concerns, express their grievances through real politics, through peaceful means. That doesn't mean that we – that those governments have convinced everybody to use those available methods, but at least we have relationships with governments across North Africa and the Middle East that are democratically elected, that represent people, that are accountable to people, that have to deliver peace, justice, security, prosperity. This is not going to be easy. They have a long road to go. But it underscores the importance of Americans and this country standing with those who want to live as we do. Because democratic countries make better allies and friends of America.

QUESTION: So, wait. There are just two – there were two points, and I'm still waiting for you to address them. Number one is address the notion that this reflects diminished U.S. influence that we could come under attack like this. And the second is that the President's outreach policy, starting with his great Cairo speech and so forth, has obviously failed. I didn't say I'm agreeing with those points of view, but I've asked – they're out there, and you're well aware of that, and I'm asking you to address them.

MS. NULAND: I --

QUESTION: Is our influence stronger? Is this evidence of that? And number two, has President Obama's outreach policy to the Arab Muslim world been a success?

MS. NULAND: I addressed the second part of that question in making clear that we are now standing with governments across this region that are freely elected, that have to be accountable to their people, and that is better for us than where we were before this Arab Spring. But we can't abandon these people now, particularly because they are facing extremism in their midst; they are facing folks who want to roll back the clock inside their countries and between their countries. And that's all the more reason why we have to continue to work with them.

America, sadly, for decades has been the victim of violence. You can look at the Beirut bombings of the '80s; you can look at terrorist attacks ever since September 11th. We all wish this weren't the case, but these are people who obviously don't believe what we believe, which is that if you have grievances, if you feel insulted, you address them politically, you address them peacefully. And we all have to stand together as an international community against grievance being expressed through violence, through terror, and we will continue to do that.

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Please.

QUESTION: I'm just curious, one, if the Secretary has made any additional calls since the ones that you read out on Saturday, since then. And two, I noticed that her schedule for today said she was involved in internal meetings in the Department. Do any – are you aware if any of these meetings have to do with this – with the situations, and could you offer us – give us any details, who she might be meeting, if in fact she is talking about the situation, who it is that she's --

MS. NULAND: Yeah. She also spoke with the King of Morocco on Sunday. That call was very much in line with the other calls that she had. The King expressed his condolences, his concern, our commitment to continue to work together for peace, security, justice in that part of the world. As you know, we had had the – our bilateral talks with the Moroccans earlier in the week, so they also had a chance to review those talks.

With regard to her meetings today, she has had an update from her team, but she's been updated regularly all weekend long. And she has also continued to direct the continued review of the security posture at all of these missions.

QUESTION: Change of --

MS. NULAND: Please, Guy, finally, mister patient.

QUESTION: Regarding Suu Kyi's visit to Washington this week, could you give us an indication as to the likelihood that the United States will or will not announce a full lifting of the ban on Myanmar's imports to the United States during her visit? Is that being considered?

MS. NULAND: I don't have anything new to announce for you here, Guy. I think you know that we have Daw Suu Kyi in Washington. I think it's beginning tomorrow, and she'll see the Secretary, and then she'll go up to New York and she'll be traveling around the country. She'll be making a lot of her own statements here. We also are expecting President Thein Sein in New York for the UN General Assembly. We'll have a chance to meet with him there. But I'm not in a position to predict whether we're going to take any new steps on Burma this week or next.

QUESTION: Would it be fair to suggest that with the release of the last 400-odd political prisoners today that that might make the possibility of the removal of sanctions likelier or less likely?

MS. NULAND: Well, Ros, we've seen the press announcements that we have 514 prisoners granted amnesty today. But as in the past, until we get a chance to review the lists and understand who it is, we're not even in a position to confirm whether any of these guys were political. So we, obviously, need some time to do that, and we will continue to work closely with the Burmese to verify exactly who we're talking about.

QUESTION: How substantive are – is this building expecting discussions between Daw Suu Kyi and the U.S. Government when it comes to trying to support and expand financial, educational, and non-profit ties between the two countries, absent any decision on these remaining sanctions?

MS. NULAND: Well, as you know, she's been a very strong voice for continued ties between our country for education, for reform, all those kinds of things. The Secretary takes counsel with her whenever she can, and I think that'll be – that they'll have another opportunity for that tomorrow.

QUESTION: Can we stay --

QUESTION: Can I take a larger picture on this?

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MS. NULAND: Yeah.

QUESTION: Especially in light of what has been happening in the Middle East and North Africa in the past 18 months or so, this whole process of reconciliation, as it were, with Burma has been going on since the mid-2000's, and it's been a very slow, deliberate process after a ramp-up of economic and political sanctions. Does the go-slow approach that was started in the Bush Administration and continued by this Administration to see improvements in the political climate there – is that the model that this building is using for all of the political changes that are happening now in the Middle East and North Africa? And if that's not an accurate analogy, why isn't it?

MS. NULAND: Well, first of all, I think I'm going to take issue with your premise, Ros. The changes and reform steps that we've seen in Burma in the last year are qualitatively and quantitatively broader and deeper than we had seen at any time before, with the allowing of Suu Kyi's party to run, with release of prisoners, with the outreach to all of the minority groups. There's obviously a lot more to be done, and we will talk to both Daw Suu Kyi and to President Thein Sein about that going forward.

I am always – I think we are as a Department always loathe to make comparisons across regions, across cultures, even across countries, because every place has its own history, has its own back story, if you will. And every emerging and changing transitional country has to find its own way. What we do is to stand on basic principles that are rooted in our own history that human rights of all have to be protected, rule of law has to be protected, and all citizens deserve the right to pick their own leaders.

QUESTION: So can we stay in Asia?

MS. NULAND: Yes.

QUESTION: Last --

QUESTION: Can we stick with Burma, just one last one?

MS. NULAND: Yeah. Finishing Burma.

QUESTION: You said that – you said "we'll have a chance to meet" with Thein Sein in New York. I mean, obviously we'll have a chance to meet a lot of different people up there. Do you actually expect senior U.S. Government officials to meet him on the sidelines of UNGA?

MS. NULAND: I would expect so, yes, as we have in the past.

QUESTION: And the Secretary or somebody --

MS. NULAND: Is that a picture of me you've got there going there, Guy? (Laughter.) We'll see if it's sufficiently flattering, right? (Laughter.)

QUESTION: The Secretary or somebody else?

MS. NULAND: Burma is boring him today.

I'm not prepared to announce her appointments yet, Arshad. As you know, we will as soon as we can.

QUESTION: Okay.

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QUESTION: So can we stay in Asia just for a second?

MS. NULAND: Yes.

QUESTION: So several times last week, you declined or didn't want to talk about the situation between China and Japan. Things got a little bit more dicey Friday and over the weekend. I'm wondering if you – especially because Secretary Panetta is due there tomorrow – if you would like to talk – say anything today about the situation.

MS. NULAND: Well, Secretary Panetta has already made some pretty strong statements over the course of the weekend. He's made clear that we are concerned. We're concerned about the escalation of tensions. We've said that before. We said it when the Secretary was in Vladivostok and on her own Asia trip some – when was that? Just a week ago, right? And we are going to continue to counsel Japanese leaders and Chinese leaders to talk to each other and try to work through these issues through dialogue.

QUESTION: Are you saying that Secretary Panetta has got the lead diplomatic role on this, then?

MS. NULAND: Secretary, as you know, saw both President Hu --

QUESTION: No, no. I'm talking about Secretary --

MS. NULAND: -- and Prime Minister Noda.

QUESTION: No, I understand that. But I mean --

MS. NULAND: My point was simply that he reiterated some of the concerns that the Secretary had articulated when we were there, so our concern remains, and we want to see these countries work together.

Andy.

QUESTION: Different topic. Just -- we have reports now out of Brussels, I guess, that Catherine Ashton is going to meet Jalili in Istanbul tomorrow. They're describing this as not a negotiation round but sort of just a catch-up session. I'm wondering if you have any thoughts on what you hoped might come out of this particular meeting. Is there a sense that we could get back to a negotiating session at some time? Is that dependent on something that might happen in this meeting?

And given your sort of blanket assessment on Iran as sort of a negative actor in the region, why is it worthwhile going at it with them on this issue now when they're sort of not being constructive on anything else?

MS. NULAND: Well, this is an effort before we are all at the UN General Assembly next week to see where the Iranians are on the nuclear file. You remember that we had said after the last round, and the Secretary said when we were in the Middle East at the end of the summer, that we hadn't seen a strong enough proposal from the Iranian side, that we wanted them to go back and work on it, that we didn't think that there was any ambiguity about what the P-5+1 was looking for. So this is an opportunity for Lady Ashton, on behalf of the P-5+1, to see what the Iranians are thinking. And then we do anticipate that the P-5+1 itself, minus Iran, will have a chance to consult on the basis of that information when we're in New York next week.

QUESTION: I thought she used the term nonstarters at the time.

MS. NULAND: That was the word that was used, nonstarter.

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QUESTION: So what has happened since then that would suggest a starter has been – that a starter has emerged?

MS. NULAND: Well, that's the question that we have. We made clear that what they had put on the table was a nonstarter; are they prepared to bring anything new?

QUESTION: Right, but they can call you, they can write you whenever they want. What's the purpose of this meeting to go there and ask them? I mean --

MS. NULAND: Well, they're meeting --

QUESTION: -- they're in the position where they should be complying with their international obligations, correct?

MS. NULAND: Well, we're going the extra mile to offer them a face-to-face meeting to see what's up.

QUESTION: Does that suggest that you might be open to a P-5+1 meeting with the Iranians in New York?

MS. NULAND: There is no plan for that, based on what we know right now.

QUESTION: And the P-5+1 meeting that you expect to take place in New York, do you expect that to be a ministerial or a political directors --

MS. NULAND: We haven't decided yet, Arshad.

QUESTION: Pakistan?

MS. NULAND: Goyal. Yeah.

QUESTION: Two-part question. One, in Geneva, World Council of Churches, they issue a statement and are blaming Pakistan not taking care or protecting the minorities, including Christians, Sikhs, and Hindus in Pakistan. And the statement also said that the minorities in Pakistan still live under fear and they are forced to leave the country. Anything the U.S. is doing regard this?

MS. NULAND: I don't have anything particularly new to give you today, Goyal. You know that we work on these issues with our Pakistani colleagues and our Embassy in Islamabad, we speak about them in our Human Rights Report, and we'll continue to have those conversations.

QUESTION: And finally, one more. Unrelated question in – on Pakistan: You must have seen the video from Mr. Warren Weinstein. It's been one year now anniversary that he is still in the captivities of the terrorists under the leadership of al-Zawahiri. And his wife is making a plea on his behalf that – why it had taken so long for the U.S. and Pakistan, why Pakistan is not helping to release his – her husband.

MS. NULAND: Well, you know we share her concerns. We don't think he did anything wrong. He deserves to be released. We continue to work on this case, and we will maintain vigilance with regard to it.

QUESTION: Thank you.

MS. NULAND: Margaret.

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QUESTION: Any update on the Benghazi attack survivors?

MS. NULAND: What I have is that they are still interested in maintaining their privacy, Margaret. If that changes, I'll let you know.

And in the back.

QUESTION: Oh, yes. Ms. Nuland, the tensions seem to be rising or ratcheting up between China and Japan over the Senkakus problem, but hasn't the neutrality of the U.S. a little bit led to this situation? And why did the neutrality position get adopted in the first place?

MS. NULAND: Well, I think I've already spoken to the Senkakus issue today. I don't have anything else to add to what I already said about our concern and our urging of dialogue between the two sides.

QUESTION: How about some comment about the thousand vessels on the way to the waters of the Senkakus? That's a major change.

MS. NULAND: I think I've said what I have on that subject today.

Thanks very much, everybody.

(The briefing was concluded at 2:48 p.m.)

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EXHIBIT 4

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From: [redacted]
Sent: Monday, September 17, 2012 8:16 AM
To: [redacted]
Subject: FW: TRANSCRIPT: FOX News Sunday / Susan Rice, U.S. Ambassador to the United Nations

Classification: UNCLASSIFIED
SMARTCategory: Working
SMARTClassificationData:


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This email is UNCLASSIFIED.

From: Nuland, Victoria J
Sent: Sunday, September 16, 2012 2:36 PM
To: [redacted]
Subject: Fw: TRANSCRIPT: FOX News Sunday / Susan Rice, U.S. Ambassador to the United Nations

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From: [redacted]
Sent: Sunday, September 16, 2012 12:00 PM

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To: [redacted]; Nuland, Victoria J
Subject: Fw: TRANSCRIPT: FOX News Sunday / Susan Rice, U.S. Ambassador to the United Nations

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From: [redacted] (USUN)
Sent: Sunday, September 16, 2012 11:02 AM
To: Rice, Susan E (USUN); DiCarlo, Rosemary A (USUN); [redacted] (USUN); [redacted]; [redacted], [redacted] (USUN); [redacted] (USUN); [redacted] (USUN); [redacted] (USUN); [redacted] (USUN); [redacted], [redacted] (USUN); [redacted]; [redacted] (USUN); [redacted] (USUN); [redacted] (USUN); [redacted] (USUN); [redacted] (USUN); [redacted] (USUN); [redacted] (USUN); [redacted] (USUN); [redacted] (USUN); [redacted]; [redacted]; [redacted] (USUN); USUN/W users-DL; USUN-MiddleEast-DL; USUN-Libya-DL
Cc: USUN-Media-Officers
Subject: TRANSCRIPT: FOX News Sunday / Susan Rice, U.S. Ambassador to the United Nations

FOX News- Sunday: Susan Rice, U.S. Ambassador to the United Nations

WALLACE: And hello again from FOX News in Washington.

We'll talk with Ambassador Rice and Chairman Rogers in a moment. But, first, here is the latest on the situation overseas:

Protesters have attacked U.S. targets in more than 20 nations. Citing concerns over security, the State Department ordered all nonessential U.S. government personnel to leave Sudan and Tunisia. And in Benghazi, Libya, there are reports of more arrests in the attack that killed four Americans, including Ambassador Chris Stevens.

For more on the continuing unrest, let's bring in correspondent Leland Vittert, who is in Cairo, Egypt -- Leland.

(BEGIN VIDEOTAPE)

LELAND VITTERT, FOX NEWS CORRESPONDENT: In cities across the Middle East, there is now a tense calm that has taken over here in Cairo. Hundreds if not thousands of riot police ready on standby in case violence breaks out, once again. For four days, it was a pitched fight between protesters on the street throwing Molotov cocktails and hurling rocks and then police firing back with rubber bullets and tear gas.

The protesters carrying posters of Osama bin Laden and chanting, "Obama, Obama, we are all Osama."

In Tunis, Tunisia, U.S. citizens have been advised to evacuate the country and/or not travel to Tunisia after violence swept there that killed four people when protesters stormed the U.S. embassy.

The government of Sudan, we're hearing, has denied entry to a Marine Special Operations team that was deemed sent to secure the U.S. embassy after a local sheikh called for mass protests in that country which resulted in thousands storming the embassy and security forces opening fire to try and push back the protesters.

Al Qaeda in the Arabian Peninsula has issued a communique urging more attacks. And here in Cairo, local media reports, there was a credible threat against the U.S. embassy here. Security is at an unprecedented level, with 15-foot tall concrete barriers erected on every one of the entranceways down to the U.S. embassy compound. We took a walk around earlier and outside the barricades, the protesters made their message clear, spray-painted in English "USA go to hell."

Chris, back to you.

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(END VIDEOTAPE)

WALLACE: Leland Vittert reporting from Cairo -- Leland, thanks for that.

Joining us now our ambassador to the United Nations, Susan Rice.

Ambassador, welcome back to FOX NEWS SUNDAY.

RICE: Thank you.

WALLACE: This week, there have been anti-American protests in two dozen countries across the Islamic world. The White House says it has nothing to do with the president's policies.

Let's watch.

(BEGIN VIDEO CLIP)

JAY CARNEY, WHITE HOUSE PRESS SECRETARY: This is not a case of protests directed at the United States writ large or at U.S. policy. This is in response to a video that is offensive.

(END VIDEO CLIP)

WALLACE: You don't really believe that?

RICE: Chris, absolutely I believe that. In fact, it is the case. We had the evolution of the Arab spring over the last many months. But what sparked the recent violence was the airing on the Internet of a very hateful very offensive video that has offended many people around the world.

Now, our strong view is that there is no excuse for violence. It is absolutely reprehensible and never justified. But, in fact, there have been those in various parts of the world who have reacted with violence. Their governments have increasingly and effectively responded and protected our facilities and condemned the violence and this outrageous response to what is an offensive video. But there is no question that what we have seen in the past, with things like satanic verses, with the cartoon of the Prophet Muhammad, there have been -- such things that have sparked outrage and anger and this has been the proximate cause of what we've seen.

WALLACE: Now, it may have sparked it but you critics say that the outpouring of outrage against the U.S. has everything to do with the U.S. policies, that we are disengaging from that part of the world, that we pulled out of Iraq, we are pulling out of Afghanistan, that Iran is continuing on with its nuclear program. And they say, our critics, that our allies no longer trust us, and our enemies no longer fear us.

RICE: Well, Chris, that's just false. And let's be plain -- our partners and allies have responded effectively and promptly when we have asked them to protect our facilities and our people.

WALLACE: Well, let's -- it took three days in Cairo.

RICE: Well -- and what happened initially in Cairo was not sufficiently robust when President Obama picked up the phone and spoke to the President Morsi, right away things changed. And that's an evidence of our influence and our impact.

And what happened was that the authorities in Egypt have been very robust in protecting our facilities, not just in Cairo, but elsewhere in the country. President Morsi has issued repeated condemnations of the violent response and called for calm. And we have seen the same thing in Yemen, in Libya, in Tunisia and many other parts of the world.

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WALLACE: Why are we asking all nongovernmental personnel to leave Sudan and Tunisia?

RICE: Well, first of all, we're not asking all non-governmental personnel.

WALLACE: All non-essential governmental personnel.

RICE: What we have done on a selective basis, where we assess that the security conditions necessitate is to temporarily have family members and non-essential personnel depart the country. That's something we do all over the world when security circumstances warrant. It's short-term, it's temporary and it's prudent.

And we do it, Chris, because we obviously prioritize. The president has been very clear his number one priority is the protection of American personnel and facilities.

WALLACE: So do you think we're turning the corner here?

RICE: Well, Chris, I think, first of all, we have seen in the past outrage and unfortunately violent outrage which is condemnable and never justified. It may, indeed, occur in other circumstances. There is no predicting exactly what the trajectory of this is. Obviously, the last couple of days have been some what better. But we are vigilant and we are of the view that is not an expression of hospitality in the broadest sense towards the United States or U.S. policy. It's approximately a reaction to this video and it's a hateful video that had nothing to do with the United States and which we find disgusting and reprehensible.

WALLACE: You talk about our influence and impact in the region. Our closest ally in the region, Israel, clearly doesn't feel that we are supporting them when it comes to confronting Iran. In fact, this past week, Prime Minister Netanyahu blasted the U.S. for its failure to set the same red lines as he has in terms of stopping Iran's nuclear program.

Let's watch what the prime minister said.

(BEGIN VIDEO CLIP)

BENJAMIN NETANYAHU, ISRAELI PRIME MINISTER: The world tells Israel, wait, there is still time. And I say, wait for what? Wait until when?

Those in the international community who refuse to put red lines before Iran don't have a moral right to place a red line in Jerusalem.

(END VIDEO CLIP)

WALLACE: And when Netanyahu requested a meeting the president, said he was too busy to meet with him.

RICE: Let me address --

WALLACE: Let me ask a question, if I may.

RICE: I thought you had. I'm sorry.

WALLACE: Well, no, I haven't. They'll be a question mark at the end.

Is that how we treat our best friend in the region?

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RICE: Well, let me answer that question in three parts. First of all, the overall relationship with Israel. As Prime Minister Netanyahu and Defense Minister Barak have repeatedly said, the intelligence and security relationship between the United States and Israel at present is unprecedented. It has never been stronger. That's -- those are their words.

So, that's the overall nature of our relationship, very strong -- stronger than ever.

Secondly, with respect to Iran. The United States, President Obama has been absolutely crystal clear that the United States will not allow Iran to acquire a nuclear weapon and we will do what it takes to prevent that from happening. All options remain on the table. The president has been very clear about that and that includes the military option. This is not a policy of containment, Chris. As the president has repeatedly said, it's a policy to prevent Iran from acquiring a nuclear weapon. That is the bottom line or as the prime minister prefers to call it, a red line. That's the bottom line.

Now, we have also said and I think we are in constant communication with Israeli security and intelligence and policy officials that we still think that there is team through economic pressure which is unprecedented as well. Iran's economy is now shrinking by 1 percent a year. Its oil production is down 40 percent. Its currency has plummeted 40 percent just in the last several months as sanctions have gone into fullest effect.

We think there is still time and space for that pressure to yield a result. The bottom line, Chris, is the only way to permanently end Iran's nuclear program is if it decides to give that program up.

RICE: Now, the most solemn decision that a president can ever take is a decision to go to war. And President Obama's view is we will do what it takes it. But before we resort to the use of force, let us be sure we have exhausted other means including sanctions, pressure and diplomacy to ensure that Iran fully and finally gives up its nuclear weapons.

WALLACE: Let's talk in the time we have left about the --

RICE: You asked about the visit --

WALLACE: We have limited time. I'm happy -- if you want to go along, I'm happy to as well.

RICE: I don't want to leave that hanging. That was the third point I wanted to address.

As you know, the president is coming up to the General Assembly in New York at the United Nations. He'll be there in the beginning of the week, Monday and Tuesday. Prime Minister Netanyahu is coming toward the end of the week. Their schedules don't match. There is no opportunity for them to meet in the U.S.

WALLACE: The prime minister would be willing I'm sure to go. And in fact there are suggestions from the Israelis to go to Washington.

RICE: Well, the prime minister hasn't asked for a meeting in Washington, Chris.

(CROSSTALK)

WALLACE: If you watched what he just said, he said that countries that don't set red lines don't have the moral authority to put red lines on Israel. That doesn't sound like a happy ally, Ambassador.

RICE: Well, first of all, we are close partners and friends and always will be. That is an enduring aspect of the U.S.-Israeli relationship.

WALLACE: Why did the president call Prime Minister Netanyahu in the middle of the night and talk for an hour?

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RICE: Precisely because they are friends, and when friends need to say something to each other, they pick up the phone and talk and they talked for an hour. It was a good conversation and it's in the nature of our relationship that these two partners speak to one another regularly.

We have no daylight between us on the issue of preventing Iran from acquiring a nuclear weapon. That is our clear bottom line and the president could not be any plainer about it.

WALLACE: Let's talk about the attack on the U.S. consulate in Benghazi this week that killed four Americans, including Ambassador Chris Stevens.

The top Libyan official says that the attack on Tuesday was, quote, his words "preplanned". Al Qaeda says the operation was revenge for our killing a top al Qaeda leader.

What do we know?

RICE: Well, first of all, Chris, we are obviously investigating this very closely. The FBI has a lead in this investigation. The information, the best information and the best assessment we have today is that in fact this was not a preplanned, premeditated attack. That what happened initially was that it was a spontaneous reaction to what had just transpired in Cairo as a consequence of the video. People gathered outside the embassy and then it grew very violent and those with extremist ties joined the fray and came with heavy weapons, which unfortunately are quite common in post-revolutionary Libya and that then spun out of control.

But we don't see at this point signs this was a coordinated plan, premeditated attack. Obviously, we will wait for the results of the investigation and we don't want to jump to conclusions before then. But I do think it's important for the American people to know our best current assessment.

WALLACE: All right. And the last question, terror cells in Benghazi had carried out five attacks since April, including one at the same consulate, a bombing at the same consulate in June. Should U.S. security have been tighter at that consulate given the history of terror activity in Benghazi?

RICE: Well, we obviously did have a strong security presence. And, unfortunately, two of the four Americans who died in Benghazi were there to provide security. But it wasn't sufficient in the circumstances to prevent the overrun of the consulate. This is among the things that will be looked at as the investigation unfolds and it's also why --

WALLACE: Is there any feeling that it should have been stronger beforehand?

RICE: It's also why we increased our presence, our security presence in Tripoli in the aftermath of this, as well as in other parts of the world. I can't judge that, Chris. I'm -- we have to see what the assessment reveals.

But, obviously, there was a significant security presence defending our consulate and our other facility in Benghazi and that did not prove sufficient to the moment.

WALLACE: Ambassador Rice, we thank you so much for coming in today and discussing the fast-moving developments in that part of the world. Thanks so much.

RICE: Thank you for having me.

WALLACE: Up next, the head of the House Intelligence Committee, Mike Rogers, with the latest on who was behind that deadly attack on our diplomats.

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EXHIBIT 5

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[redacted]

From: arshad.mohammed@thomsonreuters.com
Sent: Tuesday, September 11, 2012 6:16 PM
To: [redacted] Nuland, Victoria J
Cc: [redacted]
Subject: RE: Libya - any comment?

Many thanks.

Arshad Mohammed
U.S. Foreign Policy Correspondent
[redacted](mobile)
+1 202 898 8393 (office)

From: [redacted] [mailto: [redacted] @state.gov]
Sent: Tuesday, September 11, 2012 6:15 PM
To: Mohammed, Arshad A. (Reuters News); Nuland, Victoria J
Cc: [redacted]
Subject: RE: Libya - any comment?

Standby should have something for you shortly

This email is UNCLASSIFIED.

From: arshad.mohammed@thomsonreuters.com [mailto:arshad.mohammed@thomsonreuters.com]
Sent: Tuesday, September 11, 2012 6:12 PM
To: Nuland, Victoria J
Cc: [redacted]
Subject: Libya - any comment?

17:40 11Sep12 -UPDATE 1-Clashes at U.S. consulate in eastern Libyan city
(Adds quotes, details)

BENGHAZI, Libya, Sept 11 (Reuters) - Gunmen and security forces clashed at the U.S. consulate office in the eastern Libyan city of Benghazi on Tuesday as the armed group protested over a film being produced in the United States, a security official said.

The incident followed a protest in neighbouring Egypt where demonstrators scaled the walls of the U.S. embassy, tore down the American flag and burned it during a protest over what they said was a film that insulted Prophet Mohammad. [ID:nL5E8KBKMO]

"There are fierce clashes between the Libyan army and an armed militia outside the U.S. consulate," Abdel-Monen Al-Hurr, spokesman for Libya's Supreme Security Committee, said.

"The U.S. consulate's security guards inside the building fired at the militia as it was trying to enter and attack it."

He said roads had been closed off and security forces were surrounding the building. He said the clashes were outside the consulate building.

"There is a connection between this attack and the protests that have been happening in Cairo," Hurr said.

"They are trying to take advantage of the security situation in Libya and cause more instability in the country."

Reuters reporters at the scene said they could hear shooting and one explosion coming from the closed-off area. Rising smoke could also be seen.

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A U.S. embassy source said there had been "an attack" on the diplomatic office in Benghazi, but gave no further details.

Benghazi, the cradle of last year's uprising against Muammar Gaddafi, has been hit by several bombings and attacks on international convoys and organisations as well as some Western missions.

In June, an explosive device was dropped from a passing car outside the offices of the U.S. diplomatic mission. The blast that followed slightly damaged the gate in front of the building. A week later, a British embassy convoy was hit about 300 metres from the British consulate office in the city.

(Reporting By Ahmed al-Rubaie and Omar Al-Mosmary in Benghazi; Ali Shuaib, Hadeel Al-Shalchi and Marie-Louise Gumuchian in Tripoli; Editing by Michael Roddy) ((Hadeel.AlShalchi@thomsonreuters.com)(Office: +218-21-336-4041, mob: -[redacted])(Reuters Messaging: Hadeel.AlShalchi.thomsonreuters.com@reuters.net))

Keywords: LIBYA US/EMBASSY

Tuesday, 11 September 2012 17:40:54RTRS [nL5E8KBMJ0] {C}ENDS

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[redacted]

From: Chomiak, Catherine (NBCUniversal) [Catherine.Chomiak@nbcuni.com]
Sent: Tuesday, September 11, 2012 7:22 PM
To: Nuland, Victoria J; [redacted]
Subject: American killed in Libya?

We are seeing this from APF sourcing Libyan official - can you confirm? Any details?

From AFP

BENGHAZI, Libya - A US official was killed and another wounded on Tuesday as an armed mob protesting over a film they said offended Islam attacked the US consulate in Benghazi, an official told AFP.
Libya's deputy interior minister Wanis al-Sharef said: "One American official was killed and another injured in the hand. The other staff members were evacuated and are safe and sound." He could not say if the dead man was a diplomat.

Sent using BlackBerry

Catherine Chomiak
NBC News
State Dept.: (202)885-4359
Mobile: [redacted]
Catherine.Chomiak@nbcuni.com

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INTERVIEW OF GENE A. CRETZ

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, JULY 31, 2015

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

DANA CHIPMAN, *Chief Counsel*
SHARON JACKSON, *Deputy Chief Counsel*
SHERIA CLARKE, *Counsel*
HEATHER SAWYER, *Minority Chief Counsel*
PETER KENNY, *Minority Senior Counsel*
KENDAL ROBINSON, *Minority Detailee*

FOR THE U.S. DEPARTMENT OF STATE

AUSTIN EVERS, *Senior Advisor*

Ms. Clarke. This is a transcribed interview of Ambassador Gene Cretz as 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.

Mr. Ambassador, would you please state your name for the record?

Mr. Cretz. Gene A. Cretz.

Ms. Clarke. And the committee appreciates your appearance at this interview. My name is Sheria Clarke, and I'm with the committee's majority staff, and we'll just take a moment to go around the room and have everyone introduce themselves.

Mr. Cretz. Okay.

Ms. Jackson. And I'm Sharon Jackson. I'm also with the majority staff. Good morning to you.

Mr. Chipman. I'm Dana Chipman with the majority staff as well.

Ms. Robinson. Kendal Robinson with the minority staff.

Ms. Sawyer. Heather Sawyer with the minority staff.

Mr. Kenny. Peter Kenny with the minority staff.

Mr. Evers. Austin Evers, State Department.

Ms. Clarke. Thank you. Before we begin, I'd like to go over the ground rules and explain how the interview will proceed. Generally, the way the questioning has proceeded is that a member of the majority will ask questions for up to an hour and then the minority will have an opportunity to ask questions as well.

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

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 can't be resolved during the interview, we may need to request that the witness 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 I want to make sure you're aware --

Mr. Cretz. Uh-huh.

Ms. Clarke. -- of the process.

As you know, we are in a room that is cleared up to top secret level. The way that we'll proceed today is we hope to begin in an unclassified setting, so we'll ask you questions that are unclassified. If for any reason you feel that the answer to that question needs to be classified, just let us know, and then we'll take an opportunity to address it at a later time during our interview.

Mr. Cretz. Okay.

Ms. Clarke. You're welcome to confer with your counsel at any time throughout the interview. If something needs to be clarified, you just -- we ask that you make that known. If you need to discuss

anything with your counsel, we'll go off the record and stop the clock to provide you this opportunity.

We also would like to take a break whenever it's convenient for you. This can be after every hour of questioning or after a couple of rounds, whichever you prefer. If you need anything, a glass of water, coffee, just let us know, and we'll be sure to get you some.

Mr. Cretz. Great.

Ms. Clarke. We want to make this process as easy and as comfortable for you. As you can see, an official reporter is taking down everything said today, 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 step in if she sees that you, or either I or you are not giving verbal responses.

We should also both 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, so we'll take our time and repeat or clarify our questions if necessary. And if you have any questions, again, you know, feel free to stop us to clarify those.

If you don't know the answer to a question or you don't remember, it's best not to guess. Just give us your best recollection, and if there are things you don't know or don't remember but you have -- you know someone that may be able to inform us of those answers, if you'll provide those names, we appreciate that.

Mr. Cretz. Uh-huh.

Ms. Clarke. You are required to answer questions from Congress

truthfully. Do you understand that?

Mr. Cretz. Yes.

Ms. Clarke. This also applies to questions posed by congressional staff in a interview. Do you also understand that?

Mr. Cretz. Yes.

Ms. Clarke. Witnesses that knowingly provide false testimony could be subject to criminal prosecution for perjury for making false statements. Do you understand that?

Mr. Cretz. Yes.

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

Mr. Cretz. No.

Ms. Clarke. All right. That's the end of my preamble.

Does the minority have anything they want to add?

Ms. Sawyer. Not at this time. Thanks.

Mr. Evers. Can we go off the record for just a quick second?

Ms. Clarke. Yes.

[Discussion held off the record.]

Ms. Clarke. And the time now is 10:12, so we'll begin with our first hour of questioning.

EXAMINATION

BY MS. CLARKE:

Q Mr. Ambassador, can you just give us a brief professional overview of your professional background with the State Department?

A Sure. I joined the State Department in 1981. I've served

overseas in Islamabad, Damascus twice, New Delhi, Tel Aviv twice, Beijing, Cairo, Libya, and Ghana. I was also -- in the State Department, I served as a staff assistant to the NEA bureau, tour in the operation center. I was an officer for the IOUNP office, which is the International Organization's United Nations Political Affairs, and I also served as a Deputy Assistant Secretary of State during the time I was waiting for confirmation for my ambassadorship to Libya, and I served as ambassador to Libya and to Ghana, and I just retired 1 month ago.

Q Congratulations on your retirement, and thank you for your service to our country.

So I just wanted to talk with you kind of what -- about what the reporting structure is like within the State Department for an ambassador. When you are an ambassador to the -- to a country, who do you report to? Do you report directly to individuals within the NEA bureau? Do you report to -- directly to senior leadership? Could you kind of describe that reporting structure?

A Yeah. Normally, we report directly to the Assistant Secretary for the Bureau.

Q And are there instances where you would report outside of that reporting structure?

A Rarely, but it can occur.

Q And what -- what types of incidents will require you to report outside of that structure?

A Well, if there was a, for example, on a farewell message,

for example, as an ambassador departing a country, I would normally address my last cable to the Secretary. But beyond that, very rarely would there be a -- an instance where we would not at least start the chain of reporting with the Assistant Secretary.

Q If there were -- if you started a chain of reporting with the Assistant Secretary, but that information needed to go further, would that be something in your role as ambassador that you would provide or would the Assistant Secretary provide -- send that information further?

A We could recommend to the Assistant Secretary that they -- that they bring this higher if they weren't going to, for example. I mean, we have ways to make sure that our reporting gets as -- the kind of high-level attention that we want it to.

Q And what -- what are some of those ways?

A Well, there's a -- it's been very rare in my career, quite honestly --

Q Okay.

A -- that an Assistant Secretary would not push forward information that I had recommended go to a higher level. I think, really, in the State Department, generally, probably happens very rarely that an ambassador and a Assistant Secretary would differ on that particular issue.

Q What about coordination with other executive branch agencies? In your role as ambassador, are you involved with coordinating information between other agencies?

A Yes.

Q And can you kind of describe what that coordination would normally look like?

A Are you talking in an embassy setting?

Q As an ambassador, yes.

A Yeah.

Q Whether in the embassy setting, what is your -- how do you coordinate or interact with other agencies such as NSS, DOD, et cetera?

A We have a country team. We operate on a country team basis, which basically involves all the heads of agencies and heads of departments, and we meet regularly. It depends on the ambassador, it depends on the embassy, and it's through that, that mechanism, usually, that the coordination takes place between an ambassador and the other component elements of his mission, or her mission.

Q During your time in Libya, how often did your country team meetings take place?

A Very often.

Q Once a week? Twice a week?

A It was more than once or twice a week.

Q Was it an everyday meeting?

A Sometimes. I can't say that we did it, you know, we met every day for every week, but we met quite often because we were a new embassy, and there was a lot to do there.

Q Did that country team meeting also include representatives from NSS?

Mr. Evers. Do you know what NSS is, Ambassador?

Mr. Cretz. No, I would just assume. No, I don't know.

BY MS. CLARKE:

Q Or NSC, National Security Council, did it include a representative from that organization?

A We didn't have a -- we had different component agencies, but not anybody specifically from the NSS at post.

Q Okay. Did you ever report to -- in your time in Libya, did you ever report to anyone from NSS?

A Yes.

Q And who did you report to?

A At the time, Daniel Shapiro, the current ambassador to Tel Aviv was the head of the Middle East reporting -- Middle East office in the NSC.

Q Do you recall how often you reported to Mr. Shapiro?

A As the circumstance required.

Q What types of circumstances would require you to report to Mr. Shapiro?

A Well, for example, if there was a presidential message that I was to deliver, I would keep him as well as State Department abreast of what the process was in terms of that, or if there were visitors from the executive branch from time to time.

Q Were -- did you have any particular reporting requirements that you had to, on a regular basis, provide to Mr. Shapiro or anyone with NSS?

A No. I mean, this was normally -- we did normally State Department reporting, that I'm sure, you know, went to the NSC, and if there was any follow-up or anything, that would usually be conveyed to me through the State Department.

Q And were you tasked -- do you recall whether you were actually tasked by NSS to -- you mentioned that if there was a presidential message that you were to deliver, you would report back. Were there any specific taskings that you recall during your time as the Ambassador to Libya?

A Not that -- I can't recall anyone -- any individual tasking that didn't go through the State Department.

Q Okay. Can you kind of describe, during your time at -- in Libya, can you describe -- I'm going to give you a list of names, and can you describe for me what they did with respect to Libya. Feltman, Jones --

Mr. Evers. Do you want to --

Ms. Jackson. Do them one at a time.

Mr. Evers. One at a time.

Ms. Clarke. Okay. That's fine.

Mr. Cretz. Jeff Feltman was the Assistant Secretary for Middle Eastern Affairs?

BY MS. CLARKE:

Q Did you ever report directly to him?

A Yes.

Q Okay. And what about Beth Jones?

A Beth -- I knew Beth Jones in the past, but I didn't have any -- I can't recall any relationship I had with her while I was in Libya.

Q Okay. That's fine. Elizabeth Dibble?

A Yes, Elizabeth Dibble was the Deputy Assistant Secretary of State under Jeff Feltman, and we had constant interaction on Libya.

Q Okay. Ray Maxwell?

A During my -- during my time in Libya, I had very little. He was -- he became a DAS late -- like I forgot what time, but we had very little contact.

Q Okay. [redacted]

A I don't recall direct communication with [redacted]. I think most of the communication with [redacted] went through my management people because he was involved in management issues.

Q Do you recall what his title was?

A I think he was director of the NEA executive bureau.

Q Okay. And [redacted]?

A I think she was the post management officer for a period of time under the management -- I think she was in [redacted] office.

Q Office?

A Yeah.

Q Okay. What about [redacted]?

A [redacted] was also, I think, part of the post management structure.

Q And would you have had direct correspondence with [redacted]

[redacted] or --

A Rarely. She was -- she would normally deal with my management counselor or the DCM.

Q I'm not sure if I'm pronouncing this name correctly, but [redacted]?

A [redacted] she was the desk officer for Libya in the State Department.

Q Okay. And would have had direct --

A Yes.

Q -- contact with her? And what was her role as desk officer, what were some of the --

A She -- she basically, as any desk officer does in the State Department, handles the day-to-day affairs. She's the conduit, or he or she is the conduit between the post and the State Department, in general, and other agencies.

Q Okay. Can you describe for us the reporting structure that you had while you were in Libya, so the people that served under you, how did they report to you, what did you -- was it a -- did they report directly to you about only significant issues within their portfolio, or did you have regular meetings? If you could kind of describe that for us.

A Because we were -- I was the first ambassador back in Libya in 36 years, we were a new institution. So, in effect, I think that our structure may have been a little more tighter than others because of that situation.

So I would normally, at the beginning of my tenure, ask the varying reporting -- the various reporting officers to clear things with me, even of a routine nature. As time went on, and as we became more established as a mission, the main -- the main cables or the main messages that would go out that I would ask to be cleared on would be those that were either sensitive in nature or had some policy content.

Q And you said that as time went on, you kind of moved to this structure. Do you recall about the timeframe when you began the --

A It was probably, as I recall, several months after I -- maybe 3 or 4 months after I had arrived there.

Q Okay. So this may have been within mid- to late 2009?

A Let's see. Yes, uh-huh.

Q And was that -- did that hold true once you returned to Tripoli in the fall of 2011?

A Yes, I think that's fair to say.

Q Okay.

Mr. Evers. Can I just ask. What held true? I'm not sure -- for the sake of the record, I'm not sure that was --

Ms. Clarke. The reporting structure, in that if it was a matter of a routine nature, generally, they did not have to return --

Mr. Cretz. Right, sensitive or --

Ms. Clarke. Something new or sensitive.

Mr. Cretz. Yeah, policy info, yes. That's true. Yeah.

BY MS. CLARKE:

Q And while you were serving as ambassador, [redacted]

served as the DCM; is that correct?

A She -- well, Chris Stevens served as my first DCM. He was there already, and he served for the first, I think, 7 months that I was there, and then [redacted] came after that.

Q How much -- you said Chris Stevens was there already. How long had he been in Libya before you arrived?

A I don't recall the period. It was several months, but I don't recall because there was a -- there was several different charges that there were there. He was the last one.

Q Okay.

Ms. Sawyer. Can I just ask a clarifying question?

Are you talking about the fall of 2011 or 2008?

Mr. Cretz. I'm talking about when I arrived in December of 2008.

Ms. Sawyer. Okay.

Mr. Cretz. And then through the summer of 2009.

BY MS. CLARKE:

Q Thank you. And so can you kind of describe the role of the DCM for Mr. -- for Ambassador Stevens and then for Ms. [redacted] what were their roles? What was kind of some of the issues that were in their portfolio?

A You know, I think the best way to describe it would be the ambassador would be the CEO and the DCM would be the COO of a corporation.

Q Okay.

A And they, I think, in general, for any embassy, the DCM is

the day-to-day issues, management, consular issues, et cetera, personnel issues, and beyond that the -- there's a division of labor, depending on the relationship between an ambassador and DCM. In particular, I had great trust and confidence in both Chris and [redacted] so they had a lot of leeway to run the various parts of the mission, and obviously, bring to me the issues that they thought were sensitive or policy-related, or personnel-related that really rose to the level of an ambassador.

Q So as the -- in the role of DCM, were they -- was that position in charge of crisis planning for the embassy?

A At times, but I mean, obviously, the -- in terms of we're talking about a very delicate -- indelicate situations, then certainly I would, you know, kind of oversee that particular -- but in terms of a situation where things were what we would define as normal, when the threat level was not increased or whatever, that the DCM would be the normal individual who would chair, for example, the EAC meetings.

Q So if the threat level was not normal, would you chair the EAC meetings?

A Not every time, but I would usually take that responsibility, yes.

Q And I assume if the DCM was chairing -- well, if the DCM was chairing a meeting, the EAC meeting, would you also attend that meeting or would they usually report to you what was discussed?

A Most of the time they would report to me, but at times, I would attend, but normally, the DCM would chair the same meeting.

Q Would the DCM be involved in kind of the request for security personnel, ensuring that the embassy or any other branches within Libya had the necessary security personnel?

A The DCM would be part of the -- would be part of the important participants who would be, you know, assessing the situation, but that would be -- anything related to security, normally be a mission effort. I mean, we would all -- it wouldn't be solely in the purview of the DCM to decide whether we needed this or we needed that.

Q In -- when you had -- you have an RSO for the embassy, how is that reporting structure? Does the RSO report through the DSM or does the RSO report directly to the ambassador?

A The RSO would normally report directly to the DCM. Obviously, if there was an issue of, you know, of tremendous importance, whatever that needed to be elevated right up, that option was open to them.

Q So if an RSO had a request for additional resources, whether it was individuals or equipment, would that request initially go to the DCM?

A Under normal circumstances, yes.

Q And then what would -- under normal circumstances, what would happen with that request?

A There would be a vetting, there would be an analysis, there would be an estimate, there would be usually an EAC meeting of some kind, or several, and then when the -- when there was a country team, let's say consensus or agreement, then that usually be booted up to

the ambassador or myself to make the final decision before it went to Washington with a proposal.

Q In your role as Ambassador to Libya, did you, in general, did you accept the recommendations of the RSO that came through the DSM?

A Generally speaking, yes, uh-huh.

Q And who was the RSO during your time in Libya?

A I had two. I can't remember the first one's name. The second one was [redacted]. He -- I think [redacted] came when I returned to Libya in September of 2011.

Q Okay.

A But I can't recall the name of the DCM who was there when I -- under my regular tour from 2008 to 2010.

Q Do you mean you can't recall the name of the RSO?

A Right, I can't recall the name of the RSO.

Q With respect to Libya and prior to the beginning of 2011, kind of the Arab Spring timeframe, who was responsible for the day-to-day decisions such as who traveled to Libya?

A What timeframe are you talking about?

Q Prior to the -- prior to the beginning of 2011.

A Okay. So this is -- I was in Libya up until the end of December of 2010. In terms of who traveled to Libya, if it was -- if it was a routine travel request, usually the DCM would approve or disapprove, depending on the activities of the embassy at the particular time. I mean, if we were very busy with doing something,

we might ask a visitor to postpone.

If we didn't -- if from time to time we didn't think that the visit was appropriate, or we didn't understand the mission, we would ask to delay, but normally, the DCM would approve visits or not. It's a country clearance process, and if it was an important visit or if it was somebody with a sensitive mission, then the ambassador would usually approve or disapprove.

Q Are there -- can you describe the steps in a normal country clearance process.

A I think the original -- the way it works in Washington, I think, is that the particular visitor will start with the desk. The desk will then send country clearance requests to the embassy. The embassy will vet it. And if there's no issue, the response will be made very quickly.

There were times when, let's say, high-level visitors or mid-level visitors may want to come to a post, but let's say the post is busy with something else or there's some kind of crisis or there's some kind of activity going on that they'd like to postpone.

They would then usually go back to the desk and the Bureau to ask them to intercede to see if the visit could be postponed or delayed for some period. But, in my experience, certainly the vast majority of country clearances have been approved.

Q You mentioned that you left Libya in December of 2010. What precipitated your --

A The publishing of the WikiLeaks material for which my embassy and my name was on every cable. And there was such information that -- regarding the Qadhafi family, Qadhafi himself, that there was such an angry reaction that, after a period of harassment of myself and basically -- and an implicit threat against me, the Secretary decided that I needed to leave.

Q So you returned to Washington, D.C.?

A Yes. I returned to Washington. Yeah.

Q And during your time -- when you returned to Washington, D.C., you were -- what was your role at that time? Were you still the Ambassador of Libya?

A Yes. I was still the Ambassador of the United States to Libya. But, obviously, my position had been compromised seriously. And so I think the decision -- well, I don't think there was any possibility that I could return under that -- under the Qadhafi regime.

They were -- he was livid, angry, and it was very dangerous, I think, for myself and my family. So I started working with the NEA Bureau on Egypt financial assistance issues.

Q And so, once you returned to Washington, D.C., what -- when -- at what time was there a discussion about the possibility that you probably would not be able to return under the Qadhafi regime?

A I think it was assumed. At least, when I left the country, I think it was assumed that there was no way I could return. That was right from the start.

Q Were there discussions that began at some point? Once the Qadhafi regime fell, were there discussions that began regarding your potential return to Libya?

A Well, once the revolution began in February, I was asked to come back and kind of help oversee the Department's reaction to the revolution.

So during the period of late February through August, I was very active in Libya policy. So I still retained my -- I never resigned my position as Ambassador. So I was still Ambassador during that whole period.

Q And so the period between December and February, is that when you were working with NEA regarding Egypt?

A Yes.

Q Okay. Now, we were just talking a little bit about kind of the decisionmakers for who entered and left Libya and you said, under normal circumstances, if it was a routine request, usually the DCM was involved in that decision.

A Uh-huh.

Q Once the -- once the Arab Spring occurred and the Tripoli embassy was evacuated, my understanding is it went into suspended operations. Is that correct?

A Well, when the -- when the embassy was evacuated, in effect, it was reconstituted at Navy Hill. And so we were able to gather most of the staff who had not been assigned to other places and we -- we, in effect, operated what we called the embassy on the Potomac.

Q And as far as the question about who made decisions regarding who could and could not go into country, did that change? Did the decisionmaker change at that point?

A Well, there was no -- there was no travel into the country once the revolution began. Once we were evacuated, the embassy was closed and no one was traveling during that period of time.

Q And, at some point, people did begin to travel back in -- State Department employees did begin to travel back into Libya during 2011. Is that correct?

A In April, Chris Stevens was appointed as the special envoy. And so he went in with a -- I think one or two other officers and a DS contingent to Benghazi.

Q And so would that have -- decision have fallen to you or who would that decision have fallen to?

A The decision to send Chris?

Q Yes.

A No. That was not my decision.

Q Do you know whose decision that was?

A I don't know who specifically made that decision.

Q Was it someone within the State Department?

A I don't know.

Q Okay. You mentioned that, from February to August you -- "resumed" may not be the appropriate word, but you essentially resumed your role as Ambassador --

A Right.

Q -- to Libya and were involved in policy decisions regarding Libya.

Can you describe for us what you were doing during that timeframe.

A During the time, we had an embassy -- as I said, a virtual embassy out of Navy Hill, and they were -- we were working as an embassy from afar.

So we would be, for example, contacting people that we knew on the ground in Libya. We were doing some -- we were doing some analysis of what we knew about the situation.

I myself was also involved in reaching out to as many of the Libyan personalties as possible, taking calls, receiving calls.

I was traveling a bit. So, in effect, I was -- I was acting, to the extent possible, as an Ambassador in exile, for want of a better term.

Q When you were traveling, was that -- were you traveling -- was that part of your official duties or were you traveling a bit for personal --

A No. This is all official duties. Yes.

Q Just for my clarification. Okay.

And so you mentioned that Chris Stevens went back into Libya in April of 2011. Were you involved in that decision?

A I was involved to the extent that, at that time, Jeff Feltman, our Assistant Secretary, said that there is -- there was a desire to send a special envoy to Benghazi, did I -- could I recommend anybody to go.

And my first reaction was to say Chris Stevens would be the perfect individual to do that. That was the extent of my participation in the decision to send Chris to Benghazi.

Q And do you recall when that conversation occurred?

A It was really very -- it was several days before he actually went, but I can't -- whether it was the end of March or early April,

I can't remember.

Q And you said that Jeff Feltman indicated there was a desire to send a special envoy.

Did he indicate to you where that desire came from?

A No, he didn't.

Q Did you have any indication whether that was a desire by the White House to send a special envoy into Libya?

A I did not.

Q And why did you say that Chris Stevens would have -- would be the perfect envoy?

A Well, because Chris -- well, number one, because he had had previous Libya experience, and I just thought that he would -- he was the kind of person who would -- who would really jump at the opportunity for such a historic mission. And he was a good friend as well.

Q Do you recall what -- was he in D.C. at the time?

A Yes, he was.

Q And do you recall what role he was --

A I think he was in the -- one of the -- the Bureau for Nonproliferation, I think, at the time, Deputy Director or Director of an office. I'm not sure of the exact title.

Q And you mentioned that you traveled some during this time period.

A Yes.

Q Where did you travel to?

A There was one -- one trip maybe in early March where I went

to Rome and Cairo, and the purpose of that trip was to meet with Libyans and to get a sense of the nature of the revolution, the nature of the opposition to Qadhafi.

I met with some Libyans in Rome, and then I went to Cairo to meet some of the people from Libya who would actually come across the border to meet with me for me to get a sense and to report back to Washington as to what my view was as to who these people were and was it a legitimate opposition.

Q Did you also travel to Paris to meet with the Secretary and Chris Stevens --

A I'm sorry. To meet?

Q With the Secretary and Chris Stevens during the early part of 2011.

A I travelled a few times with the Secretary during that -- from that March to September period.

Q And was -- did you travel with the Secretary and during that travel have a meeting with Chris Stevens regarding his role as the envoy -- special envoy?

A As I recall, before I did any travel with the Secretary, Chris had undertaken consultations in Washington and then had gone to Paris on his way to Benghazi. And I had traveled with the Secretary and her party to Paris, and that's where I met Chris while he was on the way.

Q Okay. And --

Ms. Jackson. So let me just interject.

At that time, the decision had already been made to send him in to Benghazi as envoy?

Mr. Cretz. Yes.

Ms. Jackson. Do you recall if that meeting involved Mr. Jibril in Paris?

Mr. Evers. I'm just going to flag here that this probably gets to the type of topic that we discussed off the record that may be classified.

And I'd just ask the witness to think carefully about that. Obviously, it's your call, but I --

Ms. Jackson. At this point we're just asking about the players and not the content of the meeting.

Mr. Evers. I understand. And we talked about it --

Ms. Jackson. Right. Yeah.

Mr. Evers. -- off the record, and I appreciate your willingness to let me just jump in.

Mr. Cretz. The meeting with Mr. Jibril, the Secretary was present, I was present, Chris Stevens was present.

Ms. Jackson. And I'm just trying to understand the sequence and timing of everything.

Had -- within the State Department, had -- had the decision been made to send Chris Stevens in as the envoy at that time or was this more of a preliminary meeting to assess whether an envoy would go in and whether or not it would be him? I'm just trying to I understand --

Mr. Cretz. Yeah. As I recall, the decision had been made to send

Chris to Benghazi. He had gone ahead of the Secretary's first trip to Paris with myself and her staff to consult with the French and others. And while in Paris, he was waiting for the final logistical details to be worked out as to how he would get to Benghazi and when he would go.

Ms. Jackson. So, then, from the time that he arrived in Paris, Chris Stevens did not return to the United States before he went in in early April into Benghazi?

Mr. Cretz. As I recall, he did not return to the States.

Ms. Jackson. Okay. Thank you.

BY MS. CLARKE:

Q And you mentioned that you -- during the period between February and August of 2011, you traveled with the -- on several occasions with the Secretary.

A Yes.

Q Were all of those trips related to Libya?

A Yes.

Q And did you travel back to Libya with the Secretary?

A Never during that period.

Q Were -- can you describe -- generally describe what those trips -- where they were to and who was involved in those.

A The trips were to Paris, Berlin, Rome, Abu Dhabi, Istanbul, and Paris, and these were part and parcel of the Secretary's dialogue with the various coalition partners, determining, you know, assessment of Libya's situation and next steps.

Q Did these trips take place in the earlier part of that timeframe, February to August?

A They took place throughout.

Q Throughout?

A Throughout the period. Right.

Q Did you have -- once you finished your trips to these various places, were you -- did you draft up any reports or any notes from the meetings that took place during these trips?

A There were times during the reports where the Secretary would have a meeting and I would act as note-taker.

Q Okay. And, generally, what would you do with those notes?

A They would be sent through the normal State Department channels, through the Secretary's staff, and then distributed as required.

Q Do you know what -- kind of how those notes would generally be titled? Would they be directed to the Secretary or would they be directed to another bureau?

A Normally, it would be the Secretary's memorandum of conversation with so-and-so.

Q Can you describe for us any involvement of the White House or the NSS with the decision to send a special envoy into Libya?

A I do not know anything about that.

Q And what was your understanding of the policy -- the U.S. policy reason for having a presence in Benghazi?

A Well, the -- the center of the revolution was in Benghazi.

It was the place that the opposition, you know, had centered around as its, in effect, capital, quote-unquote.

The other -- several other coalition partners had also established envoys in Benghazi. So it was only natural that we were -- a huge stake in the outcome of Libyan -- of the Libyan revolution would have a presence there as well.

Q What was the U.S.'s -- what was the U.S.'s huge stake in the outcome of the revolution?

A Well, we had intervened, along with our coalition partners, to -- you know, to ensure that there was not a slaughter of the Libyan people.

And Libya was a -- was a critical country in terms of its geostrategic position and our interests as well as others' interests there.

Q And can you describe why Libya was a critical country in terms of its geostrategic position.

A Well, for several years, I mean, we had had -- we had been estranged from Libya, obviously, because of its involvement in terrorism, specifically with Pan Am 103.

And when over a period of years there was a decision by the Qadhafi Government to foreswear terrorism, dismantle its weapons of mass destruction program, and to compensate our Pan Am victims, that was the kind of decisions that we required -- the conditions that we imposed on them in order for us to begin to establish relationship again.

When you take a look at Libya's critical position in North Africa

in terms of its oil wealth, in terms of its strategic position right, you know, basically at the back door of Europe, there were several reasons why Libya constituted an important national interest for the United States.

Q So do you recall what the length of Stevens' initial trip to -- as a special envoy to Benghazi was going to be, how long he was going to be in Benghazi?

A I don't recall that there ever was a limit for how long it would last, you know. There was never -- there was never a time imposed on it either one way or the other.

Q Was there a time imposed to reassess whether or not his presence -- he should continue to be in Benghazi?

A As I recall, some time -- it depended sometimes on the circumstances and the security situation so that we were always -- there was always an assessment of whether, in fact, the situation was appropriate or too dangerous for our presence there.

Q And was that a daily assessment or weekly assessment?

A Yes. As I recall, it was a daily -- a very frequent assessment, because from time to time there would be incidents there.

For example, there was a bomb at the hotel where he was staying -- where he and others were staying or there were some other demonstrations or whatever in Benghazi.

So -- but given the -- you know, the unsettled situation in Benghazi and in Libya, in general, there was -- there was a constant assessment of the viability, I think, of the mission.

Q Were you involved in those assessments?

A I was involved to the extent that I was in contact with Chris quite often during that period while I was in Washington, and he was -- we would discuss the -- you know, the situation and the viability of the continuance of the mission.

Q How often did you have contact with Mr. Stevens during that timeframe, especially when he first went into Benghazi?

A Right. If not every day, several days a week.

Q And how did you have that contact, that communication? Was it email?

A Either phone, email, or cables.

Q Was it type -- was it like a formal reporting that he was providing to you or what prompted these conversations?

A We had established a system where he could do reporting either in the traditional cable/email format or, if he had something that he thought that I might want to report myself, he would do that. So it was a very varied kind of way of reporting based on what he wanted to do.

Q Once the -- Tripoli went into exile, was there like a task force set up -- well, I guess slightly prior to the evacuation of the embassy, was there a task force set up in Main State to deal with the issues regarding the evacuation and --

A I'm sorry.

Q -- and any other issues that may have come out of that?

A I did not deal with Libya from the time I returned to

Washington until the outbreak of the revolution.

Q Okay. And so, when you began -- once you began dealing with Libya after the outbreak of the revolution, were you aware of a task force that was ongoing or had been set up?

A For the evacuation?

Q For the -- for the evacuation -- it's my understanding that it was for the evacuation and that this task force remained for a short time period after the evacuation once the Tripoli in exile was set up.

Were you aware of that?

A I was not involved in any way with the task force specifically related to the evacuation and the aftermath. I was involved with -- once the embassy was set up, then I became involved.

Q Okay. And was -- was there an ongoing task force related to the embassy or was -- once the embassy in exile was set up, did all of the issues that were related to the embassy come back within the embassy in exile program?

A The embassy was specifically -- the embassy in exile was specifically set up to deal with the -- all of the issues related to Libya in the aftermath of the revolution and in the aftermath of the evacuation.

Q When you had these conversations or reportings with Mr. Stevens, did you relay that information further up the chain or what -- what would you do with that information?

A Normally, I would report on the outcome of my discussions with various Libyans on the situation in Libya in general. And if what

Chris told me was reportable, I would include that in my discussions in terms of what I was hearing from various contacts.

Q What do you mean by if what he told you was reportable?

A Well, if it was -- I mean, if it was -- if there was an issue -- if he had met with somebody or he had learned of a particular issue or if he knew something about our -- let's say our counterparts in Benghazi that he thought was noteworthy or something that impacted directly on the situation that needed to be raised to a higher level, he would report that to me or he could report it directly. Like I said, it was a very fungible kind of situation.

Q Were your conversations solely based on kind of like a policy discussion or did you also discuss like the security environment and changes that were happening during the time --

A We discussed the totality of the situation.

Q And were you aware of -- did Mr. Stevens report to anyone else besides yourself?

A I don't know who he might have reported to beyond myself, but he had -- obviously, I think he had the authority to do that.

Q So in your discussions, did he ever say, "Well, I'm going to mention this to so-and-so as well" or --

A Not to my recollection.

Q Who would -- who were the -- you mentioned that -- the bombing at the Tibesti Hotel and there were other incidents that occurred when Mr. Stevens first went back into Benghazi, and we are also talking about a frequent assessment of the security situation and

whether he needed to remain there.

Who were the decisionmakers that would have made the decision to have him leave Benghazi?

A I didn't -- I would basically receive the information about a particular incident or whatever, and then I would pass it on to the NEA front office.

As to the discussions as to whether -- you know, what should be the assessment of the consequences of any particular action, I don't know the specific people who would have been in the room making that decision.

But I think, you know, normally under those circumstances you would have the NEA Bureau, you would have the Department of Security, et cetera, normal departments that are responsible for those kind of issues.

Q Would you have been involved in that discussion? Other than passing the information along about the security incidents, if there was a discussion about whether or not he needed to remain in Benghazi, would you have been included in that discussion?

A I was not included in -- I don't know how many discussions there were or were not, but I was not included in them.

BY MS. JACKSON:

Q When you would have conversations with Mr. Stevens, were they generally one on one or were they more of a group call conference call with a variety of players or actors?

A They were one on one.

Q One on one?

A Yes.

Q And his emails back and forth to you assessing the situation and reporting in, were they to you alone or would they be to, say, yourself and Mr. Feltman or anyone routinely other -- anyone else in the State Department?

A As I recall, I mean, I can't -- I can't remember who specifically they were to, but I -- to my -- the best of my recollection, I can't remember who else he would have sent them to, but I'm almost certain that he did send them to others as well that were included on the chain.

I was not his sole interlocutor on the other side. He had some -- he had a fair amount of flexibility to -- you know, to whom he wanted to send his messages, and I certainly did not keep it as proprietary information.

Q And when you would talk to him one on one on the telephone, would you then write up a synopsis of your conversation and send it on to others in the Department such as Mr. Feltman or --

A It was a normal part of my duties that -- you know, that if I made contact with a particular individual and there was some important information to convey, I would convey it to the NEA front office. Yes.

Q And what means would you use to convey that information?

A Usually email format.

BY MS. CLARKE:

Q I want to show you an exhibit and give you a few more minutes to read it. We are marking this as Exhibit 1. And I'll go ahead and for the record just read the document number. It's 05395446.

[Cretz Exhibit No. 1

Was marked for identification.]

A All right.

BY MS. CLARKE:

Q So --

Mr. Evers. I'm sorry. Just one second, please.

Thanks, Sheria.

BY MS. CLARKE:

Q So this is a chain of emails. The top email is dated April 5th, 2011, and you are not on the top two emails, but you are on first one.

A Right.

Q And it appears to be a summary written by [redacted].

And during this time -- what was [redacted] position during this timeframe?

A During this timeframe, she was acting as a virtual DCM, same as she did while we were in Tripoli.

Q Okay. And it appears to be a summary of several meetings that Chris Stevens and team had. And then, at the very bottom, it talks about DART.

And for the record, can you describe what DART is.

A You know, I think that the DART was -- you know, I don't

remember, actually. An AID --

Q What -- do you recall -- you mentioned earlier that, when Stevens went in to Benghazi, he went with --

A He was accompanied by -- yeah.

Q Do you recall if those individuals were a part of this team?

A There were some members. And I remember that it was DART, but I can't remember the exact bureau that --

Mr. Chipman. The DART acronym means the Disaster Assistance Response Team.

Mr. Cretz. Oh. It's a USAID, I think, component.

Mr. Chipman. I'm not sure, Ambassador, but I think that's what the DART acronym stands for.

Mr. Cretz. Right.

I think it was -- I'm not sure about this, but it was a group that was accompanying him to do a -- I believe a survey of the humanitarian needs.

BY MS. CLARKE:

Q Okay.

A I think that's what it is. But -- right.

Q Okay. And it talks about the team wanting to extend for an additional 3 days. And the last sentence says, "I believe DART's extension would require M approval."

Were you involved -- were you -- would you have been involved in that approval as well or would that have solely been something that was done by M?

A I don't recall being involved in that particular decision.

Q Okay. Would you have been made aware of that decision or asked to concur in that decision?

Mr. Evers. If you remember.

Mr. Cretz. I'm sorry?

Mr. Evers. If you remember.

A I don't remember if I was asked or if I -- I mean, it didn't appear to me that I needed to be involved in that particular decision.

BY MS. CLARKE:

Q Do you recall why that would have been a decision made by -- or an approval that was required to be made by M?

A I would assume that, because it involves interagency funding and resources, et cetera, that the Under Secretary would have been involved.

Q So I'm going to show you another exhibit. We'll mark it Exhibit 2. And for the record it's document number 05396329.

[Cretz Exhibit No. 2
Was marked for identification.]

A Yes.

BY MS. CLARKE:

Q So this is an email chain. It's dated April 10th, 2011, and its subject is "Update from Special Envoy Stevens." And it discusses a situation in Ajdabiyah -- is that how you --

A "Ajdabiyah." Yes.

Q Ajdabiyah.

-- and that they are considering departure.

Do you -- your name is not -- as far as I can tell, you are not actually on this email. I know there are a few groups of individuals. It looks like there are some group emails under the "To" line and the "cc" line.

And correct me if I'm wrong, but I don't know if you would actually be a part of those emails as well -- email groups.

A I don't recall if I was a part of those. But I specifically recall that Ms. [redacted] did call me on that Sunday because I remember exactly where I was when she read this situation --

Q Okay.

A -- to me. So, after that, I believe I was in contact with Jeff Feltman, et cetera, on that.

Q And can you describe what Ms. [redacted] relayed to you.

A Basically, information in this, that there was -- that Chris was concerned that the situation was getting a little bit too dicey and that they were considering evacuating the mission.

Q And when you made a -- when you had a conversation with Mr. Feltman, did you provide your views on whether or not Mr. Stevens needed to evacuate?

A I don't recall what I exactly said to Mr. Feltman. But I think, in the end, the decision was give it a little bit more time and, if the situation did not improve, then to follow, I think, Chris' recommendation.

Q So would Mr. Stevens have been the one to make the decision

to depart the country or who, ultimately, would say, "Yes. We need to follow his recommendation"?

A I don't think that Chris would have been the one to make the decision. It would have been certainly made in Washington.

Q And do you know, was that a decision that would have been made in the NEA Bureau or with M or --

A I don't know where the decision -- had the decision been made to pull out, I don't know who would have made that decision. Because, in the event, the mission continued.

Q And they did -- the team did not actually pull out. Do you know who made the decision to stay? What precipitated the decision to stay? Did the situation in Ajdabiyah improve or was there a conscious decision to stay?

A I don't remember what the -- what the final circumstances that fed into the decision to stay were, whether the situation in Ajdabiyah had improved or whether Chris felt that the situation had stabilized to the point that they didn't need to evacuate.

Q So I see I have about 2 minutes left of my time. I think this is a good time to stop and take a break.

We'll go off the record, and we'll consult with the minority. So if you all want to take your hour. Would you like to take a short break?

Mr. Evers. If counsel would.

Ms. Clarke. So we can resume in about 10 minutes.

[Recess.]

EXAMINATION

BY MS. SAWYER:

Q It is 11:25. Ambassador Cretz. Again, I am Heather Sawyer. I am with the Democratic members of the committee. I am joined here today by two of my colleagues Peter Kenny and Kendal Robinson. Just on the record, I want to just reflect that this is Kendal's last interview with the committee and last full week. She has been with us for a little over a year, a detailee from GAO. She has been a wonderful addition to our team, we will miss her. And I want to make sure an official record reflected that. So we appreciate her service, we also appreciate your service and your willingness to appear before the committee voluntarily and spend some time answering our questions.

The resolution authorizing this committee sets forth jurisdiction for the committee in nine different categories related to the attacks in Benghazi that occurred in September of 2012. As the focus of this investigation has shifted considerably in the year that we have been stood up, Democratic members have objected to the expanded scope. Part of that objection -- we have objected to a number of different areas. One of those areas is the expansion back to decisions that were made.

I think we started today talking a little bit about things that happened maybe as far back at 2008, 2009, carrying forward into the

spring of 2011. We have objected because, in part, Congress was fully aware and briefed on those issues at the time and also in part because the Democratic members do not believe that those decisions bear any relation to what happened, what the state of affairs was in Libya in the runup to the attacks and decisions that were being made then.

Nonetheless, you have been asked a number of questions this morning about -- in fact, the first hour was exclusively devoted to the time period of the spring of 2011. So I am going to ask you some followup questions on that and move us forward a little bit in time.

Turning your attention to the time that you had returned to -- I think you called it the embassy on the Potomac?

A Yes.

Q So I think as of February 2011, when personnel from Embassy Tripoli were reconstituted here in D.C.?

A Yes.

Q During that time period, I think you touched on the fact that you and your colleagues were seeking, to the extent you could, to reach out to I presume existing contacts in Libya to try to obtain as much information as possible as to what was still going on in the country. Was that the case that?

A That was the case, yes.

Q And what kind of information were you getting from your contacts on the ground?

A Well, it ranged from a dire humanitarian situation. I spoke to several people involved with the military who were asking for

specific equipment. We were -- you know, it was anything related to what was happening in the country, atrocities by Qadhafi troops. We were talking to people of the Transitional Council, the putative government, and they were trying to get across to me what their message to the world was supposed to be, how they were going to observe, for example, human rights and everything else and that, in the post-Qadhafi era, that there would be a functioning and democratic government. So the information was across the wide spectrum that you would expect during a fairly chaotic and very violent civil war.

Q And then you and your colleagues would pass that information throughout the Department to relevant policymakers --

A Yes.

Q -- to help inform U.S. policy going forward?

A Yes.

Q And the effort there was to have kind of continual engagement to the extent you could, gathering of information, keep our decisionmaking up to date and allow it to evolve?

A Yes.

Q You had also indicated in the last hour that you engaged in some travel and you explained that it sounds like the primary purpose for that travel was similar to what you were doing even when you were here, which was try to engage with people who some of them directly involved in the revolution, is that the case?

A Well, the first trip that I mentioned to Rome and Cairo was specifically to gauge the bona fides of the opposition, that was the

main goal and to find out who the main players were.

In the subsequent trips with the Secretary, it was basically to be a part of her team and also to serve as a liaison with the Libyans whenever they showed up to these different meetings.

Q And remind me that initial meeting that you said you had to kind of get a sense of the bona fide --

A Right.

Q -- roughly what was the timeframe that that took place?

A That must have been -- you know, maybe -- oh, I can't remember. I can't remember whether it was late March or early -- I can't recall the exact date.

Q And what was your impression when you met with the individuals you met with who were part of -- and I assume these were folks who were part of the Transitional National Council, but let me know if that is incorrect. What was your impression?

A In the lead up to the revolution and to the discussions as to whether we should intervene, there was a lot of suspicion about who the opposition were, that, in fact, this was just a radical Islamist push attempt to take over the country. So when I met with them, I don't recall the specific names of the gentlemen I met with. Some, as I recall in Cairo, were members of the TNC; some were not. But my sense after talking to them was, no, this was a genuine revolution. This was a genuine opposition. This was a real opposition to Qadhafi, that it was secular in nature, but that it contained Islamist elements because Islamist elements were part of the Libyan fabric, even before

the revolution. So my recommendation -- or when I got back -- was to say that this is a legitimate revolution and that we should support it.

Q And you said your recommendation when you got back, but you shared that with your colleagues here in Washington?

A Yes.

Q And would that have included then Secretary of State?

A Well, it would have started at Jeff Feltman, and my assumption was he passed that forward to the Secretary because it was the issue of the day in terms of Libya at that point.

Q And you actually traveled to meet with these people. So you got the chance to meet with them kind of face to face in person?

A Yes.

Q How valuable was that, your ability for yourself to judge whether or not this was a credible opposition that they had the requisite bona fides?

A It was absolutely critical. I mean, there is nothing that replaces four eyes talking to each other directly. You can talk on the phone. You can read material, but at least, certainly in my diplomatic career of 34 years, I found that nothing replaces that one-to-one interaction.

Q That is not necessarily a phenomenon unique to you, you would assume the same would be true, for example, the Secretary of State, isn't that the case?

A Absolutely.

Q So if she were to want to meet and then to later meet with some of these same individuals, that face-to-face, in-person contact would probably be invaluable to her as well?

A Yes.

Q And, again, your goal, both in that initial meeting and in the meetings that you had throughout the spring was to gather information, pass that information along and allow the U.S. Government's decisionmaking to be as informed as possible?

A Right.

Q And to evolve, as necessary, as information you were gathering changed?

A Yes.

Q So if, at some point in time, you had made it determination that the assessment as to the bona fides of these individuals was not as solid as you had thought, you would have felt free to pass that information that actually would have been valuable information?

A Yes.

Q And I assume you didn't ever make that recommendation, but please inform us --

A No, I did not. I never made the recommendation that this was not a bona fide group that we should support.

Q And with regard to -- you mentioned kind of, along with our allies, we had intervened in the revolution. I assume -- and I just want to clarify -- that by that you are talking about the support that the United States gave to -- the United Nations resolutions that were,

in particular, United Nations Resolution 1973, which did impose a no-fly zone. It also authorized member states to take necessary means -- all necessary measures to protect civilian populations?

A Yes.

Q And so the United States was not standing alone in that?

A No.

Q And you had supported our decision to join in the United Nations' effort?

A Yes.

Q Now, you also had said in the last hour that when Mr. Feltman had come to you and indicated that there was a desire to have an envoy in Benghazi, you recommended Chris Stevens. You said you weren't a part of that decision, but when he came to you, did you think it was a good idea to the extent possible to have an envoy in Benghazi during the revolution?

A Well, what I knew at the time was, as I mentioned, that our other European colleagues were going in and that, in fact, if we really wanted to know what the situation was on the ground, we had to have somebody in Benghazi because at that point we were blind. So I supported the decision, absolutely.

Q So you had at one point referred to the embassy on the Potomac also as a virtual embassy, I think those were your exact words.

A Uh-huh.

Q So even though we had a virtual embassy here, there was still value to being on the ground in Benghazi during the revolution?

A Absolutely. For the same reason I talked about one-to-one diplomacy. And also Libya was in a state of civil war. It was chaotic. Even before the revolution, knowing what reality was or what is ground truth was difficult to come by. So we had to have people on the ground to make sure that we understood the situation, what the needs were, and what was the best way forward.

Q And, in fact, I just wanted to direct your attention to exhibit 1 from the last hour. And I will just have you take a look. I just want to direct your attention to the thread that begins at the bottom of the page, which is the message from [redacted] that goes out -- it starts at the bottom?

A Oh, yes, uh-huh.

Q It continues over on to the back side of that page and you are one of the recipients, along with Mr. Feltman, who you had indicated was someone that you had also conveyed information to.

A Uh-huh.

Q And that first instance of that email says, quote, "Chris Stevens and team just finished a successful first day of meetings," end quote. It goes on, I will just direct your attention to the second paragraph, the second sentence, quote: "The TNC provided its vision for the future, which matched the messages Amb Cretz has received as well as the, quote, 'the vision statement' delivered by Mahmoud Jibril to S. The TNC was very concerned about misperceptions in the foreign press regarding alleged links between TNC and Al Qaeda. TNC leadership affirmed that it is totally opposed to terrorism and extremism and said

that the number of extremists in eastern Libya is very small. Those extremists do not represent the goals or views of Libya's revolutionaries."

Is this the kind of when we were talking about the value of having someone there who can report out, can confirm impressions that people like yourself might have had, is that the kind of contact and reporting that you are talking about?

A Absolutely.

Q It then goes on, in the fourth paragraph, it just begins with, quote, "Security environment appears to be permissive," end quote. And then, in the next paragraph, the second to last sentence says, quote, "Assuming the security environment remains permissive, Chris thinks this is a good idea it, as would allow the team" -- and at this point, we are talking about the DART team who would like to remain -- "to gain a more thorough understanding of the humanitarian situation," end quote.

So there it would indicate just on its face that the belief was that at least the security environment was safe enough to remain in Benghazi for the present time. Would that seem accurate?

A Yes.

Q And that in line with what you were saying, there was a continual assessment as to whether or not the environment was permissive enough. Whether or not -- our team should stay or our team should leave. Is that accurate?

A It was done on a continuing basis, yes.

Q And then just directing your attention to exhibit 2 that you had discussed with my colleagues briefly in the last hour. I am directing your attention to the second email there, again it is from I think your deputy chief of mission [redacted].

A Uh-huh.

Q And it indicates there: "FYI," for your information, "situation in Ajdabiya worsening; Chris weighing whether to pull team. We asked you to consult Euros and then give Department a recommendation," end quote.

Do you recall whether Mr. Stevens ever did I circle back and give a recommendation?

A As I recall, the situation stabilized and that there was not a recommendation to pull.

Q So it is your recollection that Mr. Stevens did not ask to be removed from Benghazi at that time?

A That is my recollection, uh-huh.

Q So, with regard to questions you were asked about a decision to stay ultimately being made in Washington, in this particular instance, there hasn't been a recommendation to the best of your recollection that then had to be either approved or questioned back in Washington?

A To the best of my recollection, that is true.

Q Now, during this period of time up until when you returned and Tripoli reopened, I think in September of 2011 --

A Yes.

Q -- were you traveling some, but you were also present in D.C. during that time?

A Yes.

Q And just as a general matter, you know, I indicated when I opened that part of our Democratic members' objection to the expansion of the scope of jurisdiction was the fact that Congress -- the standing committees of jurisdiction at the time were being fully briefed about what was going on in Libya, about information that was being garnered, including information from the Special Envoy. You know, without belaboring the specifics, were you one of the people helping to brief Congress? Did you brief Congress during that time period?

A Yes.

Q Did you ever refuse to provide information when asked by Congress about U.S. policymaking in Libya? And I am talking again the period of time from February 2011 to September of 2011 or even any time while you were in Libya?

A I never refused requests.

Q So, as I was mentioning, you know, it is our understanding that Embassy Tripoli reopened or the reopening began in September of 2011. Were you one of the people who did return then to Tripoli at that time?

A Yes. Prior to my return, my deputy [redacted] lead a security team, plus some others to reestablish our presence. I think she went in maybe two weeks before I did, and then I think I went in around September 19th or something like that, mid-September.

Q So you said that Ms. [redacted] lead a security team. So at the time, there was a concern about ensuring that in returning to Tripoli, U.S. personnel would be safe there?

A Yes.

Q And the recommendation coming back from Ms. [redacted] what -- in terms of the security and the ability to come back -- do you recall in general what the report back was?

A There were extensive discussions regarding the return prior to the date that she left. And the decision somehow an interagency decisionmaking process occurred whereby there would be DS agents, there would be MSU mobile -- MS -- I forgot the --

Q MSD?

A MSD. And that there would also be a military component coming from Stuttgart from our troops there.

Q So --

A And the AID as well.

Q So as best you remember and understand it, the team went in. They made a recommendation. There was an interagency discussion and then a determination as to what the appropriate security component would be to allow you all to return safely?

A They -- I think the decision was already made before she went in about the package that was needed. She went in, and I am not sure whether there was an adjustment either up or down after she went in, but I know that there was a very appropriate level of security, certainly when I returned in mid-September.

Q So it is your belief and sense that security concerns were being weighed appropriately, considerably given enough attention --

A Absolutely.

Q -- at the time you were going back in?

A Yes.

Q So this was the first time, I assume -- maybe you had been back in Libya -- but the first time you had been back in Libya since you left in December of 2010?

A Yes, first time.

Q And at the time you had left, Colonel Qadhafi was still in control of the country?

A Yes.

Q So this was for first opportunity to be in Libya since the fall of Qadhafi?

A Right, he was still alive at the time.

Q What was your sense, if you could just give us and share with us that experience, what it was like to be in Libya for the first time after Qadhafi was no longer in power?

A Well, it was exhilarating, because these people had been under oppression for 31 -- 40-something, 40-some odd years. There was an element of just relief and happiness and joy. At the same time, there was also a very, very chaotic and very dangerous situation on the streets because it was still a civil war raging. It was not really finished until the end of October after Qadhafi was finally murdered. But it was -- as I said, it was both exhilarating and also a bit

terrifying because it was a post -- or it was a civil war still raging at that time.

Q And I am sure we will talk about this throughout the day, but given that, given your sense, and what you have conveyed to us that it was both exhilarating and a little terrifying. From your perspective, you have had a career in diplomatic service, why was it important to be there if it felt terrifying at the same time as exhilarating?

A Well, because we had participated in an event in which we helped liberate a people who had been under a horrible, horrible tyrannical leader and system for all those years. And that we -- America was welcomed back. We had been part of the Libyan history, you know, starting even at the end of World War II, when we had an Air Force Base at Wheelus, so we had a good relationship with Libya. And the Libyan people understood what we stood for, democracy, our values, et cetera. So it was exhilarating to the extent that here we were in a position help a people who had been so oppressed to actually regain a real sense of pride and freedom and nationhood.

Q From documents that I have reviewed, it appears that you were in Benghazi shortly after you returned to Libya in early October, at least for a few days. Do you recall that trip at all?

A Yes.

Q And do you recall generally what you did while you were there, what opportunities you had to meet?

A I met with the various TNC representatives who were still

in Benghazi because they had not moved to Tripoli yet. I met with some civil society groups. I met with some individuals. Just to get a sense of an assessment of what the situation was like there.

Q And what was your sense -- Special Envoy Stevens was still in Benghazi at the time?

A Yes.

Q I don't know if he was there while you were present.

A No, actually, he was on leave I think when I went.

Q But was still --

A Yes, he was there until November. I don't remember the date.

Q And what was your sense of how the team, he and his team, had done in terms of establishing relationships, having connections and contacts in Benghazi?

A Well, he was a master diplomat. He did everything that any diplomat in that situation could have done. The main message that I came away from my 2 or 3 days in Benghazi was that the move had already been afoot that the government would move back to Tripoli. And there was real concern on the part of the people in Benghazi that we, especially the Americans, retain some kind of presence there because they wanted us there, and they knew how important our presence would be there once the government moved back to Tripoli. That was the main message, other than, "Thank you, America, for what you have done."

Q And given that Embassy Tripoli was now reopening, did you have an opinion on whether, to the extent the United States could, we

should stay in Benghazi even with Embassy Tripoli reopening at that time?

A During the Qadhafi regime, Benghazi was always seen by Qadhafi as a threat to his regime because this is where the Senussi family, who had ruled Libya for a while, had come from, the eastern part of the country. And, therefore, Benghazi was treated as a hotbed of protest, and several times during the Qadhafi regime, he had undertaken cruel actions against what he termed dissent in Benghazi. And it was really -- there with a lot of problems there because they had been denied an ability to share in the oil wealth in the country.

So my view was that it was important, as I had heard, that the people in Benghazi did not want to be forgotten again. They were very, very much afraid that once the government moved to Tripoli, it would revert back to a situation, not as terrifying as it was before, but that they would be the stepchild in the country. And they strongly believed, and I firmly supported their view, that the presence of the United States in Benghazi in some form or manner would help be an advocate for them when it came time to negotiate whatever the arrangement would be -- the final government arrangement would be after the fall of Qadhafi or after the revolution.

Q And in addition to that, with regard to just reporting for the U.S. and for purposes of the U.S. and having some presence in the eastern part of Libya as well as Tripoli, the capital, what was your sense of kind of the value of that reporting just for policymakers in Washington and the U.S. Government?

A Well, Benghazi was also a commercial center so it was important from that particular aspect. There was also an area of concern, especially centered in the city of Derna, which was a city that had been a hotbed of Islamic fundamentalism and extremism, even during the Qadhafi years. So there was a concern on our part or at least that I advocated why we would need a presence there; it would be not only to ensure the people of Benghazi felt that they had an advocate to make sure that they were not isolated from the country again, but it was also to maintain at least some kind of outpost to make sure we could watch that burgeoning jihadist growth, starting in Derna but also in other parts of the country.

Q And do you recall whether Ambassador -- then Special Envoy Stevens shared your views on the value of continuing the presence in Benghazi?

A Oh, absolutely. We had several discussions just to talk about this, and we had both agreed that we definitely needed some kind of presence there.

Ms. Sawyer. And I am going to just because it is been a few years, I am going to mark for identification purposes as deposition exhibit 3.

[Cretz Exhibit No. 3
Was marked for identification.]

BY MS. SAWYER:

Q And I am just going to read for the record the document number at the bottom of this is 5409887. It is just a 1-page document.

Up at the top, it is an email from -- the top of the chain has an email from John C. Stevens to [redacted]. It bears the date November 1, 2011. Subject line is, Forward: Mission Benghazi Future. I want to give you a moment to read that, so take your time.

A Okay.

Q So I wanted to direct your attention to what is the first email in that chain, so it is just two emails down from that. And that is an email from Stevens, John C.,
sent on Monday, October 21, to [redacted], Gene A. Cretz, [redacted]. We have already talked about [redacted] as your deputy chief of mission at the time. Gene A. Cretz is obviously you. And then who is [redacted]?

A He was the director of the Maghreb Affairs in the State Department in the Office of Maghreb Affairs.

Q The subject line there is "Mission Benghazi Future." The first line says, quote: "Here are a couple of possible models for Mission Benghazi. I have discussed with Benghazi RSO PM/MANPADS rep and USAID/OTI rep here," end quote. There is then some information about current staffing, and the options are down below.

A Uh-huh.

Q What is captured in A says, quote, "Slimmed down compound: Principal officer (FS-02 level) MGT/IRM and possibly one USAID OTI officer (if they get requested funding). Four DS. One admin LES plus guard force."

Could you just explain first what your understanding? My

assumption is when it says "DS" there that that is for diplomatic security. Does that seem accurate?

A Yes.

Q And then one admin LES, is that a locally employed staff?

A Yes.

Q Plus guard force. And my assumption in reading this was that was locally employed guard force?

A Yes.

Q So that is accurate?

A There was the possibility of, as I recall, of some companies were coming in that might have been able to provide expat security. But I don't know whether that ever came to fruition. So guard force is meant I think for the most part to mean LES but could mean potential expats from security companies.

Q So not Diplomatic Security's guard force?

A No.

Q The Diplomatic Security in that force?

A No, uh-huh.

Q Do you recall what at that point in time -- so it slimmed down, presumably shrinking the footprint, do recall what the current diplomatic security staffing had been at that time?

A I don't recall that.

Oh, I am sorry, it would be five DS. You can see in the mission -- in the first paragraph. Chris said it was himself, [redacted] OTI, plus five DS.

Q Thank you. It is right there, and I hadn't seen it, so I appreciate that.

A Right.

Q And do you recall whether or not there was a specific discussion of that level of DS staffing at four at that point in time?

A I don't recall.

Q Now option B says, quote, "Virtual i^ presence and all three compound leases, zero full-time State Department staff, used hotels (as Spanish, Greek, and foreign NGOs had been doing). Possibly leave FAV in Benghazi at [redacted] to support TDY travel in eastern Libya." So my understanding of that was that, in essence, the U.S. would lead Benghazi as a physical matter entirely and operate solely out of Tripoli. Is that accurate?

A Right, that was that option. And we were trying to explore the various options that we had and what would be the most appropriate and what would be in terms of being able to be resourced as well.

Q So certainly the notion that the U.S. could leave Benghazi entirely and have no physical presence there on an ongoing basis and operate solely out of Tripoli was something that was discussed and on the table as a possible option?

A Yes.

Q The email goes on to say, Mr. Stevens says, quote, "My personal recommendation would be option A. There will be a lot of political activity in Benghazi in the coming year, not least of which will be elections and campaigning. A good number of TNC members

coming, including the chairman himself, will be traveling frequently between Tripoli and Benghazi. MANPADS collection and USAID programming will also continue in the east. It would help us a lot to maintain a small platform in Benghazi during through next fall," end quote.

The very next email up the chain from Ms. [redacted] opens with, quote, "Option A looks right to me," end quote. So, at this point in time, it appears from this email that Mr. Stevens has made two recommendations. He has weighed in on option A, which is the slimmed down compound as opposed to a virtual presence, meaning no physical presence, and your deputy chief of mission, Ms. [redacted], has agreed with that. Do you recall whether you agreed with it and what your opinion was?

A I did because I had been talking to Chris about this, and this was basically the option that I would have formally adopted. I was actually I think on leave that day when this came in. But we had already discussed this. And my sense was -- or my view was the same as Chris', that option A was, given all existing circumstances, would be the best that we could do and that we should do.

Q So you all -- I mean, this is the Ambassador in country at the time, the deputy chief of mission, and Special Envoy having a discussion. I assume you felt it was a robust discussion about a continued presence in Benghazi?

A Yes.

Q And this is happening at the end of October certainly or

early November 2011 based on this, is that accurate?

A Yes.

Q So, at this point in time, you are having a robust discussion on the ground. Had you been told at this point in time by anyone in Washington that the decision already had been made that the presence in Benghazi would continue?

A No. My understanding was that there was a continuing discussion both among our staff in Tripoli and with Washington. It was a continuing dialogue as to what would be the best option in terms of the presence or nonpresence in Benghazi.

Q And you felt that whatever recommendation came out of you all, that the team in Libya would be taken seriously and considered by other colleagues within the Department --

A Yes.

Q -- in making a decision?

A Yes.

Q You didn't feel that this was just a futile exercise because the decision had already been made?

A Not at all.

Q Now just to finish with this exhibit, the deputy chief of mission, Ms. [redacted] goes on to talk a little bit of DS staffing in her paragraph. My understanding of reading that was that it appeared that there was some consideration, at least in Tripoli, about the possibility of altering security compliments for off-compound moves, but that that was under consideration at the time. Is that --

A Right, we were -- we were looking to find -- given the situation, the security situation, in Tripoli, and given the resources that we had, what was the best way to match the resources at hand with the work that we had to do. It couldn't just be a business as usual, which would require a DS agent and an armored car for every officer going out to report. We didn't have that many resources.

Q And this effort to, I think as you put it, match resources with the work you had to do, was that just something you all did on an ongoing basis?

A All the time, it was a necessity.

Q And stepping aside from your time in Libya and this period of time in Benghazi, over your career in the Diplomatic Corps and the time you have been posted overseas, is that an ongoing dialogue in consideration to try to match the resources that you have with the work that you need to do?

A In every mission that I have been in, that has been the case.

Q And that is a serious consideration and concern for certainly you, in this instance as the chief diplomat in the country, and others within the State Department?

A Any chief of mission worth their salt takes security as the number one element, safety of our personnel, and that is true in every mission that I have been in.

Q Do you recall this email went as well to Mr. [redacted] Was he involved in these discussions? Do you recall talking with him about it and what his opinion was?

A He was -- well, obviously, I mean, he was important because he was our link to the rest of the Department on these day-to-day issues. I think that during the time that Chris took some leave, [redacted] actually came out for a few days to act in Chris' place so we had someone there. And it is my recollection that in discussions we had, that he was fully in agreement that we needed to retain a presence. I can't tell you for sure that he bought on to this option A and its comprehensiveness. But I do know that he supported the notion that we had to have a presence in Benghazi, and he saw it firsthand because he had been out there on a visit.

Q So it is our understanding that within about a month of this period of time that we have just been talking about with regard to this email, that a draft recommendation memo was underway, that there was the start of a drafting of a potential action memo about the continued presence in Benghazi that was being put together for the Under Secretary of Management, Patrick Kennedy.

Ms. Sawyer. Do you recall -- I have that action memo here, so I am going to actually share that with you and mark it as exhibit 4 for identification purposes.

[Cretz Exhibit No. 4
Was marked for identification.]

Ms. Sawyer. We can go off the record, and I can give you a couple of minutes to review that, and I just have a few questions for you. Off the record.

[Discussion off the record.]

BY MS. SAWYER:

Q Have you -- let me first read, for identification purposes, exhibit 4 bears the Document No. 5261557. It is a 3-page document.

Do you recall seeing this memo before? Had you seen this memo?

A No, I did not.

Q So this memo goes from any -- it says, from up there, "NEA -- Jeffrey Feltman," and we spoke about Mr. Feltman a little bit in the first hour. What is your understanding, to the extent you have one, of kind of why Mr. Feltman would be sending this? And it says at the top of that, "Action memo for Under Secretary Kennedy-M." Before you answer that question if you could just explain for us who the Under Secretary -- the role of the Under Secretary Kennedy would have been? What role Under Secretary Kennedy would have had in helping make this decision or actually it looks like in the approval line, approving this decision, this recommendation?

A Well, Jeff Feltman, obviously, is the assistant secretary for the Middle East Bureau, Near East Bureau, would be the appropriate official at this level to deal with this particular issue.

Under Secretary Kennedy's domain as Under Secretary for Management includes the DS Bureau. So he would be the natural decisionmaker in terms of this kind of proposal.

Q So just directing your attention to the second page of this memo, the top of the second paragraph, again there is going from Mr. Feltman the head of the NEA, Near East Bureau to Mr. Kennedy. It says, quote, "Although our presence in Benghazi has shrunk considerably

since the reopening of the Embassy in Tripoli, I would like to maintain a small State-run presence in Benghazi through the end of calendar year 2012, to include the critical summer elections period."

A Uh-huh.

Q That sentence, even though you hadn't seen it, seems to be in line with the recommendation that you and the deputy chief of mission, [redacted] and the Special Envoy, Mr. Stevens, had made. So seeing that now, was that consistent with the recommendation that came up from you all on the ground in Libya?

A Yes.

Q And then further down on that same page, that next paragraph does build out some of the reasons why a continued presence in Benghazi will be useful and is being recommended.

A Uh-huh, uh-huh.

Q Do you agree with those reasons there? Do you have any to add?

Mr. Evers. This is the bottom paragraph?

Ms. Sawyer. I am sorry, the bottom paragraph that starts "a continued presence in Benghazi will emphasize U.S. interest in the eastern part of Libya," and it guess on to explain a number of reasons?

Mr. Cretz. I am sorry.

BY MS. SAWYER:

Q Did you agree with those reasons?

A Well, these were the exact arguments that I was making as chief of mission back to Washington as to why we should maintain a

presence.

Q And about halfway down that, a little further than halfway, there is a sentence -- and this resonates with what you were telling us just moments ago -- that starts, quote: "The team will be able to monitor political trends (Islamists, tribes, political parties, militias) and public sentiment regarding the, quote, 'new Libya' as well as a report on the critical period leading up to and through Libya's first post-Qadhafi elections. Programatic benefits to a continued U.S. presence in Benghazi include building on USAID/OTI's programs to strengthen civil society groups, media training, and capacity building in municipal councils." So those were all reasons that you thought it was valuable for the United States to remain in Benghazi?

A Yes.

Q And with particular regard to the upcoming elections, why did you feel it was important for us to have a presence in Benghazi in particular during that period of time?

A These were going to be the first elections that were held in Libya in over 40 years. The Libyans had no experience with elections. They were in the process of really making an effort to form a new democratic system. So I think it was critical that we be there to make sure that the normal problems that plagued a country in this particular stage of evolution were minimized to the extent possible. I think with our presence, perhaps, if we were able to help them a bit and just to help guide them through the process was critical as we saw it for the future of this democratic experiment.

Q And given some of the dynamics that you have explained to us about Benghazi in the east and Tripoli as the capital, what significance, if any, did that dynamic play, given the upcoming elections, in having a continued U.S. presence in Benghazi?

A Well, I think it just helped bolster the confidence of the people that we would be there, that whatever suspicions they may have had toward whatever government emerged in Tripoli would have been allayed to a certain extent by knowing that the U.S. was watching. So it was a critical notion on our part that we be there through the elections to make sure that they were conducted in the most democratic means possible.

Q Earlier on that page, at the end of the second paragraph, there is a statement that says, quote: "With the full compliment of five special agents, our permanent presence would include eight U.S. direct-hire employees, two slots for TDY PM and USAID officers, and one LES program assistant."

To the extent there is a recommendation there about the security posture staffing of five special agents, what is your understanding, if any, of who would have been responsible for making that assessment and making that recommendation to go up to Under Secretary Kennedy?

A Who would have been responsible for that proposal?

Q That particular aspect of it.

A I think it would have been a DS call, because this was -- they were the experts in terms of the kind of security that was appropriate to any particular situation. I think this kind

of -- certainly the post -- Foreign Service officers outside of DS would have had some input into it, but the yeoman work in terms of making that recommendation would have fallen appropriately to DS itself.

Q And then I just wanted to ask you about the very last sentence on page 3 of the body of the memo. There it is talking about NEA proposes to terminate a lease on one building and retain leases on Villas B and C through the end of calendar 2012, quote, "or until such time an appropriate alternate property can be found that would allow for co-location of all U.S. Government personnel in Benghazi," end quote.

So to the best of your recollection in considering maintaining or continuing a U.S. presence in Benghazi, was the notion or option of potentially co-locating U.S. Government personnel in the city one that was an ongoing potential option or consideration?

A I can't speak to that discussion in Benghazi. I mean, in Tripoli, we obviously had that same kind of discussion as to the benefits or the need for co-location, but I don't know the -- I don't recall the discussions with respect to co-location in Benghazi specifically.

Q And in addition to it potentially being considered, the context here made me assume it was being considered as something that would be more of a permanent situation where you would physically co-locate on a more permanent basis. But was it also something that was a potential or considered as an option on a temporary basis if either the State Department or other U.S. Government entities needed to

co-locate temporarily for security reasons or others, was that an option --

A I think that was an option, yes. But, again, I can't recall the specifics or any particular discussions that I participated in. But co-location was an issue and -- I just don't remember any details as to the proposals or anything.

Q And this recommendation was in fact approved. Is that your understanding?

A Yes, that is my understanding.

Q Was it your understanding that it was approved by Under Secretary Kennedy?

A My assumption is that if it went to him as an action memo and that his signature is on it, that he approved it.

Q Do you recall whether you discussed with Under Secretary Kennedy the continued presence of the United States in Benghazi --

A I don't recall.

Q -- around this time?

A I don't recall the specific discussion I had with him.

But as you can see from the body of the text, especially on page 2, on the paragraph beginning with "the continued presence in Benghazi," those are all the arguments that I had put forward. I assumed from this that my -- I didn't need to see him face to face -- the discussions and the recommendations that I had been making by phone, et cetera, had been accepted.

Q I think instead of getting into a new topic area we will

go ahead and conclude. I think we are almost up on our hour. So we will go ahead and go off the record.

[Recess.]

Ms. Clarke. We can go back on the record.

BY MS. CLARKE:

Q When we left off the last hour, our colleagues had been discussing the action memo that went to M regarding extending the Benghazi facility and the facility being open until the end of 2012.

A Uh-huh. Yes.

Q I just wanted to take a step back and just ask you -- you said that you had visited Benghazi and, of course, you spent a lot of time in Tripoli.

A Uh-huh.

Q And if you could kind of compare and contrast the security situations between those two cities.

Mr. Evers. Do you mean in terms of the two posts or the two cities generally, their security situation?

Ms. Clarke. Kind of an overview.

BY MS. CLARKE:

Q And then, in terms of the two posts, what were the resources that were available to the posts regarding security?

A What timeframe?

Q Once you returned to Tripoli. So the fall of 2011.

A Yeah.

Q And we were discussing the action memo to Kennedy. So

around that timeframe.

A Yeah.

Q The fall of 2011 beginning part of 2012.

A Yeah. I mean, in general, Tripoli was still in the throes -- in September of 2011 was still in the throes of civil war. Tripoli had fell -- had fallen. But there were still active pockets of resistance throughout the country from Qadhafi loyalists.

The country had also begun to break down in anticipation of a victory over Qadhafi into the militias that, in fact, were fighting Qadhafi. The war against Qadhafi was not by a unified opposition army.

It was made up of a militia. The jihadists had a militia. The people from Zintan had a militia. The people from Misrata had a militia. So in anticipation of the final victory, they were, in effect, fighting it out.

In a sense, a lot of what we see today in Libya, they were fighting it out for a foothold to make sure that they got a piece of the pie -- a piece of the power pie once things settled down.

So the situation in Tripoli was very unsettled. There was lots of gunfire both celebratory, because it was their way of -- bullets were always flying all over the place -- as well as aggressive firing, militia upon militia. So we were -- I think the situation in Tripoli was very, very unsettled.

I did not get the same sense in Benghazi. I think I visited Benghazi twice when I went back in September. And, I mean, it was clear that the situation was still unsettled.

And, as I recall, at that particular point, I did not get the same sense of a country still in the throes of a civil -- of a, you know, a civil war.

It was much more restrained, if I can use that term, because I think this was the -- you know, this was -- as I mentioned in the beginning, this was the headquarters. This was the centerpiece of the revolution.

So, in effect, they were -- you know, they were so glad to have gotten rid of Qadhafi that they were still in very much a celebratory mood. But there were -- I mean, there were, you know, incipient attempts by different groups to, for example, charge fees at barriers and things like that.

So my sense in September of -- when I went back was that -- in fact, that Tripoli was in a bit of a more difficult position than Benghazi.

Q You stated that you went to Benghazi twice. Did both of those --

A I think it was twice. Yeah. I can't remember. I know I went once with Susan Rice when she came to visit. I think that was in November -- oh.

But I also went in October. As soon as I got back, maybe 3 weeks after I went by myself, obviously, and then by -- in November, I believe, when Susan Rice came.

Q At some point -- so you have described Tripoli versus the sense in Benghazi during that timeframe, kind of the fall of 2011 -- how

would you compare the two during the spring of 2012?

A Tripoli was still unsettled, and we were beginning to see increased levels of violence in Benghazi. There was an attack against the British Ambassador. There was an attack against the U.N. rep.

It was difficult to say at that particular time whether -- especially the U.N. rep -- whether that attack was intentional.

Because there was also, as I recall, a big wedding celebration going on in that area and there was gunfire and things. So it was possible, but that particular attack, although I don't have -- I can't give you a definitive statement.

But the one against the British Ambassador certainly was worrying because it was really among the first attacks that we might be able to label as attacks against Western interests.

So while Tripoli still remained chaotic, Benghazi appeared to be moving in a different direction than it had been before.

Q And when you returned to D.C. in 2012, was that the May 2012 timeframe?

A Yes. I think it was toward the end of May 2012.

Q And would you characterize the two security situations in Tripoli and Benghazi as how you just described or was there even more trending in Benghazi towards more incidents?

A Up until -- in neither place, up until that particular timeframe, I can't recall any security incident that was targeted against either the United States specifically or against Western

interests writ large.

Q And you said up until that particular timeframe. You are referring --

A Yeah. Up until those events in Benghazi in the spring of 2012. So it was a disturbing trend because, in Tripoli, we did not -- I did not see a piece of intelligence. I did not see any indication that the violence that was taking place was other than the product of the rival militias or whatever fighting it out for their piece of the pie.

We never had any intelligence report, as I recollect, that specifically targeted U.S. or Western interests in Tripoli. Benghazi began to look like there was something going on there that was disturbing.

Q Do you recall if you ever had any intelligence reports about Benghazi that there was going to be specific targets of U.S. interests or Western interests?

A I don't remember any.

Q Can you describe some of the assets that were available in Tripoli, some of the security personnel that you had available in Tripoli.

A We had our normal DS contingent, which was, I think, two or three. Then we had MS -- mobile -- is that right? -- MSD units that came in. I forgot how many there were. But I think at one time we had five or six.

The numbers elude me at this particular point. Plus, we had a contingent of SST out of, I think, Stuttgart, and they were about 15

to 20. But don't hold me to the numbers because I just can't remember.

Q It was a long time ago.

A In Benghazi, as I recall, we were at -- I can't remember whether it was three or four DS agents. So it was supplemented from time to time by Tripoli in case they had a visitor or in case something -- you know.

Q So if there were a visitor to Benghazi, Tripoli would send some resources down for the purpose of that visit?

A Yeah. I can't give you a specific instance where that happened, but I know that that was a -- that was a request that from time to time was made. But I just can't remember a specific instance where it was. But those assets from time to time were made available in case it was needed.

Q So -- but the SST and MSD, there were not any of those assets in Benghazi. Correct?

A To my knowledge, there were neither of them there. Yeah.

Q And you mentioned that, generally, Benghazi was around three to four DS agents.

A I think that was the number. I just can't remember.

Q Do you recall any discussions about difficulties in staffing the number of DS agents that were intended to go to Benghazi?

A As I recall, the agreement was that we would try to keep the DS contingent in Benghazi at the level of five. I do not know whether we ever reached that level. I just can't recall whether, in fact, that was -- that had come to fruition.

What I do know is that the various officers that were there felt that they from time to time didn't -- that the mission was not necessarily well staffed enough for them to be able to go out and do their reporting on a regular and aggressive basis.

Q So some of the -- are the officers you are referring to the principal officers?

A Yeah. The acting -- yeah. The principal officer. Yeah.

Q So they would report to you on occasion that, "Because of the number of DS agents that are currently here, we are unable to go out and obtain -- do the type of reporting that we are in Benghazi to do"?

A I recall discussions with one or two of them at various times that said that, because of the requirement to protect the facility, that it was difficult for them to go out because it required a certain level of accompaniment around the city. But, again, I can't -- I can't remember whether, in fact, we ever reached the level of five.

Q So, to your recollection, it hovered between three and four most of the time?

A I think that is to the best of my recollection.

Q And do you recall the numbers ever dropping below three?

A I don't remember.

Q So you mentioned having the SST assets available to you in Tripoli. At one point, were they -- were there SST assets available to you during your time until you departed in May of 2012?

A Yes.

Q And were there discussions about -- at the beginning of 2012 were you involved in discussions about extending the SSTs?

A Yes.

Q And what was your opinion about whether or not SST needed to be extended?

A Well, my view was -- and I expressed this to General Ham and others, who was the head of AFRICOM at the time -- was that -- my belief was that we needed them, especially in Tripoli, because of the ongoing strife and, also, because the elections were going to be held in June.

And I think our general sense was that this was going to be a time -- a real problematic time period because it was the first election and for some of the reasons I went over before: first election, a lot at stake.

So I felt that, in order -- again, for us to be able to do the job that we needed to do to get out and to reassure people that we were there to -- in case we were going to bring in observers or something with the elections, that an SST component would be very, very important for us to maintain up until that time.

BY MS. JACKSON:

Q If I could, what does the SST bring to an embassy that you don't get with DS agents or local guard force or, you know, bodyguards within country?

A As I recall, first, there was a medical component. We had a Navy doctor for a period of time. They brought special skills. For

example, we had a bomb that was -- a 10,000-pound bomb that was in the middle of the Benghazi compound where Qadhafi used to live and kids were playing on it every day.

And I worked with our -- one of our SST people, and they had a bomb-defusing expert. So we were able to work out a plan whereby we defused that bomb. So that kind of skill, the normal kind of skill I think that most DS agents wouldn't possess, counter -- maybe counterterrorism skills.

I can't describe the level above which our -- because our DS agents were very, very capable. But these guys just brought kind of a special force kind of set of skills to the game.

Q Now, you just mentioned that there was a 10,000-pound bomb in Benghazi. Was that in the Tripoli?

A No. No. I'm sorry. Not in Benghazi. It was in Bab al-Azizia. Sorry about that.

Q I just wanted to clarify.

A I just have Benghazi on my mind.

Q We have been focused on Tripoli and Benghazi.

A Sorry. Right.

So that was the kind of -- they brought a wider range of skills that you would normally get from a DS team, although DS teams do have those kind of expertise from time to time.

BY MS. CLARKE:

Q And did DS support your view that the SST team should be extended?

A I am not sure that support would be the best -- that is maybe a little bit strong.

Q How would you describe their view?

A Here is what I would say, that speaking specifically about Tripoli, there was no threat -- there was no direct threat, as I said, to Americans or to Western interests. We were in a dangerous situation, but it was a dangerous situation that was dangerous for everybody.

And so, if you are either on the SST side from the command in Stuttgart or you are in Washington and DS and you are saying, "We have scarce resources. We only have a certain amount of teams of each kind that are available for particular situations," if you are weighing a situation where there is a direct threat to Americans, such as existed in Afghanistan or Iraq, or you're looking at a situation, again, for the deployment of scarce resources in a situation like Tripoli, that -- you know, where there is no direct threat, but there still is danger, as there is in lots of places around the world, where -- are our resources best deployed in a place like Tripoli as opposed to, for example, in Afghanistan or Iraq.

So I think there was a very healthy debate going on. There may have been some people in DS who supported the extension of the SST and the MSD teams, and there were people who did not.

Q And you mentioned in your conversation with General Ham that you wanted the SST team to be extended.

Did he -- what was his view on extending SST?

A Oh, he agreed to do it.

Q During the last hour, we had a little bit of discussion about the return to Tripoli and Ambassador Stevens was still in his role as the envoy until about mid-November, 2011.

A Right.

Q And we also talked previously about kind of the reporting structure that he used when he was an envoy when he first went into Benghazi.

Can you describe for us whether or not that reporting structure that Ambassador Stevens used changed at all once Tripoli reopened?

A I think we began to establish more of an embassy, quote-unquote, consulate relationship because we were in Tripoli and he didn't have that option before, you know, to coordinate on reporting and things like that.

But it was not hard and steadfast. I mean, I deferred to him. If he felt that he wanted to report directly something to Washington, that -- he had that option because he obviously was experienced. We had a good personal relationship. So we had a good, close relationship.

And, as you can tell from the dialogue on what should be the future presence of the U.S. in Benghazi, we were -- when we needed to talk, we talked. For example, I was very involved in evacuating the Libyan war-wounded in the October, November timeframe.

And there were times when in that chaotic situation trying to get approvals from the various officials that needed to be -- to sign off

on it was like herding cats. It was just terrible.

So we would -- you know, for example, if I knew that an official was in Benghazi, I would talk to Chris, and he would go and contact that official and see -- either get in touch with me or get a signature on a piece of paper.

So we -- it became -- it was not a subservient relationship. It was not ambassador and consul general. It was more a question of equals because we both had a healthy respect and affection for each other.

Q Once Ambassador Stevens departed Benghazi and I believe he was replaced by a series of principal officers, did that -- did the relationship between Benghazi and Tripoli change then? Were they considered more or less constituent posts at that point?

A I think the officers were given a lot of leeway to do the kind of reporting that they wanted. We would obviously coordinate on certain things, but I didn't insist that all their reporting come through us. They had a certain amount of leeway.

Their -- I think their management -- I'm not sure about this, but I think the messages on -- that might relate to security in management went -- were handled by Washington.

Q So you think that -- and Benghazi sent -- typically sent security messages directly to Washington?

A I am just trying to recall. I can't say specifically. What I seem to remember is that there was a direct link to Washington on certain issues, which I think security and management may have been part of, but, obviously, with the -- with the participation of our RSO

as well.

Q And do you know why -- is that typical, for a constituent post to communicate directly with Washington about security matters?

A Well, we have independent consul generals. For example, Jerusalem is an independent one. So it is not unheard of. But, again, I am -- I seem to remember that there were -- there was some direct reporting.

I know it was on management issues. And I think it was on security as well. But, obviously, our RSO, you know, was involved with that as well.

Q And the RSO at the time was [redacted]. Correct?

A Yes.

Q Were you involved in any requests or made aware of or had discussions about requests that Benghazi may have had for security resources?

A Yes.

Q And do you recall what -- were those requests typically related to personnel or do you recall if those requests also included upgrades to the villas or any items such as that?

A It was more related to the ability of the principal officers there to get around and get out of the compound to do their job.

Q And do you recall whether those requests came through the RSO, [redacted] to D.C. or how did those requests typically -- how were those requests typically handled?

A Well, sometimes -- I mean, I knew [redacted] who was

one of our principal officers. And I think he communicated to me either by phone or -- I don't remember how -- but that he felt that they needed some kind of flexibility in terms of the presence, either added security or some kind of relaxation of what he interpreted to be, as I remember, strict rules regarding who could and could not be off the compound and with what kind of accompaniment or not.

BY MS. JACKSON:

Q And, if I could, just what type -- what did you do in response to his concerns? Did you direct your DCM or RSO [redacted] to take any actions to make any inquiries to --

A Yeah.

Q -- lodge a complaint?

A As I recall, I asked [redacted] to dialogue with his counterparts in Benghazi to see if we could reach some kind of solution or some kind of compromise.

Q Did you reach out in any way to the NEA front office, to Assistant Secretary Feltman or others, saying, "We are having a problem getting our people out and about to do the type of reporting that you want because we are having problems being fully staffed on the security side"?

A I think I may have, but I can't recall definitively.

Q And did you concur with the assessment of the DS agents that they needed more robust numbers in order to provide adequate protection?

A To be honest, I didn't have as full an appreciation of the

situation that required that. And so I wasn't really able to say, well, that's a good policy or a bad policy.

At that particular point, I think it was their judgment. I may have felt perhaps it was a bit stringent, but, then again, they were on the ground and I wasn't.

Q Did you have any conversations with [redacted] as to whether he concurred with the agents' assessments who were -- the agents who were on the ground in Benghazi?

A I don't recall.

Q Did you typically find [redacted] to be sensible in his approach to security?

A Yeah. I thought -- you know, he came in with me in September. That was the first time I had met him. And we had to work a lot of issues during that 9-month period that I was in Tripoli.

For example, the airlines were beginning to come back into Tripoli, and we had been flying charter in and out. And we had to spend a lot of time determining whether, in fact, the security procedures at the airport would allow our staff or whether we could make the judgment and a recommendation to Washington that our staff should -- was now able to fly Lufthansa or Alitalia or whatever.

And I found him to be sensible. Yeah. He conducted the right amount of drills. He was -- seemed to me cool and collected whenever we faced a particular problem. He seemed flexible in trying to accommodate the needs of the mission to report, et cetera.

Q So you valued his opinion?

A I did. Yes. I did.

BY MS. CLARKE:

Q I think we are going to shift gears a little bit. I just have a series of small topics that I would like to discuss with you.

The first topic is: Were you -- do you know who is?

A Yes.

Q And who was he or is he?

A He was a one of -- I believe he was one of our foreign service locals in Benghazi. And he is the one who reported on the downing of the American pilot in -- over Benghazi.

And he called the -- he actually called the incident into the operations center and was able to guide and give information about that particular pilot.

He later -- I don't recall if at that time he was a local in our embassy, but he later became part of the consulate team there and became kind of a local Libyan who was kind of an interlocutor and, also, gave us political and economic reporting out of there.

Q When you said like he actually called into the ops center to report the downing, is that the ops center in D.C.?

A As I recall, I think he is the one who actually called into Washington, which leads me to believe that maybe he actually was an employee of the consulate at the time.

I just can't remember whether it was formal or informal or what. But he did -- he was the one who actually made the call to say, "Hey,

we have an American pilot and" -- you know.

Q And have you ever met him -- actually met him face to face?

A Yes. When I went to Benghazi, and I think he came to Tripoli a few times. He was a very valuable interlocutor for us.

BY MS. JACKSON:

Q When was the last time you would have had any contact with him?

A It may have been in February, March, April of 2012. I can't recall the last time I saw him.

Q Do you recall, did he come to Tripoli for your farewell?

A I don't think so. I don't recall him being there.

BY MS. CLARKE:

Q You mentioned that you departed Tripoli in May -- late May of 2015.

A 2012.

Q I'm sorry. 2012.

Had Ambassador Stevens already arrived prior to your departure?

A No. I came back -- again, I don't remember the date, but I came back in May. But we met up maybe about a week or a few days after I got back. We met at Shelly's Bar. We had a drink. We had a cigar. I wished him well and everything. And I think he went shortly thereafter.

Q And once Ambassador Stevens left Benghazi in November of 2011, did he return at any point prior to becoming the Ambassador to Libya?

A No. I don't recall that he did.

BY MS. JACKSON:

Q During the time from when he left in November of 2011 until he returned as Ambassador, did he remain the envoy?

Mr. Evers. If you know.

A I don't know if he did. I don't know whether he retained that title or not.

BY MS. JACKSON:

Q Do you know what he was doing in that interim period?

A As a matter of fact, I don't.

Q So you were not having conversations with him on a regular basis about keeping them apprised of what was going on in Libya or talking to him about when you were seeing, prepping him for what he was going to face as ambassador?

A Well, from time to time, we would talk because obviously his, the date of -- I mean how his process was moving forward was of concern to me because I was looking forward to getting out at some point. So we would talk but or exchange emails but it was not necessarily on the situation in Libya, although from time to time we would discuss it. But the bulk of the communications I think that we had was how is your confirmation process going, have you submitted your papers, when are you going to have your hearing that kind of discussion.

Q When did you first know that he was going to be nominated or was under consideration to be the ambassador to Libya?

A I can't recall.

Q Was it before you went back in in September?

A No. Definitely not. Definitely not.

BY MS. CLARKE:

Q Do you recall -- can you kind of describe for us the -- when the conversation about Stevens becoming the Ambassador to Libya began and who you had that conversation with and how that transition began and took place.

A Well, I didn't have any role in obviously selecting -- or his name being -- he was a natural. There was no doubt about it.

But I don't know the process and the discussion that took place as to who put his name forward or when that happened. I know it was in the -- maybe the late November, December timeframe when it began to gel a bit. But I had no role in -- you know, not for -- not for envoy. For ambassador.

Q Yes.

A Yeah. I had no role in that.

BY MS. JACKSON:

Q When you went back in in September of 2011, what was your long-term plan? What kind of discussions had you had with Jeff Feltman or others within the Department regarding how long you were going to be in Tripoli?

A It was very -- it was an amorphous discussion. I said, "Look, I'm willing to go back, but my wife is not very happy about being separated. So I will go as long as I can or as long as is possible, but I would hope that you would come up with a new nominee in a reasonable

time."

I thought in my own mind the January, February time period would have been appropriate. But when it was clear that that was not going to happen, it was fine. And I stayed until May.

Q Was there any discussion that you recall of having Chris Stevens go in as sort of -- as the head, even though he was -- before he was confirmed as Ambassador?

A As I recall, it was a possibility to perhaps have him go in at some point as chargee, but it never went anywhere.

Q Do you know that was?

A I think it was just a decision -- and, again, I -- only that, "Let's make a clean break, one ambassador and another, rather than ambassador, chargee, ambassador."

Because I was there. There was no reason to send in a chargee. I wasn't complaining. I wasn't asking to be sent home. So we might as well let the process play out.

BY MS. CLARKE:

Q So, again, shifting topics now, I want to ask you do you know who David Grange is?

Ms. Sawyer. Can we go off the record just for a second?

Ms. Clarke. Yes.

Ms. Jackson. I see no reason to go off the record.

Ms. Sawyer. Okay. I am going to object, then, at this point. I'm not sure that there is any reason to be asking this witness about that but I will let you guys have a little latitude.

Ms. Jackson. This is our hour, and we will continue with our questioning.

A I don't know David Grange.

Mr. Evers. Are we still on the record?

Ms. Clarke. Yes.

Mr. Evers. The answer is he doesn't know who David Grange is.

BY MS. CLARKE:

Q Are you familiar with the company Osprey Global Solutions?

A Os --

Q Osprey, O-s-p-r-e-y.

A I don't recall that name.

Q So I am going to show you an exhibit, and I believe it is going to be Exhibit 5.

[Cretz Exhibit No. 5

Was marked for identification.]

A Yeah --

Mr. Evers. Why don't you let her introduce the exhibit and ask questions about it.

Mr. Cretz. I'm sorry.

BY MS. CLARKE:

Q For the record, this is a letter dated January 4, 2012. It is from David L. Grange to Andrew Shapiro.

Do you know who Mr. Shapiro is?

A Yes.

Q And who is he?

A He was the Assistant Secretary for political and military affairs.

Q And the letter discusses -- it's from Osprey Global Solutions and it's talking about interests that Osprey Global Solutions has in Libya. And at the very bottom, the very last paragraph, it talks about -- it says: We very much look forward to presenting Ambassador Cretz our credentials and a capabilities brief and invite him to contact myself and/or our Executive Vice President, Richard Vanderveer, at any time.

Do you recall having any discussion with David Grange or Richard Vanderveer or anyone representing Osprey Global Solutions?

A Honestly, I do not.

Q Do you recall having any discussions with a company that had these types of services that they were willing to provide to Libya?

A There were -- throughout the period of -- you know, from October through January, February, when the -- especially when the question of the war-wounded and air evacuation was occurring, I had several discussions.

There were several, as I recall, proposals from different companies that wanted to establish, you know, floating hospitals and -- or to construct hospitals in Libya.

But he may have been one of them. But I don't recall a discussion with him or with his company.

BY MS. JACKSON:

Q So you did have discussions with U.S.-based companies who

were offering to provide humanitarian aid in Libya?

A Yes. From time to time, they would come to the embassy and see what the potential prospects were for building hospitals or, you know, helping building infrastructure in Libya or helping with the evacuation of war-wounded or rehabilitation, you know, therapy -- physical therapy, et cetera.

Q And would these companies that provided this humanitarian aid -- would they do so expecting some sort of remuneration or compensation from the Libyan Government for the providing of those services?

A I would assume. Yes.

Q Okay. And for U.S.-based companies, was it, in your opinion, important to -- for you to be aware of that, that they want -- that U.S.-based companies wanted to do that?

A My understanding -- well, at least from the experience that I had, yes. It would have been important for me to know about it because there would have been an angle involved with the Government of Libya at some point, and I'm sure I would have had to have been involved.

Q And do you recall -- during this time period, did you talk with Andrew Shapiro about any of these companies that were interested in providing humanitarian aid in Libya?

Ms. Sawyer. Can I ask which companies are you talking about? Are you talking about the companies represented on this?

A Just Osprey? Are there specific companies?

BY MS. JACKSON:

Q Ambassador Cretz, you said that you talked with one or more companies, but you don't recall specifically what -- who those companies were.

A Right.

Q Of those companies that you talked with during this timeframe --

A Yes.

Q -- did you have any conversations with Andrew Shapiro or anyone else at Main State regarding those companies?

A Not to my recollection. I know that Andrew Shapiro visited Libya once, but I don't recall any discussion -- specific discussion with him related to any company or any proposal for humanitarian aid.

Q And in his position as Assistant Secretary for political and military affairs, would he have had a role to play in that?

Mr. Evers. If you know.

A I don't know.

BY MS. JACKSON:

Q And I am just trying to --

A Yeah. Yeah. Yeah.

Q -- understand the State Department structure --

A Yeah.

Q -- and who does what.

When I hear the term "humanitarian aid," I think of USAID. I don't necessarily picture in my mind political military affairs.

A Right.

Q But maybe I just don't understand State Department bureaucracy.

A Yeah. I would have said infrastructure development, not humanitarian development, because this is really more infrastructure than humanitarian. So I misspoke on that particular word.

Q Okay. And would Andrew Shapiro and the Bureau of Political-Military Affairs have a role to play, if you know, in the infrastructure for humanitarian aid?

Mr. Evers. If you know.

A I don't know.

BY MS. JACKSON:

Q Do you know who would in the State Department?

A I would guess -- I mean, if I'm dealing with American commercial interests either in Ghana or Libya or Egypt or anywhere else, my main discussions would take place with the, you know, Economic and Business Bureau back in the States or the Under Secretary of Economic Affairs or the Department of Commerce.

Q Okay. Okay. Thank you. That is very helpful to us.

Ms. Sawyer. Can I ask a question?

There wasn't any document number on this, and we have never received this particular document from anyone other than in the context of an interview.

Just to make clear, how did the committee obtain this document? It has never been provided to the minority other than in the context of it being shown to a witness in an interview.

Ms. Jackson. Actually, I don't know. It is among the documents that we have available to us, but I don't personally know the answer to that. So we'll move on with the next question.

Ms. Sawyer. Well, will you get back to us and let us know where this document did come from and how the committee obtained it?

Ms. Jackson. We'll discuss that after the interview is over. Let's not waste the Ambassador's time with that discussion. We'll take that up a later time.

Ms. Sawyer. Well, just so that the record accurately reflects that we do object to having a witness shown documents in an interview of the Select Committee on Benghazi that has not, to the best of our knowledge, been turned over to the committee in any official capacity and that have not prior to the interview been shared with the minority. So I want that on the record, and we can take it up later.

Ms. Jackson. Well, I think that we should clear up the record, then, that the minority has had possession of this because you just stated previously that this was used in another interview. And so you have seen it before.

Ms. Sawyer. Yes. Thank you.

And in that interview, again, we had not been given the document before. And we have never been told how the committee has come by this document.

So the fact that I didn't object then does not waive my ability to object now and to object to it going forward until and unless I can inform my members, who are participating in this investigation to the

best of their ability, exactly where documents that the committee is getting and using come from if they are not documents that we already know to be in the public domain.

Ms. Clarke. Thank you.

[Cretz Exhibit Nos. 6 and 7 were marked for identification.]

BY MS. CLARKE:

Q I have an additional series of questions for you regarding another topic, kind of switching gears again. And I am just going to put before you two documents and then you can review them.

A Uh-huh.

Q We can go off the record for a few minutes.

[Discussion off the record.]

Ms. Clarke. We can go back on the record.

BY MS. CLARKE:

Q So, Ambassador Cretz, I have provided to you two documents. One document that was marked as Exhibit 6 ends in the numbers 5181, and then Exhibit 7 ends in 5144.

These two emails are emails that are sent to you and Jeffrey Feltman from Jake Sullivan. And, for the record, who is Jake Sullivan?

A Jake Sullivan was one of the staff members to Secretary Clinton.

Q Both of these emails appear to be intel-related-type information that he sent to you and Mr. Feltman and asked for your input or your views on them.

Do you recall these emails?

A Yes.

Q And at the time you received these emails, did you know where this information was coming from?

A Know in what sense?

Q Did you know where he -- other than -- Mr. Sullivan was providing you information. But did you know where he had received that information?

A No, I didn't.

Q And the first -- Exhibit 7 is dated January 24, 2012.

Do you recall prior to that day if Mr. Sullivan had sent any other types of intel-type information to you and requested your input on that information?

Mr. Evers. If you remember.

A Yeah. I don't remember whether this was the first or there were previous ones.

BY MS. CLARKE:

Q I have two examples. Do you recall if this was a ongoing dialogue that you had with Mr. Sullivan where he would send intel information to you and ask for your view or was this sporadic? What you do you recall about this type of --

A It was sporadic.

Q Exhibit 7 is titled "Libya Info." The subject is Libya information. And it says, "Interested, as always, in your views."

And then it goes on to describe information that was obtained from

a source with access to the Libyan National Transitional Council and then your response.

You respond to it. The fourth sentence down in your response begins with, "So the source of this report."

A Uh-huh.

Q "So the source of this report attributing the whole thing to war-wounded does not jive, although they may have been the ones who carried out the violence acts."

Based on that sentence, it seems like you disagree or are not 100 percent in agreement with the information that was provided in this report. Is that correct?

A Yes.

Q And what was your thought about this information that Mr. Sullivan was providing to you?

Mr. Evers. Do you mean as a general matter or this specific report?

Ms. Clarke. This specific report.

Mr. Evers. If you remember.

A There were some parts of the information that seemed to reflect reality, and there were other parts of the information that didn't seem to reflect reality.

BY MS. CLARKE:

Q And did you ever any follow-up discussion with Mr. Sullivan about this report?

A Not to my knowledge.

Q What about Mr. Feltman? Do you recall having a discussion --

A No.

Q -- with him?

A No. Usually, you know, here was the report, what's my reaction, here's my reaction. And that was usually the end of the matter.

Q And then Exhibit 6 is dated April 5, 2012. This one is -- the subject is "Latest from HRC's contact." On the second page, Jake Sullivan sends it to you, Ambassador Stevens, and Jeff Feltman and says, "Below is the latest report from HRC's contact; would be interested in your reactions."

At that point in time, did you know who he was referring to when he said "from HRC's contact"?

A No.

Q And HRC, did you understand what that --

A Yes.

Q -- meant -- what those letters meant?

A Yes.

Q And that stood for Secretary Clinton?

A Yes.

Q Did you have any further discussion with him about the source of this information?

A I never queried him about the source.

Q Did you have a discussion with Ambassador Stevens or

Mr. Feltman about the source of this information?

A I think we may have had a discussion. I can't recall whether -- "Do you know who this is? Where could this be coming from?" But, beyond that, we never pursued it.

Q And did any of the three of you have an idea at that time who this information was coming from?

A No.

Q Do you know who Sidney Blumenthal is?

A Yes.

Q And have you had an opportunity to meet Mr. Blumenthal?

A No. I never met him.

Q Do you know who Tyler Drumheller is?

A Only from the news.

Q So you have never had --

A No.

Q -- an opportunity to meet him?

BY MS. JACKSON:

Q At the time you were receiving these reports, did you have any idea or understanding that this was information being provided to Secretary Clinton from Sidney Blumenthal?

A No.

Q And how is it that you know Mr. Blumenthal?

A Only from the news, you know. I mean, during the campaign, I -- well, I knew that -- just from the news that he was a former adviser to the Clintons or something.

Q But at the time that you were in Libya, you had no idea that he --

A No idea whatsoever.

Q -- was providing information?

In your other posts or positions in the State Department, had you ever had information like this provided to you via the Secretary, through someone, through a Jake Sullivan, a policy adviser?

A No.

Q Have you had it since? After this -- after receiving these sporadic reports during the time you were in Libya, had you ever received any similar-type report?

A Are you asking me specifically that -- have I received reports that say the Secretary has asked me to -- your opinion on this that he or she received from a source?

Q Yes.

A No. I have never.

Q To your knowledge, have any of your colleagues, other ambassadors, ever received this type --

A I can't address that. I don't know.

Q No conversations with them --

A No.

Q -- or anything like that? Okay.

BY MS. CLARKE:

Q I have just a few more questions for you, very short questions that are, I believe, unclassified, and then I have maybe one

or two questions that are classified.

We are getting close to my time. So I will proceed with the short ones. And then we can turn it over to you all and then have a classified session.

Just prior to your leaving Tripoli in May of 2012 when you were returning to Washington, were you aware of discussions regarding the Secretary planning a trip to Libya in the fall?

A No.

Q And shifting focus to the night of -- or to September 11, were you involved or aware -- did you have any role or awareness of what was happening in Egypt, the Cairo protests?

A Yes. Through the news.

Q So that wasn't something that -- well, I don't know if we have discussed this.

Once you returned to Washington in May, what role did you have at that time?

A I had none. I was preparing for my next ambassadorship in Ghana.

Q Were you at the State Department, where you had an office at the State Department and conducting work there or was it kind of a --

A It was basically a period of consultations for my next post.

Q Okay. And what was your understanding of the nature of the attacks in Cairo and what caused those attacks?

A Just what I got from the news, that there was a contentious

video. I mean, I didn't have all the facts. Obviously, I was not privy to it. Just what I heard in the news.

Q And when our facilities in Benghazi were attacked, were you involved in any of the coordination or the aftereffects of the attack as far as figuring out what happened in Benghazi or were you called in to help out with -- during -- once that -- once the ops report came out that there was something happening in Benghazi, were you contacted about that?

A I was contacted that evening.

Q And who contacted you?

A As I recall, it was our Deputy Assistant Secretary, Liz Dibble.

Q And was this a contact to make you aware? Was she seeking some information from you?

A She had asked -- she said that there was an incident in Benghazi, they were trying to locate Ambassador Stevens, were there some contacts that I could refer to them that they could call to see if they could get information about the situation.

Q And were you able to provide contacts?

A Well, I mentioned right away [redacted], and I don't think I mentioned anybody else.

Q And did she ask you to personally reach out to anyone?

A No.

Q At any point after that discussion with Ms. Dibble, were you contacted by anyone from the State Department about what happened

in the State Department's information that was -- that it was providing about the source and the cause of the attack?

A No. The only -- I was called the next morning -- I went to sleep -- I didn't know what was going on, and I went to sleep. I was awakened about 6 o'clock by a CBS reporter asking me if I had heard the news. And that was the first that I knew that Chris had died.

Q And then, lastly, my last line of questions for the unclassified portion is: Can you describe -- were you contacted by the ARB to provide documents during its review?

A Not documents. No.

Q You were contacted for an interview?

A Yes.

Q Did you provide documents to the ARB?

A No.

Q And when you -- can you describe your interview. Were you the sole interviewee or were there other individuals present --

A I was in Ghana. So it was done by DVC.

Q Okay.

A And so I was the only interviewee from Accra, and then the members of the board were on the screen.

Q Shortly after the attacks and still some time before the ARB being convened, a congressional committee made requests for documents pertaining to Benghazi.

Were you contacted or made aware about that request?

A I left -- I was sworn in on September 11, ironically, and

I left for Accra a week later. And certainly, when I left, I didn't have access to any of the documents.

But I assume that, based on all the documents that you have access to and that appear in the papers, that my documents were available on whatever servers still existed.

BY MS. JACKSON:

Q The Accountability Review Board that was convened following Benghazi leveled criticism at the State Department for not heeding the requests of the Ambassador, Ambassador Stevens, and as well as when you were there, heeding requests for additional security or being reluctant to provide security in Libya for the protection of State Department staff.

Are you familiar with that finding of the ARB?

Ms. Sawyer. Sharon, I am actually not familiar with that particular finding. I am familiar with findings that there was a shared lack of appreciation, but -- and I'm -- can we just go off the record for a second?

Ms. Jackson. Uh-huh. I will rephrase it.

[Discussion off the record.]

Ms. Jackson. Let's go back on the record.

BY MS. JACKSON:

Q Ambassador Cretz, are you familiar with the ARB report that was issued?

A I am familiar with the report.

Q Have you read the classified as well as the unclassified

version of the report?

A No.

Q So you have read the unclassified version?

A A long time ago. Yeah.

Q What is your recollection of any criticisms that the ARB made regarding the security posture in Libya and specifically with regard to Benghazi?

A I can't -- I don't have a recollection of what they were.

Q Do you recall that the ARB was critical of not having adequate security staff in Benghazi?

A No. I am not aware of that particular assertion.

Q Are you aware that the report recounts that Ambassador Stevens had made requests for additional security both in Tripoli and Benghazi in the weeks and months leading up to the attack?

A No, I am not.

Q Was it your -- let me just take a step back.

Was it your assessment at the time that you were the Ambassador that you had to repeatedly request, if not demand, security resources for Tripoli and Benghazi?

A Well, as I mentioned before, there was a spirited debate among the various components, each of whom had a different perception of how we should deploy resources, given the particular situation in Libya.

My strong position was to advocate for at least a status quo which, in fact, is the way it turned out. We were able to keep the SST team.

I had forgot what date they left. But that was approved. And we suffered no incidents in Libya.

So while there was a spirited debate, I advocated for more or status quo. Some advocated for less. At the end of the day, a compromise was worked out I think to the satisfaction of all of us.

Q And do you believe that you, as the Ambassador and as the chief of mission, are in the better place to assess what is needed?

A Yeah.

Q Than other components of Main State?

A I -- any ambassador worth his salt or her salt, unless they're extremely versed in security issues, which most of us are not, to that extent, rely on our RSOs.

And, at that particular point, I also had a military component. So it is very much a consensual kind of assessment of security. So I wouldn't say that I alone would never make that determination.

Q Do you think you were making unreasonable requests and demands of the State Department for the security resources that you wanted to maintain or have?

A I was only making the requests that I felt that were appropriate to our perception of what the reality was.

Q And do you believe that Chris Stevens had the same mindset when he was making requests, if you know?

A I assumed that Chris had the same perception of his role as I did, that his main concern was to make sure that his people had the security environment that was necessary for them to do their work.

Q You've described this sort of lively debate, give and take, and making decisions within the State Department. Yet, from our perspective, we see the 1998 -- or the 1999 ARB that was written in response to the 1998 East African bombings where the Ambassador then had requested additional security upgrades and additional staffing, and those were not honored. And we have similar findings in the Benghazi ones.

We, as a committee, are here to conduct this investigation to make recommendations to do what Congress can do to change it to improve security for overseas diplomats and our personnel over there.

What would you recommend? What changes do you recommend be made to improve overseas security for U.S. personnel?

A It depends on the circumstance. I mean, for example, in a place like Ghana, where I just was, we can -- circumstances are such that the threat is very low.

But we have to maintain a careful position and not get too complacent because there are -- the United States has enemies, you know, all over the world that want to do us harm.

So while the situation is different from what it is in Iraq and Egypt and other places, it still requires a very careful assessment on a daily, weekly, monthly basis for us.

So, as far as I'm concerned, in the places that I have been -- and I've been in several dangerous spots, et cetera -- the level of security has been adequate at least -- adequate at a minimum to enable us to do our jobs.

Are there improvements that can be made? Well, obviously, I mean, in any system you can make improvements. But, I mean, as a starting point, I think that the assessment of the people on the ground is critical.

And then the kind of debate that we had with respect to what happened in Libya, I think it was robust and, at the end of the day, it was vetted. And we came out with a compromise based on each individual player's interest in that particular situation, allocation of resources, et cetera.

Q Is there anything else that you would like this committee to consider as we go forward with our work to improve -- to do what Congress can do to improve the State Department?

A No. I really can't think of anything.

Ms. Jackson. Then, we are going to conclude this round of questioning and take a short break and turn it over to our colleagues.

A Okay.

[Recess.]

BY MS. SAWYER:

Q We'll go back on the record. It's 2:30, and I wanted to just start out by revisiting with you a little bit about what had been discussed around some of the staffing discussion challenges you faced as chief of mission during your time in Libya, and again focusing on the time from the reopening of the Embassy in Tripoli through your departure in May 2012.

You had indicated that you had discussions with the principal officers that spanned the time you were there who had been located in Benghazi and that they had expressed concerns and complaints, and you talked about those complaints being related to their inability to move off -- go off compound and, in their view, be able to do their job. Is that --

A Yes.

Q Did they -- do you recall them expressing to you concerns about security while on compound, in particular?

A No.

Q And did any of them convey to you a desire to leave Benghazi?

A No.

Q Now, in terms of their frustration, it sounded to me like some of their frustration was their belief that they were not then able to do their job. I think you said they said they felt they could not

do their job. Is that --

A That's correct.

Q And by doing their job, is it accurate to say that was them being able to get outside of the mission and meet, as you explained to us much earlier today, kind of meet with their contacts on the ground?

A Yes.

Q Establish relationships?

A Yes.

Q Did they -- even though they were frustrated at the time, did they ever convey to you, the principal officers during that time, their belief that there was not a continued value to remaining in Benghazi?

A No.

Q From your position as chief of mission, did you feel that the work they were still able to do was still valuable to you?

A Yes.

Q And did you ever hear from individuals in Washington that they felt that the work that was coming out of Benghazi, in particular, was not valuable to them?

A No.

Q Did they ever express the converse, that it actually was valuable to them?

A I don't recall comments to that effect.

Q But, overall, with regard to the U.S. presence in Libya, which would have included reporting from Benghazi, were you getting

positive feedback about the work that you all were able to do in the country during that period from --

A Yes, uh-huh. It was a very difficult situation, so the work we were able to do was -- I think was very appreciated, very much appreciated.

Q And when you say it was a very difficult situation, you had been asked to compare and contrast a little bit Tripoli and Benghazi, so when you say it was a very difficult situation, you mean that -- are you excluding Tripoli, or was it both difficult in Tripoli and in Benghazi?

A Well, I think the situation in Tripoli continued to be unsettled, and as I said, the situation in Benghazi appeared to be getting increasingly troublesome in the spring of 2012.

Q So turning a little bit to that issue, I wanted to get a sense from you as chief of mission and through your experience a little bit more about how emergency action committees work and what function they serve, both for chief of mission as well as for decisionmakers throughout the Department and across bureaus.

So can you just give me a sense -- and let's just again talk about specific to your time in Libya. Well, first of all, what is an Emergency Action Committee, and what is it's generalized role?

A Emergency Action Committee is a committee formed of appropriate usually heads of section, heads of agencies in an embassy, not necessarily every agency and head, but those who have -- who have a need to know and who have a need to participate in decisions regarding

security of mission personnel.

By and large, I mean, in a big embassy, you can't -- it's impossible to have an EAC consisting of every agency and every section head, so sometimes it's a very selective process. But your main participants would be usually either the ambassador or DCM, political counselor, economic counselor, consular, RSO, any other intelligence agency that might, you know, beyond at post. That would be the core of the -- and management, obviously. That would be the core of an EAC.

And the EAC is convened through either on a regular basis, just to discuss the general situation in the country, or on an emergency basis, to discuss a particular event that may have happened.

For example, in Libya, when the WikiLeaks came out, it was clear that we were going to face some kind of problem, so we convened an EAC to discuss, do we need to take any special measures? Do we think that the Libyan Government is going to take any action against us directly? What extra security precautions should mission personnel take because of this particular event? So that's the way it usually works.

Q Uh-huh. And in addition to those convenings of an EAC to address a specific incident or concern, you indicated that they could also be convened on a more routine basis, and would some of the purpose in convening on a more routine basis be, I think as you indicated, to do routine assessments of the security environment and the security posture?

A Yes.

Q And that would be one mechanism for monitoring trends over

time with regard to security?

A Yes. I mean, you might -- for example, each post, normally, especially in your high-threat post, you would have a set of tripwires that in case such and such happened, this is what we need to do. If it gets to this point, and et cetera, in terms of an escalating series of threats.

So you would normally, in any embassy, meet periodically in the absence of any real crises to say, "are our tripwires still appropriate and has the situation changed," just to make sure that everybody was aware, in totality, the total security situation at any given time.

Q And in addition to making everyone aware, it also served as some sort of institutional knowledge over time about how a security environment may be improving or a security environment may be deteriorating. Is that --

A Yes.

Q -- fair to say?

A Uh-huh.

Q And in addition to making these assessments over time or with regard to a specific incident, does the EAC also have a role in making recommendations for how to address them? I think you indicated with regard to the particular WikiLeaks, that it seemed like that was one of the functions, but would that be a routine function of the EAC?

A That's part and parcel of part of the EAC's responsibilities.

Q And certainly, as a chief of mission, you might participate

in some, and you would then rely upon the information coming out of that mechanism to help you make appropriate decisions?

A Yes.

Q And, presumably, that information from an EAC also then gets conveyed outside of, in your specific incident in the timeframe, outside of Libya, it gets sent back to personnel in the Department who are in D.C.?

A That's the normal procedure, yes.

Q And this would be the mechanism for making sure that they were kept up to date on information. Is that accurate?

A Yes.

Q And that they understood what recommendations had been made. Would that be accurate?

A Yes.

Q And that to the extent there were assessments of the security environment, they were kept apprised of what the assessments on the ground were of the security environment?

A Yes.

Q In addition to recommending -- in the range of things that can be recommended by an EAC, I presume they can recommend discrete measures to improve physical security. Would at that be --

A Yes, uh-huh.

Q They could make recommendations regarding security staffing?

A They could, uh-huh.

Q They could make recommendations. You had indicated tripwires. Tripwires also play a role, as I understand it, in determining when a -- certainly triggering a discussion and helping assess when consideration should be made as to potential departure?

A Yes.

Q So does an EAC -- an EAC can also then recommend their authorized or ordered departure?

A They can recommend, right, to Washington. The decision is made in Washington, but that's certainly part and parcel of the mandate given to EACs.

Q In your years of service, just more generally speaking now for a moment, have -- do you recall instances where an Emergency Action Committee on the ground did make a recommendation up for departure that was then disagreed with or overridden?

A I can't recall an instance where a decision was overridden.

Q With regard to departing from --

A Right.

Q -- post?

A Right.

Ms. Sawyer. I'm going to now show you what has been marked as exhibit 8 for identification purposes, and that document bears identification No. 5391065.

[Cretz Exhibit No. 8

Was marked for identification.]

Ms. Sawyer. It's a 2-page document. It has been copied

two-sided, so the second page is just on the back of that first, and we'll go off the record and just give you an opportunity to take a look at that.

[Discussion off the record.]

Mr. Cretz. Okay.

BY MS. SAWYER:

Q Okay. We're back on the record. Just directing your attention to the top. The "from" line is [redacted]. Do you recall him being the principal officer in Benghazi?

A Yes.

Q And then the "to" line includes [redacted]. We've already spoken about her. She was your deputy chief of mission. It then has a designation, SES-O. Do you have any sense what that group would have included?

A I think this would have included the Secretary's staff, including the secretariat, et cetera, not just her inner circle but the operation center, the executive secretariat, which you know, is responsible for moving all the paper through the buildings.

Q And then do you have any sense of what SWO-cable?

A This is the senior watch officer in the operations center, the 24-hour center, so they would get this as well.

Q Mr. Maxwell, I think we already mentioned --

A Right.

Q -- today. NEA-MAG-DL. Is that --

A I don't know what a "DL" stands for, but MAG-DL, I don't

know what that is. I know it's NEA's Office for the Maghreb, but "DL," I'm not sure what that is.

Q And then Mr. [redacted] and Ms. [redacted], I think we both -- you had been asked about --

A They were in management, yeah, involved in management of the post, yeah.

Q And then that "cc" line includes you.

A Uh-huh.

Q It also includes Mr. [redacted], whose name has come a few times today.

A Uh-huh.

Q He was your regional security officer --

A Yes. Right.

Q -- in Tripoli.

A Uh-huh.

Q Mr. [redacted], do you recall him as being a DS agent in Benghazi?

A No, I don't. No.

Q Mr. [redacted], do you recall --

A No, I don't.

Q -- whether he was a DS agent?

A I don't recall his name.

Q And then, at the very end there, [redacted]

A I don't remember his name.

Q Okay. But certainly I think you indicated before that you

indicated an RSO would be involved in the EAC, so the Diplomatic Security representatives and then bureau, for lack of a better word, would be represented in the EAC. Is that accurate?

A Yeah. I mean, the relevant constituent parts of the mission, and as you can see, this is a -- they covered a wide range of territory, yeah.

Q Yes. This was an EAC -- the attached -- the subject line is, "Re: Benghazi EAC-December 21, 2011."

A Uh-huh.

Q And then, in that first paragraph there, there's a summary, and it says, quote, "On December 21, the principal officer chaired a meeting of U.S. Mission Benghazi's core Emergency Action Committee (EAC). The EAC discussed post's current security posture, including physical security and its movement security procedures. Although the allover security environment has been gradually improving," and it goes on, "in light of reported threat over the holiday period posed by Qadhafi regime loyalists and the current level of mission security personnel, the EAC recommended improving the physical standards of current U.S. mission compound complex, moving all COM," chief of mission, "personnel, into Villas B and C and leaving Villa A unoccupied. The EAC recommended sustaining the mission's current movement security procedures but will be particularly vigilant and unpredictable, given the more uncertain security environment summary."

So there is a summary there, and it mentions that although the overall security environment has gradually improved, there apparently

had been a particularized threat at that point in time or concern about Qadhafi regime loyalists.

First, do you recall, to the extent you recall, the assessment, which seems a broader assessment about the overall security environment, of things gradually improving? Did that resonate at the time, to the extent you remember, with your sense of the environment in Benghazi in December of 2011 anyway?

A Yeah, that pretty much comports with what our assessment was as well.

Q And they note that there was a threat over the holiday period posed by Qadhafi regime loyalists. Do you recall -- again, you had talked about the -- some of the incidents and concerns not targeting Western interests.

A Uh-huh.

Q Do you have a recollection as to whether or not this was a particular concern about Qadhafi regime loyalists vis-à-vis U.S. interests?

A There was a general concern that these stray elements were still roaming around the country, but to my knowledge, there was never a threat indicated directly targeting U.S. or Western interests by Qadhafi loyalists.

Q So the EAC then, if you take a look at paragraph 4, which continues on to page 2, and then at the very end -- so I think it's on the -- it would be on the second page of your document, or the back page of your document. They note that they have some

recommendations --

A Uh-huh.

Q -- for physical security upgrades, and the last sentence says: "The EAC recommended submitting a list of prioritized physical security upgrades to be implemented in the very near term and will shortly provide these to Washington via separate cover," end quote.

So, again, that would have been another role of the EAC --

A Sure.

Q -- to recommend and come up with the specific recommendations?

A Yes. Uh-huh.

Q And in this particular instance, your RSO in Tripoli was also included on --

A Yes.

Q -- this traffic?

A Uh-huh.

Q So he certainly would have been moved and aware --

A Absolutely.

Q -- of the request?

A Yeah.

Q On that final paragraph, paragraph 6, there is, "A followup EAC will be held on about 04 January 2012 to reassess the local security and threat environment and discuss appropriate security measures. The mission will also review its established tripwires in the runup to the next EAC meeting," end quote.

I think that gets at a little bit what you were explaining to me about the usefulness or the utility or using EACs to do more routine assessments on security.

A Right. It's a continuing process, especially in a high-threat environment.

Q Now, given the information that's contained in here that both captures, at times, specific security concerns as well as overall security assessments as well as security recommendations up to and including a recommendation to depart and leave a particular location, would you expect for readout summaries or cables, however this information is captured, to have accurately reflected the information on the ground?

A My experience has been that people on the ground are the best source of information for the reality in that particular environment, so I -- yeah, I'm sorry.

Q And in fact, would they not have every incentive to be entirely accurate and honest in conveying this information so that they could both provide the assessment and get what they needed?

A Absolutely. I mean, these are very serious issues. You know, these are all issues that deal with the safety of personnel, which is the number 1 concern of missions overseas. So your EAC is a -- it has to be accurate, it has to make the correct assessment, has to have access to all the information, and then it's got to make sure that it's recommendations reflect appropriately the reality on the ground.

Q And if it did not accurately and appropriately reflect the

reality on the ground, that then would have a negative -- potential negative impact on certainly the folks who aren't on the ground, the people who are relying on this or in Washington?

A Sure.

Q Their ability to understand that reality?

A It's as valuable as any reporting cable which attempts to, for example, analyze the relevant political situation in the country. Although, you know, when you do reporting, you have some leeway to be wrong. EAC issues, you don't have very much leeway. I mean, this is -- these are all safety issues. You can't get around them.

Q So it's pretty critical, and you would expect the individuals offering it or reviewing it to have made their best good faith effort to be as honest as possible?

A Yes, because people's lives are involved.

Q And with particular regard to exhibit 8, the December 21, 2011, EAC that we've just talked about, with particular regard to this, were you ever told by anyone that this was not accurate and that it downplayed the seriousness of the security in Benghazi?

A I don't recall any message from anybody to that effect.

Q And then, more broadly, about any of the Emergency Action Committee communications that occurred during your time in Tripoli, were you ever told by anyone that they downplayed the seriousness of either particular incidents in Benghazi or the overall security environment?

A No. When it comes to, I mean, reactions to EACs or

reactions to assessment on the ground, especially on security, there's very little -- I can't remember an instance, maybe throughout my career, where somebody has said, "No, no, that's not as serious as you think it is."

Q So, in that dynamic, have you ever experienced yourself or had anyone relayed to you that they felt that they had been pressured not to include information in an EAC that they thought was important to include in that?

A No.

Q And when I say "EAC," I mean the summary --

A Right.

Q -- Emergency Action Committee?

A No, never.

Q Anyone who alleged they were retaliated against because they had been too honest --

A No.

Q -- in the Emergency Action Committee summary?

A No.

Q Now, during your time -- and I think I asked this in the first hour, so forgive me.

A Uh-huh.

Q But during your time, again, from the reopening of Embassy Tripoli through when you departed, did any of the Emergency Action Committee -- committees that were convened in Benghazi recommend departing Benghazi?

A Not to my recollection.

Q And now, setting aside the EAC, that obviously is a key mechanism and valuable mechanism, but setting that aside, would you, as the chief of mission in Libya, have felt comfortable reaching out, aside from that, had you had concerns, to share them with, for example, Assistant Secretary Boswell?

A Again, if it's any issue related to the safety of mission personnel, a chief of mission, it's incumbent upon that chief of mission to express that particular concern. You don't withhold an expression of concern out of any reason whatsoever. I mean, as long as it's based on what you believe to be a factual assessment of a particular situation.

Q So moving ahead to when you departed in May 2012, I think you mentioned in the very first hour of our questions that you would have provided an assessment, an overview of your time there and, presumably, also a sense of your recommendations or observations for the U.S. moving forward. Is that accurate, that you would have tried to provide that kind of an overview?

A Yes.

Q And, at that point in time, did you believe and did you express that you thought maintaining a presence in both Libya and also, in particular, Benghazi would have been valuable?

A I can't say in which -- under which format, whether it was my final observations or whatever that I did that, but that had been a constant theme from me from the start of my tour in Libya that

Benghazi -- well, I mean, obviously, since the revolution, that a presence in Benghazi was absolutely essential.

Q And so the best you can recall, what was your sense of what challenges lie ahead for Libya? I mean, we were at that -- you were at that point a month or so from --

A Uh-huh.

Q -- the first elections, as you've indicated, in 42 years, but what was your sense of what challenges?

A Well, number one, you know, Qadhafi ruled for 40 years and didn't allow the emergence of any institution that could rival his power and the influence of he and his small clique over the people and government of Libya, so consequently, after the fall, there really was nothing there. There was no institutions, you know, ministries. They never operated as a real government because Qadhafi ruled the roost.

So my concerns were, number one, that we needed to find a way to help them build their infrastructure in terms of developing independent and capable institutions. My second concern was that there had to be a way to end the strife among the militias and that involved getting a strong and capable central government.

We had to deal with, you know, making sure that the oil resource, which was really the only resource that they depended on, was developed in a reasonable way and that the proceeds made their way back to the -- to the people of Libya. We had to ensure that there was a capable military, a capable counterintelligence, a counterterrorism capability as well.

So these were all kind of concerns that I had mentioned. The borders were porous. There had to be some kind of way to establish a border regime. There was a continuing threat of weapons, which had been collected by the Qadhafi regime and then loose, you know, basically spread throughout the country and began to be making their way through the region in Africa, et cetera, so that had to be a way to get control of that, so there were a lot of problems in the post-Qadhafi era.

Q And with that, you know, magnitude of challenges that lie ahead, did you expect that it was going to be a quick process to being able to have a fully stable Libya?

A No, definitely not.

Q So these challenges would remain for some period of months, up to potentially years as the country tried to move forward to a new --

A Uh-huh. Well, you have to remember that there was no political class in Libya. There were some technocrats, but politics, as we define it, had not been exercised in Libya since the beginning of the Qadhafi regime, so you didn't have people who knew politics. They don't know how to rule the country. They didn't know how the compromise, et cetera. There were no institutions. Yeah, and it was still in a state of chaos, and this was literally nation-building from the bottom floor, literally from the bottom floor because they had nothing there to build on. So this was going to take years and years and years. There's no doubt.

Q And with regard to the U.S., United States' engagement, involvement, and to the extent you can recall, would you have

recommended that the U.S. become more engaged, less engaged? I know that you've already said that you did not recommend that we leave altogether, but do you have a sense of whether you felt it was important for us to increase our engagement as opposed to decrease our engagement?

A Well, I think it was critical that the United States continue to play a vital role. I mean, given our past history, given what we did on the intervention, and given the fact that there was a real affection for the United States in the country in the aftermath of what we had done along with the French and British and others to overthrow Qadhafi, and I would have liked to have seen a more robust program.

But the truth of the matter was that when you don't have a functioning government, how do you provide resources to that government when there's no absorptive capacity? So this is the main problem that we ran into in the post-war situation. You know, I can't say that there was a huge appetite in Washington to put hundreds of millions of dollars into Libya, but I can say there was an interest in ensuring, you know, our role there, ensuring that this evolving nation developed in a democratic tradition. But the truth is that there was no absorptive capacity to receive assistance and to help develop the nation along that way.

Q And do you recall, as of May, when you were leaving, May 2012, whether you felt a sense of optimism, a sense of pessimism about the prospects in Libya going forward?

A I was an optimist when I left because I felt that this

was -- the overwhelming desire of Libyans for democracy was palpable. While there were -- there was a, certainly the existence of an Islamic jihadist element, by and large, Libyan people were secular, and I really did not -- I was not afraid of the fact that this would become an Islamic theocracy of any kind.

So I was optimistic at that particular point. I knew it was going to be very hard, but I really believed that it was going to work out.

Q And I think when we were discussing, you know, some of the challenges that lied ahead, I think the notion of nation-building came up. Sometimes the United States gets criticized for --

A Uh-huh.

Q -- that very term. I just want to make sure that I'm clear, that I understand that the record is clear, my sense was that you're reflecting that Libya was engaged in the process of nation-building?

A Yes.

Q And that our presence and our interests would certainly be in supporting their efforts to make sure that that happened?

A Right, I agree.

Q Now, in the last hour, you talked with my colleagues a little bit about the Accountability Review Board. You know, there have been some allegations, not particular to you, but some allegations that the ARB may not have received all the information that it needed to be able to do its job fully and properly. You did speak with the ARB. Is that correct?

A Yes, I did.

Q And did you feel that you could be fully forthcoming with the ARB about your experience in Libya?

A Yes.

Q Did you withhold any information from what you conveyed to the ARB about your time there?

A Not to my recollection.

Q And were you under pressure from anyone?

A No.

Q To --

Mr. Evers. Let her finish.

Mr. Cretz. I'm sorry.

BY MS. SAWYER:

Q Were you under pressure from anyone to withhold information or convey facts in any particular way when you spoke with the ARB?

A No.

Q Pressure.

A I was just making sure there was a decent interval.

Q You had indicated that you had had an opportunity to look at the report but that some period of time had passed, and I just wanted to ask you about one particular aspect that we are sometimes asked about or our members are asked about.

On the second page of the report, the ARB states the following, and I'll just quote: "The Benghazi attacks took place against a backdrop of significantly increased demands on U.S. diplomats to be present in the world's most dangerous places to advance American

interests and connect with populations beyond capitals and beyond host government's reach. With State Department civilians at the forefront of U.S. efforts to stabilize and build capacity in Iraq as the U.S. Military draws down in Afghanistan and with security threats growing in volatile environments where the U.S. military is not present, from Peshawar to Bamako, the Bureau of Diplomatic Security is being stretched to the limit as never before. DS, overall, has done a fine job protecting thousands of employees in some 273 U.S. diplomatic missions around the world. No diplomatic presence is without risk, given past attempt by terrorists to pursue U.S. targets worldwide. And the total elimination or risk is a nonstarter for U.S. diplomacy, given the need for U.S. Government to be present in places where stability and security are often most profoundly lacking and host government support is sometimes minimal to nonexistent."

So you have been on the front lines, and you certainly were in Libya. You've been a career diplomat and servant in that public service. Would you agree that it remains important for the U.S. to have a presence, even in places that are dangerous and pose security risks to personnel?

A If we have determined that it's in the U.S. interest that we have -- that we be present in a place, then I think that as long as we're able to effect a certain mitigation of the risk to the point where we're able to do the kind of job that we need to do, I would say that we need to do it. If there is a determination made that the situation is beyond the ability of our DS people to ensure the safety

of our personnel, with minimal risk, not the absence of risk -- I don't think any of us who serve and certainly career officers ever anticipate that we will be in a place that has no risk whatsoever. I think we take that as part and parcel of our jobs and our responsibilities and our dedication to service. None of us are cowboys, believe me, you know. We are not looking for excitement, adventure, and danger. We are looking for at least an environment where risk is mitigated to the point where we can at least carry out our jobs, and yes, I do agree that that is a very accurate reflection.

Q And in instances where the calculus is that it is, you know, too dangerous to be -- or we are not there, can you give us a sense, it would be helpful, I think, for the members, as well as the American public to understand, what the consequences are where America cannot be present? You saw it a little -- for a little while, we saw it in Libya. We were not present in Libya, I think you said, for 36 years at the time --

A That's right.

Q -- that you went back, and we established full diplomatic relationships under George W. Bush's administration when Condoleezza Rice was the Secretary of State. Can you just share, from your perspective, what are the consequences when we cannot be present?

A Well, if we just take a look, for example, at the Middle East, as -- when I was in Damascus in 1986, we were on the verge of even considering shutting down that post because of certain events that had happened, and Secretary at the time, George Shultz said: Look,

take a look at the region. We're blind literally in Iran. Lebanon is a caldron. If we leave Syria, we're going to be blind in a whole area, which is, you know, completely relevant to American interests in the Middle East.

And I think we can see it today. I mean, what do we know about Iran? Look how critical it's been. Now, given that's a different situation because the internal situation there probably doesn't allow for us to mitigate risk to the extent that we need to, but had we had a presence in Iran over the last, you know, 35 years or at least something, maybe we would have had a better understanding of the country, et cetera, and I think, you know, just the play out of the nuclear deal is showing us that we really needed to know more about that country in order to fully inform our public. So I think there's a -- look at North Korea. We don't have a major presence there, and look what they've developed.

So I think, to the extent possible, we need to be in these places. It's critical for our interests.

Q You know, and again, you started your response to my question about being in places that are potentially dangerous and the importance of that by saying certainly when the assessment is that we can be there.

A Uh-huh.

Q And you have to make an assessment of the risk. Turning back again just to your experience in Libya, again, from the reopening of the Embassy in September 2011. In your communications with

personnel on the ground in Benghazi, did any of them ever express to you, as the chief of mission, that they believe that the mission in Benghazi was a, quote, "suicide mission"?

A No.

Q And did any of them, in particular, tell you or did you ever hear anyone else convey a concern that any of the RSOs or the security personnel had been told not to raise concerns about the security posture or the security environment in Benghazi?

A No.

Q Would you have expected if any personnel on the ground, in particular, security personnel on the ground in Benghazi had those beliefs, they would have conveyed them either to you or someone like Ms. [redacted]?

A Yes.

Q Now, I wanted to just briefly turn to the exhibits that you were shown by my colleagues in the last hour. I just had a couple of questions. Just turning to exhibit 5, which is a -- is the letter to --

A Yes.

Q -- Mr. Shapiro. It indicates in that last paragraph, "We very much look forward to presenting Ambassador Cretz our credentials and a capabilities brief." They invited you, via Mr. Shapiro, to contact them. I think you were asked, I just want to make perfectly clear, Mr. Shapiro never asked you to contact Mr. Grange?

A To my recollection, no.

Q And you did not contact Mr. Grange?

A Again, to my recollection, no.

Q And at this point in time, you would have been -- it was 4 January 2012, you would have been in Tripoli, is that accurate, at the Embassy?

A Yes.

Q I'm not asking. Just to be clear, not necessarily on that particular date, but overall in that timeframe?

A Right. Uh-huh.

Q If a U.S. company is going to or is doing business in Libya or any other country where there is an embassy, is it unusual for them to reach out and contact the embassy?

A No.

Q To introduce themselves to the embassy?

A No.

Q Is that necessarily an inherent conflict of interest for the embassy to know who is doing business in the country?

A No.

Q Were you ever -- did you ever take any action while you were in country to benefit Osprey Global Solutions, LLC?

A No.

Q Mr. Grange, in particular?

A No.

Q Did you take any action on his behalf?

A No.

Q Then I would just turn your attention to the next exhibit,

which was exhibit 6, that you were asked about by my colleague. You were asked if you had an understanding -- and the subject line of exhibit 6 down at the bottom of the message, the subject line says, "Re: Latest from HRC's contact"?

A Uh-huh.

Q And you were asked if you had an understanding as to who "HRC" was, and you indicated that was Secretary Clinton. Is that accurate?

A I assumed that Hilary Rodham Clinton, yes. Uh-huh.

Q Is there anything inherently wrong with Mr. Sullivan's passing along to you, and in this case, Mr. Feltman, information that Secretary Clinton has received?

A No. The -- you know, the situation in Libya, even before the revolution, was difficult to ferret out because you have circles within circles of rumor and suspicion, et cetera. And in a post-revolutionary situation, where things are still very much fluid, information and especially the real reality of the situation is very difficult to come by.

So we depend on several different sources to try to get a sense of really what reality is. So if someone comes to me with a piece of information, you know, I would -- it would be incumbent on me to see if I could confirm it or get it denied. So this sometimes proved useful, as a matter of fact.

Q And was there anything inappropriate with Mr. Sullivan asking you, as the chief of mission, the person on the ground there,

for feedback on the information that had been passed to the Secretary and the Department?

A No.

Q Were you ever asked to take any action whatsoever, based on the information that had been conveyed to you for your feedback?

A No. The only action I was asked for was what are my views on this.

Q Was it ever conveyed to you that Mr. Sullivan or anyone else was relying upon the information contained in -- I'll just be specific -- with regard to exhibit 6 for -- in order to be making any particular decision?

A No.

Q And then, just with regard to exhibit 7, again, this is a document that my colleagues asked you about, and down at the bottom, again, Mr. Sullivan is asked -- sending this to you, and again, in this instance, Mr. Feltman. Again, was there anything wrong with him sending this information on to you and seeking your feedback on it?

A Not in my view.

Q And with regard to this document or any document that might have been similar to it, were you ever asked to take any action based on the information that had passed to you?

A No.

Q Been passed to you.

Okay. I'm going to shift gears, and there have been public allegations in the time since the attacks that have been levied with

regard to the attacks. It's our understanding that the committee is investigating these allegations, even in some instances where they may already have been investigated, so we are asking witnesses who come before the committee to answer and provide us with any firsthand evidence or information they may have with regard to these allegations.

Certainly there have been plenty of opinions levied about the attacks, and there has been plenty of speculation, and what we're really looking for here is just firsthand information or any evidence you might have that would help put to rest these allegations once and for all.

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.

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. The bipartisan report issued by the House Permanent Select Committee on Intelligence found that, quote, "the CIA was not collecting and shipping arms from Libya to Syria and that they found no support for this allegation."

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

A No.

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

A No.

Q A team of CIA security personnel was temporarily delayed from departing the Annex to assist the Special Mission Compound, and 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 they 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 where 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 any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to the ARB?

A No.

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

A No.

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

A No.

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

Do you any evidence that CIA Deputy Direct 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 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 considered 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 ordered issued

to U.S. Military personnel in Tripoli who sought to join the fight in Benghazi," end quote.

Do you have any evidence to contradict the conclusion of the House Armed Services Committee that there was no standdown order issued to U.S. Military personnel in Tripoli who sought to join the might 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 chair of the House Armed Services Committee, conducted a review of the attacks, after which he stated, "Given where the troops were, how quickly the thing all happened, 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 attacks that could have saved lives but that the Pentagon leadership intentionally decide not to deploy?

A No.

Q Okay. I think that concludes our questions, and I just want to give you an opportunity, Ambassador, to the extent you have anything you would like to share after having had us ask you questions, us for

2 hours, our colleagues for 2 hours as well, is there anything you would like to share with us and the committee?

A No, I think we covered a lot of ground.

Ms. Clarke. We do have a few questions for you, classified questions, so --

Ms. Sawyer. Sure. We can go off the record. This would -- well, before we go off the record. So this would conclude certainly the unclassified portion of the interview. I do want to thank you, Ambassador Cretz, for your time here today and certainly for your many years of service to the United States. We truly appreciate it.

The ranking member had hoped to be able to come by. He thought that your perspective, particularly on the policy and mission, would be truly invaluable to the committee. He had hoped to make it. He was sorry that he could not but did want us to convey his thanks for being here.

Mr. Cretz. Thank you.

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

[Whereupon, at 3:30 p.m., the committee proceeded in closed session.]

Ms. Clarke. Mr. Ambassador, thank you again for spending your time with us today. I just have a few more questions for you, and hopefully we will be able to conclude shortly.

EXAMINATION

BY MS. CLARKE:

Q I want to ask you about your awareness about State's MANPADs program in Libya.

A Uh-huh.

Q My understanding is State had a MANPADs program. And would you be able to describe for us what the focus of that program was?

A As I recall, there was a few elements to it. Number one was to locate where the MANPADs were, who had them in their possession, and to recover them by whatever means possible. So that's what the program was based on -- you know, developing contacts to find out where these were so as to prevent them from being used either against civil aviation or to be smuggled out of the country to be used by others, terrorists, et cetera.

Q Was the program run by the State Department -- was that in conjunction with any other agency programs?

A [redacted]. And, as I recall, DOD had a role, [redacted] working together.

Q And were the agencies' roles different in coming together in the MANPADs program? Say, for instance, did State play one role, DOD another, [redacted]?

A You know, I don't remember the specific roles [redacted] But, I mean, I think [redacted]

Q And do you know who was in charge of these programs, as far as the individual that was in charge of the MANPADs program?

A No, I don't.

Q Was the State Department the lead for the MANPADs program?

A Well, in terms of the policy, the policy direction was obviously established by the State Department. Yeah, to that extent, it was in the lead, but not -- in terms of the operational details, I don't recall State officers specifically doing specific tasks physically.

Q Do you recall whether there were contractors that were hired by the State Department to deploy this program?

A It is ringing a bell that there may have been contract personnel, but I can't recall their names or whether, in fact, they were hired by State Department or somebody else. But there were various individuals in country dealing with the issue.

Q During your time -- after you returned to Tripoli in 2011 and prior to your departure in May of 2012, was this something that you were briefed on on a regular basis?

A Yes.

Q And who would usually provide that briefing to you?

A [redacted].

Q Were you aware of any other programs that were outside the

auspices of the government regarding MANPADs?

A Other than what I've described, no.

Q [redacted]?

A Well, my understanding was that [redacted], I mean, in the country.

Q Were you aware of any other program outside of the State Department program we just described that was involved in collecting MANPADs?

A No. Other than the effort to collect MANPADs, that was the only program with respect to MANPADs that I knew about.

Q As the chief of mission, you're generally aware of [redacted]?

A Yes.

Q What was [redacted]?

A [redacted].

Q [redacted]?

A As I recall, it depended on the time period. In the initial period, [redacted]

The MANPADs program was probably -- there was some work done on

each part of the three things I named, but in terms of the majority of the time, as I recall, the first part of my return there was they [redacted]

Q And you said that your understanding is that the MANPADs program that we were discussing, [redacted] During your time in Libya, were you involved in any discussions with the TNC regarding signing a memorandum of understanding about MANPADs collection?

A I don't remember.

Q Do you recall any discussions among State Department employees about an MOU with the Libyan Government or the Libyan Interim Government regarding State Department's MANPADs program?

A I know we had discussions with them with respect to WMD collection, but I can't specifically remember an MOU on MANPADs itself.

Ms. Clarke. Well, Ambassador Cretz, those are all of the questions that we have for you today. We just want to thank you again for your time and for being willing to sit with us for several hours.

And, with that, we can go off the record.

[Discussion off the record.]

EXAMINATION

BY MS. SAWYER:

Q I just want to make sure we are perfectly clear on the record. You had used the term, or the term had been used, [redacted] in particular with regard to the MANPADs program. Now, that term, [redacted] has a very particularized meaning. Was it your understanding that all elements of that program -- well, do you know for a legal fact that it was actually -- that elements of the program [redacted]?

A When I'm using the term [redacted] I'm meaning that some elements of the program [redacted].

Q [redacted], as opposed to --

A Yeah, I don't know whether it [redacted] -- all I know is it was not -- all elements of the program were [redacted]

Q And other elements of the program were [redacted]; is that correct?

A I think it was general knowledge that the United States was publicly going after trying to get back those MANPADs that had been part of Qadhafi's arsenal, because there was a threat to civil aviation, there was a threat that they might be used in general terrorist operations. So there was a priority put on that.

Q And, to the extent there could have been or were elements of the program that [redacted], those elements you were not responsible for overseeing?

A No.

Q And the State Department would not have been responsible for overseeing those parts?

A To my knowledge, they were not responsible for that.

Q And, to your knowledge, that would have been [redacted] --

A Can I consult just for one second with him?

[Discussion off the record.]

Mr. Cretz. When I'm talking about [redacted] the only part of the program, when I use the term [redacted], is that [redacted] That's the part that I'm talking about [redacted] And that's the only, [redacted] part of the program. I didn't know whether that was [redacted] or not. [redacted] --

BY MS. SAWYER:

Q And, again, when you use the term [redacted] you mean [redacted].

A To my understanding. I mean, I've never -- I know that [redacted] That's the part that I was unaware whether that was, you know, [redacted]

Ms. Sawyer. Okay. I think that's all we have for you. So thank you again for your time. We very much appreciate it.

[Whereupon, at 3:45 p.m., the interview was concluded.]

Certificate of Deponent/Interviewee

I have read the foregoing 147 pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

March 6, 2016

Date

EXHIBIT 1

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From: [redacted]
To: "RMTLibyaCE_LC"; "RMTLibyaCE_DMO"
Cc: [redacted]; Tripoli Cooperation; [redacted]
Subject: RE: Stevens Update - April 5 at 1230
Date: Tuesday, April 05, 2011 4:38:17 PM

Folks,

In order for the DART team to stay an additional three days in Benghazi, Under Secretary Kennedy must approve the extension of their stay. Please provide the information requested below by OOB tomorrow so that we can move the memo forward. If we don't get this memo up tomorrow, the DART team would have to leave after three days as originally planned.

[redacted]
NEA-SCA/EX
Post Management Officer
Morocco, Algeria, Tunisia, Libya, and Egypt
202-647-6355 office

This email is UNCLASSIFIED.

From: [redacted]
Sent: Tuesday, April 05, 2011 1:02 PM
To: [redacted]; RMTLibyaCE_LC
Cc: [redacted]; Tripoli Cooperation; [redacted]
Subject: RE: Stevens Update - April 5 at 1230

[redacted], Thanks for the good news. DART will require M approval to stay additional days in the country.

RMT, what is the planning for the DART team's extra stay? Will the ferry stay with them if? If so, the memo to M should discuss the additional costs associated with the stay. If not, the memo will need to describe the DART's exit strategy and costs (specifically broken down.)

Thanks,

[redacted]

From: [redacted]
Sent: Tuesday, April 05, 2011 12:50 PM

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To: Cretz, Gene A; [redacted] Schlicher, Ronald L; Feltman, Jeffrey D; [redacted]; P-NEA Duty; [redacted]; SES-O_SWO
Cc: Stevens, John C; [redacted]; Tripoli Cooperation
Subject: Stevens Update - April 5 at 1230

Chris Stevens & team just finished a successful first day of meetings. They were met upon arrival by the Turkish CG, TNC staffer [redacted] & two members of the shadow MFA. They had three separate meetings with the TNC, including a half-hour meeting with TNC Chair Mustapha Abduljalil and a brief discussion with TNC Military Chief of Staff [redacted].

The TNC, including Abduljalil, was very welcoming of the US team. The TNC provided its vision for the future, which matched the messages Amb Cretz has received as well as the "vision statement" delivered by Mahmoud Jibril to S. The TNC was very concerned about misperceptions in the foreign press regarding alleged links between the TNC and al-Qaeda. TNC leadership affirmed that it is totally opposed to terrorism and extremism, and said that the number of extremists in eastern Libya is very small. Those extremists do not represent the goals or views of Libya's revolutionaries.

Chris explained his mission, making it clear that he would like to meet all members of the TNC and as many local council members as possible, to understand the extent of the TNC's support. The TNC said they welcomed this mission and would facilitate the meetings. TNC assigned shadow MFA official [redacted] (known well to Embassy Tripoli as the former IO Director and lead inquisitor for wikileaks) to be Chris' POC for all meetings. Chris will meet [redacted] tomorrow at 10 am to map out further meetings.

Chris also met briefly with UK Envoy Prentice.

Security environment appears to be permissive. Team is overnighting on the ferry and may move to a hotel tomorrow. There was some press present following Chris' meeting with the TNC but there were no questions, only photos.

DART would like to extend its stay in Benghazi for another three days (making it a total of six days in-country), in order to have more time on the ground to meet UN and NGOs. More humanitarian organizations are expected on the ground in coming days. Assuming the security environment remains permissive, Chris thinks this is a good idea, as it would allow the team to gain a more thorough understanding of the humanitarian situation. I believe DART's extension would require M approval.

SBU
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EXHIBIT 2

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From: [redacted]
To: [redacted]
Subject: Fw: (SBU) Update from Special Envoy Stevens
Date: Sunday, April 10, 2011 10:02:25 AM

Sent from my blackberry

From: [redacted]
Sent: Sunday, April 10, 2011 09:26 AM
To: [redacted]
Subject: Fw: (SBU) Update from Special Envoy Stevens

Fyi - situation in ajdabiyah worsening; chris weighing whether to pull team. We asked him to consult euros and then give dept a recommendation. M, P, DS will need to be involved. Jeff feltman has alerted p

---

From: [redacted]
Sent: Sunday, April 10, 2011 06:09 AM
To: SES_DutyDeputies; S_SpecialAssistants; Feltman, Jeffrey D; Schlicher, Ronald L; [redacted]
Cc: SES-O_SWO; Tripoli Cooperation; SES-O
Subject: (SBU) Update from Special Envoy Stevens

(SBU) Per Special Envoy Stevens:

- The situation in Ajdabiyah has worsened to the point where Stevens is considering departure from Benghazi. The envoy's delegation is currently doing a phased checkout (paying the hotel bills, moving some comms to the boat, etc). He will monitor the situation to see if it deteriorates further, but no decision has been made on departure. He will wait 2-3 more hours, then revisit the decision on departure.
- He received reports of shelling last night in Ajdabiyah as well as snipers shooting people in the city. AFRICOM reported Qadhafi's forces took the eastern and western gates of Ajdabiyah, with 5 vehicles at the eastern gate and 50 at the western gate. More Qadhafi forces are heading to Ajdabiyah from Brega.
- The Brits report Qadhafi forces are moving from Sirte to Brega, which they interpret as preparation for another assault on Ajdabiyah today.
- He plans to discuss the situation further with the Brits, Turks, and the TNC to see if this is an irreversible situation. Departure would send a significant political signal, and would be interpreted as the U.S. losing confidence in the TNC. Initial message to the TNC would frame the departure as due to security grounds and as a temporary measure only.
- [redacted] said she would discuss these developments with Amb. Cretz.
- If the group departs, the contract for the boat stipulates they return to Greece. One scenario could be the group stages elsewhere for a few days.

Ops will continue to monitor the situation.

Best regards,

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[redacted]
State Department Operations Center
Tel: 202.647.1512

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EXHIBIT 3

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[redacted]

From: Stevens, John C
Sent: Tuesday, November 01, 2011 4:54 AM
To: [redacted]
Subject: FW: Mission Benghazi future

Fyi on evolving embassy security policy. What do you think we should do here in Benghazi?

From: [redacted]
Sent: Monday, October 31, 2011 1:13 PM
To: Stevens, John C; [redacted]; Cretz, Gene A
Subject: RE: Mission Benghazi future

Option A looks right to me. Just one note re DS staffing... we're holding an EAC tomorrow in which we plan to discuss our movement policies & continued DS staffing. If/if current positive trends continue, RSO & MSD plan to recommend that we move o/a December 1 to an eased travel policy that will allow USDH staff to travel solo without an MSD agent (e.g., with just a GSO driver) but still in an armored vehicle. MSD would maintain QRF teams throughout the city in order to respond to any incidents. In theory, the same policy should apply to Benghazi but I'm not sure that you have the numbers to go to a QRF model.

From: Stevens, John C
Sent: Monday, October 31, 2011 3:08 PM
To: [redacted]; Cretz, Gene A; [redacted]
Subject: Mission Benghazi future

Here are a couple of possible models for Mission Benghazi. I have discussed with Benghazi RSO, PM/MANPADS rep and USAID/OTI rep here. We are currently staffed at 9 (myself, [redacted] OTI, IRM/MGT, plus 5 DS, with [redacted] and OTI planning to transfer to Tripoli later in November). Also note that the landlord of Villa B (office/cafeteria compound) has served us notice that he would like to terminate our lease on Feb 3. We have paid rent through Feb 3 for all 3 compounds; we're required to provide 60 days notice to end the leases. So if we're going to get rid of any of these properties, we should be ready to give notice by then.

A) Slimmed down compound: Principal Officer (FS-02 level) MGT/IRM, and possibly one USAID/OTI officer (if they get requested funding). 4 DS. 1 admin LES plus guardforce.
   - Consolidate to Villa A (combine lodging/offices; beds for 7 plus 2 TDY in living room; also possible to rent a small 1 bedroom house attached to Villa A belonging to same owner)
   - Duration: through Sept 30, 2012 (3 months beyond projected TNC elections)
   - Purpose: provide platform for POL/ECON reporting; PD and OTI programming; PM/Conventional Weapons collection effort in east; commercial outreach.
   - Other Benghazi missions: UNSMIL, EU and UK intend to maintain small branch offices for the next 6 months-one year. Italians and Turks have consulates.

B) Virtual presence: End all 3 compound leases. Zero full-time State Dept staff. Use hotels (as Spanish, Greek and foreign NGOs have been doing). Possibly leave FAV in Benghazi [redacted] to support TDY travel in eastern Libya.

My personal recommendation would be Option A. There will be a lot of political activity in Benghazi in the coming year, not least of which will be elections and campaigning. A good number of TNC members, including the chairman himself, will be traveling frequently between Tripoli and Benghazi. MANPADS collection and USAID programming will also continue in the east. It would help us a lot to maintain a small platform in Benghazi during through next fall.

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Washington, D.C. 20520

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December 27, 2011

ACTION MEMO FOR UNDER SECRETARY KENNEDY - M

FROM: NEA – Jeffrey Feltman

SUBJECT: Future of Operations in Benghazi, Libya

Recommendation 1:

That you approve a continued U.S. presence in Benghazi through the end of calendar year 2012; and that you approve a combined footprint of 35 U.S. government personnel in Benghazi, including eight State Department and USAID and two TDY beds.

Approve _____ Disapprove _____

Recommendation 2:

That you approve the release of the existing State Department lease in Benghazi on Villa A; and that you approve the retention of Villas B and C for office and residential space for the State Department presence.

Approve _____ Disapprove _____

Background

The Transitional National Council (TNC) recently declared Libya liberated and moved the center of TNC operations from Benghazi to Tripoli. Chris Stevens, the Department's original Special Envoy to the TNC, has been replaced by Bureau of Political Military Affairs officer [redacted], who previously served at Embassy Tripoli. Entry level officer [redacted] transitioned to Tripoli in mid-December and USAID has shifted its permanent presence to Tripoli. Because of budget constraints and the reduced footprint, Diplomatic Security's current presence consists of two Special Agents, with an additional three slots currently unfilled.

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With Information Management Officer (IMO)/Management Officer [redacted] the permanent presence in Benghazi is five, down from an approved footprint of 17. The current leases are paid through February 4, 2012, and extendable at our discretion through 2015.

Although our presence in Benghazi has shrunk considerably since the reopening of the Embassy in Tripoli, I would like to maintain a small State-run presence in Benghazi through the end of calendar year 2012, to include the critical summer elections period. Headed by an FS-02 or GS-14 officer, this office would work in close coordination with Tripoli on political and economic reporting, public diplomacy and commercial work in the eastern part of Libya and serve as "host" for the activities of USAID, PM, and any other U.S. government TDY personnel in Benghazi. Because this would be a smaller operation, Benghazi would continue to be supported by one IRM TDYer for communications and management issues and one NEA TDY reporting officer in addition to the TDY head of operations. NEA also would support the continuation of an LES PSA position to provide translation, policy, and administrative support. With the full complement of five Special Agents, our permanent presence would include eight U.S. direct hire employees, two slots for TDY PM and USAID officers, and one LES program assistant.

A continued presence in Benghazi will emphasize U.S. interest in the eastern part of Libya. Many Libyans have said the U.S. presence in Benghazi has a salutary, calming effect on easterners who are fearful that the new focus on Tripoli could once again lead to their neglect and exclusion from reconstruction and wealth distribution and strongly favor a permanent U.S. presence in the form of a full consulate. They feel the United States will help ensure they are dealt with fairly. TNC officials have said some government agencies may shift their headquarters to Benghazi (such as the National Oil Company). Other government agencies and corporations already have their headquarters in Benghazi and will likely remain there for the foreseeable future. The team will be able to monitor political trends (Islamists, tribes, political parties, militias) and public sentiment regarding the "new Libya," as well as report on the critical period leading up to and through Libya's first post-Qadhafi elections. Programmatic benefits to a continued U.S. presence in Benghazi include building on USAID/OTI's programs to strengthen civil society groups, media training, and capacity building in municipal councils. We should continue to engage with the populace, particularly with the large population of Libyan youth, an important and receptive audience with high expectations for the post-revolution period.

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Italy, Tunisia, Morocco, Malta, Finland, Turkey, Egypt, Sweden, Sudan, and the Palestinian Authority all have consulates in Benghazi. In informal conversations, representatives of the United Kingdom and French have said their governments would be unlikely to maintain offices there for budgetary reasons. The European Union and the United Nations have not announced whether they will maintain long-term presences in Benghazi.

Facilities

The current Benghazi State platform (Villas A, B, and C) is a 13-acre walled compound with 3.5 villas, office space, and a dining hall. Although all groups have come to the conclusion that co-location is the best and most economical option for continued presence, [redacted] and the current State facility is not large enough to permit co-location. Tripoli Facility Manager [redacted] recently traveled to Benghazi to study a proposed villa compound (Villa D – see Tab) [redacted] and determined that the electrical, plumbing and physical security work needed to bring the facility up to an acceptable standard would negate any cost savings of the move.

The current Villa Compound is much larger than we need for the duration of our presence in Benghazi. We currently pay $70,000/month for the three properties (A - $28,000/month, B - $14,000/month, and C - $28,000/month). NEA proposes to release the Villa A property and use Villa C for residential and Villa B for offices, dining facility, and TDY housing. If you agree with this course of action, NEA will work with DS to rapidly implement a series of corrective security measures as part of the consolidation of the State footprint. We have one-year leases renewable for up to three additional one-year periods on these villas, with an option to terminate without financial penalty after the first six months, with sixty days notice. In order to avoid any additional rent payments on Villa A, NEA proposes to give immediate notice of termination, but would like to retain the leases on Villas B and C through the end of calendar year 2012 [redacted]

Attachment:
Tab – Benghazi proposal

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EXHIBIT 5

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 6

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From: Sullivan, Jacob J <SullivanJJ@state.gov>
Sent: Thursday, April 5, 2012 9:08 AM
To: H
Subject: FW: Latest from HRC's contact

FYI

-----Original Message-----
From: Cretz, Gene A
Sent: Thursday, April 05, 2012 7:50 AM
To: Sullivan, Jacob J; Stevens, John C
Cc: Feltman, Jeffrey D
Subject: RE: Latest from HRC's contact

Jake: I have been reading this over and over and it just seemed a bit odd to me. I finally figured out that I think the source has somehow confused two Bel-Hajs: One is our boy who accused us and the Brits of rendition-Abdul Hakim Bel-Haj and a second one is Lamin Bel Haj, an Islamist leader who I believe had previously I believe somehow been involved in Sudan but was now back in his native Libya. The latter is the head of the JCP and MB. The former is of the former LIFG and now the Libyan Islamist Movement for Change and the premier Western Brigade commander whose group had control over Matega Airport for several months after October 23 and who tried to make himself the Supreme Military Council Commander of Tripoli before the TNC leadership stepped in several months ago. Let me try to untangle this and see if any of it jibes with the reality we are seeing.

-----Original Message-----
From: Sullivan, Jacob J
Sent: Wednesday, April 04, 2012 12:49 AM
To: Stevens, John C
Cc: Feltman, Jeffrey D; Cretz, Gene A
Subject: RE: Latest from HRC's contact

Thanks -- I will share this with S.

-----Original Message-----
From: Stevens, John C
Sent: Tuesday, April 03, 2012 6:33 PM
To: Sullivan, Jacob J
Cc: Feltman, Jeffrey D; Cretz, Gene A
Subject: RE: Latest from HRC's contact

Very interesting report. By chance, I met with [redacted] in Benghazi yesterday and we discussed the LMB's electoral prospects. He didn't think they would have a large following b/c they don't have a strong organization and because most Libyans view the LMB as a branch of the Egyptian MB, and Libyans don't want to be ruled by Egypt. He did not mention the interesting point below about the LMB as a counterbalance to the eastern-based Federalists. He did emphasize, though, that the Federalist movement has widespread support in the east and will continue to up the ante with Tripoli, including possibly making a move on the oil production in that part of the country (AGOCO, a large state-owned oil company, is based in Benghazi). -- Chris

SBU
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-----Original Message-----
From: Sullivan, Jacob J
Sent: Tuesday, April 03, 2012 12:44 PM
To: Feltman, Jeffrey D; Cretz, Gene A; Stevens, John C
Subject: Latest from HRC's contact

Below is the latest report from HRC's contact; would be interested in your reactions.

SOURCE:
Sources with direct access to the Libyan National Transitional Council, as well as the highest levels of European Governments, the Egyptian Muslim Brotherhood, and Western Intelligence and security services.

1.
During the last week of March 2012, the leaders of the National Transitional Council (NTC) regime in Libya discussed the rising popularity and independence of the Libyan Muslim Brotherhood (LMB) in preparation for the national parliamentary elections scheduled for July 2012.
According to a source with direct access to these discussions, President Mustafa Abdel Jalil stated in very direct terms that he sees the emergence of the LMB as a major factor in the upcoming elections, which are already complicated by the Federalist movement for the semi-autonomous status of the historic Eastern Libyan region of
Cyrenaica (Barqa in Arabic).
Minister of Defense Ousama al Juwali and Prime Minister Abdurrahim el Keib both believe that the rise of the LMB, which was a relatively minor member of the NTC until November 2011, is, in fact, related to the Federalist movement in Eastern Libya.
According to al Juwali, a native of the Western Libyan region of Zintan, the LMB is drawing strength from people who fear that the Federalist movement in Barqa will result in that region dominating the country, gaining control of an inordinate share of the country's oil and mineral reserves.
For his part, Jalil stated that he agrees with Oil Minister Abdulrahman Ben Yezza that if matters are not resolved by the July elections, the unsettled nature of the political process in Libya will damage the country's image as a business partner and confuse foreign banks and oil firms attempting to open new contacts with the new Libyan Government, or reactivate existing agreements.
2.
According to a sensitive source, while discussing this matter with Dr Abd al-Nasser Shamata, the head of the Crisis Management Unit in the NTC, Prime Minister el Keib stated that the most problematic aspect of the rise of the LMB is the leadership role taken by Islamist militia leader General Abdel Hakim Alamin Belhaj.
In the opinion of this source, the NTC leadership sees Belhaj as one of the greatest threats to the long term success of their regime.
Al Juwali also notes that Belhaj is the head of the founding committee for the LMB's Justice and Construction Party (JCP). As the Federalist movement took hold in early March 2012, al Juwali, under instruction from el Keib and Jalil, met with Belhaj and other Western militia leaders to arrange for their support in the event military force is needed to hold the country together.
Belhaj represented the most effective of the Western militias.
3.
According to the Minister of Defense, this situation with the Federalist movement enhanced Belhaj's prestige at the time he was working to secure a leadership role in the LMB and the JCP.
El Keib and Jalil are concerned that, despite the fact that the LMB has a limited base after years of suppression by the regime of former dictator Muammar al Qaddafi, they will appeal to those Libyans who believe that the NTC regime is under the influence of the United States and Western Europe.
The activities of Belhaj in both the LMB and the JCP reinforce this view.
Jalil finds this situation frustrating, particularly in the light of his regular assurances that Libya would operate under Islamic law, and while maintaining appropriate ties to the West, will remain hostile to Israel.
4. (Source Comment:

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In a private conversation, Jalil stated that he is working to balance the internal political realities of Libya against the concerns of the international business community.

The President is concerned that the appointment of BenYezza as Oil Minister in October 2011 provided the JCP with a tangible concern to use against NTC candidates during the July elections.

After his long experience as a senior official of the Multinational Italian Oil Firm ENI, Ben Yezza is viewed by Belhaj and many members of the LMB as a symbol of the issue they will pursue in the national election, the idea that NTC, like the Qaddafi, regime is corrupt and involved in allowing foreign interests to control the nation's mineral wealth.

That said, Jalil continues to agree with el Keib that Ben Yezza is an excellent administrator, and in the long run will play an important role in effectively managing the nation's mineral wealth.)

5.

According to an extremely sensitive source, Jalil and his advisors have been in contact with Supreme Guide Mohamed Badie, the leader of the much larger and more powerful Egyptian Muslim Brotherhood (EMB).

This contact is largely based on the President's need to address reports he has received that the LMB is reaching out to Badie and his advisors for support.

This effort is particularly important given the belief among NTC leaders that the EMB and its Freedom and Justice Party (FJP) will control the Government of Egypt as that country moves to civilian rule later in 2012. In the opinion of this source, Badie is sympathetic to Jalil's position, especially since the Libyan President and el Keib were members of the EMB during their student days in Egypt.

The Supreme Guide will, according to Jalil, work to influence the LMB to establish a cooperative effort with the NTC.

Badie will point out the fact that his ability to cooperate with both the Supreme Council for the Armed Force (SCAF), as well as the Salafist al Nour party, helped establish the EMB as the dominant political force in Egypt, while avoiding high levels of violence.

6.

(Source Comment: An extremely sensitive source within the EMB agreed that Badie and Jalil have spoken in an effort to develop a plan to deal with the LMB.

According to this source, Jalil told Badie that the LMB and the JCP are far more intolerant of foreign business and banking interests than the NTC, and a strong showing in the July elections will strengthen Belhaj and other conservative Islamists, adversely affecting the Libyan economy, which in turn will cause problems for Egypt as it recovers from its own revolution in 2011.

Jalil emphasized that at this point the NTC has managed to avoid violent outbursts between competing groups, even in the face of the Federalist movement in the East, in a region that borders Egypt.

He warned that an LMB/JCP victory might change this and lead to increased violence between rival militias that could wash over into Egypt.)

7.

According to a sensitive source, the LMB has a complex history and Jalil and el Keib believe this past may hold some points which can be used against the Brotherhood and the JCP in the July elections.

The TNTC leaders know that after Qaddafi came to power in 1969, the LMB was repressed and many of its leaders were executed publicly. Eventually the Brotherhood, having reestablished itself in the United States and Europe, entered into a dialogue with the Qaddafi regime 1999, and in 2005 began a series of negotiations with Saif al-Islam Qaddafi, whose goal was to co-opt and neutralize opposition groups, particularly Islamist ones.

8.

According to this individual, Belhaj and the other Islamist leaders mistrusted the LMB during the first months of the 2011 revolution.

However, Belhaj eventually established a working relationship with Fawzi Abu Kitef, the head of the Revolutionary Brigades Coalition in Eastern Libya and the former deputy defense minister in the NTC. Abu Kitef was a leading figure in the LMB who spent more than 18 years in prison, including the notorious facility at Abu Selim. Under Abu Kitef and leaders like Dr. Abdullah Shamia, who was in charge of the economic committee of the NTC, the Brotherhood established itself as a unique group within the Jalil/el Keib regime; serving there until they began to plan for independent political activity in late 2011 and early 2012.

9.

In early 2012, as the relationship between the NTC and Belhaj and the other Islamists deteriorated in the face of regional and ethnic power struggles, the LMB leadership, in coordination with Belhaj began to look at an independent political effort in the parliamentary elections. During its first public conference in Benghazi during November 2011, the

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LMB elected a new leader, increased its consultative council membership from 11 to 30 leaders, and decided to form a political party; the JCP.

Mohammed Swan, the former head of the Libyan LMB's Consultative Council, won a tight victory over longtime LMB leader Soliman Abd al-Qadr, to become the first leader of the JCP. Bashir al-Kubty was elected General Observer of the LMB.

10. (Source comment: According to an individual with excellent access, the LMB leaders are sensitive to charges that the JCP is a party with a narrow religious agenda, and they encouraged Walid al-Sakran, non-member of the LMB, to compete as a candidate for JCP leadership.

That said Belhaj and other Islamist leaders believe that the LMB is set to follow the electoral path of Islamist success seen in Egypt, Tunisia, and other Arab countries.

Belhaj now believes that the country will move forward under sharia law, administered by the Islamist bloc, including the LMB/JCP

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From: Sullivan, Jacob J <SullivanJJ@state.gov>
Sent: Tuesday, January 24, 2012 1:00 PM
To: H
Subject: FW: Libya info

FYI

From: Cretz, Gene A
Sent: Tuesday, January 24, 2012 2:58 AM
To: Sullivan, Jacob J; Feltman, Jeffrey D
Subject: RE: Libya info

[redacted] The Benghazi protestors appear to be a pastiche of different groups of disaffected people including war-wounded, martyrs' families, transparency and accountability demandeurs, and those who believe the east is once again being neglected. So the source of this report attributing the whole thing to war-wounded does not jive, although they may have been the ones who carried out the violent acts. The Belhaj bogeyman is a bit overplayed-no doubt his military influence has waned but he does remain a player --one of many --looking to make political gain in this new environment. The proposition that he is just lying in waiting to take advantage of the current stability to move in and establish an Islamic state appears a bit exaggerated. Minister of Labor Rajbani (who has his own axes to grind) said there is now a group of six ministers (I need to clarify whether this is with al-Keeb's knoweldge or not) who are serving as the "cohones" of the cabinet and taking decisions the others won't. al-Keeb is proceding cautiously (that is his strength and weakness) and that is the problem-this is really the time for a "war-time" cabinet not the cautious approach he appears to be taking does not suit this volatile time. Let's see what the meeting today between the NTC and the government produces--the benghazi protests, the Bani Walid conflict, and the various other incidents that have flared up in recent days point to the need for some real drastic movement in the DDR process and in the other issues that engender current dissatisfaction among the populace. I can't really comment on the points regarding foreign contracts except to say it rings true given the current government's reluctance to make any significant decisions, especially regarding past or future issues of money. The Heftar piece also sounds a bridge too far given al-Keeb's disposition. But I do agree that it is not too late if this government can just organiza itself and take some fundamental decisions to i mprove liquidity, get the real war-wounded good treatment, and push the MOD and MOI to speed up the DDR process.

From: Sullivan, Jacob J
Sent: Tue 1/24/2012 2:25 AM
To: Cretz, Gene A; Feltman, Jeffrey D
Subject: Libya info

Interested, as always, in your views.

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

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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 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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EXHIBIT 8

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[redacted]

From: [redacted]
Sent: Friday, December 23, 2011 7:22 AM
To: [redacted], SES-O; SWO-Cables; Maxwell, Raymond D; NEA-MAG-DL; [redacted]
Cc: Cretz, Gene A; [redacted]; Stevens, John C; [redacted]
Subject: RE: Benghazi EAC -- December 21, 2011
Attachments: EAC Benghazi 122111 (final).docx

For your information and distribution.

Benghazi EAC – December 21, 2011

1. (SBU) SUMMARY: On December 21, the Principal Officer chaired a meeting of US Mission Benghazi's core Emergency Action Committee (EAC). The EAC discussed post's current security posture, including physical security and its movement security procedures. Although the overall security environment has been gradually improving, in light of the reported threat over the holiday period posed by Qadhafi regime loyalists and the current level of Mission security personnel, the EAC recommended improving the physical standards of the current US Mission compound complex, moving all COM personnel into Villas B and C, and leaving Villa A unoccupied. The EAC recommended sustaining the mission's current movement security procedures but will be particularly vigilant and unpredictable, given the more uncertain security environment. END SUMMARY.

2. (SBU) On December 21, the Principal Officer (P/O) chaired a meeting of Mission Benghazi's core Emergency Action Committee (EAC). RSO and IMO also attended the meeting. The EAC discussed the Mission's current security posture, and specifically its physical security and movement security procedures. The EAC discussed recent news of a plot by Qadhafi loyalists to target foreign embassies and oil interests in Benghazi over the Christmas and New Year's holidays. The EAC concluded that Mission Benghazi needs to take immediate steps to improve its physical security over the next few weeks.

3. (SBU) The EAC agreed that all COM personnel should be housed only in Villas B and C until the next EAC is held. With the current threat and the depleted number of security personnel currently at the Mission, it is not possible to provide adequate security for COM personnel in all three villas on the compound on a round-the-clock basis. Condensing all COM residential space to villas B and C allows for at least one DS agent in be in each compound at any given time. The EAC also recommended that RSO Tripoli provide Mission Benghazi two TDY MSD agents for additional security support over the Christmas and New Year's holidays. The EAC also agreed to request additional security support from the TNC in the form of a mounted patrol of four TNC security personnel from 2300 to 0500 hours for the next two weeks.

4. (SBU) The EAC also discussed the pending request to condense the Mission's facility space and make related security enhancements, including improvements to the perimeter walls and emplacement of jersey barriers and/or drop arms at Mission gates. The EAC discussed moving-up the timeline for implementing some of these enhancements, and discussed a range of other additional, relatively low-cost security enhancements that should be made in the immediate term while the contraction of the Mission's footprint is considered in Washington. These include the emplacement of concertina/barbed wire on perimeter wall tops and the purchase and emplacement of sand bags to enhance the physical security of villas B and C and areas on these compounds.

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The EAC also discussed the fact that several areas within the Mission compound are currently unlit, and recommended immediately increasing the number of lights inside the Mission. The EAC also agreed that several observation platforms are needed for the local guard force to have line of sight over perimeter walls. The EAC also recommended the installation of at least one escape hatch in the window security grates in each of the Mission buildings (currently there are none). The EAC recommended submitting a list of prioritized physical security upgrades to be implemented in the very near-term, and will shortly provide these to Washington via separate cover.

5. (SBU) The P/O provided an update on the political situation in Libya, noting the strongly pro-U.S. sentiment among the majority of the population, vocal support for a continued U.S. presence in Benghazi and the increased visibility (and cooperation between) police and military security units in the city. The P/O also led a discussion of what is known about the reported threat by Qadhafi loyalists, and the Mission's efforts to enhance its understanding of the issue. Post has had discussions with other USG sources and local diplomatic missions, and is currently seeking a meeting with Preventive Security (police) to discuss recent developments.

6. (SBU) A follow up EAC will be held on/about 04 January 2012 to reassess the local security and threat environment and discuss appropriate security measures. The mission will also review its established tripwires in the run-up to the next EAC meeting.

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INTERVIEW OF ROSEMARY A. DICARLO

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, AUGUST 11, 2015

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

CRAIG MISSAKIAN, *Deputy Chief Counsel*
SHERIA CLARKE, *Counsel*
KIM BETZ, *Member Outreach Liaison*
SUSANNE SACHSMAN GROOMS, *Minority Staff Director/General Counsel*
RONAK DESAI, *Minority Counsel*
DANIEL REBNORD, *Minority Professional Staff*

FOR THE U.S. DEPARTMENT OF STATE

AUSTIN EVERS, *Senior Advisor*

Ms. Clarke. Good morning. This is a transcribed interview of Ambassador Rosemary DiCarlo, conducted by the House Select Committee on Benghazi. This interview is being conducted voluntarily as part of the committee's investigation into it the attacks on 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 Congress.

Will the witness please state her name for the record?

Ms. DiCarlo. Rosemary DiCarlo.

Ms. Clarke. Thank you. The committee appreciates your appearance today, Ambassador DiCarlo. My name is Sheria Clarke, and I am with the committee's majority staff, and we will just take a moment to allow everyone else around the table to introduce themselves.

Mr. Evers. Austin Evers, State Department.

Mr. Missakian. Craig Missakian, majority staff.

Mr. Rebnord. Dan Rebnord with the minority staff.

Mr. Desai. Ronak Desai with the minority staff.

Ms. Grooms. Susanne Sachsman Grooms with the minority.

Ms. Betz. Kim Betz with the majority staff.

Ms. Clarke. 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 first for up to an hour. And then the minority will have an opportunity to ask questions for an equal period of time if they so choose. We will firmly adhere to the 1-hour time limit for each side, and questions may only be asked by a member of the committee 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 end.

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 of 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 objections when the other side is asking questions.

This session will allow for the discussion of unclassified information. We also have arrangements for a classified setting, if need be. And I understand the clearances have been passed. If any of the questions that we ask you you feel that will require a classified responses, please let us know, and we will resume that questioning at a later point in 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 you make this known. If you need to discuss anything with your counsel, we will take a moment to go off the record and allow you that opportunity.

We also like to take a break whenever it is convenient for you. If necessary, in the middle of a round of questioning, please don't hesitate to ask. We would like to make this process as easy and as comfortable as possible.

As you can see, an official reporter is taking down everything that is said today to make a written record. We ask that you give verbal

responses to all questions, yes and noes, as opposed to not of the head. And I am going to ask the reporter to feel free to jump in, in case you do respond nonverbally.

Also we should both try not to talk over each other so it is easier to make sure we have a clean record. We want you to answer our questions in the most complete and truthful manner possible. We will take our time. We will repeat or clarify questions if necessary. And if you have any questions again or don't understand our questions, please let us know, and we are happy to clarify for you.

If you honestly don't remember the answer to a question or don't know the answer, it is best not to guess. We will ask that you give us your best recollection, or if there are things you don't know, if you know someone who may have that information, if you would be willing to provide that individual's name.

You are required to answer questions from Congress truthfully. Do you understand that?

Ms. DiCarlo. Yes, I do.

Ms. Clarke. This also applies to questions posed by congressional staff in an interview. Do you understand that as well?

Ms. DiCarlo. Yes, I do.

Ms. Clarke. Witnesses that knowingly provide false testimony can be subject to criminal prosecution for perjury or for making false statements. Do you understand that?

Ms. DiCarlo. Yes, I do.

Ms. Clarke. Is there any reason you are unable to provide

truthful answers to today's questions?

Ms. DiCarlo. No, there is not.

Ms. Clarke. That is the end of our opening. Do you or your counsel have anything you would like to say at this time?

Mr. Evers. I don't.

Ms. DiCarlo. I do not.

Ms. Clarke. Does the minority have anything they would like to add?

Ms. Grooms. Just thank you for coming. We appreciate it.

Ms. Clarke. So the clock now reads 9:44, and we will go ahead and get started.

EXAMINATION

BY MS. CLARKE:

Q Ambassador DiCarlo, can you briefly describe your professional background?

A Sure, I was a Foreign Service Officer -- career Foreign Service Officer -- for 30 years. I retired September 30th of 2014. During my Foreign Service career, I served in a number of assignments. My first assignment was in Oslo, Norway. I was at the U.S. Information Agency at the time and then went to Moscow.

I came back to Washington, came back at a time when the Soviet Union broke up and was thrown into more post-Soviet activities, both at the U.S. Information Agency and the State Department working on assistance programs for the new independent states. I went back to Moscow again in the mid-1990s and stayed there 3 years, 3 years at the

Embassy, but 9 months leave without pay at that point where I actually worked as a consultant for the Source Foundation in New York.

And from there, again, came back to the United States to State Department, worked on Balkan issues, particularly in the aftermath of the Kosovo conflict. And began my career with U.N. issues in 2001, where I headed the Permanent Representative's Office. John Negroponte was the Perm Rep at the time. After 2 years, I went to National Security Council as Director for U.N. Affairs. Then from that assignment, back to the State Department, and I was Deputy Assistant Secretary for Southeast European Issues in the Bureau of European Eurasian Affairs -- that is Balkans, western Balkans, Kosovo conflict -- I mean, Kosovo's final status. Sorry.

From there, I went to the U.S. Mission to the U.N. I was first the Alternate Representative for Special Political Affairs. I was the number three slot, an ambassadorial position. I was Senate confirmed for that. Remained there -- I went there in 2008. I remained there and moved up to be the number two, the Deputy Permanent Representative, again confirmed for that position, where I handled a range of issues. I was dealing with the overall management of mission to include staffing, budget, et cetera. Also coordinating the activities of the mission. We have actually five Ambassadors, lots of missions; each Ambassador covering certain areas, but part of my job was to make sure people were indeed coordinating with each other. I also handled a whole range of political issues that came before the Security Council and, in some cases, before the General Assembly. I did Middle East

issues, to include Israeli-Palestinian issues, Syria, Iraq, Lebanon, Yemen.

I also did Afghanistan, Pakistan and European issues, which initially were very quiet but not so quite, certainly when the Ukraine crisis broke. So Ukraine, Kosovo, Bosnia, Cyprus and Georgia, not so quiet in the beginning either.

I left the Foreign Service and now have just taken on two new positions. I am going to be teaching a fall course at Yale University, the Jackson Institute. And I am heading a small governmental organization in New York that deals with foreign policy issues. We put on various roundtables, panel discussions, and we also do Track II diplomacy.

Q Thank you. You mentioned that following your first time serving at the U.N., you then served at the NSCS as the Director of U.N. Affairs?

A That's right.

Q Can you just describe what that role entailed?

A Yes. We were coordinating a range of things at the time. I was there from 2003 to 2005. And there were a number of issues that we were dealing with try to get the U.N., for example, established in Iraq, trying to expand the U.N. presence in Afghanistan. My role was coordinating the interagency effort on that, dealing with State Department and Defense primarily, but also some other agencies. We were also dealing with the issue of serious presence in Lebanon at the time, I worked on that issue as well. And so, obviously, my major

points of context were the Bureau of international organizations at the State Department and then a range of people at the Defense Department as well on peacekeeping operations. So we set up yet another peacekeeping operation in Haiti, for example. We had a crisis in Liberia at the time. So it was fascinating work, but very different from some of the issues we have been handling today.

Q Would you describe that role as a liaison between the NSC and the U.N.?

A No. It was liaison with U.S. Government agencies who had a stake in various things that were happening at the U.N.

Q Thank you.

A I actually had no contact with the U.N. itself. I might have had contact with the U.S. Mission as part of the U.S. Government, but no contact with the U.N. itself.

Q I understand.

And so you also mentioned that you returned to the U.N. and you served in the number three slot --

A To the U.S. Mission to the U.N.

Q To the U.S. Mission to the U.N. And then subsequently you became the Deputy Permanent Representative?

A That's right.

Q And you mentioned that your role was overall management and staffing and coordinating.

Can you describe what your reporting structure was like as far as your reporting to Ambassador Rice?

A Uh-huh, of course.

Q And how that interacted with political issues that you were kept in charge of?

A I was Susan Rice's deputy and then Samantha Power's deputy for the U.S. Mission and what we were doing at the United Nations. So my role was in particular reporting to Susan on any staffing issues that we might be dealing with at the mission in New York and also working on the issues that I was covering primarily for the mission. I was involved in helping to ensure that the interventions on the issues that I covered were solid. I gave some of them myself; some of them Susan Rice gave. There were some occasions we might have had someone else on the mission giving an intervention, but rarely at the Security Council -- possibly at the General Assembly. I was involved in negotiating resolutions as well.

I was certainly, as I said, involved in reporting to her on any sort of inside management issue we had. I was not involved in her role as a Cabinet member. She had a Washington office that handled that. I handled the New York operation and anything that dealt with the United Nations. I didn't handle other things that might be more broader -- a broader role as a Cabinet member, a member of the National Security Council itself on the devising of U.S. policy, nor did I work on some of her public affairs events either, which were usually on a broader scale.

Q And during your time in that role, did you work on issues related to Libya?

A Yes, indeed.

Q And can you describe some of the types of issues you worked on?

A Of course. I can describe it very easily. First when the Libya crisis broke, the Security Council was trying to decide if the U.N. could play a role here, if there was something to be done. And it became very clear, based on the calls for help that we were getting from the Libyans themselves, even the Libyan delegation that broke with Qadhafi, the Arab League, the African Union, briefings that we were receiving, the situation on the ground was really very serious, very dire, and that people were going to die.

So the initial action was a resolution that was adopted in 2011 February that I worked on, as Susan Rice did, as did a number of members of our staff. The British had a lead on that, and that was dealing with an arms embargo -- see if I can remember all of this, arms embargo, travel ban, referral to the International Criminal Court, referral of the situation to the International Criminal Court. It was a very tough resolution, but it had unanimous support. And the sense was there was a need to do something that was going to -- that was aimed at stopping the conflict.

It was not heeded at all by Qadhafi, at all. The situation got actually worse. And, again, more and more calls coming from the region, from various players, you know, in both the Arab League and in the Africa Union, from the Libyans themselves. By this point, the entire Libyan mission had defected, if you will, were no longer

supporting Qadhafi and operating on their own. And we worked on another resolution, and that was a resolution that called for a no-fly zone, authorized -- I should say authorized, not called for -- authorized all necessary means to protect civilians. A very -- again, a very difficult resolution, but it was adopted, and that was the basis for NATO involvement in the air campaign.

Q You mentioned that the first resolution the U.K. had the led on that resolution?

A Yes.

Q Was -- did that hold true for the second resolution?

A Yes, it did, yes, it did.

Q What does that mean when you say another country has a lead?

A Sure, that is a good question. And so it is lingo in the U.N., the U.K. has the pen, on an issue. What it means is that normally when there is action to be taken, whether it be a resolution or a statement of some kind, that country would be the one that would do the first draft, that is then circulated and then amended or negotiated if you will -- I shouldn't say "amended" -- but negotiated until it is adopted. So the U.K. has traditionally had the lead on Libyan issues as far as doing the first draft.

Now that said, we often work with the Brits and the French when we are working on resolutions before it is even circulated to the rest of the Council.

Q Okay. In essence, you would have a chance to review and kind of help shape --

A Absolutely. And then, of course, in the negotiations, we have a very important role because the U.S. have vetoes -- the U.S. position is one that has to be taken into account --

Q Can you describe the U.S.' position regarding the no-fly zone?

A Indeed. There were calls particularly coming from the region for a no-fly zone. They were also coming from Europe, the French in particular. And the U.S. was very clear on what would be needed in order to have a no-fly zone. There was actually a piece that Secretary of Defense Gates wrote -- I think it was in the New York City Times, but I am not sure -- that in order to initiate a no-fly zone, you have to take out a country's air defenses. So there is a lot of -- a lot of bombs that have to be dropped in order for something like that to happen. You just don't fly around and chase a plane out of the airspace. It doesn't work that way. And that was very clear from his article.

It was made also very clear in our Security Council deliberations. My understanding is that the concern was that not only was this a lot of activity, but it wasn't going to actually help protect the civilians, given how Qadhafi was going after his citizens at that time, that it really would not have done a significant amount of good if it were not coupled with other actions to protect civilians, other air strikes.

And when the second resolution was being -- when there was thought of the second resolution, when Washington bureaucracy agreed that we should have a second resolution, I was informed by Ambassador Rice that

the decision was made that it should be not only a no-fly zone but also something that could authorize all necessary means because, without that, it would not have really made sense. I am assuming now. I am not a military person.

Q When you say "Washington agreed," can you flesh out for me --

A Sure.

Mr. Evers. Let her finish the question.

BY MS. CLARKE:

Q Who are you describing or what entities are you describing when you say "Washington"?

A Susan said -- gave instructions to work with the British on a resolution that would have as its part a no-fly zone and authorization to protect civilians. She said the White House -- if I remember correctly -- the White House has decided. I mean, this was a decision made in Washington at the highest levels. I don't remember how she phrased it, but I know an instruction from Susan Rice means that she has been instructed to instruct me.

Q Understood. In our discussion, you have mentioned deliberation and the Security Council. Can you describe in your role as the Deputy Permanent Representative, did you typically attend the Security Council meetings? How was that task divided up?

Mr. Evers. Can I just clarify? Are you talking about the United Nations?

Ms. Clarke. Yes.

Ms. DiCarlo. Yes, I typically attended meetings on this issue in the Security Council, along with Ambassador Rice. This is a very serious issue. She was -- on the issues that we are talking about now, the two resolutions, she was in what we say the chair, she was sitting at the table in our deliberations. I was sitting behind her, along with a host of other people from our mission.

BY MS. CLARKE:

Q So we have discussed the implementation of two resolutions by the U.N. Security Council. In April of 2011, the U.S. made a decision to send in a Special Envoy into Benghazi. Were you involved in that decision?

A Not at all.

Q Were you briefed on that decision?

A I was not involved in it. I found out later that indeed we were -- we had an Envoy in Benghazi, but I was not involved in the decision. I would not have been given that. What I was involved in is U.N. issues, and that was a U.S. Government Envoy.

Q Do you recall when you became aware?

A I don't recall. I don't recall.

Q So I was trying to kind of understand, how does the United States Mission to the United Nations interact with the State Department. If you could describe that for me?

A Sure. The major contact at the State Department is the Bureau of International Organizations. That is where if you look at the Foreign Affairs manual, we are supposed to be taking our

instructions. And we -- they in turn would coordinate with other elements of the State Department for us, for example. Bureau of Near East and Middle -- you know, affairs or the African Bureau. Our guidance comes from State Department, our instructions, often any intervention that we might give is cleared by the State Department, sometimes written by the State Department, with kind of a convoluted process where they write, we edit, they then clear, and then this comes back, if you will.

Q What do you mean by "clear"? Can you describe what you know of that process?

A Well, in terms of the kinds of things we were doing at the United Nations. As I said, IO, shorthand, takes the led on getting clearances from relevant bureaus. If we were doing a resolution on Syria, they would obviously get the chomp of NEA. They would likely get the chomp of possibly DRL, possibly because there probably would be a human rights component, if there were, there would be. They would certainly have clearance from legal. Most things dealing with the United Nations, usually are cleared by the Office of Legal Affairs, most, not all. They would get clearance from what they call the seventh floor, from the staff of usually the Under Secretary for Political Affairs and sometimes they would say D staff. I can't remember whether policy planning was on the clearance -- sometimes, but not that often. And there are things that sometimes are cleared at different levels, depending on what the issue is, and sometimes it could be cleared as high as Secretary of State, not so often, but --

They would also -- IO would be responsible for getting clearances from other agencies if we need other agencies -- NSC, DOD, et cetera.

Q And you were describing for us kind of interaction between the U.S. Missions of United States and the State Department.

A Uh-huh.

Q Can you do the same for the U.S. Mission to the United Nations and the White House to the NSC?

A Uh-huh.

Q Is there a direct interaction?

A There is interaction between NSC and the U.S. Mission to the United Nations. Less so, I would say, between New York and the NSC, more so between the Washington office of USUN and the NSC, more so than that case, but there would be conversations sometimes perhaps on an issue, or in particular, it was more of a question of perhaps looking for information and just wanting to get it right from the person who was sitting in a meeting at the U.N. on it. Again, instructions come from IO.

Q And I believe you mentioned earlier that the Washington office of the USUN dealt -- handled some aspects of the Ambassador -- when it was Ambassador Rice, some aspects of her role --

A Uh-huh.

Q -- that were not necessarily handled by the New York office?

A That is correct.

Q If you don't mind, would you share again what some of those issues that they would handle --

A Their role was to support her primarily in her role as a Cabinet official, so they would be sitting in meetings in Washington on her behalf or with her at times. They would work on a lot of her public affairs events, if you will, sort of broad, not -- they also would be trying to -- where she plays a role in greater policy, they would be her support, if that makes sense.

Q So they would provide background information to her?

A Exactly.

Q Research topics and gather relevant information to policy issues --

A Get relevant information, explain to here what was happening on Washington bureaucracy on a particular issue. It was just something that when you are in New York, you don't have visibility on -- I mean, your job is to deal with the U.N., so --

Q We briefly talked about a Special Envoy going into Benghazi in 2011, you became aware of that subsequent to his arrival. Did you come to know that in the summer of 2011 that a more permanent presence was established in Benghazi, a more permanent U.S. presence was established in Benghazi?

A I am not sure when I was more aware that a more permanent presence was established, but certainly at a certain point, I was.

Q How would you have been briefed on any -- it seems that you had interactions regarding Libya, at least up until the Security Council resolution. Did you remain involved in Libyan issues following that?

A I did remain involved in Libya issues, for the following reasons: We had -- initially, we had monthly meetings in the Security Council. Then it became to be every 3 months. Now I am not even sure how often it is. It could be 3, 4, months, I am just not sure. We had issues that were important, such as the establishment of a U.N. Mission in Libya that the Security Council discussed, approved. We had briefings from the head of that U.N. Mission and from the secretariat in New York, about what the mission was doing, concerns they might have, problems.

There was a lot -- the U.N. Mission was what we call a political mission. It was not a peacekeeping mission; there were no boots on the ground. Their role was to work on issues related to upcoming elections, rule of law, institution building, if you will, given that Qadhafi left the country with very little in the way of real institutions.

Q And do you recall when the U.N. Mission to Libya was established?

A That is a good question. I am not sure when exactly it was established.

Q Does the fall of 2011 --

A That makes sense, that makes sense.

Q And was the mission located -- were there multiple branches of the mission? Where was it located in Benghazi?

A It was located in Tripoli.

Q And was there a U.N. presence in Benghazi?

A To my knowledge, there was not, to my knowledge. Before there was a mission, there was a U.N. Envoy.

Q To?

A To Libya.

Q And located in Tripoli?

A He would travel there, but -- and I don't know where else he might have traveled in the country. I frankly don't recall. I think it was mostly in Tripoli. He was not based there at the time. It was the permanent presence starting when they set up the actual mission.

Q Understood. You mention that the head of the mission would provide briefings to the Security Council starting monthly and then extend it out to the 90 days and so on and so forth. When he provided those briefings, can you describe what those briefings focused on. I think you mentioned this was primarily a political mission?

A Uh-huh.

Q And so what did his missions entail?

A He would focus on government information. He would focus on, as I said, preparations for elections. He also came to talk about issues like security sector reform within Libya itself; that was later down the road. A lot of this was issues dealing with reconciliation. We also had briefings from the High Commissioner for Human Rights about the human rights situation. We had from time to time briefings from the chief prosecutor of the International Criminal Court since the information was before them.

Q When you received briefings regarding the security sector reform, can you kind of elaborate on what that entailed?

A The concern was obviously to, among other things, was to gather all the weapons, if you will, because it was rather chaotic in the country. The U.N. was focused on doing more in that area. Other countries -- EU was heavily involved in trying to get some things up and running so that there weren't weapons everywhere in private hands, et cetera.

Q And did that also entail discussions about kind of the security structure in Libya regarding disarming the militias that were involved in the overthrow the Qadhafi?

A It was certainly raised that there was a need to do this. The head of the mission mentioned the need for something like this. Also the -- let's put it this way, the need for donors, that was the other thing that we talked about in the these sessions, which was the coordination of assistance, helping and asking the U.N. to take on a greater role in coordinating assistance on a range of issues, because there were a number of players, so there wouldn't be overlap, for example.

BY MS. CLARKE:

Q We were talking a little bit about the U.N. presence in Libya, and I think you stated that you weren't aware whether the U.N. had an office or a presence -- a permanent presence in Benghazi?

A I do not believe so, but my understanding is their only presence was in Tripoli, but again perhaps there was something I am not aware of, but I was not aware. They traveled around, there is no question.

Q And so you would have individuals, the personnel that were stationed in Tripoli would potentially travel to Benghazi or other areas of the country?

A Definitely.

Q Can you -- as you know, one of the reasons this committee was stood up was to investigate the events surrounding the attack in Benghazi so I kind of want to turn our discussion to that. When did you become aware, or how were you made aware of the ongoing attack in Benghazi --

A I was briefed that there was a problem with our mission in Benghazi. It wasn't clear what was happening, but it looked like it was under attack or being attacked. And then got some subsequent emails that said that one American was dead and our Ambassador was missing; Chris Stevens was missing. Then got the news the morning of

September 12th that Chris Stevens also had been killed.

Q Do you recall who provided you, initially briefed you on the fact that the mission was under attack?

[Discussion off the record.]

Ms. DiCarlo. It was part of a regular intel briefing that I would get. If you want to know more, maybe we should go to a different room.

Ms. Clarke. That is fine. You said as part of a regular intel, was this a briefing that was provided by staff for the U.S. Mission to the U.N., or are these briefings provided by staff of other bureaus of the State Department?

[Discussion off the record.]

Ms. DiCarlo. Could you repeat the question? You are asking, was this a briefing for USUN?

Ms. Clarke. Well, was this a briefing provided by -- how were the briefings provided to you? Were these members of your staff that were providing the briefing?

Mr. Evers. I am -- this is an area that the Ambassador actually flagged for me before we came in. I think it is an area that would be best described in a classified setting and the explanation for why is also probably best for a classified setting.

Ms. Clarke. Okay.

Mr. Evers. I am not sure there is a lot there in terms of whether we need to go to one. I just want to flag for you that Ambassador is kind of sensitive to it and is happy to provide you details?

Ms. Clarke. Certainly. As I mentioned before, we do have a

classified setting available, and if necessary, we can move to that setting.

I would like now to continue in discussing what we can in an unclassified setting.

Mr. Evers. Thank you.

BY MS. CLARKE:

Q So you describe that you were briefed on the attack, what was happening. It was unclear at the moment what was happening, and you received subsequent emails regarding the events that had unfolded. Did you receive any additional briefings?

A That day? No.

Q Or the next day, on the 12th, were you privy to any additional briefings regarding what was happening?

A I was certainly kept abreast that there were various agencies looking into what happened. And I did receive some information about what they were thinking. It wasn't as if I was getting these detailed analyses.

Q Okay. On the 12th of September, did you attend a U.N. Security Council meeting?

A Yes, I did.

Q And can you describe what that meeting was regarding?

A Okay. It was a regularly scheduled meeting on Libya. And at this meeting, the Under Secretary General for Political Affairs of the U.N. was to brief us on latest developments in Libya. This was -- I think by then, we were certainly off the monthly briefings. I am not

sure exactly. But we would have regularly scheduled meetings in Libya, as I mentioned, this was one.

We learned that morning that Chris Stevens had been killed and other Americans had been killed. The meeting was to discuss the activities of the U.N. Mission in Libya. Obviously, people came to the meeting completely moved by what had happened.

So do you want me to go further to explain what exactly we did at that meeting?

Q Yes.

A You are not asking, but I will. First of all, the Under Secretary General briefed -- raised at the top of his briefing and condemned the attack on the U.S. consulate.

Q Was the Under Secretary General at the time Jeffrey Feltman?

A Yes. Then went into his regular, you know, what he had been planning to say about what the mission had been doing. The Libyan Deputy Perm Rep was -- also spoke, which this is sort of customary when we have this part -- what we call the chamber. It was an open session. That part was open -- spoke, and his words were pretty much -- I mean, he talked a lot about Chris Stevens, which he knew. And then we went into consultations.

Q Does that mean that it is closed?

A It is closed. It is closed. Completely closed, and there is no like written record of it, for example. And again, everybody around the table, every single delegation expressed condemnation, condolences for what had happened. I certainly did, and we had

decided, the U.S. Mission, to put forward a statement. When there are attacks on diplomatic missions, it is often the case -- it isn't always the case -- that the Security Council issues a statement condemning the attack, offering condolences, making it very clear that there is no justification for any attacks on diplomat facilities, and referring to Vienna conventions, which would state that they are inviolable. We put forward our statement, which was approved without any difficulty.

The discussion then got into what the U.N. Mission was doing on the ground. Frankly, at this point, I don't actually remember what the specific topic that was more focused on at that time. Frankly, it was a shorter meeting in terms of actual discussion of what the U.N. Mission was doing because I think everyone was quite moved by what happened.

Q So I have some questions related to -- at some point, the Security Council actually did issue a statement?

A That day, uh-huh.

Q And during the meeting, was there a discussion about what should and should not be included in the statement?

A No. We circulated a draft -- I was in the chair that day. Ambassador Rice was not in New York. We circulated a draft, which was approved without amendments, to my recollection.

Q Okay.

A And, again, we were keying off what is standard language for an attack on a diplomatic facility.

Ms. Clarke. I want to -- I know it has been a few years and so

I wanted to ask you a few questions about some drafts that were circulated regarding this.

[DiCarlo Exhibit No. 1

Was marked for identification.]

Ms. Clarke. I am going to mark this as exhibit 1 and give you a moment to review.

Mr. Evers. Do you want to go off the record?

Ms. Clarke. Sure, you can take a moment off the record and take your time to review.

[Discussion off the record.]

BY MS. CLARKE:

Q Exhibit 1, which is identified as Doc. No. C05578710 is a chain of emails. The original email appears to be a draft statement that will be proposed to the Security Council's release, the press statement on attacks; is that correct?

A Uh-huh.

Q I think you may have mentioned this, but just to clarify, did the U.S. Mission to the U.N. take the lead on drafting or -- and the terminology used earlier -- have the pen on drafting this particular statement?

A We had the pen on drafting this particular statement because it pertained to us.

Q I understand.

A Even if it was Libya, it pertained to us. And I felt it was important to have a statement -- and Susan Rice did -- to get the

Security Council on record as condemning this.

Q So I wanted to ask you, there is a series of emails but the second email from the top on first page is an email from [redacted]?

A [redacted] at the time was one of the key deputy political counselors. We have a political section of Foreign Service officers primarily and civil servants. She was the deputy that would have handled the Middle East issues under who Libya fell.

Q Okay. And then if you don't mind, we will just take a moment to identify a couple of other names that are listed on this email?

A Sure.

Q [redacted]

A [redacted] was in the Washington office of the Perm Rep, Washington office, uh-huh.

Q And then [redacted]?

A [redacted] headed her Washington office.

Q And what was his title, if you recall?

A He was called the Washington deputy. I would have to check that again, but I believe he was the Washington deputy.

Q All right. So this is -- the email is sent around 11:00 a.m.?

A Uh-huh.

Q And given the body of the email, it appears this is actually during the process of --

A The meeting.

Q The meeting --

A The meeting.

Mr. Evers. You have to let her finish for the reporter's sake more than anything.

Ms. DiCarlo. I'm sorry.

BY MS. CLARKE:

Q So [redacted] writes to [redacted]: "Many thanks. Given the tenor of the conversation RDC," and does "RDC" stand for you?

A That is me.

Q "Recommends the following addition (shown in all caps)," and the addition that you recommended was "SC" -- the Security Council --

A Uh-huh.

Q -- "rejects denigration of religion." Do you recall or can you describe for us what about the conversation that was happening in the Security Council made you suggest adding that particular language?

A Okay, Mr. Feltman had used this in his briefing when he talked about the event and said that while, of course we reject denigration of religion, there is no justification for. And then a number of members, the members of the Security Council, when they spoke, because we were already here in consultations, were also making this point.

Q Okay. And --

A And, obviously, it was not acceptable.

Q Do you recall what this particular phrase was referring to?

A It was referring to the fact that the way the issue is being

played was this was somehow related to the video, that it was also -- this was after the events in Cairo when there was an attack on our Embassy there, which was explained by the group that did it that it was in reaction to the video. And this is what the U.N. was saying, and this is what some members of the Council were saying at that time.

Q And you mentioned that the final press release that the Security Council issued did not have that language. Do you recall why that language was not accepted?

A I know it came back without it. That is, to the best of my knowledge, it came back without it. I suspect that Washington wanted a cleaner draft, one more honed to what the President was saying at the time, which to my knowledge he did not refer to this, but I would have to -- again, I am not sure.

Q Okay. But to your recollection, this was not a rejection by the members of the Security Council?

A No, no, no, no, we were hearing that from them at the time.

Q Okay, all right.

Ms. Clarke. I would like to show you another email.

[DiCarlo Exhibit No. 2
Was marked for identification.]

Ms. Clarke. I have marked this as exhibit 2.

Mr. Evers. You have given us an underlined copy?

Ms. Clarke. That will help guide our discussion as well.

Mr. Evers. There is some purple underlining that was present when handed to us.

Ms. DiCarlo. Uh-huh, uh-huh.

Ms. Clarke. So this is another email chain, Doc. I.D. No. C05562148. It begins with a --

Ms. Grooms. For the record, the email chain doesn't have this witness actually as a recipient.

Ms. Clarke. Yes, I was going to get to that, thank you.

Ms. Grooms. Oh, great.

BY MS. CLARKE:

Q This is an email chain that begins with a press release that was sent. It was a press release by Russia regarding the attacks. As noted, you are not on this email, but you are referred to in the first email on the second page?

A Hum, uh-huh.

Q It is from [redacted], who is [redacted].

A [redacted] was the officer in the political section who was covering Libya. It was part of his portfolio.

Q And then he sends it to several people, one of which he addresses it to [redacted]?

A He's the legal counsel. The head of our legal section, legal section at the U.S. Mission.

Q "[redacted] RDC," which is referring to you, correct?

A Correct.

Q "And I were just discussing the Russian reference to terrorism here. It could foreshadow an attempt by their delegation to insert something on terrorism in statement. RDC asked what our

response would be to push back."

Can you just kind of describe for us why did you think it would be necessary to push back if Russia wanted to insert the term "terrorism" into a statement issued by the Security Council?

A Well, first of all, we deal with cleared statements from Washington on just about every issue, let alone something like this, which involves the death of Americans. The statement that we had did not refer to a terrorist attack. [redacted] I think explains further we didn't know at the time what it was. We had no idea whether it was a terrorist attack or attack by mob or a criminal gang or what it was. And, therefore, I just wanted to make sure that I am in a position -- I always want to make sure that I am in a position of following Washington guidance and not making decisions on my own.

Q I think you mentioned before that the clearance in Washington were -- the levels of the clearance for a statement or other items that the mission dealt with would depend on what the statement or items was regarding?

A [Nonverbal response.]

Q This is an instance when you talk about Washington clearing, do you recall what that -- who that would have entailed? Would it just have been IO, or would it have been other bureaus?

A I am sure -- I shouldn't say I am sure. What would normally happen in a case of this kind, IO would be getting clearance from the Bureau of Near Eastern Affairs, getting clearance from National Security Council, getting clearance from seventh floor, D staff and

P staff, getting clearance from certainly the legal office, and they would, again, be keying off what had been said publicly already, given that this was all so very new.

Q Did you have -- in any --

A And Susan Rice, obviously, was in the clearance process, even though she was not in town.

Q During your briefings or any updates that you received on the situation that evolved in Benghazi, did you ever have any discussions about not referring to the attack as a terrorist attack?

A In the briefings that I received?

Q In the briefings or in discussions with Ambassador Rice or discussions with other?

A No. We didn't discussed that. The briefings that I received were just briefing on what the community thought had happened on the ground, that there was nothing presented to me at the time that differed from the comments, the public comments that were made that this was an attack, that it did not appear to be premeditated, so it wasn't a discussion, is it terrorism, is it not terrorism. It was just more conveyed this is what happened, this is what we know happened, building caught on fire, et cetera. He disappeared then Chris was, you know, was found by some locals found dead, et cetera, et cetera.

[Discussion off the record.]

BY MS. CLARKE:

Q During this time period, there were interagency calls regarding the events that had transpired in Benghazi. Would you have

participated in those calls?

A I did not.

Q Would you have received briefings regarding those calls?

A I might have received some information, but I was not involved in those calls, nor involved in sort of moving sort of the various deliberations forward.

Q Okay. Would that participation in those types of calls, would that typically have been performed by individuals who were in the Washington office?

A That is correct. That is correct. If it were not at Ambassador Rice's level, it would have been her Washington office, the lower level.

Q Understood. On September 16th, Ambassador Rice appeared on several Sunday talk shows, NBC, CBS, FOX, CNN, and ABC. When were you made aware that she would be doing those shows?

A I believe it was Friday at our morning staff meeting, which I chaired. Our press section announced that Ambassador Rice would be doing the morning shows.

Q And from that -- at that point, did you have any involvement in preparing her -- her preparation for the shows?

A I had no involvement in preparing her for the shows.

Q Were you kept abreast of any of the information that she received?

A I was not kept abreast of any talking points that she received. I knew that they were being worked. I knew at the time what

the intelligence community thought was the cause of the attacks -- not thought what was the cause but what they were saying about it -- having had briefings, as I said, during the week. But I was not involved in preparations, although I know they were underway, and I know she was tapped, I believe, to do all five shows.

Q And do you know who tapped her to do those five shows?

A I do not.

Q Did you ever have a discussion with her personally about -- prior to the shows -- about her appearance on those shows?

A No, I did not. I did not do Ambassador Rice's press work or her public affairs work. That was something that was not within my purview. So I would hear about it. I would know that this is happening, but I was not involved in preparations for speeches that she gave, et cetera.

Q I think you mentioned earlier that Ambassador Rice had not attended the Security Council meeting because she was not in New York?

A That is correct.

Q Was she in Washington at that time?

Mr. Evers. If you know?

Ms. DiCarlo. I am not sure. I don't recall. I just don't recall where she was that day.

BY MS. CLARKE:

Q Okay.

A She could have been in Denver, I just don't know. I know she was not in New York, or she would have been at the session.

Q I understand.

To your knowledge, did Ambassador Rice have a standing meeting with the Secretary of State, a weekly meeting that she had with the Secretary of State?

A I don't know how often she met. I know she tried very hard to have periodic meetings. I am not sure of the schedule on that, given the travel schedules, et cetera.

Q Typically when she had those meetings, were you aware of where those meetings took place? Did they take place in Washington? Were they phone meetings?

A I am afraid I don't know.

Q That would be something that would be handled by Ambassador Rice's Washington office?

A Well, certainly the scheduling would be because it was a Washington -- let's say a Washington meeting or maybe it would be handled by somebody in her immediate staff. But I was not aware of frequency of the meetings. What I do know is that she tried very hard to keep good communications.

Q Are you aware if she had a meeting with the Secretary on September 14th?

A I am not aware, was not aware. I don't recall, let's put it that way. Sometimes I knew when she was going to have a meeting. Sometimes I didn't. This one I don't recall.

Q I am drawing close to my hour, I think a lot of my questions will be addressed to you regarding the briefings that you received,

and you have indicated that many of your answers you believe will be classified.

A One in particular?

Q What we can do right now is just take a break and go off the record.

[Recess.]

Mr. Desai. Let's go back on the record. The time is 10:55-ish.

Ambassador DiCarlo, let me just reintroduce myself. My name is Ronak Desai. I am one of the counsel with the minority staff of the committee. I am joined today by my colleagues, Susanne Sachsman Grooms and Daniel Rebnord. And on behalf of the entire minority staff and the members of the Select Committee, I just want to thank you for your appearance here today, and also thank you for your service.

There is a good chance we might go and retread some old ground that my colleague may have covered in the last session. If we do, I apologize. It is just to ensure that we are fully capturing your response and getting information that we need.

EXAMINATION

BY MR. DESAI:

Q So to start off, in the last session, you provided some background to my colleagues about your very exhaustive and illustrious career in the government. And you walked us through your various posts and positions, starting off when you were a Foreign Service officer in FSO. I think at one point, you had told us that you had worked, I think, at the USUN under Ambassador Negroponte, is that right?

A That is correct.

Q And he was at that time the U.S. Ambassador to the U.N. under

which President?

A It was under President Bush.

Q Okay. So you have worked for both Democratic and Republican administrations?

A That's correct.

Q And the positions you held in these various capacities then are career positions and not political ones; is that right?

A That's correct.

Q Okay. Very good. One of the topics that my colleague in the last hour discussed with you was the statement that the U.N. Security Council released on September 12, the day after the Benghazi attack. And one thing I would like to do is just examine that a little bit further in a bit more detail. And I think it would be helpful to go through it chronologically, from the inception of the statement until it gets released.

And what I would like to do is just use some documents to help guide our discussion as we trace the evolution of the statement from its origin to its ultimate release.

So, again, just to be clear, the statement was released on September 12 of 2012, the day after the attack occurred; is that right?

A Correct.

Q Great. If I just can enter into the record exhibit No. 3.

[DiCarlo Exhibit No. 3
Was marked for identification.]

BY MR. DESAI:

Q And this is an email from [redacted] to you and a host of others with subject: "Urgent review. Draft. SC press statement on the attack," closed quote, that's dated September 12, 2012. It carries with it a time stamp of 9:10 a.m., and it appears to contain a draft of the Security Council statement condemning the Benghazi attacks. This document carries with it DOC ID C05578288. And I'll just give you a couple of minutes to review.

Good to go? Great.

So, just to refresh my memory, I think you said in the last session, [redacted] was the deputy political counselor at the USUN; is that right?

A That's correct.

Q And the subject of this email is urgent review, draft SC press statement on attacks; SC's referring to Security Council?

A That's correct.

Q So this appears to indicate that this was a time-sensitive matter; is that right?

A That's correct.

Q Okay. And prior to receiving this draft Security Council statement from Ms. [redacted] at 9:10 a.m., do you recall providing any guidance on the specific contents of this particular draft of this statement?

A I'm not sure of the sequence of things. I know that when I -- even before I got to work that day, we, through emails, talked about doing a statement because we felt it was important to have a

statement. We decided that USUN -- it puts you also -- it's not uncommon for us to take the lead on something like this -- but that the USUN would do a draft to get it to Washington.

This is the -- I'm not sure.

Q Okay. Great. And this draft statement that I have provided you as exhibit 3, nowhere in this statement are the Benghazi attacks characterized as a terrorist attack; is that right?

A That's correct.

Q And nowhere else in the statement does the term "terrorist attack" appear; is that right?

A Yes.

Mr. Evers. On exhibit 3?

Ms. DiCarlo. On exhibit 3, I don't see it anywhere.

BY MR. DESAI:

Q Okay. And I just asked you about if you provided any guidance in the drafting of this particular statement. Do you recall providing any guidance as to whether or not the reference to the Cairo attacks in paragraph number two should be characterized or deemed a terrorist attack?

A I did not provide guidance on that. I know we had questions on whether we should include it or not, which is something that we went to Washington with, at a certain point that morning, but I don't remember providing guidance at that point.

Mr. Desai. Okay.

BY MS. SACHSMAN GROOMS:

Q And by saying you had a question about whether you should include it or not, you mean, the question was whether you should include Cairo at all?

A Yes, whether we should include Cairo at all. We were so focused on Libya.

Q And then do you recall any discussions that morning about whether you should call Cairo a terrorist attack?

A No, I do not recall that.

Q And do you recall any suggestions that morning about whether you should call what happened in Libya a terrorist attack?

A Well, there was some concern about whether it was or wasn't, and obviously, the point was it was an attack, and we were certainly in the position to push forth a statement that is as clean and clear as possible without interpreting what exactly had happened because we didn't know.

Q But do you recall any discussions before you got this first draft at 9:10 in the morning?

I know you got shown a document earlier today that was from 11 a.m. about a discussion about whether to call it a terrorist attack. But I mean, back at 9:10 in the morning, do you remember anything that early morning, where you all discussed, you and Susan Rice, or you and someone else discussed whether or not it was a terrorist attack?

A I do not recall any discussions of that kind before, in the early morning.

Q Okay. So when you get the draft, it doesn't have the term

"terrorist attack" in it?

A That's correct.

Q And who would have written this draft?

A This is something [redacted] pulled together, [redacted] my understanding.

BY MR. DESAI:

Q And when you say "clean and clear," you are saying you wanted to just make sure that is -- what do you mean by that?

A Well, we always want to be accurate and not overstate or understate anything in the document. We always try, when it comes to press statements that we want cleared quickly, within the Council, to go to language that has been agreed upon elsewhere, because then people don't have to go back for instructions and there isn't necessarily a debate about how one phrases something other -- you know, for example, the language on the Vienna Conventions is standard language. We often include in something like this that it is the responsibility of the host government to provide security. That is standard language.

Q Great. So accuracy seems to be a big priority here; is that right?

A Accuracy is a very big priority.

Q And that's especially because in an incident like this, or in this instance specifically, factors are still evolving; the situation is so fluid; is that right?

A Exactly.

Q Very good. So if I can direct your attention to the bottom

of this page, exhibit 3, to paragraph number 5 and it says, quote, "In this context and expressing their deep concern at such attacks, the members of the Security Council called on the Iranian authorities to protect diplomatic and consular property and personnel, and to respect their international obligations in this regard," closed quote.

So this paragraph makes reference to the Iranian authorities to protect diplomatic and consular property and personnel, rather than the Libyan authorities. And I assume this was an error; is that right?

A Yes, that's correct.

Q And does this error, which was later corrected, reflect how quickly the statement was being put together and the urgency underlying it?

A I think one could assume that, yes.

Q Okay. Great. I'll now enter into the record exhibit No. 4.

[DiCarlo Exhibit No. 4
Was marked for identification.]

BY MR. DESAI:

Q And this is another email from [redacted] to, this time Ambassador Rice and [redacted] that's cc'ing you and a host of others. It has the subject, quote, "SER, urgent review: Draft SC press statement on the attacks." There's a time stamp here at 9:26 a.m., and it carries with it a document ID of C05578717. I'll just give you a couple of minutes to review that.

[Witness reviewed the document.]

BY MR. DESAI:

Q Great. So if I can direct your attention to the bottom of the first page where the thread begins and, as I mentioned earlier, this email is stamped with a time stamp of 9:26 a.m., which is approximately about 16 minutes after that first draft was initially sent to you in the exhibit we just looked at. And Ms. [redacted] writes, she says, quote, "Susan has discussed on the morning call. Below is the draft council statement on the attacks for your review. As soon as we have your feedback, we will ask that [redacted] gather Washington clearances that we potentially circulate this at the UNSMIL council session beginning at 10:15 a.m.," closed quote.

And just as an additional matter, Susan here is referring to Ambassador Rice; is that right?

A That's correct.

Q And what is UNSMIL? If you can just tell me what that acronym stands for.

A Yes. It's UN Stabilization Mission in Libya.

Q Okay. Ms. [redacted] message from Ambassador Rice also references a morning call. Do you recall being a part of that morning call?

A Yes.

Q And, do you recall what that discussion entailed?

A Sure. We had a, traditionally, a call almost every morning that was a call with USUN, IO, NSC, and it was the kind of call that would be used for following purposes: We have a meeting, Russians just

called a meeting 3:00 on X issue, we need talking points before then.

Q Okay. So at this particular morning call that is referenced, do you recall if this Security Council statement that's being prepared was discussed?

A Yes. We agreed that we would go forward and to have a statement.

Q Okay. So in this email from Ms. [redacted] to Ambassador Rice, it appears that Ms. [redacted] is seeking Ambassador Rice's feedback on the Security Council statement; is that right?

A Correct.

Q So does that mean at some point in the previous 16 minutes from when the initial draft was sent to you at 9:10 until now that you approved the draft in the interim; is that right?

A That's correct.

Q Okay. Once Ms. [redacted] obtains Ambassador Rice's feedback, she indicates that she will have "[redacted] gather Washington clearances that we can potentially circulate this at UNSMIL Council session beginning at 10:15 a.m."

And I think in the last session, you had told us that both Rexson and [redacted] refer to [redacted] and [redacted] is that right?

A That's correct.

Q And both these gentlemen are employed, at this time, at USUN; is that right?

A At the Washington Office.

Q At the Washington office. And when Ms. [redacted] refers to

them gathering "Washington clearances," and I know you may have touched upon this in the last session, what would that process have entailed?

A In this case, well, normally, it is IO that is supposed to get clearances. When it's an urgent matter, and when clearances might be at a higher level, we often turn to [redacted] and his staff to walk it through, basically, because this is not something that can sit in somebody's email.

Q Right. So in this instance, this would be standard to get clearances from stakeholders who would have equities involved in something like this; is that right?

A That's correct.

Q Okay. Now, Ms. [redacted] also indicates that USMIL council session is beginning at 10:15 a.m. She's sending the draft to Ambassador Rice at 9:26 a.m., so a little less than an hour beforehand. So it appears that putting together the statement, getting requisite feedback and approvals and clearances, and then circulating it is going to be, again, a very time-sensitive matter. And this is all happening fairly quickly. Is that a fair characterization?

A That is absolutely correct.

Q Okay. Moving up the chain on exhibit No. 4, still on the first page, Ambassador Rice replied to Ms. [redacted] with one addition. And she writes here, she says, "Find one addition. The members of the Security Council condemn in the strongest terms the attack of the United States of America's consulate and diplomatic personnel in Benghazi, Libya on 11 September, which resulted in the death of four American

diplomatic personnel, including the Ambassador, and injuries to diplomatic personnel and civilians. They express their deep sympathy and sincere condolences to the victims of this heinous act and to their families."

So if we compare the addition she makes here in paragraph one to paragraph one of the draft statement that's sent to her on the second page of the document, if we compare those two things, it appears as if the one addition that Ambassador Rice makes is to specifically reference Ambassador Stevens in that first paragraph; is that right?

A I'm not sure. That's right.

Q That's correct?

A That's correct.

Q Okay. And then moving further up the chain to the top of the document, Ms. [redacted] responds to Ambassador Rice, again, 2 minutes later, at 9:46 a.m., proposes another addition, standard language, as she characterizes it, in which the Security Council calls for the perpetrators to be brought to justice; is that right?

A That's correct.

Q Great. If I can turn your attention back to -- oh, please.

BY MS. SACHSMAN GROOMS:

Q Let me just call your attention to one more thing in this exhibit 4. If you would just go back to the draft, which would have been, looks like it was the initial draft that got sent to Susan Rice at 9:26 a.m. It's on the second page.

It looks like now we can see the comments sections that we couldn't

really see in exhibit 3. And the comments sections include statements like footnote 3, standard language, SC/10717; is that right?

A That's correct.

Q And is that sort of referring to the fact that, again, as you said before, you were using standard language from a previous Security Council statement?

A That's correct.

Mr. Missakian. Are you suggesting that the comments on exhibit 4 are cut off on exhibit 3?

Ms. Sachsman Grooms. I think that if you compare the two documents, the comments line up on the documents, but we cannot read the comments on the right side, so --

Mr. Missakian. I am just looking at paragraph 3. They look different so I would --

Ms. Sachsman Grooms. In paragraph 3, it also appears to me that they are the same.

Mr. Missakian. I am saying the paragraphs are different, unless I am looking at the wrong document.

Ms. Grooms. I think you are looking at a different document. That's fine. We'll let the witness do it.

BY MS. SACHSMAN GROOMS:

Q If you look at this exhibit 4 draft, and where the comments lie with the sort of line-ups in this document, and then compare it to exhibit 3, the draft that got sent to you for your review?

A Okay.

Q Yeah. Take your time.

Mr. Missakian. If you look at the documents, just look at paragraph one on each, there are three dotted lines on exhibit 4, and two dotted lines on exhibit 3. And the paragraph wording and paragraph three is different between the two documents. So I think, or as the comments may be the same in part. We just don't know.

Ms. Grooms. I'm not seeing what you're seeing. In paragraph 3, it reads -- hold on. First off, it's our questioning, and I am asking a question. And I asked her to compare the two documents, and we will let her compare the documents and go through it.

But I am also not seeing what you're pointing out on paragraph 3.

Mr. Missakian. Do you want me to point it out to you?

Ms. Sachsman Grooms. I am happy for you, too.

Mr. Missakian. Okay. Here you've got two dotted lines. Here you have got three dotted lines. Paragraph 3 here says this. Paragraph 3 there says something different. So there's two different drafts.

BY MS. SACHSMAN GROOMS:

Q Okay. So are you seeing differences between the two drafts?

A Am I seeing differences? Yes, I am seeing differences.

Q Okay. And what are the differences you're seeing?

A I am seeing that in the first paragraph, in 4, exhibit 4, there is an additional sentence. I am seeing that the paragraph 3 is

different, and I am seeing that, in paragraph 5, the Iranians -- no. Where is the Iranian thing? I'm totally confused.

Q The Iranian thing is fixed, yes.

A The Iranian thing is fixed, but that is fixed already in both paragraphs.

Q Okay. And in that paragraph one, where we saw the new sentence, which is, "They expressed their deep sympathy and sincere condolences to the victims of this heinous act and to their families," that is the comment that we were just talking about where it said standard language?

A That is standard language.

Q Okay. And that is the one where is says on the side, the comment is standard language?

A That is my understanding that that dotted line is referring to that sentence. I happen to know it is standard language. We either use that language or, more accurately, express their deep sympathy and sincere condolences to the families of the victims since it is hard to express your condolences to someone who has passed away. But that has been used multiple times in statements.

Q And that's what you were discussing before is that it was important to have standard language?

A Yes.

Q Because it makes it easier and faster to clear it with the other countries?

A That 's correct.

Q And then paragraph 5, now it has been corrected to remove the Iranian authorities, and it says this is direct from -- the comment says "This is direct from 29 November 2011 statement re: U.K. dip premises attack in Iran, SC/10463"; is that right?

A That's correct.

Q And that also, in the same way, refers to standard language that you're using in the statement; is that right?

A That's correct.

Ms. Sachsman Grooms. Okay.

BY MR. DESAI:

Q All right. Ambassador DiCarlo, if I can just redirect your attention to exhibit 1 that my colleague from the last session had given to you. And I want to call your attention to the very first email at the bottom of this email thread. I guess it would be on the second page of exhibit 1. This one's time-stamped, it looks like at 9:52 a.m.

This is an email sent to Mr. [redacted] and [redacted], again, copying you, 6 minutes after Ms. [redacted] sent her last email to you that we saw on the last exhibit. And here we have Ms. [redacted] saying, "[redacted] attached and below is the draft, SC press statement which includes Susan's edit with a new paragraph Number 6. Ideally, we would have this cleared and in hand to circulate in the Council by around 10:45. I know that's a quick turnaround. Of most concern is the language in Para 1. Need Washington to fact check what we've got."

So it looks like Ms. [redacted] is looking to get clearances from Washington by 10:45. And again, this is about less than an hour from

when she sends the email to Mr. [redacted] and Mr. [redacted] is that correct?

A That's correct.

Q And Ms. [redacted] identifies paragraph one of the draft statement as the one of "most concern" and she says this is the one that requires Washington to "fact check what we've got."

A Uh-huh.

Q And, again, correct me if I am wrong, but I think in the last session you told us that it would be standard for USUN to reach out to its counterparts in Washington, down at Main State, to make sure that the facts that you guys are, in fact, including in statements such as these are accurate; is that right?

A Absolutely.

Q And beyond accuracy, was there any other reason why you guys, again, do reach out with your counterparts in D.C. or elsewhere?

A Well, typically, we would not circulate the draft of anything without Washington clearance, both the idea of having a draft, and then also what the content is. When another country circulates a draft, we then circulate it, too, if we have returns to react to in clearances. We do it for accuracy. And we do it to keep Washington community involved, engaged, and aware of what is happening; but certainly for accuracy.

Q Okay. And just to be clear then, no one at USUN is trying to independently gather or verify facts on its own; is that right?

A Absolutely. That was not the case. We were not gathering facts.

Q Okay. My colleague just now went through some of the edits that are contained in the track change boxes on this draft.

Now, less than an hour later, Ms. [redacted] writes again to Mr. [redacted] and [redacted] and now it's 10:46 a.m. And this is on exhibit 1. We are back on the very first page of the document. And what she writes is "We have just moved into consultations. We would like to be able to circulate ASAP while Ambassadors are in the room together. Please advise on ETA for clearances."

So it appears here that Ms. [redacted] has emailed Mr. [redacted] and [redacted] again because she has not heard back from them on obtaining clearances from Washington on the draft Security Council statement; is that right?

A That's correct.

Q Now she had first said "consultation." Are these consultations that what will take place at the U.N. Security Council meeting?

A Yes. There are two kinds of meetings that the Security Council has. Well, you can have others. But two kinds of meetings. One in the chamber that's a formal meeting, can be public, nonpublic, depending on the decision of the Council. And the second one is what we call informal consultation where we sit in a room not much larger than this, and discuss various issues. Some of the meetings are a mixture of two, briefings in the open, private consultations. Some of them are just purely consultations.

Q Okay. And who in Washington -- and again, you likely

covered this -- would Mr. [redacted] and [redacted] be seeking clearances from?

A Well, he certainly would be seeking clearances from the DNP staff and depending on --

Q And what do those stand for, just for the record?

A I'm so sorry. Deputy Secretary and the Under Secretary for Political Affairs. And depending on the issue, it would be cleared by a staff member or it could be cleared by the Deputy or the Undersecretary herself, himself.

Q And why these specific individuals?

A Because they are the authorities, apart from the Secretary of State. They would also be seeking clearance obviously, as I said, from NEA, the bureau that handles Libya. On Middle East issues, IO would certainly -- and normally IO would be running the process, but this was happening so quickly.

And they were basically, to my knowledge, running around the building trying to get these clearances.

Q Now, moving further up the chain, and this is, I believe, the portion that my colleague in the last session directed your attention to, Mr. [redacted] responds at 10:46 a.m. to Ms. [redacted]. Again, you're copied here. And what he writes is "trying, but there are, in fact, comments, and there is an email problem between State and NSC. I have to fax it."

NSC here refers to the National Security Council at the White House; is that correct?

A That's correct.

Q And do you know, or do you recall or would know who at the NSC would be consulted in an instance like this?

A It would have been -- the point people would have been the part of the NSC that deals with multilateral issues, and they also would be consulting with others in the National Security Council if they felt the need to.

Q Okay. Mr. [redacted] in this, in his transmission note writes that there are comments, but he does not identify in the email who was commenting. Is it clear to you from this email where the comments were coming from?

A No.

Q Okay. Moving further up the page, again, still on page one of exhibit 1, Ms. [redacted] writes again to Mr. [redacted] and Mr. [redacted] this time it looks like at 11 a.m., less than 15 minutes after Mr. [redacted] email. And Ms. [redacted] writes, quote, "Given the tenor of the conversation, RDC recommends the following addition shown in all caps in paragraph number three. The members of the SC reject denigration of religion, however, emphasize that there is no justification..."

Now, my colleagues in the last session asked you about what was meant here by the tenor of the conversation. If I can just ask you to unpack that just a little bit.

A Absolutely. First of all, the Under Secretary General for Political Affairs, Mr. Feltman, gave a briefing on the U.N. Office in Libya before he started that. He gave his condolences, condemned the

attack, and was referring to the facts that the U.N. does not support, rejects denigration, defamation, whatever word you want to use, of religion, however there is no justification.

That comment was picked up. When we went into consultations, that comment was picked up by a chorus of members who also made that point, and they were referring to the video, because there were comments in the press at the time about what had happened in Cairo, as a reaction to the video, some comments, I believe about Libya. I'm not sure. But this was kind of -- this was being raised.

So, it was my idea that perhaps we might want to include it. But when the draft came back from Washington, it was not included, which was fine with me.

Q Okay. And the video that you just referred to, again, just for the purpose of the record, this is a video that had been produced in the U.S. and had denigrated Islam and the Prophet Mohammed; is that right?

A Exactly.

Q And when you, again, just referred to what had happened in Cairo, again, just for the record, this was an attack that had happened against our embassy in Cairo on September 11 before the Benghazi attack that happened; is that right?

A That's right.

Q And if I am understanding you correctly, there were folks at the time, whether it was at the U.N. or elsewhere, that had linked these two things together; is that right? That this video had been

produced, this attack had happened in Cairo and, subsequently, it was possible that this was the underlying motivation for the attack in Benghazi; is that right?

A Well, I wouldn't say people were linking it, but there was talk about its being linked to the video; that this caused inflamed those who were supported, in a sense of this is what Feltman basically implied in his statement. This has been --

If I remember correctly, this was in the press as well, that it's a possibility. No concrete facts. And this is what some members were picking up on. That is the point. There was nobody telling me this from Washington.

BY MS. SACHSMAN GROOMS:

Q And were people specifically talking in the U.N. meeting -- you're listening to other countries, I assume, talking in the U.N. meeting -- were they specifically talking about the video being the cause for the events in Libya, or was it the video being cause for the events in Cairo and lots of unrest? Do you recall specifically?

A I don't recall specifically. I think that there was a sense from some that somehow what happened in Cairo and what happened in Libya was sparked by the same thing. But, again, this was very new, and people were just sort of throwing things out. And I suspect that if Feltman
hadn't said what he said maybe others wouldn't have said it. But again, that is just a supposition. That is not a fact.

BY MR. DESAI:

Q So you had proposed adding this language. And again, just to be clear, it wasn't your attention to make a factual statement or a determination about the cause or the motivation?

A No. No. Not at all.

Q Okay. And then moving to the very top of document, you respond to Ms.[redacted], and Mr. [redacted], and Mr. [redacted], you say, "We need a text ASAP. We cannot walk out of here without one. Please take draft to the highest levels." Again, this is a time-sensitive matter. You want to get this done and done quickly.

A Uh-huh.

[DiCarlo Exhibit No. 5

Was marked for identification.]

BY MR. DESAI:

Q If I can now enter into the record for exhibit 5 and this is an email, Ambassador DiCarlo, from Mr. [redacted] to Jake Sullivan, Wendy Sherman, and a host of other officials. You are copied on this email. The subject here is "Urgent: UNSC Press Statement." It is time-stamped 11:28 a.m., and it carries with it a document ID of C05578707. I'll just give you a couple of minutes to review that.

Great. So if I can direct your attention to the first page of the document, halfway down the first page, Mr. [redacted] writes, quote, "Team, this is the latest draft and we're looking for final clearance."

He goes on to say, quote, "We are more likely to get this without change if we can circulate it during the ongoing UNSC session, but that means moving ASAP, within the next 10-15 minutes. Have sent to NSS

as well, but email connectivity is down, so we're having to do it the old fashioned way with NSS," end quote.

As an initial matter, who was Mr. [redacted] writing to? Who are Mr. Sullivan, Wendy Sherman, and the others, if you're able to identify them?

A Okay. I believe at the time Jacob Sullivan was the Chief of Staff to the Secretary. I know he then moved over to, I believe, the VP's office, but I think at that time he was still Chief of Staff.

Q At the Secretary of State's Office?

A Secretary of State's Office. Uh-huh. Wendy -- or was he at policy planning? I'm not -- he was in one of those positions.

Q But he was at the State Department, correct?

A He was at the State Department. Wendy Sherman, who was our Undersecretary for Political Affairs at the State Department. [redacted], was in two different locations. In dealing with her once, she was in the Bureau of Democracy and Human Rights as the principal deputy. She was also in the Executive Secretariat. I'm not sure where she was at this point.

Q Also at State?

A At State. Victoria Nuland, who was the press spokesperson at State; Tom Nides, who was Deputy Secretary at the time; Phillippe Reines was --

Mr. Evers. If you remember.

Ms. DiCarlo. I don't remember.

BY MR. DESAI:

Q That's fine.

A Do you need the others on the second line?

Q Sure.

A [redacted] was, she was executive assistant to Wendy Sherman.

Q Okay.

A [redacted], I think -- I don't remember where he was. I suspect the Deputy's office, but I'm not sure. And then [redacted], as I said, USUN in Washington and Libya.

Q And then yourself?

A Uh-huh.

Q So Mr. [redacted] had sent this email to various officials at the State Department. It appears he is seeking clearances for the statement in the iteration it was at that time. Again, he emphasizes the time-sensitive nature of obtaining the clearance. And he says it will be easier to garner approval without changes to the statement if you are able to circulate the statement during the ongoing Security Council session.

Did you agree with that general assessment?

A Oh, I agreed totally. Not only is it easier, I was hoping we could get it cleared on the spot.

Q And why was that?

A One urgency, I think, is important. Secondly, there was a horde of press outside our meeting, and it would have been a very good thing for the President of the Security Council at the time to

walk out and read the statement and say this is what the Council has said on this issue.

Q Okay. The other thing that Mr. [redacted] writes in his email, which was the second sentence of his transmission that I find most importantly the bracketed text in para 3, which is new from the initial version.

And if we go to the second page of the document, to paragraph 3, this one says here, quote, "The members of the Security Council emphasize that there is no justification for this senseless violence." And then in brackets it says "[and rejected the denigration of religion.]" So the full sentence would have included that last bracketed text.

A Yes.

Q So I understand that this isn't exactly the language that you had proposed in an earlier draft, but it is very similar; is that right?

A It's similar.

Q Okay. And the text contained in the bracketed parentheses, that would have conveyed the same sentiment that you had wanted to convey by proposing that language in the earlier draft; is that right?

A It would have conveyed, yes, similar, similar sentiment, let's put it that way.

Q Okay. Moving to the very top of the document, again, back on page one, [redacted] responds at 11:45 she says, quote, "I clear for DN," end quote.

Just as an initial matter, who is [redacted]?

A [redacted] worked on Deputy Secretary Nides' staff. I'm not sure exactly what position she had, whether she was the executive assistant. Oh, Chief of Staff. Thank you.

Q And by writing, "I clear for DN," is she saying that she's clearing for Deputy Secretary Nides?

A That's correct.

Q Mr. [redacted] notes that the NSS is having email connectivity problems. Again, what's the NSS, just for purposes of the record?

A National Security Staff.

Q And is that the same entity as the National Security Council?

A The National Security Council can mean one of two things: It is the principals who make up the National Security Council, cabinet members and the President.

It is also the staff of the National Security Council. NSC became NSS, is now NSC again, is my understanding.

Q I see. So it's effectively the same entity. At the time it seems as if they're being used, NSS and NSC are being used interchangeably; is that right?

A Well, that's correct, in the sense that some of us could not get onto the new lingo. Some of us did.

[DiCarlo Exhibit No. 6

Was marked for identification.]

BY MR. DESAI:

Q I see. Okay. I'll now enter into the record exhibit 6. Beginning on page 2 of the document, this is an email from [redacted] to you, to Ms. [redacted], cc'ing Mr. [redacted] and Mr. [redacted], and there is a subject that simply says "Here It Is." There is a time stamp here of 11:49 a.m. This is about 4 minutes after [redacted] gives clearance on behalf of Deputy Secretary Nides.

If you recall, what was Mr. [redacted] forwarding you and the others in this email? If you remember?

A I don't recall.

Q Okay.

A I don't remember what this is in reference to.

Q Okay. Is it possible this was the most updated version of the draft statement?

A It is possible, but I, frankly, don't know.

Q Okay. So this could have been the draft statement that went out to the UNSC, the Security Council, before they began their consultations on it; that's possible?

A No. We would have only sent out what was the final cleared from Washington. If that was that, that's what would have went out. If wasn't that, it would not have gone out.

Q Okay. Turning to page 1 of the document, at 11:52, Mr. [redacted] appears to forward whatever is here to Ambassador Rice, [redacted], and a host of others. The subject line now appears as UNSC Libya and draft press statement. It looks like you are not copied on this particular chain.

And Mr. [redacted] writes, quote, "Attached and pasted below is the draft cleared by Denis McDonough and State. Rosemary and our team, and the Council have it now."

Rosemary refers to you; is that right?

A Yes.

Q Okay. And by this time, at 11:52, it appears that you now have the most updated version of the draft for the Security Council for circulation; is that right, based on Mr. [redacted] transmission note?

A That's correct.

Q Okay. Mr. [redacted] notes that the draft has been cleared by Denis McDonough and State. Was Mr. McDonough at the National Security Council at this time? If you recall?

A I'm not sure what his position was at the time.

Q Okay. So you wouldn't have known?

A When he was White House NSA, I'm not sure.

Q So it appears, wherever he was, it appears he's given his approval. Do you recall if you know, how he indicated his approval for the clear tactics, whether it was through fax or phone or some other medium?

A I don't know.

Q Okay. And if I can just have you look at the consent of the statement that is memorialized on the first page of this exhibit. And if we can compare that to the statement that Mr. [redacted] said was cleared. It appears to me that these statements are the same, that Mr. McDonough and State cleared the statement without making any

changes.

Ms. Sachsman Grooms. That would be comparing exhibit 6.

Mr. Desai. And five.

Ms. DiCarlo. I haven't done it word for word, but it appears to be the same.

[DiCarlo Exhibit No. 7

Was marked for identification.]

BY MR. DESAI:

Q Okay. Great. So I am now going to enter into the record exhibit No. 7. So this is an email from [redacted] from USUN to a host of recipients. It is time-stamped 1:16 p.m., dated September 12, 2012.

Mr. [redacted] writes to these recipients: "Below please find the final statement issued by the Security Council on the September 11 attacks in Benghazi and Cairo," end quote.

And you are not copied on this. In terms of the recipients who received this email from Mr. [redacted] -- what is Mr. [redacted] role at USUN?

A He was in the political section, and one of the issues in his portfolio was Libya.

Q Okay. And it goes to NEAMAGDL? What does that refer to?

A It is an office in the Bureau of Near Eastern Affairs that handles Libya, among other countries.

Q Okay.

A I'm not sure what the Mag is.

Q And do you recall who Benjamin Fishman is also in the "to"

line?

A I really don't know.

Q [redacted]

A I don't know who he is.

Q [redacted]

A Again, I am not sure. These are sort of desk officer levels that I don't know.

Q Okay. Got you. So it appears that what Mr. [redacted] has sent out to these folks is the final version of the statement that was actually released by the Security Council; is that right?

A That's correct.

Q And again, if I can ask you, Ambassador DiCarlo, just to compare the final version of this statement here in exhibit 7 with the draft statement that we saw in the previous exhibit, exhibit 6.

Ms. Sachsman Grooms. And specifically paragraph 3?

Mr. Desai. Yeah. And I'm going to direct your attention to paragraph 3 of those two versions.

So, again, directing your attention to paragraph 3 of the earlier version, the statement says, "The members of the Security Council emphasize that there is no justification for this senseless violence, and reject the denigration of religion," end quote.

The final version that Mr. [redacted] sends out reads, quote, "The members of the Security Council reaffirm that such acts are unjustifiable, regardless of the motivations, whenever and by whomsoever committed," end quote.

And I think, again, you mentioned in this previous hour why that change was made. But if you could just, again, unpack that just a little bit as to --

A Well, first of all, the line in the final statement is much closer to what would be standard language.

Q And why is standard language important again, Ambassador?

A Standard language is important because once something is cleared, it is easier for a country to go along with it given that the Ambassador doesn't have to send this back to capital. The Ambassador doesn't have to think about it necessarily. There's standard language we use for certain kinds of activity, certain kinds of actions.

Q Okay. So by using standard language, that expedites approval among member countries.

A Exactly.

Q Okay. And you didn't object to the change being made; is that right?

A No, I did not object to the change being made, but I believe we would have cleared it with Washington as well. I mean, we were on the phone with somebody back there.

BY MS. SACHSMAN GROOMS:

Q And that change would have been made in the Security Council meeting?

A It would have been made in the meeting.

Q Okay. During the consultations?

A During the consultations.

Q So I think in the previous hour, you might have said -- and maybe I'm remembering incorrectly -- that you didn't recall there being edits, but it looks like there were edits made.

A Yes, there were edits made. I don't remember it now but now that I see it, I know it.

Q So we just refreshed your recollection?

A That's right.

Q Okay. Great, so during, then, you would have been in the Security Council consultation, this edit would have been made from the version that Mr. McDonough had approved to this final version; is that right?

A That's correct.

Q And someone at the Security Council from the U.S. Mission, you said, would have made some kind of a phone call back to D.C.?

A Normally that is what we would do. Now, obviously, not calling five people and not calling at the highest levels. But normally, that's what we would do. I'm not certain that is what we did, but it's more likely we did than we didn't.

BY MR. DESAI:

Q And I if could just direct your attention to the very last paragraph of this statement and the two versions we are looking at, and it appears that the second change that appears across both versions is in that last paragraph. The earlier version states, quote, "The members of the Security Council noted that the tragic attack on Libya risks making the political transition in Libya even more difficult,

and underscored the durable commitment of the international community to support a successful transition to a peaceful and prosperous democracy," end quote.

The final version strikes that first clause of the bullet and begins that bullet by saying, quote, "The members of the Security Council underscore the durable commitment of the international community to support Libya's successful transition to a peaceful and prosperous democracy," end quote.

And if you recall, why was that first clause of that last paragraph struck?

A I don't recall.

Q Okay.

A I don't recall.

Q Great.

A I think, I mean, obviously, our goal was to show support for Libya's transition. And the sentence is cleaner, but I don't recall.

BY MS. SACHSMAN GROOMS:

Q It looks like there is one other change I am seeing in here. Paragraph 6 in exhibit 6: The members of the Security Council underline the need to bring the perpetrators of these reprehensible acts to justice.

It appears that in the final version it got moved up from the sixth paragraph to the third paragraph.

A Uh-huh.

Q And that the word "reprehensible" was removed. Do you recall why it got moved up or why the word "reprehensible" was removed?

A I do not recall.

Q But that was something that was done within the Security Council consultation?

Mr. Desai. Can we go off the record for one second?

[Discussion off the record.]

BY MR. DESAI:

Q Back on the record. The time is 11:51 a.m. Ambassador DiCarlo, in the last session, my colleagues from the majority asked you about Ambassador Rice's appearances on the Sunday morning talk shows. And if I recall correctly, I think you had conveyed to them that you were not involved in any capacity with respect to the preparation that she went through for her appearances on those shows; is that right?

A That is correct.

Q And when you ultimately saw her appearances on those Sunday morning shows, or read the transcripts, was there anything in them that appeared inaccurate to you at that time?

A No, there was not.

Q Okay. And from what you recall, were they consistent with the information that you had received at that time about the attacks?

A That is correct. They were.

BY MS. SACHSMAN GROOMS:

Q And so if you had been -- I know you said you weren't

involved in helping to prepare. If you had been cc'd on emails helping her prepare, or cc'd on emails about this before the appearance, would you have responded to those emails?

What would have been your sort of perception of those emails?

A Certainly, I would not have responded since I wasn't in the small nucleus, let's say, of people who were working on any given issue. But certainly I was aware that she was going to be on the shows. I was aware of what the assessment was of the intel community before the shows. And I would presume that people would copy me more on process than on substance, being the Deputy.

BY MR. DESAI:

Q Great. If I can shift your focus just a little bit. Again, in the last session, my colleagues on the majority asked you a handful of questions about what was happening in 2011 with respect to U.N.-related Libya activities as this situation had first arisen. And I think you had spoken to them about a couple of resolutions that had been passed by the U.N. in February and March, respectively, of 2011. I think it was U.N. 1970 and 1937, if that sounds familiar?

A That's correct.

Q You talked about in the last session with them, about the Qadhafi regime and some of the violent attacks they were, I think, waging on the civilians. I believe it was the civilian harvest, the term that you used. What was your sense, based on the information you had at the time, of the risk Colonel Qadhafi posed to the Libyan civilian population?

If you can just unpack that a little bit as to what information did you have?

A My perception was that he was going after them very, very -- you know, with a very, very heavy hand. We were getting reports of some of the murders, the killings. He was calling them cockroaches and rats and so forth. And we were getting -- we had some reports from the region about what was happening internally, reports from Libyans themselves about what was happening, and it seemed very, very dire, my perception.

Q We've heard the situation in Libya at the time you described as a potential human catastrophe.

A Uh-huh, potential genocide.

Q Potential genocide?

A Uh-huh.

Q Did you share that concern? I mean, was this a fairly common-held perception at the time within the U.N. for yourself personally?

A It was certainly my perception that we were on the brink of thousands of thousands being murdered. Thousands.

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

[Discussion off the record.]

Ms. Clarke. Ambassador DiCarlo, I just wanted to talk with you briefly about a few areas we have touched on earlier today. Primarily we have spent a lot of time discussing the U.N. Security Council meeting on September 12th and the topics that were discussed there, so what I would like to do is introduce, and I think we're up to exhibit 8; and I'll give this to you, and you can take your time to read it. And it's double-sided.

[DiCarlo Exhibit No. 8
Was marked for identification.]

Mr. Evers. All right.

BY MS. CLARKE:

Q So what I have marked as exhibit 8 is Doc ID Number C05561892, and it appears to be a cable that summarizes the U.N. Security Council meeting on September 12th. Is that correct?

A That's correct.

Q And this cable was drafted -- on the last page it indicates it was drafted by [redacted]?

A That's correct.

Q Was he present during the Security Council meeting?

A Yes, he was.

Q Okay. And then it's cleared by [redacted]. And who

is [redacted]?

A [redacted] was in the political section. He was one of the officers who then moved up to be a deputy when [redacted] left her position as deputy director.

Q Okay. And was he also present in the meeting, if you recall?

A I don't recall. I suspect he was. I think we were there in very large numbers, but I can't be certain. I know [redacted] definitely was.

Q Okay. On the signature line it also says that it was approved by you?

A Correct.

Q And when it says approved by, what does that actually entail? What process would this have gone through?

A I would have gotten a draft of the cable to read and provide my clearance to the officer section in question.

Q And, again, this cable was sent out on September 13, so the day after the meeting. Correct?

A Is that what it says? Yes.

Q Yes.

A Yes.

Q And so would you say that this cable fairly accurately reflects the discussions that took place during the meeting?

A Yes, as far as I remember, yes.

Q Okay. So, in the cable it provides a summary at paragraph

2 which seems to summarize what the Under Secretary General Jeffrey Feltman briefed the Security Council on?

A Correct.

Q And I know it says about middle of the second paragraph, it says Feltman began by condemning the September 11 attack on the U.S. Consulate in Benghazi which led to the deaths of four U.S. diplomats. And then if we look on the second page of paragraph 6, there is an expression or a tribute that was paid by the Libyan Deputy Permanent Representative regarding the attacks as well?

A Correct.

Q And he expressed the Libyan Government's absolute condemnation of the attack and said it was executed by an extremist group acting outside of the law. And then finally in paragraph 8 -- it appears that there is 6 and then there's paragraph 8. There's a number missing there -- but it says that Council members unanimously condemned the attack on the U.S. Consulate and expressed their condolences for the loss of four U.S. diplomats.

So in reading through this document, and as we have discussed, this was released the following day, so it's very close in time to the discussions that were held in the Security Council meeting. It doesn't appear that there was a discussion about the events in Cairo. It just seems that the discussion was focused on what happened in Benghazi?

A The discussion was focused on Libya, referenced to what happened in Benghazi, and then also the general U.N. mandate and what the U.N. was doing in Libya.

Q And as far as a discussion about condemning the attacks that were related to the U.S. facilities, it seems that the discussions focused on what happened in Benghazi, specifically the attack in Benghazi, but it doesn't appear to summarize any discussion about the protests and the attack in Cairo, Egypt?

A That's correct.

Q And I think you mentioned earlier that part of the discussion, as you had recalled at that time, part of the discussion dealt with what had happened in Cairo and that being the video and that being kind of somehow related or tangentially related to what happened in Benghazi?

A What I said earlier was this was a session on Libya. We were to discuss the U.N. mission in Libya. There was reference made, condemnation of what happened in Benghazi, and that many of the members, as well as Mr. Feltman had in their minds what had happened in Cairo, and also assuming that similar activity, similar you say cause if you will, in Benghazi.

Some may have mentioned Egypt. I don't remember. It's not written here, but the session was not about Egypt. It was about Libya.

Q Thank you.

BY MR. MISSAKIAN:

Q Ms. DiCarlo, I want to ask a couple of follow-up questions. Maybe you could help me. If you would flip to the first page of exhibit 8, I would just like you to help me understand some of these markings up here towards the top. For example, MRN, what does that stand for?

A Well, I don't know what MRN stands for, but what it shows is the cable originated from USUN New York U.N. member.

Q The line below that is the date slash DTG?

A DTG, I don't know.

Q It appears to be some reference to a time. It looks like 131458Z, possibly for Zulu. Does that ring a bell with you?

A It's possible. Sorry I don't --

Q Going down a little further, EO13526?

A It's the executive order in which this was distributed.

Q To the best of your knowledge, these notes were a summary of what occurred at this meeting are accurate?

A To the best of my knowledge, yes.

Q And these notes were from, if I understood you correctly, an ordinarily scheduled meeting on Libya?

A Correct.

Q And you're just not sure how often these meetings were occurring back at this time?

A I'm not sure at this time. I know initially it was every month. After we had adoptions of the two resolutions we spoke about earlier in 1970, 1973, then it became every couple of months, then every three months. I'm not sure what the cycle was at this point.

Q Do you know what time the meeting started?

A I read here that it started 10:15. Meetings normally start at 10:00. It was listed here -- in one of the emails, that it started at 10:15.

Q So you're just basing that on what you read in the email?

A I'm basing the 10:15 on the email. I happen to know that it happened in the morning, and I happen to know that most meetings of the Security Council are at 10:00.

Q Did you have any reason to believe that this particular meeting started at other than 10:00?

A Only from what I read in the email. It said it was 10:15. One of the emails said it started at 10:15.

Q As you sit here today, you would have no reason to believe that the meeting started earlier?

A No.

Q Thank you. Okay. I'm going to keep going.

Ms. DiCarlo, I just want to make sure I have the chronology as I understood it. There were some questions when our colleagues were asking you questions about what occurred on the day after the attack. As I understand it, the attacks occurred in Benghazi on September 11th and went into September 12th; so referring to the day after the attack, do you have in your mind September 12th, or do you have in your mind September 13th?

A Okay. I guess September 12th.

Q Okay. Just wanted to make sure.

A Sorry.

Q That's okay. Going back to September 11th now, you referred to a briefing that you attended where I gather information about the attacks was provided?

A I did not attend a briefing. I was briefed. I was told that attacks were happening or had happened.

Q Okay. Tell me in your mind what the difference is between being briefed and attending a briefing?

A Well, I guess the reason I phrase it in this way is that it was a 3-minute briefing. I was not sitting in a room with a long briefing. I was told there is a problem at the Mission in Benghazi.

Q Okay. Do you know who attended the briefing that you received the information from? And if this is going into the classified information, we can save this for later.

A I think we'll save that for later.

Q Let's just get a few more details about it. Where did the actual briefing take place?

A In my office.

Q When you say your office, does that mean the office where you sit at your desk?

A In my office where I sit at my desk, [redacted].

Q Okay.

A My office was cleared for classified. [redacted]

Q Was there a reason why you were not in the briefing at the time it occurred?

A There was no briefing.

Q Okay. Now I'm confused.

A I was briefed. I was told.

Q Okay so there was no --

A There was no set briefing that was happening that I or anybody else was involved in. I was briefed by someone who is on the staff, which I can get into further.

Q You just can't identify that person now?

A Correct.

Q Do you know where that person obtained his or her information?

A I know the sources that that person, yes, would have been talking to. We can go further --

Q Okay. Let me follow up. When you say you know who that person would have been talking to, are you saying that they would have been talking to those people in the ordinary course and you're assuming that's who they spoke to, or do you have firsthand knowledge that they spoke to those people?

A Yeah I don't have firsthand knowledge. Again, I can get into it --

Q Fair enough. Other than the information you received from that person, did you receive any other information about the attacks on September 11 between the time of that conversation and the time you went home that night?

A No. Then I received emails the next day.

Q All right. So no emails that night?

A I don't remember any emails that evening. I don't remember.

Q Fair enough. Did you discuss the information you received

from that person with anybody else on September 11th?

A There's a small circle of us at the mission who would have known this, yes.

Q Okay. That was my question. You received information from a person. We'll get that person's identity later. Did you share that information with anybody else at the mission on September 11th?

A I don't know if I shared it first, or if they were briefed as well.

Q As you sit here today, you just can't recall?

A I can't recall.

Q And that's fine. If you don't recall something, feel at liberty to say that.

If I understood you correctly, at this point in time, and I'm talking about September 11, I think you used the term you had no concrete facts about what had occurred in Benghazi; so at that point you didn't know if it was a terrorist attack. Correct?

A Correct.

Q At that point you didn't know if it had any connection to what occurred in Cairo. Correct?

A That's correct.

Q At that point in time you didn't know if it had any connection to the video. Correct?

A Correct.

Q So I'm trying to understand, and I guess I'm having a hard time understanding. I'm hoping maybe you can shed some light on it.

Why don't we pull exhibits 3 and 4.

A Yes.

Q You have that in front of you?

A Yes.

Q Exhibit 3, if I understand it correctly, is an email from [redacted], sent at 9:10 a.m. on September 12?

A Yes.

Q And you are one of the recipients?

A Correct.

Q As far as you know, is this the first draft of the ultimate statement that was made that was circulated?

A I'm not sure if it was the first draft or not. This is the draft I have here. I gave the instruction early in the morning to start working on a draft.

Q Were you at the office when you gave that instruction?

A I think I would have even given it before I got to the office.

Q What time do you normally get to the office.

A We used to get to the office around 8:15.

Q So it's possible that you gave that instruction prior to --

A Before we even had agreement that we were going for a statement. We tend to, knowing how difficult it is to get anything cleared in a bureaucracy, you're always prepared. We were always prepared.

Q Take us through the process a little bit of getting all of the other members of the Security Council on board for a statement.

I assume -- tell me if I'm wrong -- that you don't drop something on them at the meeting and ask them to vote if they know something is coming?

A I mentioned at the very beginning of our session that we would be circulating a statement. Let me just walk you through the scenario. We go into the chamber. Jeff Feltman briefs. The Libyan Deputy Perm Rep speaks. We break from that public meeting, go into a consultation room -- as I said, it's not that much larger than this one -- and I said when I spoke -- Feltman spoke again, said a few more things about the U.N. mission, and I said how we condemned what had happened and that we would be circulating a statement.

Q And this is on the 12th?

A On the 12th. That we would be circulating. I didn't specify like, you know, in an hour, today. It obviously was going to be that day, but I said that we would be circulating something.

Q That's where I'm getting a little confused. If the meeting began at 10:00 a.m. on the 12th, or 10:15 a.m., and this is being circulated at 9:10 a.m. in the morning?

A Right.

Q So obviously there was some discussion before the meeting started?

A That's correct.

Q Okay.

A No, there was discussion in the U.S. Government circle of people that we would go for a statement, and a statement was being

worked. [redacted] had done a draft. We had seen other iterations. It was being cleared when we went into that meeting.

Q Okay well that's what I'm trying to understand. Obviously a statement was drafted. We're seeing a draft of it here. Whether it's a first, second or third, we don't know?

A Right.

Q Somebody directed [redacted] to draft it?

A I did.

Q You did. Did you do that on your own, or was that after a meeting among your colleagues at the mission?

A It was after a discussion that we had by phone about the desirability of a statement on this issue, that we had by phone at around 8:30. We also had been, before we even had that discussion, been discussing whether through a quick phone call or possibly an email, we need a statement. We need to say something about this. This is not unusual to have a statement when a diplomatic facility is attacked. We have had many over the years have a statement of this kind, particularly if it involves loss of life or serious damage.

Q Who participated in that telephone call?

A In that telephone call, I don't know exactly the individuals who were on it, but it was our standard morning call. There were a few of us from USUN New York, USUN Washington, Bureau of International Organizations, and it was usually under the assistant secretary or one of her deputies, NSC, person who heads multi-lat or one of her deputies or the deputy who actually handles U.N. issues.

Q At NSC?

A At NSC.

Q Do you recall names?

A I don't remember whether it was Samantha Power or whether it was the person who was working for her on U.N. issues whose name I've actually forgotten because they've changed several times.

Q Was Ambassador Rice on that call?

A I think she was, but I'm not entirely sure. But she and I had been in email contact before that, or phone contact. I don't remember.

Q As best you can recall, let's start with your conversations with Ambassador Rice prior to the general call, what did you discuss with Ambassador Rice?

A I think we need a statement, and she said you need a statement.

Q Anything else that you recall?

A Just how horrified she was that Chris Stevens had died. That's all I can remember. We didn't get beyond that. We were very focused on our U.N. angle, if you will, that it would be unusual for us not to have a statement after such an event.

Q And as best you can, what was said during the broader call that followed your call with Susan Rice?

A Basically that we thought we should have a statement. Everyone agreed. I don't know at what level -- it was obviously clear that we were going to have a statement at a certain level because we

then had to actually have the text of it cleared, but I don't remember if that had been cleared at the highest levels at that point or not, and we began drafting and said we'd get something to them very quickly.

Q Was there any discussion of the substance of the statement in that call?

A Not really. Not really.

Q When you say not really what do you mean?

A I don't recall substance. I don't recall substance. One is I think it was very clear to us in New York that we were looking for something close to the standard statement for attacks of this kind, knowing what the ability is to get a clearance on something; but also it's customary, if you will. That's one. I don't remember getting into the substance of it at all, just that we were taking a draft; we were working on a draft.

Q So is it fair to say that at the time you had been involved in issuing statements like this in the past?

A Uh-huh.

Q You had been through the process of getting such statements approved by the Security Council. Fair?

A Fair. I had been, or others were issuing statements of this kind that we also had to clear on, you know, say the Brits took the lead on the ground something, the French took the lead on something else.

Q So it's not the first time that violence had occurred at an Embassy?

A That's absolutely correct.

Q So is there a -- you keep referring to standard language?

A Uh-huh.

Q That people on the Security Council are comfortable with, and obviously you were familiar with that language. Correct?

A Correct. And the staff was familiar with that language.

Q In drafting the initial statement, would you say that Ms. [redacted] was sensitive to trying to stay as close to that standard language as possible?

A I would think she, yes, yes. I mean, I can't speak for [redacted] and what was going on in her mind at the time, but she obviously produced a draft that was similar to other statements that had been issued.

Q What I'm really trying to understand here, and let's go back to exhibit 3 for a moment, and in particular, paragraph 3, and I'll read it for the record: The members of the Security Council unequivocally oppose the senseless violence that took the lives of these diplomatic personnel.

Would you classify that as the standard language that you had seen in similar statements in the past, or would you characterize that as unique language to this particular statement?

A I wouldn't call it unique, but I think it has been phrased in somewhat different ways in some other statements.

Q But it's a sentiment that is a standard sentiment. Is that yes?

A Yes. Sorry. I'm getting tired.

Q I understand. Okay. Let's go to exhibit 4 now. Look to the second page of exhibit 4?

A Yes.

Q In particular paragraph 3, which is marked in the right-hand margin next to comment 4 as new language. It does appear to be new. It's a complete replacement to paragraph 3. I'll just read it into the record: The members of the Security Council emphasize that there is no justification for the senseless violence that took the lives of these diplomatic personnel.

Do you know where that language came from? Let me just follow-up because in my mind the use of the word justification seems to indicate that a sense that maybe the video may have been involved in the Benghazi attacks is now starting to creep into this statement. That's my sense anyway, using the word justification because why would you have to mention justification if, for example, it was just a terrorist attack or it was something? Why would you have to do that?

A I have to say that actually we have many other statements that talk about no justification for certain kinds of acts, including terrorist attacks.

Q Okay. So that is part of standard language?

A That's part of standard language as well, that there's no justification for whatever.

Q And back to my question. Do you know where that new language came from?

A I don't know where it came from, but I do know that we have said in previous statements there's no justification for whatever happened.

Q And at the time, you may not remember what you had in mind at the time, but at the time did you have a cause of the event in mind?

A No, I did not. Absolutely not.

Q Now let's take a look at exhibit No. 5, and flip to the second page. And now at this point again focusing on paragraph 3, we have a paragraph that now reads: The members of the Security Council emphasize that there is no justification for this senseless violence -- and now we have the bracketed language -- and rejected the denigration of religion.

So now clearly -- maybe not clearly, but it now appears to be more clear that they're referring to the fact that the video may have prompted what occurred in Benghazi. As best you can recall, how did that language creep into this statement at a time when there was no concrete information about what had led to the attack in Benghazi?

A It crept into the statement because -- I wouldn't call it crept into it -- it was in the draft, as I explained earlier, because the U.N. briefing talked very much about rejecting defamation or denigration of religion, but there was no justification for such an act.

Members of the Council, as they were speaking -- we went around the room -- were all referring to rejecting denigration or defamation of religion. It seemed to be the sense of the room, so it was a proposal

that from a previous email you can see that I offered and was sent back to Washington.

Mr. Evers. I think she's referring to Exhibit 1.

Ms. DiCarlo. Yes. Because it was the sense of the room.

BY MR. MISSAKIAN:

Q What does that mean, sense of the room?

A Sense of the room is that as many were saying we don't support denigrating religion, but there is absolutely no justification for what happened, no justification for the perpetrators of this act no matter what happened, a video, a slur, the same thing we say all the time.

There is no justification for a terrorist act because whatever someone feels that they've been denied X, Y or Z, there's no justification for acts of terror, for example, and that is a very common U.N. standard language.

When in negotiating, I can just explain, in negotiating any statement or getting something approved, whether it be in the short-term or the long-term, it's very helpful to take in the sense of what others are saying, so that they feel a part of it and that you're reflecting -- remember, this is not a U.S. Government statement. This is a U.N. Security Council statement, so that was my idea to propose it, and then my language was a little different. It came out this way, and then as you saw in the final draft, it wasn't there.

Q Other than the sense of the room that you refer to, did you have at that point, and we're now talking about 11:45 a.m. on September

12th, at that point did you have any concrete information that connected the video to anything that had occurred in Benghazi?

A I had no concrete information. You know, we were depending on Washington to clear what we were sending back. We had no information.

Q So you, in essence I gather from your statement, were relying on Washington to make sure what was going into the statement was accurate?

A Absolutely.

Q And exhibit 8, my colleague has highlighted a portion of paragraph 6 that referred to an extremist group?

A Paragraph 6?

Q Paragraph 6, yes.

A Mr. [redacted]

Q Yes. Third line down a little bit in. A couple of questions. Was there any discussion about what the gentleman said that's reflected in this paragraph at the meeting that you can recall?

A There wasn't discussion of what actually happened in the meeting because nobody knew what actually happened. We just knew that the Consulate had been attacked and that people had died. So there was no trying to parse, if you will, whether it was a group that had done it and who did it.

I don't remember being asked for further information. I didn't have it even if I were asked, but I didn't have it. I think you can see from the comments later by the Russian Ambassador said -- yeah,

he said part of a dangerous trend of increased extremist violence targeting foreigners in Libya.

Q In the world of U.N. speak, is the word extremist a synonym for terrorist, or does it have a different meaning?

A Not necessarily terrorist, not necessarily.

Q Give us your understanding of the two words then.

A There's no U.N. definition of terrorism.

Q Okay. I read that somewhere.

A This is a very serious problem, by the way. The old comment of one man's terrorist is another man's freedom fighter, so there's no definition. However, certainly an act -- let me see if I can get some of the qualities that we would be looking at, an act that was premeditated, an act that carried a political or sort of ideological message that was aimed at coercing a certain kind of behavior or threat to individuals, states, et cetera.

There are a number of elements that could go into it, but there is no one definition of terrorist or terrorism in the U.N. Extremism sometimes in the U.N., for example, there's a lot of talk right now about combatting violent extremism, not just in the U.N. It can mean extremist ideology, if you will, but not necessarily acts, that we would call acts of terror. But things get mixed up.

Q Okay. Thank you. That's helpful. Turning to exhibit 7, just a quick question, now what is paragraph 4 reads, the members of the Security Council reaffirm that such acts are unjustifiable regardless of their motivations, whenever and by whomsoever committed.

So would this be the standard language you were referring to earlier?

A Very close to standard language, yes, very close.

Q And do you have any recollection of why this standard language was substituted for the language that you had proposed or others?

A I don't have a recollection. I'm not going to offer what I think probably happened, but I don't have a clear recollection of how it got changed. I just remember a statement was circulated, and we very swiftly moved to an agreement.

Q How does that happen mechanically? Are all the folks in the room and you pass out hard copies?

A The U.N. Secretariat makes three copies of what we give them, and they pass it out, and each person at the table has a draft and copies for the two people sitting behind them.

Q If this change had been made, we're now seeing the new language in exhibit 7, which is different from the language in the draft we're seeing in exhibit 6, just mechanically how would that change have occurred? Would somebody have raised their hand and said I would like to propose new language?

A Yes.

Q Take us through that just generally speaking.

A First of all, what would normally happen is it gets circulated. The person who has, you know, authored, penned the statement, would walk people through it. In this case, as I said since it's a lot of standard language, we would have gone through and said

condemning, expressing condolences, and then giving people a little time to think about it. We might be sitting there working on it.

What can happen -- I don't know if it happened this time around, because I just don't remember; and we had such a short timeline, is that often, as soon as we had a statement to circulate, the statement would be circulated, even if we were still discussing let's say the main topic of the day, which was U.N. missions, so that delegations would have had a good half hour or so to look at it; but I don't recall when exactly this got circulated.

No matter what, it then gets introduced if you will, by the person in the chair who authored it, and says I would like colleagues to look at it, would like to issue this soon. And then several things could happen. One, immediately people could start saying I recommend this change. Or it could be, great, let's go. It's fine. That's not always the case.

And a third, and there's some delegations who would say, and we're among them, depending on what it is that was circulated, we need more time for this. We have got to go back to counsel. So there are basically three different scenarios.

Q Okay. Thank you. I'm almost done here. You were asked by colleagues from minority staff about Susan Rice's comments on the Sunday talk shows. Let's just start with the basics. Did you watch her on each of those talk shows at the time?

A I didn't watch her on all of them, but I watched most of them.

Q Do you recall sitting here today which ones you watched?

A I don't recall.

Q It was something less than all of them?

A It was less than all of them.

Q At some point after that did you review a transcript of what she said on each of the shows?

A I did not review a transcript. I do remember looking at certain transcripts -- I don't think I read all of the transcripts, to be frank, when I think about it now, but I did look at some. I looked back at them, yes.

Q When did you do that?

A I would have done that a couple of days later perhaps, a few days later.

Q Was that your normal practice?

A No.

Q Why did you do it in this instance?

A In this instance it was because there was a lot in the press about her comments, so I wanted to go back and make sure I knew what she actually said.

Q So in answering my colleague's question about whether or not, I think she asked you if you agreed with what Ambassador Rice said or disagreed -- I can't remember the exact phrasing -- was your answer based on what you read in the transcripts or what you recall from seeing the shows on TV?

A No. What she said was not different from what I had been

briefed on in that there was nothing that she said that was different from what I was aware of that the intel community was giving as their preliminary assessment.

Q Okay. Great. So let's go into that a little bit. Your understanding of the intel community's assessment at that time, what was your understanding based upon?

A It was based on being briefed, and we can get into that.

Q When you say briefed?

A To me personally.

Q Right. Just to go into the details, when did that brief or briefing occur?

A I think I would have known this on Friday because I did not go in on the weekend, so I would have known by Friday that the preliminary assessment, what the intel community was saying at that point, at that point.

Q You say you would have known?

A Uh-huh.

Q Are you assuming that's what happened or --

A No. I just don't know.

Q One at a time. It's again for the court reporter. In your answer you said what would have happened is that you learned this on Friday?

A Right.

Q As you sit here today, do you recall a specific briefing, and by briefing I'm now talking about a meeting, where somebody came

to a meeting and presented information to you on that Friday?

A I remember someone coming to me with the latest information. I thought it was Friday. It could have been Thursday. I'm not sure. But it was the latest that I knew about what the intel community was assessing.

Q Were others at this briefing that you attended?

A No.

Q Just you and the briefer?

A Correct.

Q And who is the briefer?

A We'll talk about that.

Q Was that the same person who had briefed you on September 11th?

A I'm not sure if it was the same person.

Q And did that person provide you anything in writing?

A I didn't have anything in writing. He, I believe, was briefing me on material that he would have had in writing, but I did not see anything in writing.

Q How long did that briefing last?

A Like 3 minutes.

Q Did you request the briefing, or was it offered to you?

A It was offered to me.

Q By who?

A We'll get into that again.

Q Was the person who offered it was the person who did the

briefing?

A Yes; that's correct.

Q And other than that one briefing, did you have any other information that reflected what the intelligence community was thinking about the attacks?

A I had nothing different from what he told me. I mean, I was getting information as, for example, what was burned down. I remember hearing sort of things like this, but I did not have anything else that was different from what I just mentioned to you.

Q And when you say you didn't have anything else? I mean I gather --

A I had no pieces of paper, and I was not briefed on anything different.

Q And the information that was coming to you, it was either coming to you in these briefings, or it was coming to you through discussions with others. Is that correct?

A It was mostly coming from the briefings.

Q Mostly coming from the briefings?

A Uh-huh. Briefing is probably a bad expression. It just seemed like it was the easiest way to explain that somebody was informing me of this.

Q Can we also describe those as one-on-one meetings?

A Yes, you can.

Q Other than the one-on-one meeting that you had on either Thursday or Friday and the one-on-one meeting you had on September 11th,

do you recall any other one-on-one meetings where information about the attacks was provided to you?

A I suspect yes, but I don't recall anything that was different, new or unusual. When we move to the other room, I really can -- it just will.

Mr. Evers. We're doing a lot of dancing around the line of --

Ms. DiCarlo. And it's one minor thing, but I think it's important that it be in a classified setting.

BY MR. MISSAKIAN:

Q The process of clearing statements that were issued by the United Nations, that I think you said that the White House was somehow involved in that clearance process?

A National Security Council.

Q Only the National Security Council?

A That's correct. Sometimes the White House as well, but it depends on the issue; but mostly it's the National Security Council.

Q Did you ever work with a gentleman by the name of Benjamin Rhodes in clearing anything that was being --

A I did not. I did not. He was the press guy, and I did not do the press stuff, so I did not work specifically with Ben Rhodes.

Q Would that be the same for Bernadette Meehan?

A That's correct.

Q And the same for Tommy Vietor?

A That's correct.

Q Was there anybody that you worked with directly at the

National Security Staff?

A There were several people. Samantha Power was one; she had been helping [inaudible.] She had two different deputies -- they weren't deputies actually. They were guys who handled the U.N. portfolio. I can't remember their names right now. It will come to me in a minute. Sorry.

Q That's okay.

A These were the people that I would be dealing with on most issues. Sometimes I dealt with someone, and this would be, it was not on the Libya issue certainly, but the person who handled war crimes in our office.

Q Let me just take a quick look at my notes. I think I'm done.

A Sure.

Mr. Missakian. Thank you, Ambassador. I'm done here.

Ms. Clarke. So we can go off the record.

[Discussion off the record.]

BY MS. SACHSMAN GROOMS

Q We're going to try to be brief. I'm sorry that this is taking so long. Can you just explain to us because I think it might be a little confusing to people, what Jeffrey Feltman's role was as the Under Secretary General for Political Affairs for the U.N., because he is an American with the State Department, so can you explain what his role was?

A Okay. First of all, my understanding is that Mr. Feltman retired from the State Department to assume a position at the U.N. So

he is not on the State Department rolls, not even from my understanding on leave. I happen to know because we talked about retirement papers.

He occupies a position that deals with part of the U.N. that does mediation, that deals with political issues in the sense of trying to resolve conflicts, even prevent conflicts as we see things arising. For example, Yemen, when things started getting really dicey in Yemen, he would come to brief us and he would talk about what is it that can be done to improve the situation.

He also heads -- he doesn't head, but he oversees the missions that are not political missions, that is not peacekeeping missions. That is a totally different bureau that heads all of these, which there are something like now 16 peacekeeping operations. So he would be overseeing the mission like Libya. He would oversee the mission in Iraq, which is also a political mission, a U.N. political mission.

Q But just so that I'm clear, at the time that we're talking about, he is speaking on behalf of the U.N.?

A Absolutely. He is speaking on behalf of the U.N., his intervention, his talking points cleared within the U.N. system, not cleared within the U.S. Government in any way.

Q Okay. And he would have been not -- he was not within the State Department facility at the time?

A Not at all.

Q I think that's helpful, especially for me. And you had commented about some of the statements that he had made, and I want to put into the record as exhibit 9 a document that we have pulled off

of the UNSMIL, which is the mission in Libya Web site, from the U.N. and the document is entitled Briefing on Libya by Mr. Jeffrey Feltman, Under-Secretary-General for Political Affairs, Meeting of the Security Council 12 September 2012, and at the top it says As delivered. And the Web site, if you guys want it, is unsmil.unmissions.org.

[DiCarlo Exhibit No. 9

Was marked for identification.]

BY MS. SACHSMAN GROOMS:

Q And I just want to draw your attention to the first two paragraphs. So I recognize this is sort of a long statement and that this was a long time ago, but from reading what you have read, does this appear to be similar to what you recall him saying at the time?

A Yes.

Q Okay. And it states in that first paragraph: In Benghazi the U.S. diplomatic presence was deliberately attacked and burned. Those claiming responsibility cited a video insulting to Islam as their motivation. Four U.S. diplomats where killed in the attack, including the U.S. Ambassador to Libya, John Christopher Stevens. I have seen reports that Libyan security personnel were also killed.

Then in paragraph 2 it states the United Nations rejects defamation of religion in all forms, but there is no justification for violence such as occurred in Benghazi yesterday. Is that the language that you were referring to earlier?

A Yes, that is.

Q Okay. And it appears that Mr. Feltman is sort of getting

his information here from some reference to those claiming responsibility citing a video. Is that accurate?

A That's correct.

Q Okay. And you had said previously that there was a sense of the room and that the sense of the room were people assuming that they understood that the video was somehow involved in the attack. Is that accurate?

A That's correct. They were I'm sure keening off of his comments as well.

Q And did you tell him to say that?

A No, I did not. I did not give Mr. Feltman input for his statements. I wish I could have, but I didn't.

Q And would he have cleared that statement through the National Security Council or the U.S. Government?

A No, not at all.

Q Okay. Because he's talking for the U.N.?

A He's talking for the U.N. He would have cleared his statement within the U.N. hierarchy, whoever that hierarchy was where he needed his clearances.

BY MR. DESAI:

Q Ambassador DiCarlo, I am going to ask you a series of questions about several public allegations related to the attacks. We understand that the committee is investigating these allegations, and therefore we have to ask you about all of them and ask everyone about them; but I do not want you to think that by asking you about these

public allegations that either I or the Democratic staff or members of the Select Committee believe that these allegations have any merit.

The way I'll proceed is I will tell you what the allegation is. I will then ask you whether or not you have any evidence or information to support each allegation, and if you do not have any evidence or information, I'll move on to the next allegation.

It has been alleged that Secretary of State Clinton intentionally blocked military action on the night of the attacks. One congressman has speculated that, quote, "Secretary Clinton told Leon Panetta to stand down," end quote, and this resulted in the Defense Department not sending more assets to help in Benghazi. Do you have any evidence that Secretary of State Clinton ordered Secretary of Defense Panetta to stand down on the night of the attacks?

A I have no evidence.

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

A I do not have any evidence.

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

A I do not.

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

A I do not.

Q It has been alleged that Secretary Clinton misrepresented or fabricated intelligence on the 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 I do not.

Q It has been alleged that the U.S. mission in Benghazi included transferring weapons to Syrian rebels or to other countries. A bipartisan report issued by the House Permanent Select Committee on Intelligence found that, quote, "the CIA was not collecting and shipping arms from Libya to Syria," end quote, and they found, 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 I do not.

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

A I do not.

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

The House Intelligence Committee issued a bipartisan report concluding that the team was not ordered to, 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 I do not.

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

A I do not.

Q A concern has been raised by one individual that in the course of producing documents to the Accountability Review Board, damaging documents may have been removed or scrubbed out of that production. Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to the ARB?

A I do not.

Q Do you have any evidence that anyone at the State Department

directed anyone else at the State Department to remove or scrub damaging documents from the materials that were provided to the ARB?

A I do not. Sorry.

Q Let me ask these questions 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 I do not.

Q It has been alleged that CIA Deputy Director Michael Morell altered unclassified talking points about the Benghazi attacks for political reasons and that he then misrepresented his actions when he told Congress that the CIA, quote, "faithfully performed our duties in accordance with the highest standards of objectivity and nonpartisanship," end quote. Do you have any evidence that CIA Deputy Director Mike Morell gave false or intentionally misleading testimony to Congress about the Benghazi talking points?

A I do not.

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

A I do not.

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

A I do not.

Q It has been alleged that the President of the United States was, quote, "virtually AWOL as Commander in Chief," end quote, on the night of the attacks and 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 I do not.

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

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

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

A I do not.

Q It has been alleged that the military failed to deploy

assets on the night of the attack that would have saved lives. However, former Republican Congressman Howard "Buck" P. 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 Chairman McKeon's conclusion?

A I do not.

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

A I do not.

Mr. Desai. That ought to do it. Do my colleagues have any more questions? We can go off the record.

[Whereupon at 1:15 p.m. the committee proceeded in closed session.]

EXAMINATION

BY MS. CLARKE:

Q We are back on the record. And I would note that we are now in a classified setting.

Ambassador DiCarlo, we spent a lot of time in the unclassified setting discussing topics that seemed to bump up against classified information that you felt more comfortable discussing in this setting. And so I think that will be the basis for the majority of our questions.

In the previous rounds of questioning, you mentioned that you had been briefed by an individual, essentially a one-on-one meeting with an individual on the night of the attack, and then, subsequently, in the following days. Could you walk us through the first briefing and provide who that individual was and what was disclosed to you?

A Okay. Let me just explain the context for it. At the U.S. Mission we have people [redacted] who are there solely for the purpose -- these individuals -- solely for the purpose of providing intel information to the staff.

Q I am sorry -- and to the staff, are you referring to the staff to the U.S. Mission?

A The staff to the U.S. Mission to the U.N.

Ms. Sachsman Grooms. Not the whole U.N.

Ms. DiCarlo. Not the whole U.N., no.

The way it has worked over the years, at least for my tenure there, is that ambassadors who are all -- at least three of us, I guess maybe

not all of us -- my office [redacted], the other two ambassadors on the floor, I was on the executive floor, have offices [redacted] So one of the briefers, [redacted]

It was the tradition customary for one of the briefers to offer each day a time for the ambassadors to be able to, one, be briefed on latest events, or to do some reading, if there was significant reading to be had. So the briefer would come to my office, Ambassadors Rice's office, Ambassador DeLaurentis', at the time the three of us were on that floor.

In addition, if anything happened that was really important, that that little community felt that we needed to know, they would pop up, shoo other people out of my office, shut the door and then provide it.

Give you an example, came up once, a briefer came up once and said, [redacted] And actually offered to show me a bit of information that he had. Now, again, they were getting their information from [redacted]. Were they getting all the information on a particular issue? They were getting some of it. You see what I am saying? They are getting things that would be relevant, either in terms of direct relevance to what our work was, or to or sort of to understand the context for our work. The person

who came -- a person came to me -- one of the briefers came to me and said, we have word that our -- I don't know if he used the word facility or consulate, I don't remember what words he used, but our compound in Benghazi is under attack -- attack.

This is also the person who later told me, and again, I say Friday, because I can't imagine I would have left Friday afternoon without asking for an update on where things were. He could have told me this Thursday as well. He said the assessment of the intel community at this point is that it was an unpremeditated attack. And what he described to me, and he had a piece of paper that had this on it, which I did not go through, because he was briefing me -- was very much like the talking points as I said that Ambassador Rice gave. Not -- they weren't her talking points -- they weren't talking points but the assessment was the same. [redacted]

Q Do you recall -- you indicated that there were [redacted] Do you recall the individual that briefed you on the night of the attack, do you recall [redacted] --

A I am not sure [redacted] I am just not sure.

Q Do you recall -- in the subsequent briefing, do you recall [redacted] --

A Again, I am not sure because they would alternate and -- who was available, who could run up when I was free when I wasn't in a

meeting. They both had access to the same kinds of information, so.

Q So when you say they both had access to the same kinds of information, so if the information was coming from the Washington office of the -- for example, CIA headquarters, would any of the briefers that were at the USUN, would they have had access to that information?

A They would have had access to information so let's say if [redacted], that he would have been briefing me [redacted]. Okay.

Now, did they have access to the full gamut? I don't know, I wasn't involved in there -- in depth in their operations and how they were retrieving and how much they were sharing with each other. But I could be confident and Ambassador Rice could be confident that that we were getting the range of information at hand on a given issue.

Q And do you recall -- you stated the individual that briefed you told you that the current assessment of the attacks was that is it was not preplanned?

A Exactly.

Q Do you recall any more details about that and what that individual shared with you?

A I don't recall more than that. That was sort of the assessment by the end of the week. What I do recall was earlier getting information about, you know, the burning of the building, that Chris Stevens at first was missing, but then I remember about something where

information that he might have been taken to the hospital, or that somebody was carrying him over shoulder. I mean, this sort of thing, little details that frankly I didn't need to know. To be very honest, that's not what I needed do any job in New York.

[Discussion off the record.]

Mr. Evers. I don't know if this question is coming, I just want to make a request, since these are [redacted]. I would hate to -- I would hate -- I don't know what those rules are. [redacted]

Ms. Missakian. Yes, thank you.

Ms. DiCarlo. Thank you.

BY MS. CLARKE:

Q So just to make sure I understand -- we were talking about how the briefer had indicated to you that the current assessment that was the attack was not pre planned?

A Uh-huh.

Q When was that information relayed to you was this during the second briefing?

A It was towards the end of the week. As I say, I am assuming it was a Friday because I can't imagine I wouldn't have asked for more information before I left the mission for the weekend. Could have said it on Thursday, and it still be valid on Friday. I just don't remember,

to be honest.

Q You were also describing information about more specifics regarding the mission in Benghazi --

A That would have been earlier in the week when they were picking it up. When I say I was briefed, what I mean is, he ran up to my office and said something, sometimes it was a 2-minute conversation we had, or a 3-minute conversation. I didn't get an intel briefing, a full intel briefing. That was not -- in the cards it is not what we needed to know. It just -- it was not the kind of thing that our briefers did because, as I said, we needed information that helped us get our jobs done. And sometimes, it was knowing -- well, particularly on the [redacted] issue, because as you know, we had several resolutions in New York that it had happened, that the agency felt they had credible information, or the intel community felt they had credible information. Sometimes it is not clear where the information is coming from. There were information shared, for example, if --

Ms. Sachsman Grooms. Maybe we should just stop. I don't know if we need examples of classified information not relevant to us.

Ms. DiCarlo. Okay, right. I was trying to give you an example. It is a spot thing, it is not a half hour, or 45-minute, or an hour briefing on an issue.

BY MS. CLARKE:

Q So other than the two instances that you recall, one being the night of the attack and one being closer to the end of the week,

did you have any more of these kind of spot briefings from --

A I mentioned that I had one on exactly -- it wasn't exactly, what they were trying to piece together what had happened during that time that the building went on fire, he was missing. Then there was some indication whether it ever turned out to be accurate or not, that somebody -- a local found him. You know, it was that, it was that. We didn't get into other things precisely because I mean, I didn't need to know in a sense. I didn't need that to get done what I had to get done.

Q So what I am trying to understand, you said this is essentially spot briefings. Would this briefing had occurred after a certain amount of information was provided, or was this an ongoing briefing where he would, as new information came -- for the night of the attack, as new information became available --

A I had it once, I had it once.

Q Thank you.

A Thank you.

BY MR. MISSAKIAN:

Q Just a few follow-up questions. Just to make it clear, there were two what we refer face-to-face meetings [redacted] that occurred during that period between September 11th and that Thursday or Friday.

A Uh-huh.

Mr. Evers. You should respond yes or no.

Ms. DiCarlo. Yes.

First of all, I said there were more than two, and that I would see one of them every day on other issues. And there was -- as I said, there was one the day, there was one toward the end of the week, and I know something in the middle of the week when I said that there was more information about the burning of the consulate, et cetera.

BY MR. MISSAKIAN:

Q So I understand, we are just talking about information that you received from either of these individuals about the attacks in Benghazi. So we know there was one on September 11th.

A Right.

Q We know there was one on either Thursday or Friday that same week.

A Uh-huh.

Q And it sounds like one or possibly more than one during that week; is that correct?

A That's correct.

Q Now, let's just focus on the one that occurred on September 11th, that evening. Do you recall about what time it occurred?

A I don't. It must have been very, very late in the date before I left.

Q Okay.

A That the embassy -- I am sorry, that the consulate was under attack.

Q The consulate attack began about 3:40 in the afternoon eastern time. Does that help you place when you got that briefing in

relation to the beginning of the attack?

A It doesn't help me. I'm sorry. I just know it happened before I left the office.

Q And as you sit here today, can you remember anything specific that was told to you during that very first briefing?

A I remember that it was consulates under attack or facilities are under attack. I don't really know what's happening, just want you to be aware of this because you should know this.

Q Beyond that, can you remember anything else generally or specifically that was told to you in that first briefing?

A I don't remember anything else. And I don't think there was much else at that time.

Q Do you recall whether the person [redacted] mentioned anything to you about tying what happened in Cairo to what had occurred in Benghazi during that very first briefing?

A I don't remember, I don't recall his tying anything. I think he was just informing -- my recollection is informing that something was underway, something was happening.

Q Do you recall this person mentioning anything about the video being a motive or connected to the attack in Benghazi?

A No, I do not recall that.

Q Do you recall him mentioning to you whether any known terrorist organization had taken responsibility for what had occurred in Benghazi?

A I do not recall having gotten any information at that time.

Q Do you recall him saying anything about whether or not a protest had preceded the attack in Benghazi?

A I don't even know if I had that information at that time. As I said, what I was informed is there was an attack that was underway.

Q So you do recall that what he told you was there is an attack that was currently underway?

A There is an attack -- there is an attack going on, I think he said it was going on -- there was an attack against our facilities in Benghazi. That is as much as I remember and I think that's as much as I got on that day and that was an alert. Again, I wasn't, you know, I wasn't sitting in Washington in the Bureau of Near Eastern Affairs. I wasn't in diplomatic security.

Q And that's fine.

A It was just to kind of mark her down.

Q That's fine. I was just asking for your recollection. If that's all you remember, that's perfectly fine.

Now, you did become aware later on that there were two facilities that were attacked in Benghazi?

A Later, right.

Q The State Department facility and one was a CIA annex.

A That was later, yes.

Q Correct. In the briefing that you received, do you recall anything being mentioned about the CIA annex on September 11th?

A No, I do not, I do not.

Q In any of the briefings that you received that week from

either of these individuals, do you recall either of them mentioning anything to you about the video being a motive for the attack in Benghazi?

A He did not -- let me think -- he did not mention the video as being the motive as that was obviously something that was in press. That was an area that was being explored. I mean, the intel community was looking at what happened.

Q Let me stop you there.

A So, I mean, again --

Q Please --

Mr. Evers. Why don't you let her finish the answer to your question?

Ms. DiCarlo. Again, you know, I was being briefed on what -- the things that I needed to know.

Mr. Missakian. Okay, what I need you to do is listen --

Mr. Evers. No, no.

Mr. Missakian. Please doesn't interrupt me.

Mr. Evers. Well, that's ironic at this moment. You are interrupting here answer.

Mr. Missakian. Please don't talk over me.

Mr. Evers. Again, that's ironic considering what I am objecting to.

Mr. Missakian. Please. Are you done?

Mr. Evers. She wasn't.

Ms. Sachsman Grooms. Are you going to let her finish her answer.

Mr. Missakian. No, are you done?

Mr. Evers. Let her finish her answer.

Mr. Missakian. One at a time, please. We have a court reporter.

Ms. Sachsman Grooms. I think we have the same point, which is she is in the middle of a sentence and you interrupted her. Just let her finish her answer.

Mr. Missakian. Are you done, counsel?

Mr. Evers. I am at the moment.

Mr. Missakian. Okay. Are you done, counsel?

Ms. Sachsman Grooms. If you'll let her finish her answer. If you're not, no, I am going to keep talking. Just let her finish her answer.

Mr. Missakian. I imagine you will.

BY MR. MISSAKIAN:

Q Are you finished saying what you want to say?

A No, I wasn't finished.

Q Okay, please go ahead.

A As I have said, I was alerted to issues that I needed to know about, initially that there was an attack. I was also alerted later when I got the assessment of where things were. I also, as I said, had information briefed to me about two facilities being burned.

My job during that week was very much looking at what we were expecting the U.N. mission to do to help improve the situation in Libya. The briefing that we had on Monday, that frankly went through a lot of people's ears about what the U.N. mission was going do on a range

of issues, because everybody was so focused on what had happened. It then comes back to us with, we have got to get the U.N. doing a better job of X. Now, I am not saying there weren't people saying the U.S. Government has to do a better job of X, or the French government or whatever, but my job was getting the U.N. to do certain things. So that was a lot of what I was focused on that week.

Q That's my question.

A I am sorry for being so long.

Q It is okay. I understand. I just want you to focus on the questions I am asking. It will go a lot quicker for everybody.

Now, I am asking you about the information you received during that week [redacted].

A Right.

Q So keep that in mind. We are not talking about what their job was, what they were doing, we are just talking about the transfer of information from those two individuals to you during that week. Is that clear?

A Uh-huh.

Q At any point during that week, did either of them tell you that there was as protest that preceded the attack in Benghazi, if you recall?

A I am trying to recall if I learned from them, or if I learned from reading it in the press.

Q As you sit here today, you can't remember, is that fair?

A I frankly don't remember, but I knew from various sources

that there was a protest.

Q Well, let's focus on that, we all know now that there was no protest. So I assume what you mean by saying that is you learned that there was an allegation of a protest?

A That's correct, that's correct.

Q But as you sit here today, you don't know if you got that information from the press, [redacted], or from some other source; is that fair?

A That's fair.

Q Did you receive any information from either [redacted] briefer that a known terrorist organization had taken responsibility for the attacks in Benghazi?

A I did not receive that information from them.

Q Did you receive any information during that week from either [redacted] briefers that what occurred in Benghazi was somehow connected to what had occurred in Cairo?

A I did not receive that kind of information from them.

Q Okay. At any point in time between September 11th, and we will take it all the way up to that Sunday that followed, did you have any conversations with Ambassador Rice about what occurred in Benghazi?

A The conversations I would have had -- or I had with Ambassador Rice, it focused on our deep concern at what happened to Chris Stevens and the rest of the staff. It focused on anything that we would be doing at the U.N. It didn't focus on the cause of what had happened.

Q So when you say it did not focus on the cause, does that mean it did not come up in conversation?

A It did not come up in conversation. To my understanding, things were still being assessed.

Q Thank you. I don't have any other questions. Thank you.

Ms. Clarke. I think those are all the questions we have. Do you have any questions?

EXAMINATION

BY MS. SACHSMAN GROOMS:

Q Just one briefly. You know, as we are sitting here today, and it has been a couple of years since 2012. At times, I think your memory hasn't been perfect. Is that accurate?

A That is very true.

Q And right now you were trying to recall very specific briefings you got, intelligence briefings preceding the attack?

A Right, right.

Q Presiding Ambassador Rice's statements, right?

A Right.

Q It sounds like your recollection on that isn't perfect right now; is that accurate?

A That is absolutely the case, and I also didn't have that many so-called briefings. I had this happen, and then I had what the assessment was at that time. I would not have -- you know, my understanding from what I was reading, from what I was hearing, was that it was whether it was linked to the video -- maybe not linked to

the video, but not a premeditated event or whether it was a terrorist attack. I was not getting a lot of information on that. There was a sense that there was a protest, that there was a group, that there were things that got out of hand, there were reports of that kind, of that nature.

Q But back in 2012, in September of 2012, after Susan Rice did her Sunday talk shows, and this became a controversy, do you remember back then whether you thought that what she had said was accurate or inaccurate, based on the information that you had then?

A Based on the information I had then, I thought what she said was accurate. It reflected what I had heard, which was that there was no information that I saw that talked about a terrorist group or talked about -- or heard from, you know, reliable sources that this was a premeditated attack.

Ms. Sachsman Grooms. That's all.

Ms. DiCarlo. I didn't see any information that said it was premeditated.

Mr. Missakian. Let me follow up then.

BY MR. MISSAKIAN:

Q We understand you received some information verbally from either one of these two briefers?

A Right, right.

Q Did you receive any intelligence reporting on paper?

A I did not receive on this issue. The pap -- some -- in the beginning it was verbal. I did see, I remember seeing something

about -- this is after the fact about the two facilities being burned. And then I would have gotten the information about the assessment verbally, but he did have a piece of paper in hand which I could have read which was basically that -- this is, at this point, the assessment of the intelligence community.

Q But you did not read of piece of paper?

A I might have just looked at his shoulder, but I didn't -- I trusted him to brief me properly.

Q As you sit here today, what's the best recollection of what he told you?

A The best recollection is, as I said, was that the intelligence assessment to that point was that this was not a premeditated act.

Q Do you recall anything beyond that that he told you?

A He would have said it in a slightly -- in a different way. But that was it, basically there was no terrorist group that had been uncovered, that there was no indication of premeditation, that this had been planned to coincide with September 11th. There was no information certainly that this was a planned attack against Chris Stevens. Do you see what I am saying? The whole point that he was making to me with the assessment was that there was not information, at this time, to point to the premeditated attack --

Q Okay.

A -- by a terrorist group, if you will.

Q So how long did that briefing last?

A Two, 3 minutes.

Q Okay. So you said some specific things there about and attributed to specific statements to the briefer. For example, you said there was no evidence that a terrorist group had taken responsibility or been involved, something to that effect. Are you now --

A I --

Mr. Evers. Let him ask the question.

Mr. Missakian. Let me finish the question, please.

BY MR. MISSAKIAN:

Q Now are you recalling that he said that that to you specifically or are you inferring that from what he said that there was no evidence of premeditation?

A He said there was no evidence of premeditation.

Q All I want to know is what you, sitting here today, can remember about what he said. You don't need to add to it, you don't need to assume he was talking about something. I am just asking you for, specifically, what you recall the words coming out of his mouth were?

A That -- that is what I recall.

Q That there was no evidence of premeditation?

A That's correct.

Q Beyond that, you can't recall anything else?

A Beyond that, I don't recall any -- I don't recall his saying much more. I might have said so no terrorism? But that's, you know --

Q Again, I don't know what you might have said. Do you recall saying that?

A I don't recall saying that. I recall being briefed that the assessment was it was not a premeditated attack. That is what I recall.

Q Great.

A And that's what stuck in my head.

Q Fair enough. Let's leave the answer there and I don't have any more questions.

Mr. Evers. All right.

Ms. Clarke. So I think those are all of the questions we have for you today. Ambassador, again, we want to thank you again for your time. We appreciate you answering our questions. And with that, we can go off the record.

[Whereupon, at 2:05 p.m., the interview was concluded.]

April 5, 2016

I would like to make the following changes to the transcript of the Select Committee on Benghazi, U.S. House of Representatives' interview with me on August 11, 2015:

Page 7, line 2: Change "Source" to "Soros"

Page 7, line 14: Add the word "in" after the words "I was"

Page 7, line 21: Change "mission" to "initiatives"

Page 8, line 4: Change "quite" to "quiet"

Page 8, line 5: Add the words "it was" after the word "Georgia,"

Page 8, line 9: Add the letters "non" in the beginning of the word "governmental"

Page 8, line 14: Change the acronym "NSCS" to "NSC"

Page 8, line 20: Add the letters "ing" to the word "try"

Page 8, line 24: Change the word "serious" to "Syria's"

Page 9, line 1: Capitalize "International" and "Organizations"

Page 10, line 12: Change the word "on" to "at"

Page 11, line 16: Eliminate the words "referral to the International Criminal Court" – duplicative

Page 11, line 25: Add the word "and" after the word "will,"

Page 12, line 8: Change "led" to "lead"

Page 13, line 2: Change "have" to "has a" and "vetoes" to "veto"

Page 13: line 10: Eliminate the word "City"

Page 16, line 12: Change "led" to "lead"

Page 16, line 14: Change "chomp" to "chop"

Page 16, line 15: Change "chomp" to "chop"

Page 18, line 11: Change "here" to "her"

Page 21, line 11: Change "the" to "of"

Page 34, line 5: Eliminate the words "sort of" after the word "moving"

Page 53, line 18: Change "returns" to "reason"

Page 54, line 21: Change "consultation" to "consultations"

Page 55, line 2: Change "DNP" to "D and P"

Page 58, line 4: Add the word "specifically" after the word "were"

Page 58, line 5: Change "caused" to "video"

Page 58, line 6: Change "were supported" to "attacked"

Page 61, line 4: Change "Akamal Laktir" to "Kamala Lakhdhir"

Page 72, line 18: Change 1937 to 1973

Page 75, line 16: Add the words "of the" after the word "officer"

Page 78, line 2: Eliminate the words "U.N. Member"

Page 85, line 17: Eliminate the words "many" and "have a"; change "statement" to "statements", add "many" before "statements"

Page 89, line 23: Change the words "for whatever" to "whatsoever"

Page 95, line 11: Change "and" to "who"

Page 95, line 18: Change "counsel" to "consult"

Page 101, line 11: Change "our" to "their"

Page 102, line 10: Eliminate the word "not"

Page 102, line 11: Eliminate the words "all of"

Page 104, line 8: Change "keening" to "keying"

Rosemary A. DiCarlo
April 5, 2016

EXHIBIT 1

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

From: DiCarlo, Rosemary A (USUN)
Sent: Wednesday, September 12, 2012 11:11 AM
To: [redacted] (USUN); [redacted]
Subject: Re: URGENT DC CLEARANCE REQUEST -- draft SC press stmt on attacks

We need a text asap. We cannot walk out of here without one. Pease take draft to the highest levels.

From: [redacted] (USUN)
Sent: Wednesday, September 12, 2012 11:00 AM
To: [redacted]
Cc: DiCarlo, Rosemary A (USUN); [redacted] USUN-SER Briefing Book-DL; [redacted] (USUN); [redacted]
Subject: Re: URGENT DC CLEARANCE REQUEST -- draft SC press stmt on attacks

[redacted]

Many thanks.

Given the tenor of the conversation, RDC recommends the following addition (shown in all caps) in para #3

"The members of the SC REJECTS DENIGRATION OF RELIGION, HOWEVER emphasized that there is no justification...."

Pls advise if this can be folded in w/out too much difficulty.

Thanks,
[redacted]

From: [redacted]
Sent: Wednesday, September 12, 2012 10:46 AM
To: [redacted] (USUN); [redacted]
Cc: DiCarlo, Rosemary A (USUN); [redacted] USUN-SER Briefing Book-DL; [redacted] (USUN); [redacted]
Subject: RE: URGENT DC CLEARANCE REQUEST -- draft SC press stmt on attacks

Trying but there are in fact comments and there is an email problem between state and NSC – I had to fax it.

SBU
This email is UNCLASSIFIED.

From: [redacted] (USUN)
Sent: Wednesday, September 12, 2012 10:46 AM

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.

To: [redacted]
Cc: DiCarlo, Rosemary A (USUN); [redacted] USUN-SER
Briefing Book-DL; [redacted] (USUN); [redacted]
Subject: Re: URGENT DC CLEARANCE REQUEST -- draft SC press stmt on attacks

[redacted]

We've just moved into consultations. We'd like to be able to circulate asap, while ambassadors are in the room together. Pls advise on ETA for clearances.

Thanks,
[redacted]

From: [redacted] (USUN)
Sent: Wednesday, September 12, 2012 09:52 AM
To: [redacted]
Cc: DiCarlo, Rosemary A (USUN); [redacted] USUN-SER
Briefing Book-DL; [redacted] (USUN); [redacted]
Subject: URGENT DC CLEARANCE REQUEST -- draft SC press stmt on attacks

[redacted]

Attached and below is the draft SC press statement which includes Susan's edit and the new para #6. Ideally we'd have this cleared and in hand to circulate in the Council by/around 10.45. I know that's a quick turnaround. Of most concern is the language in para 1 – need Washington to fact check what we've got.

I'll be in the Council, but will be on bberry. Do call me if you need me urgently. ([redacted])

Thanks,
[redacted]

DRAFT
SECURITY COUNCIL PRESS STATEMENT ON ATTACKS AGAINST U.S. DIPLOMATIC PERSONNEL

(1) The members of the Security Council condemned in the strongest terms the attack on the United States of America's consulate and diplomatic personnel in Benghazi, Libya on 11 September, which resulted in the deaths of four American diplomatic personnel, including the Ambassador, and injuries to diplomatic personnel and civilians. They expressed their deep sympathy and sincere condolences to the victims of this heinous act and to their families.

(2) The members of the Security Council also condemned in the strongest terms the attack on the United States Embassy in Cairo, Egypt on 11 September

(3) The members of the Security Council emphasized that there is no justification for the senseless violence that took the lives of these diplomatic personnel.

(4) The members of the Security Council recalled the fundamental principle of the inviolability of diplomatic and consular premises, and the obligations on host Governments, including under the

Comment [f1]: I've added this to cover attacks that occurred on the consulate grounds and any that occurred outside of the grounds (e.g., dip car)

Comment [f2]: Washington, pls confirm. Were there local civilians injured?

Comment [f3]: Standard language (SC/10717)

Comment [f4]: New language

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1961 Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations, to take all appropriate steps to protect diplomatic and consular premises against any intrusion or damage, and to prevent any disturbance of the peace of these missions or impairment of their dignity.

(5) In this context, and expressing their deep concern at such attacks, the members of the Security Council called on all authorities to protect diplomatic and consular property and personnel, and to respect their international obligations in this regard.

Comment [f5]: This is direct from 29 Nov 2011 statement re UK dip premises attack in Iran (SC/10463)

(6) The members of the Security Council underlined the need to bring perpetrators, organizers, financiers and sponsors of this reprehensible act to justice.

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EXHIBIT 2

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[redacted]

m: [redacted] (USUN)
Sent: Wednesday, September 12, 2012 11:41 AM
To: [redacted] (USUN); [redacted] (USUN); [redacted] (USUN); [redacted] [redacted] (USUN)
Subject: RE: Russia says concerned by deadly attack on U.S. Libya diplomats (Reuters)

I would add that Dep't and WH statements so far have not referred to "terrorist attacks." If RU comes in with that proposal, I would think that a quick vetting with Washington would be necessary. It's possible that Washington would go along with it, as this isn't hard and fast and is very fact dependent, but Washington might not, given the absence of the phrase in statements so far.

From: [redacted] (USUN)
Sent: Wednesday, September 12, 2012 11:29 AM
To: [redacted] (USUN); [redacted] (USUN); [redacted] (USUN); [redacted] (USUN)
Subject: RE: Russia says concerned by deadly attack on U.S. Libya diplomats (Reuters)

Right. There is no commonly agreed UN definition of terrorism. We frequently look at the nature of the attack, the targets (i.e. were there civilians?), the motive and any possible connection to known terrorist groups.

SBU
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From: [redacted] (USUN)
Sent: Wednesday, September 12, 2012 11:24 AM
To: [redacted] (USUN); [redacted] (USUN); [redacted] (USUN)
Cc: [redacted] (USUN)
Subject: RE: Russia says concerned by deadly attack on U.S. Libya diplomats (Reuters)

"terrorism" is still not well defined. So there isn't a firm clear trip wire. Usually there must be a political objective and some degree of planning and organization. Cc'ing [redacted]

From: [redacted] (USUN)
Sent: Wednesday, September 12, 2012 11:19 AM
To: [redacted] (USUN); [redacted] (USUN); [redacted] (USUN)
Subject: Re: Russia says concerned by deadly attack on U.S. Libya diplomats (Reuters)

When is an attack "terrorist"? What's the trip wire?

From: [redacted] (USUN)
Sent: Wednesday, September 12, 2012 11:12 AM
To: [redacted] (USUN); [redacted] (USUN); [redacted] (USUN)
Subject: RE: Russia says concerned by deadly attack on U.S. Libya diplomats (Reuters)

The issue here is that we simply do not yet have enough information to characterize this as a terrorist attack. It may have been, but we simply don't know yet, as it may have been a mob that got out of control.

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From: [redacted] (USUN)
Sent: Wednesday, September 12, 2012 11:08 AM
To: [redacted] (USUN); [redacted] (USUN); [redacted] (USUN)
Subject: Fw: Russia says concerned by deadly attack on U.S. Libya diplomats (Reuters)

[redacted]

RDC and I were just discussing the Russian reference to terrorism here. It could foreshadow an attempt by their delegation to insert something on terrorism in statement. RDC asks what our response would be to push back? Thanks, [redacted]

From: OpsNewsTicker@state.gov [mailto:OpsNewsTicker@state.gov]
Sent: Wednesday, September 12, 2012 10:57 AM
To: NEWS-Libya; NEWS-Russia
Subject: Russia says concerned by deadly attack on U.S. Libya diplomats (Reuters)

MOSCOW (Reuters) - Russia expressed deep concern on Wednesday over an attack that killed the U.S. ambassador to Libya and said it considers all attacks on diplomats to be "manifestations of terrorism".

"Moscow views the events in Cairo and particularly in Benghazi, which led to the tragic deaths of four American diplomats, with deep concern," the Russian Foreign Ministry said in a statement.

"We decisively condemn all attacks on foreign diplomatic representations and their employees as manifestations of terrorism that can have no justification," it said.

NewsTickers alert senior Department officials to breaking news. This item appears as it did in its original publication and does not contain analysis or commentary by Department sources.

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EXHIBIT 3

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From: DiCarlo, Rosemary A (USUN)
Sent: Wednesday, September 12, 2012 11:11 AM
To: [redacted] (USUN); [redacted]
Subject: Re: URGENT DC CLEARANCE REQUEST -- draft SC press stmt on attacks

We need a text asap. We cannot walk out of here without one. Pease take draft to the highest levels.

From: [redacted] (USUN)
Sent: Wednesday, September 12, 2012 11:00 AM
To: [redacted]
Cc: DiCarlo, Rosemary A (USUN); [redacted] USUN-SER Briefing Book-DL; [redacted] (USUN); [redacted]
Subject: Re: URGENT DC CLEARANCE REQUEST -- draft SC press stmt on attacks

[redacted]

Many thanks.

Given the tenor of the conversation, RDC recommends the following addition (shown in all caps) in para #3

"The members of the SC REJECTS DENIGRATION OF RELIGION, HOWEVER emphasized that there is no justification...."

Pls advise if this can be folded in w/out too much difficulty.

Thanks,
[redacted]

From: [redacted]
Sent: Wednesday, September 12, 2012 10:46 AM
To: [redacted] (USUN); [redacted]
Cc: DiCarlo, Rosemary A (USUN); [redacted] USUN-SER Briefing Book-DL; [redacted] (USUN); [redacted]
Subject: RE: URGENT DC CLEARANCE REQUEST -- draft SC press stmt on attacks

Trying but there are in fact comments and there is an email problem between state and NSC – I had to fax it.

SBU
This email is UNCLASSIFIED.

From: [redacted] (USUN)
Sent: Wednesday, September 12, 2012 10:46 AM

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To: [redacted]
Cc: DiCarlo, Rosemary A (USUN); [redacted] USUN-SER
Briefing Book-DL; [redacted] (USUN); [redacted]
Subject: Re: URGENT DC CLEARANCE REQUEST -- draft SC press stmt on attacks

[redacted]

We've just moved into consultations. We'd like to be able to circulate asap, while ambassadors are in the room together. Pls advise on ETA for clearances.

Thanks,
[redacted]

From: [redacted] (USUN)
Sent: Wednesday, September 12, 2012 09:52 AM
To: [redacted]
Cc: DiCarlo, Rosemary A (USUN); [redacted] USUN-SER
Briefing Book-DL; [redacted] (USUN); [redacted]
Subject: URGENT DC CLEARANCE REQUEST -- draft SC press stmt on attacks

[redacted]

Attached and below is the draft SC press statement which includes Susan's edit and the new para #6. Ideally we'd have this cleared and in hand to circulate in the Council by/around 10.45. I know that's a quick turnaround. Of most concern is the language in para 1 – need Washington to fact check what we've got.

I'll be in the Council, but will be on bberry. Do call me if you need me urgently. ([redacted])

Thanks,
[redacted]

DRAFT
SECURITY COUNCIL PRESS STATEMENT ON ATTACKS AGAINST U.S. DIPLOMATIC PERSONNEL

(1) The members of the Security Council condemned in the strongest terms the attack on the United States of America's consulate and diplomatic personnel in Benghazi, Libya on 11 September, which resulted in the deaths of four American diplomatic personnel, including the Ambassador, and injuries to diplomatic personnel and civilians. They expressed their deep sympathy and sincere condolences to the victims of this heinous act and to their families.

(2) The members of the Security Council also condemned in the strongest terms the attack on the United States Embassy in Cairo, Egypt on 11 September

(3) The members of the Security Council emphasized that there is no justification for the senseless violence that took the lives of these diplomatic personnel.

(4) The members of the Security Council recalled the fundamental principle of the inviolability of diplomatic and consular premises, and the obligations on host Governments, including under the

Comment [f1]: I've added this to cover attacks that occurred on the consulate grounds and any that occurred outside of the grounds (e.g., dip car)

Comment [f2]: Washington, pls confirm. Were there local civilians injured?

Comment [f3]: Standard language (SC/10717)

Comment [f4]: New language

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1961 Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations, to take all appropriate steps to protect diplomatic and consular premises against any intrusion or damage, and to prevent any disturbance of the peace of these missions or impairment of their dignity.

(5) In this context, and expressing their deep concern at such attacks, the members of the Security Council called on all authorities to protect diplomatic and consular property and personnel, and to respect their international obligations in this regard.

Comment [f5]: This is direct from 29 Nov 2011 statement re UK dip premises attack in Iran (SC/10463)

(6) The members of the Security Council underlined the need to bring perpetrators, organizers, financiers and sponsors of this reprehensible act to justice.

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EXHIBIT 4

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[redacted]

From: [redacted] (USUN)
Sent: Wednesday, September 12, 2012 9:10 AM
To: DiCarlo, Rosemary A (USUN); [redacted] (USUN); [redacted] (USUN); [redacted] (USUN); [redacted]
Cc: [redacted]
Subject: URGENT REVIEW: DRAFT SC PRESS STMT ON ATTACKS
Attachments: Doc1.docx

Importance: High

For your review, the draft SC stmt. If you agree with this text, I'll send to SER, [redacted] for clearance.

Also, [redacted] – we have their support for any stmt we may wish to work through the Council.

Thanks.
[redacted]

DRAFT
SECURITY COUNCIL PRESS STATEMENT ON ATTACKS AGAINST U.S. DIPLOMATIC PERSONNEL

(1) The members of the Security Council condemned in the strongest terms the attack on the United States of America's consulate and diplomatic personnel in Benghazi, Libya on 11 September, which resulted in the deaths of four American diplomatic personnel and injuries to diplomatic personnel and civilians.

(2) The members of the Security Council also condemned in the strongest terms the attack on the United States Embassy in Cairo, Egypt on 11 September.

(3) The members of the Security Council unequivocally opposed the senseless violence that took the lives of these diplomatic personnel.

(4) The members of the Security Council recalled the fundamental principle of the inviolability of diplomatic and consular premises, and the obligations on host Governments, including under the 1961 Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations, to take all appropriate steps to protect diplomatic and consular premises against any intrusion or damage, and to prevent any disturbance of the peace of these missions or impairment of their dignity.

(5) In this context, and expressing their deep concern at such attacks, the members of the Security Council called on the Iranian authorities to protect diplomatic and consular property and personnel, and to respectfully their international obligations in this regard.

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From: [redacted] (USUN)
Sent: Wednesday, September 12, 2012 8:40 AM
To: [redacted] (USUN); [redacted] (USUN); [redacted] (USUN); [redacted] (USUN)
Subject: RE: URGENT REVIEW REQUEST: DRAFT SC PRESS STATEMENT ON ATTACK OF BENGHAZI, CAIRO

We have some guidance on this from RDC. [redacted] on the call with SER now so expecting a bit more. Stand by.

[redacted]
Counselor for Political Affairs | Alternate UNSC Political Coordinator
United States Mission to the United Nations
Tel: (212) 415-4031 * | [redacted] Fax: (212) 415-4443 |
(*Please note my new telephone number.)

This email is UNCLASSIFIED.

From: [redacted] (USUN)
Sent: Wednesday, September 12, 2012 8:37 AM
To: [redacted] (USUN); [redacted] (USUN); [redacted] (USUN); [redacted] (USUN)
Subject: Re: URGENT REVIEW REQUEST: DRAFT SC PRESS STATEMENT ON ATTACK OF BENGHAZI, CAIRO

I would suggest deleting cairo reference if we not pushed to include

From: [redacted] (USUN)
Sent: Wednesday, September 12, 2012 08:05 AM
To: [redacted] (USUN); [redacted] (USUN); [redacted] (USUN); [redacted] (USUN)
Subject: Re: URGENT REVIEW REQUEST: DRAFT SC PRESS STATEMENT ON ATTACK OF BENGHAZI, CAIRO

Was this a terrorist attack? Has the dept called this a terrorist attack as opposed to just an 'attack'?

From: [redacted] (USUN)
Sent: Wednesday, September 12, 2012 08:00 AM
To: [redacted] (USUN); [redacted] (USUN); [redacted] (USUN); [redacted] (USUN)
Subject: URGENT REVIEW REQUEST: DRAFT SC PRESS STATEMENT ON ATTACK OF BENGHAZI, CAIRO

Washington is likely to ask us to push for a council press statement on the attacks in Benghazi. The decision is still pending. To be prepared for this possibility, I've drafted a stmt. **Please review and provide any suggestions you have by 8.20** (at which time I'll meet with RDC on this.) Of particular

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concern are the first two paragraphs – welcome comments on the status of those killed – is it ok to call all of them dip personnel? Were there any civilians?

Please do not forward outside of this group at this point.

Thanks,
[redacted]

DRAFT
SECURITY COUNCIL PRESS STATEMENT ON ATTACKS AGAINST U.S. DIPLOMATIC PERSONNEL

(1) The members of the Security Council condemned in the strongest terms the terrorist attack on the United States of America's consulate which occurred in Benghazi, Libya on 11 September and resulted in the deaths of four American diplomatic personnel and injuries to diplomatic personnel and civilians.

Comment [f1]: Must confirm numbers/injuries/status.

(2) The members of the Security Council also condemned in the strongest terms the terrorist attacks on the U.S. Embassy in Cairo, Egypt on 11 September.

(3) The members of the Security Council rejected efforts to denigrate the religious beliefs of others, while unequivocally opposing the senseless violence that took the lives of these diplomatic personnel.

Comment [f2]: New language; largely pulled from POTUS, S statements

(4) The members of the Security Council reaffirmed that terrorism in all its forms and manifestations constitutes one of the most serious threats to peace and security, and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed.

(5) The members of the Security Council reaffirmed the need to combat by all means, in accordance with the Charter of the United Nations and all obligations under international law, in particular international human rights, refugee and humanitarian law, threats to international peace and security caused by terrorist acts.

(6) The members of the Security Council condemned the new and recurring acts of violence against diplomatic and consular representatives, which endanger or take innocent lives and seriously impede the normal work of such representatives and officials.

(7) The members of the Security Council recalled the obligations on States, including under the 1961 Vienna Convention on Diplomatic Relations, the 1963 Vienna Convention on Consular Relations and the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents.

(8) The members of the Security Council underlined the need to bring perpetrators, organizers, financiers and sponsors of these reprehensible acts of terrorism to justice, and urged all States, in accordance with their obligations under international law and relevant Security Council resolutions, to cooperate actively with all relevant authorities in this regard.

Comment [f3]: This is direct from 23 FEB 2012 SC stmt passed on Israeli diplomatic personnel attacks.

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From: [redacted] (USUN)
Sent: Wednesday, September 12, 2012 9:46 AM
To: Rice, Susan E (USUN); [redacted] (USUN)
Cc: DiCarlo, Rosemary A (USUN); [redacted] USUN-SER Briefing Book-DL; [redacted] (USUN); [redacted]
Subject: RE: SER/URGENT REVIEW -- draft SC press stmt on attacks

Thanks.

We will also seek to add as a last para the standard language on bringing perps to justice --

The members of the Security Council underlined the need to bring perpetrators, organizers, financiers and sponsors of this reprehensible act to justice.

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From: Rice, Susan E (USUN)
Sent: Wednesday, September 12, 2012 9:44 AM
To: [redacted] (USUN); [redacted] (USUN)
Cc: DiCarlo, Rosemary A (USUN); [redacted] USUN-SER Briefing Book-DL; [redacted] (USUN); [redacted]
Subject: Re: SER/URGENT REVIEW -- draft SC press stmt on attacks

Fine. One addition:

(1) The members of the Security Council condemned in the strongest terms the attack on the United States of America's consulate and diplomatic personnel [f1] in Benghazi, Libya on 11 September, which resulted in the deaths of four American diplomatic personnel, including the Ambassador, and injuries to diplomatic personnel and civilians.[f2] They expressed their deep sympathy and sincere condolences to the victims of this heinous act and to their families.[f3]

From: [redacted] (USUN)
Sent: Wednesday, September 12, 2012 09:26 AM
To: Rice, Susan E (USUN); [redacted] (USUN)
Cc: DiCarlo, Rosemary A (USUN); [redacted] USUN-SER Briefing Book-DL; [redacted] (USUN); [redacted]
Subject: SER/URGENT REVIEW -- draft SC press stmt on attacks

Susan,

As discussed on the morning call, below is a draft Council statement on the attacks for your review. As soon as we have your feedback we'll ask that [redacted] gather Washington clearances so that we can potentially circulate this at the UNSMIL Council session (beginning at 10.15 am.)

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Thanks,

[redacted]

DRAFT

SECURITY COUNCIL PRESS STATEMENT ON ATTACKS AGAINST U.S. DIPLOMATIC PERSONNEL

(1) The members of the Security Council condemned in the strongest terms the attack on the United States of America's consulate and diplomatic personnel in Benghazi, Libya on 11 September, which resulted in the deaths of four American diplomatic personnel and injuries to diplomatic personnel and civilians. They expressed their deep sympathy and sincere condolences to the victims of this heinous act and to their families.

(2) The members of the Security Council also condemned in the strongest terms the attack on the United States Embassy in Cairo, Egypt on 11 September.

(3) The members of the Security Council emphasized that there is no justification for the senseless violence that took the lives of these diplomatic personnel.

(4) The members of the Security Council recalled the fundamental principle of the inviolability of diplomatic and consular premises, and the obligations on host Governments, including under the 1961 Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations, to take all appropriate steps to protect diplomatic and consular premises against any intrusion or damage, and to prevent any disturbance of the peace of these missions or impairment of their dignity.

(5) In this context, and expressing their deep concern at such attacks, the members of the Security Council called on all authorities to protect diplomatic and consular property and personnel, and to respect their international obligations in this regard.

Comment [f1]: I've added this to cover attacks that occurred on the consulate grounds and any that occurred outside of the grounds (e.g., dip car)

Comment [f2]: Washington, pls confirm. Were there local civilians injured?

Comment [f3]: Standard language (SC/10717)

Comment [f4]: New language

Comment [f5]: This is direct from 29 Nov 2011 statement re UK dip premises attack in Iran (SC/10463)

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[redacted]

From: [redacted]
Sent: Wednesday, September 12, 2012 11:45 AM
To: [redacted] Sullivan, Jacob J; Sherman, Wendy R; [redacted] Nuland, Victoria J; Nides, Thomas R; Reines, Philippe I
Cc: [redacted] DiCarlo, Rosemary A (USUN)
Subject: RE: URGENT - UNSC press statement

Expires: Sunday, November 11, 2012 12:00 AM

I clear for D(N).
[redacted]

[redacted]
Chief of Staff to
Deputy Secretary Tom Nides
202-647-5173

From: [redacted]
Sent: Wednesday, September 12, 2012 11:28 AM
To: Sullivan, Jacob J; Sherman, Wendy R; [redacted] Nuland, Victoria J; Nides, Thomas R; Reines, Philippe I
Cc: [redacted] DiCarlo, Rosemary A (USUN)
Subject: URGENT - UNSC press statement
Importance: High

Team – This is the latest draft and we are looking for final clearance. I flag most importantly the bracketed text in para 3, which is new from the initial version. We are more likely to get this without change if we can circulate it during the ongoing UNSC session but that means moving ASAP, within the next 10-15 minutes. Have sent to NSS as well but email connectivity is down so we're having to do it the oldfashioned way with NSS.

[redacted]

DRAFT
SECURITY COUNCIL PRESS STATEMENT ON ATTACKS AGAINST U.S. DIPLOMATIC PERSONNEL

(1) The members of the Security Council condemned in the strongest terms the attack on the United States of America's diplomatic mission and personnel in Benghazi, Libya on 11 September, which resulted in the deaths of four American diplomatic personnel, including the Ambassador, and injuries to diplomatic personnel and civilians. They expressed their deep sympathy and sincere condolences to the victims of this heinous act and to their families.

(2) The members of the Security Council also condemned in the strongest terms the attack on the United States Embassy in Cairo, Egypt on 11 September.

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(3) The members of the Security Council emphasized that there is no justification for this senseless violence [and rejected the denigration of religion].

(4) The members of the Security Council recalled the fundamental principle of the inviolability of diplomatic and consular premises, and the obligations on host Governments, including under the 1961 Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations, to take all appropriate steps to protect diplomatic and consular premises against any intrusion or damage, and to prevent any disturbance of the peace of these missions or impairment of their dignity, and to prevent any attack on diplomatic agents and consular officers.

(5) In this context, and expressing their deep concern at these attacks, the members of the Security Council called on all authorities to protect diplomatic and consular property and personnel, and to respect their international obligations in this regard.

(6) The members of the Security Council underlined the need to bring perpetrators of this reprehensible act to justice.

(7) The members of the Security Council noted that the tragic attack in Libya risks making the political transition in Libya even more difficult, and underscored the durable commitment of the international community to support its successful transition to a peaceful and prosperous democracy.

SBU
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From: [redacted]
Sent: Wednesday, September 12, 2012 11:22 AM
To: [redacted]
Subject: here it is...

SBU
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[redacted]

From: Rice, Susan E (USUN)
Sent: Wednesday, September 12, 2012 12:03 PM
To: [redacted] (USUN); [redacted] (USUN); [redacted] (USUN); [redacted]
Cc: [redacted]
Subject: Re: UNSC/Libya - Draft press statement

Good. Thanks.

From: [redacted]
Sent: Wednesday, September 12, 2012 11:52 AM
To: Rice, Susan E (USUN); [redacted] (USUN); [redacted] (USUN); [redacted] (USUN); [redacted]
Cc: [redacted]
Subject: UNSC/Libya - Draft press statement

Attached and pasted below is the draft cleared by Denis McDonough and State. Rosemary and our team in the Council have it now.

DRAFT
SECURITY COUNCIL PRESS STATEMENT ON ATTACKS AGAINST U.S. DIPLOMATIC PERSONNEL

(1) The members of the Security Council condemned in the strongest terms the attack on the United States of America's diplomatic mission and personnel in Benghazi, Libya on 11 September, which resulted in the deaths of four American diplomatic personnel, including the Ambassador, and injuries to diplomatic personnel and civilians. They expressed their deep sympathy and sincere condolences to the victims of this heinous act and to their families.

(2) The members of the Security Council also condemned in the strongest terms the attack on the United States Embassy in Cairo, Egypt on 11 September.

(3) The members of the Security Council emphasized that there is no justification for this senseless violence and rejected the denigration of religion.

(4) The members of the Security Council recalled the fundamental principle of the inviolability of diplomatic and consular premises, and the obligations on host Governments, including under the 1961 Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations, to take all appropriate steps to protect diplomatic and consular premises against any intrusion or damage, and to prevent any disturbance of the peace of these missions or impairment of their dignity, and to prevent any attack on diplomatic agents and consular officers.

(5) In this context, and expressing their deep concern at these attacks, the members of the Security Council called on all authorities to protect diplomatic and consular property and personnel, and to respect their international obligations in this regard.

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(6) The members of the Security Council underlined the need to bring perpetrators of these reprehensible acts to justice.

(7) The members of the Security Council noted that the tragic attack in Libya risks making the political transition in Libya even more difficult, and underscored the durable commitment of the international community to support its successful transition to a peaceful and prosperous democracy.

SBU
This email is UNCLASSIFIED.

From: [redacted]
Sent: Wednesday, September 12, 2012 11:49 AM
To: DiCarlo, Rosemary A (USUN); [redacted] (USUN)
Cc: [redacted] (USUN); [redacted]
Subject: here it is

SBU
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EXHIBIT 8

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From: [redacted] (USUN)
Sent: Wednesday, September 12, 2012 1:16 PM
To: NEA-MAG-DL; [redacted] 'Fishman, Benjamin I.'; [redacted] NEA-Staff-Assistants-DL
Cc: USUN-Libya-DL
Subject: Security Council press statement on attacks issued

FYI –

Below please find the final statement issued by the Security Council on the September 11 attacks in Benghazi and Cairo.

[redacted]

SECURITY COUNCIL PRESS STATEMENT ON ATTACKS AGAINST U.S. DIPLOMATIC PERSONNEL

The members of the Security Council condemned in the strongest terms the attack on the United States of America's diplomatic mission and personnel in Benghazi, Libya on 11 September, which resulted in the deaths of four American diplomatic personnel, including the Ambassador, and injuries to diplomatic personnel and civilians. They expressed their deep sympathy and sincere condolences to the victims of this heinous act and to their families.

The members of the Security Council also condemned in the strongest terms the attack on the United States Embassy in Cairo, Egypt on 11 September.

The members of the Security Council underlined the need to bring perpetrators of these acts to justice.

The members of the Security Council reaffirmed that such acts are unjustifiable regardless of their motivations, whenever and by whomsoever committed.

The members of the Security Council recalled the fundamental principle of the inviolability of diplomatic and consular premises, and the obligations on host Governments, including under the 1961 Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations, to take all appropriate steps to protect diplomatic and consular premises against any intrusion or damage, and to prevent any disturbance of the peace of these missions or impairment of their dignity, and to prevent any attack on diplomatic agents and consular officers.

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In this context, and expressing their deep concern at these attacks, the members of the Security Council called on all authorities to protect diplomatic and consular property and personnel, and to respect their international obligations in this regard.

The members of the Security Council underscored the durable commitment of the international community to support Libya's successful transition to a peaceful and prosperous democracy.

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EXHIBIT 9

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

From: [redacted] (USUN)
Sent: 9/13/2012 10:58:15 AM
To: SMART Core
Subject: UNSC/Libya: Council Unanimously Condemns Attacks on U.S. Diplomatic Posts

UNCLASSIFIED
SBU

MRN:	12 USUN NEW YORK 548
Date/DTG:	Sep 13, 2012 / 131458Z SEP 12
From:	USMISSION USUN NEW YORK
Action:	WASHDC, SECSTATE*ROUTINE*
E.O.:	13526
TAGS:	PUND, PREL, PINS, UNSC, EG, LY
Captions:	SENSITIVE
Subject:	UNSC/Libya: Council Unanimously Condemns Attacks on U.S. Diplomatic Posts

1. (SBU) SUMMARY: A somber September 12 Security Council session on Libya focused largely on the previous day's attack in Benghazi that led to the death of four U.S. diplomats. Under Secretary-General for Political Affairs Jeffrey Feltman conveyed the Secretary-General's condemnation of the incident, expressed condolences to the families of the victims, and said that while the UN rejects the defamation of religion, there was no justification for such acts. Feltman used the incident as an example of the security challenges facing the new government, a sentiment by Council members. He also cited the positive early progress by the General National Council (GNC) and expressed the UN's resolve in assisting the new Libyan government in the next stage of Libya's democratic transition. Council members, joined by the Libyan representative, unanimously condemned the attack and swiftly agreed a press statement reiterating the obligations of the Vienna Convention on Diplomatic Relations and calling for the perpetrators to be brought to justice. Russia, China, and India used the incident to paint a dark picture of the direction Libya is heading, while other Council members urged the international community to redouble its efforts to assist Libyans in their democratic transition. END SUMMARY.

Feltman Condemns Benghazi Attack, Rejects Defamation of Religion

2. (U) Under-Secretary-General for Political Affairs Jeffrey Feltman briefed the Security Council September 12 during a regularly scheduled briefing on events in Libya during the preceding 60 days and provided recommendations for UNSMIL's continued support to the Libyan government. NOTE: This briefing was a regularly scheduled Council session on UNSMIL and was not convened specifically in response to the September 11 attack. END NOTE. Feltman began by condemning the September 11 attack on the U.S. Consulate in Benghazi, which lead to the deaths of four U.S. diplomats, and reminded the Libyan authorities of their obligations to protect diplomatic facilities and personnel. He stated that the United Nations "rejects defamation of religion in all forms," but went on to assert that there is no justification for such violent acts. Feltman also conveyed his personal condolences to the family and friends of Ambassador Chris Stevens, noting that they had worked together for years during Feltman's tenure at the State Department.

3. (U) Feltman cited the incident, along with the recent assassinations of security personnel in Benghazi, a series of explosive devices in Tripoli, and attacks on Sufi shrines, as clear evidence of the security challenges facing the Libyan authorities. He noted Transitional National Council (TNC) Chairman Mustafa Jalil's acknowledgment of the Libyan

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government's shortcomings in addressing these issues, a sentiment echoed by members of the new GNC. To assist the government in tackling these challenges, Feltman assured the Council that UNSMIL is focusing its advisory and coordination efforts on six key areas: national security architecture, police reform, defense reform, arms and ammunition management, border security, and disarmament demobilization and reintegration.

UN Highlights GNC's Early Progress

4. (U) Noting the significance of the August 8 transfer of authority from the TNC to the 200-member GNC, Feltman praised the GNC's swift August 9election of a president and two vice presidents. He noted that the use of secret balloting and the live broadcasting of the proceedings boded well for the GNC's commitment to transparency. Feltman highlighted UNSMIL's technical support for the GNC's secretariat and developing the recently adopted parliamentary rules of procedure. Feltman underscored that the GNC must quickly address urgent priorities, such as initiating a national dialogue, adopting local governance legislation, and strengthening its capacity to exercise oversight over the government. He noted that the GNC was scheduled to elect a new prime minister the same day. On the drafting of Libya's new constitution, Feltman was clear that UNSMIL would provide significant assistance and stressed the need for the process to be transparent, inclusive and consultative.

5. (U) Regarding illegal detainees, Feltman reported the positive step taken by the Libyan prosecutor's office to commence screening of detaining held in Misrata, which lead to the subsequent release of 130 detainees. He underscored the need for the Ministry of Justice to implement a more systematic, accelerated approach to the screening of all remaining detainees. He noted that UNSMIL continues to urge Libyan authorities to implement measures to prevent and investigate torture and mistreatment. On the broader issue of UNSMIL assistance to the Libyan government, Fetlman reported that UNSMIL has begun informal consultations with the GNC to discuss priorities for UN assistance. He noted that it appears unlikely that there will be any request to adjust the mandate as provided for in UNSCR 2040. Finally, Feltman thanked outgoing SRSG Ian Martin for his service and welcomed Tarek Mitri as his replacement.

Libyan Representative Pays Tribute to "One of Libya's Greatest Friends"

6. (U) Libyan Deputy Permanent Representative Ibrahim Dabbashi dedicated his remarks solely to the attack on the U.S. Consulate in Benghazi. Dabbashi expressed the Libyan government's absolute condemnation of the attack and stated that it was executed by an extremist group acting outside the law, and which does not represent the beliefs of the Libyan people. He pledged that the Libyan government would bring the perpetrators to justice and told the Council that the incident damaged the image of Islam around the world. Dabbashi gave a heartfelt tribute to Ambassador Stevens, declaring that he would "always being remember as one of Libya's greatest friends" and lauding him for having stood "shoulder-to-shoulder" with the Libyan people during their darkest hour. He expressed the gratitude of the Libyan people to Stevens for having assisted in their country's transition and supporting Libya's efforts to regain its proper place in the international community. He concluded by noting the obvious challenges the Libyan state faces in extending its authority and reaffirmed his government's determination to do so.

Members Unanimously Condemns Attack, Some Use Incident to Paint Dark Picture

8. (SBU) In closed consultations, Council members unanimously condemned the attack on the U.S. Consulate and expressed their condolences for the loss of four U.S. diplomats. [redacted] Ambassador DiCarlo paid tribute to Ambassador Stevens and the other staff members killed and said that Council members must assist the authorities in responding to extremist elements who challenge the establishment of a safe and secure environment in Libya. [redacted]

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[redacted]

9. (SBU) Many members of the Council focused their remarks on the attack on the U.S. Consulate and limited their discussion of the other issues addressed in Feltman's briefing. European Council members acknowledged the security, governance, and human rights challenges facing Libya and called on UNSMIL and the international community to do more to assist. They stressed the need for UNSMIL to increase its role in coordinating international assistance to the Libyan government. Responding to a question from Ambassador DiCarlo, Feltman said that he agreed UNSMIL needed to do more in this area and noted that the Mission's budget request would increase this year to reflect increased staffing needs to fulfill these objectives. [redacted]

Council Adopts Press Statement Condemning Attack

10. (U) The Council adopted the U.S. proposed press statement condemning the attack. The full text of the statement can be found at:

http://www.un.org/Docs/sc/presidency/press_12.htm

MINIMIZE CONSIDERED.

Signature:	Rice
Drafted By:	USUN NEW YORK [redacted] (USUN)
Cleared By:	USUNNY/POL: [redacted] (USUN)
Approved By:	USUNNY/EXEC:DiCarlo, Rosemary A (USUN)
Released By:	USUN NEW YORK: [redacted] (USUN)
Info:	NATIONAL SECURITY COUNCIL WASHINGTON DC*ROUTINE* ; CAIRO, AMEMBASSY *ROUTINE* ; TRIPOLI, AMEMBASSY*ROUTINE* ; UN SECURITY COUNCIL COLLECTIVE *ROUTINE*
Action Post:	
Dissemination Rule:	Archive Copy

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INTERVIEW OF JOAN POLASCHIK

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, AUGUST 12, 2015

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

SHARON JACKSON, *Deputy Chief Counsel*
SHERIA CLARKE, *Counsel*
KIM BETZ, *Member Outreach Liaison*
SUSANNE SACHSMAN GROOMS, *Minority Staff Director/General Counsel*
HEATHER SAWYER, *Minority Chief Counsel*
PETER KENNY, *Minority Senior Counsel*
BRENT WOOLFORK, *Minority Senior Professional Staff*

FOR THE U.S. DEPARTMENT OF STATE

AUSTIN EVERS, *Senior Advisor*

FOR JOAN POLASCHIK

RAEKA SAFAI
American Foreign Service Association

Ms. Jackson. All right. We'll get started because your time is valuable.

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 at 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 you give us your full name for the record, please.

Ambassador [redacted]. Sure. [redacted].

Ms. Jackson. And for the reporter, I gave it to her but, could you spell your last name?

Ambassador [redacted]. [redacted] as in [redacted] [redacted] as in [redacted], [redacted].

Ms. Jackson. Okay. We appreciate your appearance before this committee today for this interview. Again, my name is Sharon Jackson. I am one of the counsel for the majority staff of the committee, and we're going to go around and introduce everybody again so we have that for the record, and we know we went through the introductions really fast this morning. There will be no quiz at the end as to who is who. So to your left is --

Ms. Safai. Raeka Safai, American Foreign Service Association.

Mr. Evers. Austin Evers, State Department.

Ms. Sachsman Grooms. I'm Susanne Sachsman Grooms. I'm from the minority staff.

Mr. Kenny. Peter Kenny with the minority staff.

Ms. Clarke. Sheria Clarke with the majority staff.

Ms. Betz. And Kim Betz with the majority staff.

Ms. Jackson. Okay. Before we begin this interview, I'd like to go over the procedural ground rules that we follow in transcribed interviews before a congressional committee and explain how the interview will proceed.

The way questioning proceeds in congressional committees is that a member or a staff member from the majority staff will ask questions for up to an hour, and then the minority, either member or staff, will have the opportunity to ask questions for up to the next hour. And we generally firmly adhere to these one-hour timeframes; however, we have on occasion adjusted it in the past, but that's generally how the process will go.

Questions for this committee may only be asked by a member of the committee or a designated staff member, and then we'll go back and forth in these hour-long interviews until each side has exhausted all the questions that they have for you.

Unlike a testimony or deposition in Federal court, the committee's format is not bound by the Rules of Evidence. The witness or their counsel may raise objections for privilege, which is subject to the review of the chairman of the committee. If these objections cannot be resolved in the interview, the witness can be required to return for a deposition or a hearing.

Members and staff of the committee, however, are not permitted

to raise objections when the other side is asking questions. This really has not been an issue that we have encountered in the past, but I wanted you to be clear on the process that we will follow.

The room that we are in in this session is going to be unclassified. If any question that is posed to you would call for any answer that would get into the realm of classified information, please let us know, and we will reserve it for our classified session. We have made arrangements for a classified facility to be available this afternoon, and we can transition into it at a later date. So, just let us know, and we can reserve that question for the afternoon session. And I anticipate that we will have a short classified session this afternoon.

You are welcome to confer with the counsel who has accompanied you at any time throughout the interview, but if it's just a question that needs to be clarified, restated or repeated, please just ask us to do so, and we would be happy to do that. It's very important to us that you understand what we're asking so that you can give us the best answer that you have. If you need to confer with your counsel at any time, just let us know. We will go off the record. We will give you the opportunity to step outside and have a quiet, secure, place to confer with counsel regarding any matter that is brought up today.

We will also take a break whenever it is convenient for you. This is generally, we generally take a break after every hour of questioning; but if you need a break before then, please just let us know. Again, we'll go off the record. We have water here. We have coffee, so if

you need anything, just also let us know.

We hope to make this process as easy and comfortable as possible given the circumstances that we all find ourselves in today. As you can see, we have an official reporter taking down everything that you say to make a written record of this proceeding, so we ask that you give verbal responses to the questions that are asked as opposed to nods of the head, shaking.

Ambassador [redacted]. Okay.

Ms. Jackson. It's the common way of everyone doing that, and I'm going to also ask the reporter to interject if either of us get into the habit of giving nonverbal responses to anything.

The other thing that I'm going to ask the reporter to do is that as is human nature, we sometimes have a tendency to talk when the other person is talking when you're sure of what the question is and start to give an answer or a questioner going on to the next question before, so in order to get an accurate transcript of what is asked and answered today, I will do my level best to give short pause, deep breath, after you answer your question before I go on to the next to make sure that the reporter gets everything down, and I would ask her to interject too if we tend to get caught up in our conversation and don't do that.

And, again, if any question posed to you is unclear in any way, please just ask that it be restated, broken down, repeated in some way so that you understand what we're going for, because we'll be happy to repeat or clarify anything.

We do ask that you give the most complete, truthful answer that

you can to the questions that are posed to you today. We ask that you give us your best recollection. We understand that these events were a few years ago and memories fade over time and things aren't clear.

We have some documents that we are likely to show you today that were written on or at the time events occurred that will hopefully clarify things, put things in proper time perspective and things like that. So we're not here to trick or to, you know, capture anything. We really want to know what happened, and the only way for us to know what happened is for us to ask the people who were there at the time.

So if you cannot recall or if you don't know or can't remember something, just say so, but we'd also ask that you think about who might have the answer to that question and give us someone who was there or who also had that knowledge so that we can explore those issues with that person.

I don't know that you want to be known as the person who gave someone up to come before this committee, but it's really not that. There are just questions that we would like answers to, and we want to explore those.

Do you understand that you are required to answer questions from Congress truthfully?

Ambassador [redacted]. Yes.

Ms. Jackson. Okay. And do you also understand that this applies to a congressional committee.

Ambassador [redacted]. Yes and questions that are posed to you by staff in an interview?

Ambassador [redacted]. Yes.

Ms. Jackson. Okay. Do you understand that witnesses that knowingly provide false testimony could be subject to criminal prosecution for perjury or making false statements?

Ambassador [redacted]. Yes.

Ms. Jackson. Is there any reason that you would be unable to provide truthful answers to today's questions?

Ambassador [redacted]. No.

Ms. Jackson. Okay. Well that's the end of my preamble and the process that we're going to follow. I would ask the minority if they have anything they would like to add?

Mr. Kenny. No. We're all set. We just want to thank the Ambassador for her time and for appearing here today.

Ms. Jackson. Okay. I see that the clock says 10:14, so we'll start the first hour of questioning.

EXAMINATION

BY MS. JACKSON:

Q Ambassador, you are currently the Ambassador to Algeria. Is that correct?

A Yes.

Q And how long have you had that position?

A I was confirmed -- I don't actually remember when I was confirmed. Last summer sworn in on August 14th of last year, so I've been working on the ground in Algeria since September 13th of 2014.

Q So you're coming up on your one-year anniversary of being

in country being the Ambassador of Algeria?

A Yes.

Q Congratulations on that. That's wonderful.

A Thank you.

Q Can you just kind of walk us through your past experience with the State Department because we understand that you are a career Foreign Service officer?

A Yes, that's correct. I'm career Foreign Service. I joined the Foreign Service in March 1994. My first assignment was in Tashkantu, Pakistan. Then I worked in Tunis, Tunisia. Came back to Washington where I served as the NEA staff assistant working for Assistant Secretary of State.

I was on the Iran desk in Washington. Went out to Jordan as the Regional Refugee Coordinator. From there I did a year of Azerbaijani language training. And then I was in Azerbaijan. A year of Arabic training. Then I was in Libya as DCM, and then back in Washington where I served for about 6 months as the Director of the Office of Israel and Palestine Affairs and then the Director of Office of Egypt and Iraq Affairs before I was confirmed as U.S. Ambassador to Algeria.

Q And for purpose of this interview, you said that you had previously been the DCM in Libya?

A Yes, that's correct.

Q And what does DCM stand for?

A Oh sorry. Deputy Chief of Mission.

Q Thank you. And when were you in Libya?

A I started my assignment there on July 2, 2009, and I served in country, in Libya, until February 25th, 2011, when we evacuated the embassy fully and suspended operations because of the start of the Libyan revolution.

And then the Embassy evacuated to Washington, and we kept, we worked sort of in Embassy in exile from, I believe I came back to the department like on March 2nd, or something, 2011; and I was there through the end of August, 2011, during which time I did serve in Benghazi on two separate temporary duty stints filling in for Chris Stevens as the Acting Special Envoy.

In August 2011, our official status as Embassy Tripoli expired because the State Department had run the course of the 180 days of evacuation status for Embassy Tripoli, so we created a new entity that we called the Libya cell. And the purpose of the Libya cell was to either staff the mission in Benghazi if the situation continued and we needed to have our only representation in country in Benghazi because Qadhafi was still in Tripoli, or the Libya cell would serve as the nucleus of the group that would go back into Tripoli to reopen the Embassy.

So that was a bureaucratic way of keeping a core team together so that we could provide the staffing that was needed for an overseas presence in Libya regardless of what would happen in terms of the overall political environment there and where we would ultimately be.

So beginning in, it was either August or September, I was reassigned to the Libya cell, where I again served as the Deputy Chief

of Mission of the Libya Cell, which is a sort of odd title, and I was assigned to Washington but went back into Libya on September 10th, 2011, as part of the small group that went in to reopen the Embassy in Tripoli. And I stayed there until June 15th, 2012 when I completed my assignment.

Q And I'm sorry. What date in June was your last day in Libya?

A June 15th, 2012.

Q I want to go back and talk about this Libya cell for just a little bit because I want to make sure that I understand it. This is something kind of new that I have -- well, everything about the State Department is fairly new to me. But to make sure that I understand, as I understand what you just said, Embassy Tripoli suspended operations February 25th of 2011, and that suspension could only last for 180 days. Is that correct?

A Yes.

Q Okay. And by what authority does it expire after 180 days?

A I'm actually not sure of the legal parlance, but we had gone on fully ordered departure status and evacuated. So the State Department regs state that an Embassy can remain on a departure status, whether ordered or authorized, only for a maximum of 180 days.

And the conditions in Tripoli, given that Qadhafi was still there and the insurrection was still ongoing was such that it wasn't appropriate for us to go back into Tripoli to reopen the Embassy. But we wanted, the State Department, me personally as the Deputy Chief of Mission in Libya, wanted to make sure that we had the resources necessary to, as I said earlier, either staff up the mission in Benghazi

if we needed to continue our presence there as the diplomatic representation to the revolutionary authorities or to be able to jump back into Tripoli as soon as possible to be able to reopen the Embassy; and that Libya cell gave us the flexibility to do that. Because otherwise we would have to reassign everyone, and we did reassign everyone except this core group of positions that we kept.

Q And how many people was that in this Libya cell?

A I don't remember off the top of my head. I would have to really think it through. It was probably like six people, six to eight maximum.

Q Ambassador Cretz?

A Ambassador Cretz was never reassigned because he was the Ambassador to Libya, so he stayed the Ambassador to Libya no matter what.

Q Okay. So that didn't expire, if you will, after the 180 days when this core operation --

A Correct. And I'm not a State Department lawyer, so I couldn't explain to you the difference in his status versus the rest of us; but it was very clear as we were sorting this out there was a difference for him.

Q Who were some of the other people who were part of the Libya cell?

A It was me. I'm trying to remember. [redacted] was assigned as part of the Libya cell. He was the RSO. [redacted], who is a political officer; [redacted], who was a political and consular

officer. We had a GSO who was assigned. I'm picturing the guy's face. I can't remember him. Sorry. But we mapped out, and I'm sure somewhere in your files you have the paperwork that maps how exactly who that would be because that was very well documented. Like I said it was either six or eight positions.

Q So there was some sort of action memo or information memo designating the six or eight of you as part of the Libya cell?

A I'm fairly sure if my memory serves my correctly that there was an action memo, yes.

Q And who would have signed off on that action memo?

A I don't remember quite honestly.

Q Would it likely have been the Under Secretary For Management?

A That's likely, but I couldn't tell you with 100 percent certainty. I would have to look at the documents again and tell you who had done it. This was all in the summer of 2011, so 4 years ago.

Q This would have been around August of 2011 when the 180 days expired?

A Yes.

Q Whenever that date was?

A It was actually I remember it was like the day before Tripoli fell. Actually it was quite ironic.

Q Almost made it?

A Yes.

Q Again, if you could walk me through, what was the purpose

of the Libya cell?

A The purpose of the Libya cell was to ensure that we had appropriate staffing to continue diplomatic engagement in Libya, either to increase the presence in Benghazi if the current situation continued, the current situation being an ongoing struggle between Qadhafi and the revolutionary forces, or in the event that Qadhafi suddenly left power, that we could go in quickly and restaff and reopen the Embassy in Tripoli.

Q Okay. And that ultimately happened?

A Correct.

Q The Embassy Tripoli reopened in late September 2011. Is that correct?

A Correct.

Q Okay. During the time that Embassy Tripoli was in suspended operations, I believe the term that was used to describe you and others was Tripoli in Exile, or Embassy Tripoli in Exile or Embassy Tripoli on the Potomac?

A Yes.

Q Okay. What were your duties and responsibilities during that timeframe?

A Well, first when we immediately evacuated the Embassy, it was cleaning up -- not cleaning up in the literal sense -- but making sure that we had all the appropriate procedures in place to look after our properties and our locally engaged staff whom we left behind. And for me that was actually the biggest responsibility because I was quite

worried about their safety and security.

So there were lot of meetings initially working to set up protecting powers. I believe the Hungarians ultimately took it, although it was a convoluted series of meetings to set that up. And working with Under Secretary Kennedy and others to make sure that we had the appropriate mechanisms in place and the authorities, by the way, to continue paying our staff who continued to work while they were there. The local guards were continuing to patrol the properties, including our residences.

A number of people were, you know, undertaking activities to make sure that staff were being paid, et cetera. So it was quite a complicated operation. And especially given that we suspended operations in the course of, you know, two days basically, there was a lot of loose ends to tie up. We also at the same time took on a political reporting function like an Embassy because we had the contacts and the familiarity with the folks on the ground, so we reached out to people throughout Libya to talk to them about what was going on. You know, what's the military status? What's the fighting? What's the status of political party formation or the Transitional National Council?

So every day our team was reaching out making phone calls, and we did a daily update. I think it was daily. Maybe not every day, but a very regular update to Secretary Clinton about what we thought, you know, what we heard, what was going on and on the ground. And then as time progressed, we also used our Embassy Tripoli staff to supplement

the activities of the Libya desk which had gone from being a one person desk to suddenly in the midst of a rather high-profile and taxing crisis.

Q Let me just stop you there, and I want to go back for just a moment and have you expand a little bit on the decision to leave Tripoli. You said it happened very fast, in the matter of a course of days?

A Yes.

Q Can you just kind of walk us through what happened, who decided, who was making the call, just in that very short timeframe?

A Okay. Well, the uprising really started on February 17th in Benghazi. I believe that was a Thursday. On Friday in Tripoli, things started to get a little tense, sporadic gunfire. Then Saturday night, sustained gunfire, so we started having emergency action committee meetings that Sunday at the Embassy to talk about what our response should be. I started working immediately with Under Secretary Kennedy and his team, which is standard practice by the way in the State Department to do conference calls with Under Secretary Kennedy, the Operations Center, the Crisis Response people, Consular Affairs, Diplomatic Security, tapping into the whole network of resources here in the State Department to make sure that they understood what was happening on the ground and, you know, what our asks were and our needs.

So we started working on the mechanism to get people out. There was an aborted attempt to get our dependents out via a flight. That

didn't work, so we ultimately ended up getting a ferry that was chartered by the State Department. I'm sure you've seen all the stories about that. But then in the meantime, the political and military situation kept worsening. And there, of course, were high-level policy discussions back here in Washington, which are classified so I cannot discuss them in this forum. I participated in them via SVTCS.

And I think what is unclassified, I feel comfortable sharing unclassified, is that I was very clear with the people on those policy planning discussions that I felt very strongly that the administration could not change its policy toward Qadhafi until we got all of the U.S. employees out safely because we did not have appropriate security at our Embassy in Tripoli. It met none of our State Department security standards.

And my assumption was if Qadhafi wanted to do anything to us, he could, you know, whether taking people hostage, siccing, you know, an angry mob on us. He did have a track record of sending people to burn down diplomatic facilities previously, so I was very firm that our policy towards Qadhafi could not change until we were out safely. And so I think that resulted in an accelerated timeline to close up shop and get out.

Q Now, as I understand it, at this time in February of 2011, you are the charge. Is that correct?

A Yes.

Q Because Ambassador Cretz is back in the United States at

the time?

A Yes.

Q And so you are the highest ranking State Department official in country. Is that correct?

A Correct.

Q All right, so was Ambassador Cretz part of all of these discussions from his place back here at Main State or not?

A To the best of my recollection, no, he was not. I believe that he had been assigned to do something related to Egypt and was actually on the road, travelling in Europe somewhere.

Q Okay. So who was part of -- you said you were having multiple conversations with the Under Secretary of management office. Was the NEA front office involved in these conversations?

A Yes.

Q Okay. Other bureaus or offices, were they engaged in this decisionmaking?

A Given that this was all more than 4 years ago, I couldn't give you an exhaustive list, but certainly State Department standard practice on this is well known, and hopefully well-documented in the paperwork that you have. As I said earlier, it would have been Under Secretary Kennedy and/or his representatives from his team, Consular Affairs, Diplomatic Security, the Operations Center, the Crisis Management Team within Operations Center, the Bureau of Near Eastern Affairs, the guy who's responsible for leasing airplanes and ferries. You know, it's a whole cast of thousands.

Q Okay. So everyone leaves Libya, or at least the U.S. direct-hire personnel leave. Your locally employed staff obviously stay behind, and you and others come back to the United States. Is that correct?

A Correct.

Q Okay. And you have Tripoli in Exile at the time?

A Correct.

Q From the time you get at the end of February, first of March, when are you first aware that there's discussion that is there's going to be a special representative sent to Benghazi?

A I was not aware during that period.

Q When did you first become aware of that?

A I received a phone call from Ambassador Cretz, I want to say it was like March 13th, because it was quite early on, and I was actually trying to plan a little vacation. He phoned me quite early in the morning and told me that he had been asked to serve in that capacity to go back, and he turned it down and that Chris Stevens would likely be asked.

Q And do you know, was Ambassador Cretz in Washington at the time?

A I don't remember exactly where he was, but I remember he called me at like 7:15 a.m.

Q Okay. Do you recall, was he overseas like in Paris at any meetings?

A I really don't remember the timeline. As I said

earlier -- actually I didn't say it earlier -- he was being asked to immediately start a lot of outreach to the political leadership of the revolutionary authorities so was travelling regularly. Because, you know, once we evacuated, it was, you know, March 1st, March 2nd, whatever it was, he immediately was asked by Deputy Secretary Burns to chair kind of a policy coordination group for Libya policy.

So my first act on going back into work was to be with him at that meeting and help figure out how we would coordinate ourselves in that capacity.

Q Was this known as the Libya policy and planning committee or group or council?

A I don't remember what it was called.

Q And who all participated in that?

A It was a broad array of people from throughout the State Department and the Interagency.

Q Generally who from the Interagency was involved?

A I couldn't give you an exhaustive list. Again, this was all 4 years ago, but certainly looking around in my memory of who was around the table, certainly USAID was part of the discussion. And that's the only kind of body that jumps to mind right now.

Q Was the National Security Staff part of it?

A I don't remember.

Q The Department of Defense?

A I don't remember.

Q The intelligence community?

A I don't remember. If you have documentation or notes from all of those meetings, I could certainly, that would help refresh the memory, but this was all a very long time ago.

Q Who was the note taker for those meetings?

A It was [redacted] more often than not, who was our MOS or office management official.

Q And she had come back from Tripoli with you?

A Correct.

Q So that was some of the duty she had at Tripoli in Exile?

A Yes.

Q Were those notes from those meetings kept electronically?

A Presumably. I know that [redacted] wrote them, and we distributed them.

Q Okay. And were they in memo format?

A I don't remember.

Q Okay. Was it just a long email about what happened, or was it more of a formal document?

A It was a long email. It wasn't a formal document that was submitted through bureaucratic processes. It was produced and distributed by us, us being the Libya Embassy in Exile.

Q So on or about March 13th is the first time that you learned that Chris Stevens may be going into Benghazi. What all did you talk to Ambassador Cretz about or understand was going to be Chris Stevens' role?

A It was all very unclear.

Q Did you gain clarity over the next several days?

A I was not personally involved in any discussions where someone came to me and said Chris Stevens' role will be to be to do X, Y and Z. I personally met with Chris. I wanted to make sure that he had the knowledge and the contacts and, in fact, my telephone so that would help him sort of get started on the ground.

I remember talking to him and saying, you know, what are you going to do, local outreach, political reporting. I said, okay, well, who was going to do the political reporting and he said me. And I said really. It's kind of hard sometimes to be in a meeting and take your own notes. I said what if we send someone with you.

So we talked it through with a number of people and agreed that [redacted] should go out with Chris as kind of the political reporting/right-hand man due to [redacted] outstanding Arabic language skills and his very good knowledge of Libya.

Q Okay. And do you recall when Chris Stevens and [redacted] actually went into Benghazi?

A It was in April. I don't remember the exact date.

Q Do you recall that it was early in April?

A I believe so.

Q Do you recall whether there was any issues with them actually getting into Benghazi? Were they scheduled to go in before, but it took some time?

A Yes.

Q Okay. Tell us what you know about that.

A Again, I don't remember the exact timeline, but they initially went to Malta and also had at least one member from our regional security office with us in addition, you know, as part of the overall security component, and sat in Malta for quite some time and then ultimately decided the timing wasn't right.

I don't remember the timelines, and I don't remember what made them decide that the timing was right, but then they did ultimately go in in early April via boat.

Q And when you say there was some sort of delay, was this because of security concerns, or were there other logistical snafus that played a part?

A I really don't remember.

Q Okay. So do you recall what was the extent of the team that went into Benghazi in April of 2011?

A I don't recall the exact specifics. As I said earlier, Chris and [redacted] formed the core of the team, and there was a very robust Diplomatic Security component as well.

Q Okay. And prior to the Stevens team going in, what was your understanding of how long they were going to be in Benghazi?

A I honestly don't remember. There had been discussions of whether it should be short in and out or more indefinite, you know, go in and metaphorically plant the flag and have a longer-term presence.

But everyone agreed that having the boat stay there was a very good idea because that would be a quick way out if security conditions worsened. So if I remember correctly, the initial plan was they would

have the boat in the harbor and use that as their base and sort of do little day trips out until they had a better sense of what the reality was on the ground.

Q Okay. So you don't have a clear recollection, I just want to make sure I understand. You don't have a clear recollection as to whether the initial trip was to be for a matter of days or just kind of go with the flow, see what happens, stay as long as possible, or any other type of defined timeframe?

A I really don't remember where the debate came out. I remember that there was a debate, but I don't remember how it came out.

Q And who participated in that debate?

A I don't remember everyone who was involved in it. But certainly I was part of it and again the sort of key players that one would expect that would be there, so Under Secretary Kennedy and/or his staff depending on the appropriate level of the meeting. Diplomatic Security, of course, played a very key role in that. The Operations Center Crisis Management Team as well.

Q Other than Under Secretary Kennedy, any other principals in the Department play a role in that, any other Under Secretaries, or the Deputy Secretaries, or the Secretary herself?

A Not that I'm aware of. I did not interact with them. And by the way, I should have added that, of course, the NEA Bureau, not just me as the DCM from Embassy Tripoli, but the EX office, the executive office from the NEA Bureau, played a very important role in all of this.

Q Yes. We understand that [redacted] is worth her weight

in gold.

A I would second that.

Q When Chris Stevens went in as the special representative or the envoy, were you in contact with him while he was in Benghazi?

A Yes.

Q Was that daily?

A Yes.

Q Often more than once a day?

A Yes.

Q And as I have looked through the documents, and I don't want to put words in your mouth, but it seemed like you were the reporting person. He would talk to you and you would report to others within the Department. Is that how you saw your role?

A I saw my role as his backstop, because having been in a situation where the security environment was very fluid, and having limited resources, knowing that their communications setup was less than ideal as they were getting started, I thought it was very important for him to have a single point of contact that he could reach out to that could then communicate information, requests, et cetera; and also I personally felt very invested in what was happening, and I wanted to be there for him.

Q Okay. And how long did that continue, that daily if not more than once a day, phone call with him?

A Probably throughout the whole time that he was in Benghazi, so as I mentioned earlier, I did go in and fill in for him when he took

a break twice, so that was late May of 2011 and then again late July through early August also of 2011. So obviously I wasn't talking to him when he was on break, but otherwise I kept up the contact pretty regularly.

Although I think at some point we shifted from the three times a day phone calls. Once they had communications up and running and were able to start sending in situation reports, I think the frequency of the phone calls diminished. But then of course once we went back into Tripoli and Chris was still in Benghazi, we coordinated regularly as well.

And then I think, if I recall correctly, resumed these phone calls with [redacted], who is our office director in Maghreb Affairs, to make sure that he was then getting all the information and feeding it back in.

Q Okay. In that period of time from when Chris Stevens went in in April of 2011 and until you went back in in September of 2011 -- and it's just totally escaped me what I was going to ask, so give me a moment.

A I'm sure it will come back.

Q During that timeframe of April of 2011 through September of 2011, can you describe for us the sort of evolution of conversations about how long the Stevens, the Benghazi expedition or the Stevens expedition, was going to be in Benghazi? Were there ever discussions about pulling out or we didn't need it any more; it had served its purpose? Were there any of those type of conversations during that timeframe about the utility or usefulness of that mission?

A Quite early on, it looked as if -- Chris and team had just arrived. There was a moment when it looked like a city called Ajdabiya was about to fall to Qadhafi forces. I remember it was a Saturday, and I was on a conference call, and I remember talking to Chris and saying, are you sure you should stay? Because my perspective is very much with the events in Tripoli when we were evacuating fresh in my mind, things can change on a moment's notice; I would feel much better if he would get out now.

And Chris had, I think, a different tolerance for risk than I did. And he felt that the conditions on the ground were such that it was okay to stay. And, again, these were conference calls that involved a variety of actors in the State Department. I believe Op Center was on it and was probably documenting the call as well. So that was one instance.

But in terms of the overall what is our future, I don't remember the specifics, but I do remember an overall very strong impression from Chris that he felt it was important to stay, and the conditions were such that they should.

Q Okay. Let me hand you what I've marked as exhibit 1.

A Okay.

[[redacted] Exhibit No. 1

Was marked for identification.]

BY MS. JACKSON:

Q And if you can take just a moment and take a look at that, and what I've handed you is a document that is numbered at the bottom

C05396329. It is an email chain that is dated April 10, 2011, and in sort of the second blurb, it is from you at 9:26 a.m. to [redacted], [redacted], and [redacted]. The subject line is forward (SVU) Update from Special Envoy Stevens. Is this sort of summarizing what you've just described as the time when Envoy Stevens was considering leaving --

A Correct. However, I had the date wrong. It was a Sunday, not a Saturday.

Q Perhaps the calls started on a Saturday?

A No, it was a Sunday. And now I'm remembering, I was actually with my family at an event, so yes it was a Sunday.

Q So the bottom two-thirds of the page is from an individual by the name of [redacted], [redacted].

A Uh-huh.

Q Would that be an Ops Center person or a Command Center person?

A Yes. To the best of my recollection, he was an operations officer in the State Department Operations Center.

Q Okay. And then were you on one of the distribution lists? Is that how you received this email, Tripoli Cooperation perhaps?

A That must be when I'm looking at the sort of forensics of that, yes.

Q Some sort of distribution list?

A Yes. That would have been the only distribution list to which I would have been privy, Tripoli Cooperation.

Q All right. So you received this email, and then you're forwarding it on to [redacted], [redacted], and [redacted]? Can you tell us who those people are?

A That was our team in the NEA/EX office. [redacted] was the Director. [redacted] was our Post Management Officer, and [redacted] was the Deputy Director.

Q Would it be a fair generalization to say they were your logistical people?

A Not just the logistical people, but the policy people who handled all of the administrative support for all of our operations in Libya.

Q Okay. Then at the top of the page, [redacted] forwards it to [redacted]. Who is [redacted]?

A [redacted] is a special assistant in Under Secretary Kennedy's office.

Q Okay. In your part of the email, the last line reads: MPDS will need to be involved. Jeff Feltman has been alerted, and then the letter P. Can you tell us what that means?

A Sure. It's acronyms. So the first sense that you read means Under Secretary Kennedy, Under Secretary -- was it Sherman or Burns at the time? I don't remember. But the Under Secretary for Political Affairs, Diplomatic Security, would need to be involved. And when I said Jeff Feltman has alerted P, that actually means Jeff Feltman has alerted the Under Secretary for Political Affairs.

Q Okay. And who was Jeff Feltman at the time? What was his

role at the time?

A He was the Assistant Secretary of State for Near Eastern Affairs.

Q So he had the Main State shop, if you will, that included Libya?

A Correct.

Q Okay. And would all of these different levels be involved in the decision to leave Benghazi, or was Chris Stevens the one to make that call?

A I have no idea.

Q Your recommendation was that he should leave?

A I was nervous.

Q Because of the instability and the violence that was ongoing in and around Benghazi at the time?

A Because of the instability and the violence in Ajdabiya and, again, because I was carrying the baggage of my very recent experience in Tripoli where the security situation deteriorated very, very quickly and we were in a bad place; and I didn't want Chris and the team to be in a similar situation.

Q Let me take a step back and ask you something about right after you came back from Tripoli, was there any type of formal debriefing or interview of you regarding the decisionmaking and the leaving of Tripoli? Sort of was there any group that got together for sort of a lessons learned, what went right, what went wrong type thing?

A Yes.

Q Okay. Can you describe that for us, please?

A It was a meeting that was chaired by [redacted], who was the director of the NEA/EX office. There were people from other offices around the table. I don't recall which ones, but again the usual suspects certainly Diplomatic Security, Consular Affairs, the Crisis Management Team from the Operations Center. So that was one process.

I also participated in several lessons learned interviews, one with the Foreign Service Institute's leadership, or I guess it was the Crisis Management Team, and the second was with Diplomatic Security.

Q And so Diplomatic Security had their separate sort of lessons learned?

A It wasn't a separate lessons learned. I was asked to do a videotaped interview, and I'm actually not quite sure what they did with the product.

Q Okay. Might be in their training repertoire?

A Potentially.

Q Okay. At the time that Chris Stevens first went over into Benghazi, did you feel comfortable with the number of security agents that he had with him?

A Yes.

Q Okay. Do you recall that he had eight to ten agents with him at that time?

A I don't recall the exact number. For some reason around a dozen sticks in my head, but I really don't know.

Q Okay. And you said that you went to give him a break and replace him towards the end of May of 2011. Is that correct?

A Yes.

Q Okay. And how long were you over there?

A I think it was about 2 weeks.

Q And what did you do when you were in Benghazi?

A I served as the Acting Special Envoy, which meant that I was doing the same political outreach that Chris had been doing, so meeting regularly with the leadership of the Transitional National Council, meeting with NGOs, meeting with political parties. I also in May spent some time looking at properties because there was a strong sense in the State Department and also a strong sense by Chris that the Tibesti Hotel, which was the initial base of operations was not appropriate from a security perspective; so I spent a good amount of time actually walking the perimeter of the various aspects of the Tibesti Hotel with the head of our Diplomatic Security team who was on the ground and a gentleman from the Office of Overseas Buildings Operations to think through some physical security measures that could be implemented to try to make our operations at the Tibesti Hotel more safe. And then I also looked at other residential properties that could potentially be a good fit. When I was there in May, we did not find anything that was a good fit.

Q Okay. So as you're looking at properties, had there been a decision or at least a strong probability that the presence in Benghazi was going to be a lengthy one?

A I'm not aware of or able to recall a formal decision at that point, but given that this was May, and Chris at that time had been in there for about 6 weeks I think, I didn't consider it to say this was going to be a lengthy process. I considered it as we have a decision at a policy level that we need to be on the ground, and we have a responsibility to keep our people safe; and I didn't see the Tibesti as a safe place.

Q Okay. Is that where you stayed while you were there?

A Yes.

Q Okay. And these properties that you looked at, were they for long-term leases or were they --

A At the time I was looking at it to say, is there physical security? All of the kind of criteria that you would look at for establishing a mission to find a long-term lease.

You know, I wasn't going out there to say we're going to need a property for 5 years. I just went out there to say we're going to need a property for an indeterminate amount of time.

Q But longer than 30 days, longer than six months, longer than a year?

A I was not given specific parameters in my head. It was a I'm going to call it a short-term lease in my head. I don't recall having received specific guidance, and I think there wasn't specific guidance at that point. The specific guidance was we need to find an alternative.

Q I'm sure that Libya real estate is different than U.S. real

estate, but there are certain properties that are not available for short-term leases, and I was just wondering if you were focused in any way only with looking at facilities or places that were only available for short-term leases?

A The rental market in a place like Libya is wildly different from the rental market in a place like the United States.

Q So help me understand it.

A It means that if you find something that you're interested in leasing, and, again, the State Department does this kind of business all over the world. If we find a property that we like that meets our specific requirements, you can negotiate. And if the landlord isn't willing necessarily to do a short-term lease, you can sweeten the pot by saying, okay, we'll pay X number of months up front in cash, into your off-shore account. So there are ways to negotiate.

So I never in my career -- and by the way, I also in my first assignment served as the general services officer also in a sort of emerging post -- have felt like the real estate market overseas is the same as the United States. So there's a lot more flexibility on the part of the landlord, a more creative approach lets say to leasing terms.

Q When you said that your first general services job, was that in Tunisia?

A No. That was in Uzbekistan.

Q Okay. When you went back into Tripoli in September of 2011, did the purpose of the mission ongoing in Benghazi change in any way?

A In a formal --

Q Let's start with formal, and we'll go into more general?

A In a formal scripted sense, no, there was no decision memo taken that, you know, now that we're back in Tripoli, the Special Envoy's duties will be X, Y and Z. Events were evolving very, very quickly. Literally I came into the office of the State Department on September 8th at like 8:30 in the morning, and at 8:35 was told you need to pack a bag and get on a plane tonight. So it was quick.

And that's not to convey that there hadn't been a lot of planning because there had been months and months of planning of what it would take to go back into Tripoli. But things happened very quickly because Qadhafi left Tripoli a lot more quickly than anyone had anticipated.

So, you know, Chris was still there in Tripoli -- I'm sorry, in Benghazi. The Transitional National Council had not yet shifted officially. Maybe it had. I don't remember the exact timeline. But things were vague. You know, some officials from the Transitional National Council were beginning to shift to Tripoli. Others were still there, so it was clear that there was going to be a period in which the political leadership of a free Libya, you know, the post-Qadhafi government was going to be in a variety of places; so we needed to make sure that we had the ability to touch them in both places, and from my perspective, it made a lot of sense to keep Chris there.

Q Okay. And he then did stay until November of 2011?

A Correct.

Q Do you recall why he left at that time?

A I don't remember the exact timeline, but I do know that at that point he was under consideration to become the next Ambassador; and it's very inappropriate for someone sitting in country to be working in country. I mean, it's an unusual situation. In order to be nominated and get through the congressional confirmation process, I think it was better for him to be here.

Q Okay. And that's again something that is State Department centric, if you will, from my perspective. So, that generally is the process the State Department follows is whoever is seriously being considered to be an Ambassador will not be in country?

A Usually. And in fact, I'm only aware of one case in my career where someone who had been serving as charge in a country was then nominated; but it was very, very unusual.

Q And when did you first learn that Chris Stevens was under consideration to be the Ambassador to Libya?

A I don't remember.

Q Was it before you went back in in September?

A It must have been, because that was 2011. Right?

Q Yes.

A Yes. Yes it was definitely.

Q So sometime in the summer of 2011, you learned that Ambassador Cretz was going to step down as Ambassador to Libya?

A Yes.

Q Okay. And did he tell you that, or did you learn it from someone else?

A I learned it from -- well, let me back up. I mean, Ambassadors generally serve for 3 years. Career State Department officials usually serve as Ambassadors for 3 years, and Ambassador Cretz had arrived in 2008, I believe, December 2008, January 2009; so it was the normal process by which he should have been, you know, getting prepared to cycle on.

Obviously things in Libya were not normal with the outbreak of revolution and complete political upheaval. I actually had been one of the names that was put forward to what we call in the State Department in the D committee to replace Ambassador Cretz, but I also was told I was not the leading candidate, so I knew quite early on in the summer of 2011 that Chris Stevens was the leading candidate.

Q And just to educate us, tell us about that process?

A I'm not an expert on that process. I don't feel qualified to talk about it. I could talk about it from my own experience as gone through it as a nominee, but I am not a personnel expert.

Q When your name was on the list as potential Ambassadors to Libya, is that something that you applied for or someone has to nominate you, or just from your perspective, how did that happen with respect to Libya?

A From my perspective it happened such that the then Assistant Secretary of State for Near Eastern Affairs, Jeff Feltman, called me into his office for a meeting. Told me he would like to put my name forward on that list. Told me I was not the leading candidate, but that he thought it would be good for my career to get my name out there

as someone who was considered qualified to be in the running for an ambassadorship.

Q Okay. And then what was the rest of your experience with that process?

A You have to prepare a lot of papers selling yourself, you know, the short resume, the short here's why I'm qualified to be the Ambassador. And then you have a 360 process through which people provide references and supposedly unvarnished insights into your interpersonal skills, leadership, et cetera, all the things that the State Department looks for in leaders.

And then it goes into a process called the D committee, and then out comes the potential nominee who then is vetted by the Secretary of State and then goes through the normal White House vetting and nomination process.

Q Okay. And with respect to Libya, that process started in the summer of 2011 and then ended by January of 2012?

A I have no idea.

Q Okay. I actually don't have the documents here, but I believe that Chris Stevens was formally nominated by the President on January 23rd of 2012. Was that a fast period of time or a typical period of time, if you have any sense of that?

A I have no sense of that.

Q Okay. At the time that you went back into Tripoli in 2011, what was the relationship, formal or otherwise, between the Embassy in Tripoli and the Stevens mission in Benghazi? How did it work? Was

there a reporting structure? Did everything in Benghazi flow through Embassy Tripoli, or was Benghazi's information flowing straight back to the State Department? Just explain how the coordination was at that time.

A There was no formal relationship between Embassy Tripoli and the Special Envoy's mission in Benghazi. So Chris --

Q Is that unusual in your experience to have something going on, a State Department post, if you will, in Benghazi with an opened embassy?

A This is a complicated question to think about because, one, the State Department uses special envoy structures all over the world, all the time. As someone who has worked extensively in the Middle East, I often think about the Israeli-Palestinian experience where throughout the decades, there has been a special envoy, a special Middle East coordinator, whatever you want to call him -- and it's always been a him and not a her -- but that works totally independently of the missions in Tel Aviv and Jerusalem.

Traditionally those folks have been based in Washington, but I know in recent years there has been a special envoy presence in Jerusalem that reports to the Secretary of State. So it's not unprecedented to have special envoy missions.

That said, it is unusual to have a totally separate office in a country in which there is no other consulate or presence. So it was a bit of an odd duck. Let's say it doesn't fit the unusual State Department pattern, and it's something that as DCM, I struggled with

a bit, not in the early days, because it was just a different operation, I think, while Chris was there. Because of his stature, because of his experience, because of his reach back into the State Department, I think he had the ability to get resources and attention in a way that the people who followed him did not.

I was able as DCM to have a good working relationship with Chris and all of his successors just because we made it work. But I did not -- you know, in another country, if there's a consulate per se, the principal officer or the consul general reports to the DCM, and the DCM has oversight for operations and hiring and resources and all of those issues. As DCM in Tripoli, I did not have that.

Q Once Chris Stevens left in November of 2011 and was replaced by a series of principal officers, did that change then?

A The formal relationship?

Q In that principal officers then became more routine and report to you, and then you reported out to Washington?

A No. There was never a decision or a procedure put in place to have the mission in Benghazi report to the Embassy in Tripoli. It was still something that was reporting directly to Washington, staffed by Washington. I had no say in the staffing decisions, resourced by Washington, et cetera.

I played a supporting role. To the extent that I could, I made sure that I coordinated very regularly with the principal officers; and whenever they needed help on anything, I jumped in.

Q So you were at least an echoing voice for whatever they

needed in Washington, that you would echo their request?

A An echoing voice and also a source of resources as needed.

Q And what type of resources as needed?

A For example, when the decision was made to hire local drivers, FSN, locally engaged staff, drivers, they had no H.R. person in Benghazi, so I asked our human resources team in the Embassy in Tripoli to get involved in working that.

When there were gaps in the Diplomatic Security coverage, I asked our teams to go out and fill in. I asked our RSO to go out and do a security survey. So whenever I had the ability to augment and help out whatever was going on in Benghazi, I did.

Q Did you voice any complaints or concerns back at Main State that they were not staffing Benghazi appropriately?

A Yes.

Q Okay. Would you explain what you did, what prompted your concerns and what you did in response to those concerns?

A Beginning in February, I believe, or maybe it was January, but quite early on in 2012, it was clear that there were going to be some staffing gaps in the coverage of our security team in Benghazi. I started weighing in with people and also had some meetings here in Washington.

Q Okay. As I recall, you made a trip back to Washington in February of 2012. Is that correct?

A Yes.

Q Okay. Do you recall when that was?

A I don't recall the exact date. It was sort of mid February, I think, but it's been reported in the media that I did it specifically to demand more security resources. No. One thing that I fought for for the team was to make sure that we had a rotation because it was very intense and difficult conditions on the ground in Libya. So I made sure that we had a 6 weeks on, 2 weeks off rotation for people who were assigned to our Libya cell, so I was on my normal 2 weeks off rotation but asked to build in some time for consultations to discuss these security issues.

Q Is that unusual to have consultations when you're on your two week R&R or whatever it was called?

A For me and Ambassador Cretz, no. For the more junior personnel in the Embassy, sometimes they would check in. But for me, at a leadership level you have certain responsibilities and you don't get as much vacation as you'd like.

Q Okay. And explain to us or describe for us the various meetings that you then had, the consultations that you had when you came back to Main State in February of 2012?

A I don't remember my entire meeting schedule, but the ones that were relevant to the security discussions included the NEA/EX team. Within Diplomatic Security I saw Deputy Assistant Secretary Charlene Lamb, and I saw the NEA front office. I saw the principal deputy assistant secretary, Liz Dibble.

Q Did you have any meetings with Ray Maxwell?

A Not to the best of my knowledge.

Q And what was his role at the time?

A He was our deputy assistant secretary.

Q And who was Liz Dibble?

A Liz Dibble was the principal deputy assistant secretary.

Q Was she the one that you would go to for issues in country?

A I wanted to see her to make sure that she was aware of security concerns that I had.

Q Okay. And had you been -- I guess why did you choose her?

A Because the principal deputy assistant secretary is responsible for overall management of the Bureau, and I felt like we weren't getting what we needed from the State Department in terms of security. So in my mind seeing her is kind of bumping it up a level.

Q And what was your assessment of her level of knowledge of what was happening? I mean, was she on top of the security incidents and security concerns that you had, or did you feel like you were educating her?

A There was one major issue on which I felt like I was educating her, and that's a classified issue.

Q We can go into that at a later time. Although I have about 5 minutes left, I think that we're going to go ahead and go off the record because I have another area that's going to take longer than 5 minutes, so I will waive my last 5 minutes and we'll go off the record, and we'll take a break and then we'll chat later.

A Okay. Thank you.

[Recess.]

EXAMINATION

BY MR. KENNY:

Q Madam Ambassador, on behalf of the Select Committee minority staff, I would just like to take a quick opportunity to reintroduce myself. My name is Peter Kenny. I am counsel with the minority staff. I am joined here today by our staff director, Suzanne Sachsman Grooms.

And on behalf of our members, we just want to thank you again for your appearance here today as well as your service in the Foreign Service and continuing service as to Ambassador to Algeria.

During our hour, we would like to ask our questions in a targeted fashion. I think, as a consequence of that, we may end up jumping from topic to topic. So I just want to apologize in advance to you. But if you are at all unclear at any point, please let me know.

A Okay.

Q And we can take a step back and help try to clarify that portion for you.

A Okay.

Q Also, during the last hour, we spent a significant amount of time talking about events in the 2011 timeframe.

A Uh-huh.

Q What we would like to do in this hour is move forward in the clock, if you will --

A Uh-huh.

Q -- to the 2012 time period, so late spring, early summer 2012.

A Uh-huh.

Q And we would just like to start and set the scene there, if you will. If you could walk us through maybe late May, early June 2012, where you were serving at that time and where Ambassador Stevens was serving. If you could just help explain where the various players were.

A Sure. How late in May do you want to get started?

Q We can start late May, May 20, going forward, just to pick an arbitrary date.

A Okay. I really don't remember what happened on May 20. But Ambassador Stevens arrived on Memorial Day weekend in May 2012.

Q Okay. That's a good start.

A I don't remember the dates exactly. But Ambassador Cretz had left, I think, around the 15th of May. And it was, I think, about a 10-day gap. Maybe a week. I don't remember exactly. Not a terribly long time before Ambassador Stevens arrived.

So I was serving as chargee in the gap between the two Ambassadors, working with Ambassador Stevens to prepare his entry plan, you know, what he would do immediately upon arrival internally and externally.

And then shortly thereafter, in early June, of course, we had

those two security incidents. One was the IED attack on the compound in Benghazi, and the second was the attack on the British Ambassador's convoy.

And I at the same time as we were handling all that was also preparing for my own departure, because I left Libya on June 15, 2012. So Ambassador Stevens and I only overlapped for about 3 weeks.

Q Okay. A 3-week overlap.

And you had mentioned there was about a 10-day period when you served as the chargee. Is that correct?

A Uh-huh.

Q And that is a capacity you had served in previously --

A Multiple times.

Q -- in Tripoli.

And you just previewed for us -- we will talk more about the second security incident, but you previewed some security incident that happened during this time period.

A Uh-huh.

Q I understand that both of those events occurred after the Ambassador had arrived in Libya, Ambassador Stevens. Is that correct?

A Correct.

Q Okay. I would like to take a moment just to focus if we could and just isolate that June 6 IED attack on the compound with the Special Mission.

A Uh-huh.

Q And, to clarify, at this point in time, June 6, the

Ambassador, Ambassador Stevens, is now accredited and in country?

A Correct.

Q And what was your position then at that time?

A I was the Deputy Chief of Mission.

Q Okay. So you reverted back to being the Deputy Chief of Mission?

A Uh-huh.

Q Okay. And at the time of the June 6 attack --

A Uh-huh.

Q We can start with: How did you learn about the June 6 attack in Tripoli, if you recall?

A I really don't recall how I first heard about it. Either a phone call or an email, probably, from our principal officer in Benghazi.

But I am not 100 percent certain whether that was through the principal officer or whether it was through our RSO on the ground in Tripoli. But I heard about it very soon thereafter.

Q Okay. And I know it may be a little bit difficult. You had mentioned this during the last round --

A Uh-huh.

Q -- about recollecting specifics events with the passage of time.

But do you recall at that time what you did learn about the attacks, for instance, whether the identity of the attackers was known at that time -- attacker or attackers?

A I don't believe we knew anything about the identity of the attackers.

Q Okay.

A I recall learning that a pretty massive hole had been blown into the wall of the compound. I remember also feeling very relieved that our security -- our local security guards had taken the appropriate measures and I think hit the duck and cover and done everything that they needed to do to make sure that the staff who was on the compound was safe.

And I also remember thinking that this was in the context of a number of other incidents that had happened in Benghazi and it was quite troubling.

Q And when you say that the local security guards -- you are relieved that the local security forces there had taken appropriate measures, was that an assessment that had been relayed to you by either the RSO or principal officer in Benghazi or was that your personal assessment --

A Correct. That was an assessment that was relayed to me by people on the ground in Benghazi. I don't remember exactly who, but I remember feeling very relieved that the right procedures had been followed.

Q Okay. And generally in this time period do you recall whether the embassy in Tripoli -- would they have prepared some sort of a notice for American citizens in Libya to notify them of an incident of this type?

A Yes. That is standard procedure for embassies to put out American citizen -- what is the right word? -- notifications. Whether we did or not in this case, I don't remember.

We certainly had a travel warning in place for Libya that was very kind of "Red alert. Red alert. Do not come to this country. We can't help you," because we weren't providing anything except very, very limited consulate services.

Q Okay. And would those notices also be referred to as a warden --

A A warden notice. Yes. Warden message.

Q You had mentioned that you weren't sure if in this instance a warden message was prepared or not. Is that right?

A I cannot remember.

Q I'd just like to ask more generally: At this time, was the embassy -- when you say that there was also a travel warning in place at the time warning about specific things, was the embassy trying in any way to downsize or minimize the significance of the incident in Benghazi?

A No. We were trying to make sense of it, trying to figure out who was responsible, trying to figure out how we could mitigate the risks that clearly were there.

Q Okay. And did you meet with the regional security officer in the embassy in Tripoli to discuss the incident?

A Yes. I believe we probably also had an Emergency Action Committee meeting.

Q Okay.

A And this was where, you know, the fact that there were two different missions came into play. So, obviously, in Benghazi they were having their own Emergency Action Committee meetings. But I recall in June we had several Emergency Action Committee meetings in Tripoli as well.

Q Okay. And would that have been standard practice in an incident of this type?

A Absolutely.

Q Okay. So you had just a moment ago referred to an EAC in Benghazi and an EAC in Tripoli.

Were both of those EACs held in reference to the event on June 6 at the Special Mission Compound?

A I don't remember. I remember that we had a series of EACs in that early June period related to this IED incident and then also to the attack on the British Ambassador's convoy.

Q Okay. I think it may be helpful at this point to take a step back and just ask for you to explain to us what the Emergency Action Committee meeting is, what it does, who participates.

A An Emergency Action Committee is the State Department's standard mechanism at embassies and consulates all over the world for assessing the overall security environment.

So the EAC is composed usually of the heads of various State Department sections at the embassy and all the agencies present at an embassy.

So, obviously, in Tripoli, we had sort of a more robust EAC, larger in size. In a place like Benghazi where we had just a handful of personnel on the ground, it was a very small --

Q Okay. And would that have also included security elements?

A Absolutely. Security elements are a critical part of it. For example, in Tripoli, we made sure that, when we had Emergency Action Committee meetings, we had representatives of all of the security elements that we had in place. It was not just the regional security officer. It was also the MSD detachment and also the SST.

Q Thank you. That is helpful.

And as the Deputy Chief of Mission or, at the time, if you were the chargee, although we established earlier you were the Deputy Chief of Mission for this time period --

A Uh-huh.

Q -- what would have been your role in that EAC?

A The DCM usually chairs the EAC, although it is flexible. In the case of serious incidents, the Ambassador usually chairs meetings himself. And I believe definitely after the attack on the British Ambassador's convoy Chris chaired that EAC himself, if I remember.

Q Okay. And we may revisit that that some later time.

Again, just speaking generally, what is the purpose of the EAC? Is it to consider specific security information, to consider revisions to post security posture? Can you perhaps walk us through --

A What the EAC does?

Q Yeah.

A So the EAC meets on a regular basis. It is not just crisis-driven. For example, before you have your large 4th of July reception, you have an EAC to review the security plans and the posture and whether or not that is appropriate. So it is a body that meets very regularly to review routine business and not-so-routine business as well.

So the EAC in this case where there has been an attack on a U.S. mission would review the facts, review what we know, think about what might have been motivating, who might have been responsible, the measures that we can put in place immediately to try to mitigate the risk to the personnel, so kind of like looking at physical security measures, looking at staffing, looking at varying your times in your routes, looking at support that is given or not given by the host government, and usually coming up with specific recommendations and an actual plan.

Q Okay. And then, to tie that back to your role as the Deputy Chief of Mission, as the chair of the EAC, would there be decisions or recommendations that would come out of an EAC?

A Yes.

Q And those would relate to possible changes of the secure departure?

A Yes.

Q Okay. Could those also relate to maintaining or continuing a presence in a country, for instance, whether to make a recommendation

to depart post?

A Yes. In certain instances. And definitely -- for example, when I was in Tripoli before the revolution, as we were considering our response to be an evolving situation, for instance, the Emergency Action Committee met to discuss authorized and ordered departure and the drawdown of staff and voted on those issues.

Q Okay. And do you recall in those EACs in that time period -- so now we are looking back to the February 2011 time period? --

A Yes.

Q -- did the EAC make a recommendation about departure in those instances?

A Yes.

Q What was that recommendation?

A Back in February 2011, we made a series of graduated recommendations, one to go to authorized departure and then very quickly to go to ordered departure.

And then, ultimately, the decision to pull up stakes was made by Washington because that is a serious decision to suspend operations and close an embassy.

I sent a cable back -- I think it was our last cable that we sent from Tripoli -- recommending that we do that, and then permission was granted.

Q Okay. So just so I am clear, it sounds like it is a graduated schedule. So if you start with authorized departure and then

this ordered departure and then --

A In certain cases. But in other cases not. I mean, there is no one size fits all for managing security situations. So that is a traditional path to take if you are in a sort of slow or not so slow -- a developing situation.

But I'm sure you can point to other instances anywhere in the world where people go immediately to ordered departure. I can't speak to that myself. But it is not necessarily a phased approach.

Q And just before we move forward, can you just explain for us the difference between authorized and ordered departure. I know those are terms of art you used when --

A Yes. So authorized departure gives permission for the spouses and children and nonemergency staff to depart the country if they so wish. Ordered departure requires the departure of spouses, dependents and nonemergency personnel.

Ms. Grooms. In February of 2011, did the EAC on the ground that you were chairing as the chargee -- were you all able to make the decision for authorized departure on your own?

Ambassador [redacted]. I don't remember exactly. But I think, to the best of my recollection, we sent the recommendation back to Washington and Washington agreed.

BY MR. KENNY:

Q So it would be in the form of a recommendation?

A Yes.

Q And then focusing -- and, again, I apologize for jumping

time periods now. I apologized for this at the outset.

A It's okay.

Q The February 2011 time period. You'd mentioned in the last round that your experience -- that you had carried forward some baggage because security conditions changed or deteriorated rapidly.

Do you recall in that period of the EAC's meeting, did you start first with authorized departure and then ordered departure and then suspension of operations or did it go directly to ordered departure?

A In February 2011?

Q To the best of your recollection.

A To the best of my recollection, we discussed first authorized departure, but then overnight the situation deteriorated so quickly that then we went to ordered the next day.

Because that Sunday night was the night that, you know, people were killed in Green Square in Tripoli. So we very quickly went to ordered after having discussed first authorized.

Q And so am I to understand that a recommendation would have been made in EAC to go to ordered departure for Embassy Tripoli and that would have been sent back in the form of an EAC cable? Is that right?

A I believe that is what we did, but my memory -- again, this was all more than 4 years ago -- is not 100 percent accurate.

Q Okay. And in those situations it may be difficult to generalize. But where post would make such a recommendation --

A Okay.

Q -- to go to ordered departure or even to suspension of operations, has it been your experience that the Department would override or would ever override those types of recommendations?

A In my personal experience, the Department has been very supportive and generally tends to take very seriously the views and recommendations of the people on the ground.

Ms. Grooms. You said that, in February 2011, you all took a vote in the EAC?

Ambassador [redacted]. Uh-huh.

Ms. Grooms. How does that work? Is that a Democratic process?

Ambassador [redacted]. Generally. And in every Emergency Action Committee meeting that I have participated in, yes, people vote.

I have never seen a situation where everyone sitting around the table votes one thing and the Ambassador says "No. I don't agree. I mean, usually it is usually a consensus position.

Ms. Grooms. Okay.

Ambassador [redacted]. Sometimes there will be one person or two who has an outlier view. But these are serious discussions with serious people. It is the leadership of the embassy. So it is actually agency heads.

Ms. Grooms. So, usually, you would try to reach a consensus position that everyone would then vote for?

Ambassador [redacted]. No. It is not like -- how to describe it? I mean, usually -- usually -- and, again, I am generalizing. But, usually, people are looking at a fluid situation with not necessarily

perfect information.

But these are the people who are the experts on the ground who know the situation better than anyone. And, usually, there is an approach that tends to make sense and people -- I have -- I mean, yeah.

BY MR. KENNY:

Q And EACs where security would be the primary topic of discussion, would the views of the RSO tend to carry more weight than, say, for instance, the views of the consular in trying to reach a consensus view about what post should do?

A Generally, there are certain offices that have a lot more insight into the security situation. So, generally, when I chair EACs, I set the scene with what is on my mind and my concerns and I ask the RSO then to immediately give a brief on the security situation.

Other agencies at post which follow similar issues -- and, if you want to talk more about that, we can go into classified session -- obviously also have a lot of insight and provide a lot of good information.

And then, generally, when I am chairing an EAC, I turn to the RSO and ask him for his or her recommendations on what should be done similar to mitigate those risks, you know, physical security measures, et cetera.

Q Returning back to the June 6 time period and the time period immediately following the attack -- the IED attack, do you recall if an EAC took place in Tripoli to discuss that particular incident?

A I really don't remember.

Q Okay. You don't remember if an EAC took place?

A I -- again, it is very weird for me because I remember so vividly the EAC after the June 13 -- or was that the date that the British Ambassador's convoy --

Q June 11.

A I vividly remember that. I don't remember whether or not we had an EAC after the IED. My experience makes me say yes, of course, we would have had one.

But I can't tell you with 100 percent certainty because I am not remembering that right now. If it there is documentation that I can review, that may be helpful.

Q That is fair and I appreciate that.

I understand also you had mentioned that there were a series of EACs and it was difficult to recall with specificity. So to the extent we can aid you with that going forward, we will do our best.

But you do recall -- if you don't recall if there was an EAC specific to that incident in that time period, do you recall if around that June 6 time period there was a recommendation to go to ordered departure in either Benghazi or Tripoli?

A No. There was no recommendation to go to ordered departure.

Q In the wake of the June 6 event, do you recall taking any steps to immediately bolster, enhance, physical security at the Special Mission in Benghazi or the embassy in Tripoli?

A Yes.

Q Okay. And what do you recall about that?

A I recall -- and, again, this was all more than 3 years ago. But certainly we discussed the incident with -- the local authorities asked for an increased police presence, recommended physical security measures to fix -- I mean, obviously, it was a big issue that there was a giant hole in the wall of the compound.

I don't remember exactly what was done to try to fix that immediately. But there were a series of physical security measures that we thought needed to be put in place, and I know that those requests were sent immediately back to Washington.

Q Okay. You referenced a hole in the wall at the Special Mission.

Was your sense that the Special Mission in Benghazi was working expeditiously to repair that wall?

A Absolutely.

Q Do you happen to recall how quickly they were able to do so?

A I do not recall that.

Q Okay. Do you happen to recall around this time a request for technical security specialists --

A Yes.

Q -- to come to either Benghazi or the embassy in Tripoli to install a technical security system?

A Yes.

Q Okay. And without touching on any classified material, can

you explain for us what a technical security system is and how that would aid or harden post security posture.

A I don't recall the specifics of what we were looking for in Benghazi. But, normally, every diplomatic facility has cameras, early warning systems like a duck and cover, so that, if there is an attack that is underway, people can quickly react and take the appropriate measures.

Q Okay. And to the best of your recollection, did Tripoli -- did the embassy in Tripoli have those systems in place at this time?

A I don't think we had them. I think we were working on getting them. We did have some cameras that had been installed by the AFRICOM SST, but I don't think we had the standard State Department package.

Q Okay. And do you recall if the Special Mission in Benghazi at this time -- if they had cameras, for instance?

A I don't recall.

Q Okay. And you mentioned -- I believe you mentioned that some security specialists had deployed from a regional office. Is that accurate?

A I don't think I mentioned that. I think you asked me whether we had a request.

Q Was a request acted on, to the best of your recollection?

A I don't remember whether it was while I was there or after my departure. But I remember that it was in train around the time of

my departure. Whether it was already underway on the ground in Benghazi or if it was going to happen right around the time of my departure, I really don't remember.

Q Okay. Thank you.

I think at this point -- well, let me first ask: Do you recall around this time any discussions that you may have had with Ambassador Stevens about security staffing, specifically the embassy in Tripoli?

A Yes. We had a lot of security staffing discussions.

Q Okay. And what can you share with us about those discussions in this time period around the IED attack in Benghazi?

A Well, at the time, we were looking at -- there was a transition that was underway in our security staffing and we had been working to establish and train a local bodyguard force that could take over some other responsibilities for personal protection that had been provided by the mobile security detachments, the MSD teams, in Tripoli.

So we were trying to figure out what sort of timing made sense to manage that transition. There was also the issue of the continued presence of AFRICOM SST. So a lot of discussions, as I said, about how we managed that.

I know that we were trying to get an extension of the MSD teams. And then also separately we had promises from the commander of USAFRICOM that we could have the SST through the end of the upcoming election.

In fact, I think General Hammett said, "We will give you an extra 30 days because we just don't know how the election is going to go."

So as I was preparing to leave Tripoli, I felt confident that we

had the right security profile in place for Tripoli to get us through the election and a little bit beyond and then it was no longer my responsibility. Because, as I said, I left on June 15.

Q What was it -- you mentioned elections just now. So what was it about elections in particular that caused or raised concern?

A Well, it was a significant political development. And given that it was a fluid situation, it was unclear, first of all, how it would go, you know, would there be parties to the conflict who would seek to disrupt the election. There is always the possibility of terrorist attacks tied to an election.

We also wanted to make sure that we had the capacity to do job as diplomats to get out and about and actually see what was happening on election day. And the MSD teams were a critical part of that because there are certain areas where, you know -- and places that we couldn't go, being that we couldn't go without the armed close personal protection.

[[redacted] Exhibit No. 2

Was marked for identification.]

BY MR. KENNY:

Q I will give you a moment to review it. Just read it for the record. This is an email. It is dated June 7, 2012, from Ambassador Stevens to you with the subject "RE: MSD/Tripoli." Document number is C05409983.

I just ask: Do you recall this particular email exchange?

A Yes, I do.

Q Okay. And in here there seems to be a discussion about the mobile security deployment teams.

A Uh-huh.

Q Just to be clear, this email thread, is this referring to security resources dedicated to Embassy Tripoli?

A You know, that is a very good question. I don't recall.

But I think it is important to keep in mind, when we were looking at our overall Diplomatic Security presence in Libya, we still had the issue of not enough people, not enough Diplomatic Security agents on the ground in Benghazi, and trying to figure out how we would manage that.

And I had been separately engaged in a discussion with Diplomatic Security leadership, specifically Charlene Lamb, about getting new positions, what we call FTE, which I don't even know what that stands for, but new slots assigned to Mission Libya and how we would parse that between Tripoli and Benghazi.

So, as I read this, my sense is that this was looking at people who would be assigned to Tripoli, as I recall it.

Q Let me ask the question this way: At this point in time, there were MSD teams in Tripoli. Correct?

A Still in Tripoli. Correct.

Q And they were in Tripoli, not in Benghazi?

A Correct.

Q Okay. I would like to direct your attention to the first email in the thread.

A Uh-huh.

Q It begins at the bottom of page 1 into page 2. It is dated June 5. Ambassador Stevens here writes to [redacted] --

A Uh-huh.

Q -- and cc's you and says, "[redacted]-Greetings from your favorite country." And a little bit farther down he writes: "I'm writing specifically to ask your advice on an MSD matter. My understanding is that we are scheduled to reduce to one MSD team on July 12, with the second team staying until August. The second team has been doing the LGF training.

"The July-August period is going to be potentially tumultuous with national elections in the late June-mid July timeframe followed by appointment of a new gov't in the weeks thereafter. We will likely have VIP observers, including possibly Pres. Carter and Sen. McCain. There is much uncertainty about how the militias will conduct themselves during this period of shifting political power.

"Our LGF are getting good training from one MSD team, but don't yet have their weapons permits. We'd feel much safer if we could keep two MSD teams with us throughout this period to provide QRF for our staff and PD for me and the DCM and any VIP visitors.

"What do you think? I know you guys are stretched. Is there any room for keeping two teams here through August (vice letting one go in mid July)? Appreciate your advice. Chris."

I would just like to begin by asking who is [redacted] or [redacted]?

A Scott Moretti was the head of the MSD office in the State

Department.

Q Okay. Do you know if he had previously served or worked in Libya?

A Yes. [redacted] was the head of the MSD team -- or whatever team was deployed when Chris first went into Benghazi. I worked with him closely when I was in Benghazi as well in May 2011.

Q And it looks like here that Ambassador --

A I'm sorry.

I should also add [redacted] then was assigned to lead the team when we went back into Tripoli. So he and I worked together for -- I want to say it was about 30 days in September 2011 as well. So he is someone who knew the situation in Libya quite well.

Q Okay. And he knew the situation in Benghazi well as well. Is that right?

A Uh-huh.

Q Thank you for that clarification.

I would just like to ask -- it looks here as though the Ambassador is asking for Mr. [redacted] -- Director [redacted] advice.

Do you agree with that clarification?

A Uh-huh. Advice and help. It was a very specific ask. And I remember talking with Ambassador Stevens about how we could handle this and he said, "Let me do a personal outreach to [redacted] and see if that will help." Because we had been getting a no from further -- you know, lower level officials within MSD.

Q Okay. So this is a way of escalating that within the MSD

shop?

A Correct.

Q Because he served as the Director of MSD?

A Uh-huh.

Q And based on my reading of this email, it appears there are two factors behind this inquiry about the MSD, the one -- and we haven't talked about this much -- but being the lack of weapons permits for the local guard force of Embassy Tripoli?

A Correct.

Q And the other being an upcoming election?

A Uh-huh.

Q Did you share the Ambassador's concerns about those two factors?

A Absolutely.

Q And, again, we had mentioned the elections a few moments ago, and here is the specific mention to the elections and what assistance MSD could provide with the election.

The elections -- first I'll ask: When were the elections originally scheduled to be held, to the best of your recollection?

A I don't remember.

Q Sometime in the June timeframe?

A I don't remember. I think the Libyans had been very remiss in setting a date. It was that kind of Libyan thing. I mean, it was weird because, you know, how do you hold an election. They were waiting for the technical things to arrive, the ballot boxes, and I don't know

what else.

So I remember we had in our head an idea of when the election might be, but it wasn't announced. And then I think, ultimately, it was held later than expected.

Q Okay.

A But I should add I left the country on June 15. So I stopped following all of this on June 15.

Q Okay. That is helpful.

I would just like to clarify here because there is an inquiry here asking for advice. You've mentioned asking for help as well.

I just would like to understand if this specific inquiry is tied to the elections. Because I will just reference he's asking if there is room for keeping two agents here through August. And then above the national elections the time period appears to be late June, mid-July.

So was the election at this point the primary focus for the reason for wanting a plus number maintained on a larger security presence in Tripoli?

A My recollection is that we were equally concerned with our overall ability to operate safely and securely. And the second piece of this was the election.

Because there is the normal workload that exists in any embassy anywhere in the world and the security requirements that go with that, plus the idea of the additional work that would be associated with an election, both our internal embassy need to report on what was

happening, but also the prospect of high-level visitors for whom we are required to provide protection.

Q I'd just like to work our way up the chain here.

On the first page of this email from June 6 it appears that [redacted], Direct [redacted], replied. He wrote, "Hi, Chris/[redacted], sorry I didn't get back sooner. I wanted to crunch some numbers with my staff before I responded. Unfortunately, MSD cannot support the request. As an Office, we would gladly do it for both of you who have been so good to us, but we have two emerging requirements similar to Tripoli that requires the whole of our office essentially.

"When we were in Benghazi, DS provided High Threat Trained agents for that mission. Would that suffice for your needs? While not a situation I can directly control, I can sensitize DS/IP to your requirement."

First, what is your understanding of what DS/IP is here?

A Diplomatic Security/international program.

Q Okay. And we haven't talked about this. But we have heard that the mobile security deployments, the MSD teams, at this time were a fairly scarce resource in the Department.

Was that your understanding as well?

A That was the line that I got from Diplomatic Security. But, also, given what I knew of other emerging situations in the world, specifically, you know, Yemen, Syria -- were we even in Syria then? I don't know.

But certainly with the Arab Spring bubbling along, there were a

lot of demands. So I, as a responsible State Department colleague, I understood that MSD did have other demands placed on it.

Q Okay. So is your understanding of this email the Director of MSD is telling you that he would not be able to support a request for the second extension -- or extension of a second team in Embassy Tripoli because of competing demands and the lack of resources elsewhere?

A Correct.

Q I will also note that, in the course of providing that information to you, he also appeared to make a proposal for DS high-threat-trained agents.

A Uh-huh.

Q Is that right?

A Yes.

Q And just moving up the chain, the next email Ambassador Stevens writes just to you, "What do you think about his suggestion that we ask for High Threat Trained Agents? I suppose we should pulse [redacted] and [redacted]."

Who are [redacted] and [redacted]?

A [redacted] was our RSO, our regional security officer, at Embassy Tripoli. And [redacted], whose last name I cannot remember, was the assistant RSO relatively newly arrived.

Q Perhaps [redacted]?

A Perhaps. I really don't remember.

Q But not [redacted], who would have been the follow-on

RSO?

A No. [redacted] and I were not in country at the same time.

Q Okay. And, again, just moving up the chain, you replied -- this is the next day, June 7 -- to Ambassador Stevens and you wrote, "[redacted] & I have discussed this possibility before and are comfortable with the idea of high-threat trained agents instead of MSD."

And just to be clear, you had previously discussed this idea of using high-threat-trained agents instead of the MSD?

A Correct.

Q And I apologize if we didn't do this before.

But can you just -- to the best of your understanding, what is a high-threat-trained special agent?

A A high-threat-trained special agent is someone who has been through the Diplomatic Security's high-threat course. I have not been through the course myself. So I have no idea what they learn.

But my understanding is that they learn skills that enable them to work in an environment with a very high-threat rating as opposed to a normal RSO who -- you know, if they are going to serve in Luxembourg, for example, they would not have those specialized skills that come with the high-threat course.

I personally saw the high-threat training as something between a normal RSO and the MSD team, which had almost like paramilitary skills, in my mind. But I am not a security expert.

Q Okay. But here you seem to indicate that at least the RSO was comfortable with swapping high-threat agents instead of the MSD?

A Yes. I was as well.

Q So you agreed with the RSO?

A I agreed that it was the best opportunity in the face of what was clearly a no from the State Department on the MSD.

Q Okay. When you say the State Department, you are referring to the office of the MSD here?

A Yes.

Q Just moving up the chain, the Ambassador then replies to you, "OK, thanks. I will respond to [redacted] and ask for his support with DS/IP when our RSO sends in a formal request."

And I would just like to -- I think you may have touched on this a little bit earlier. But Director [redacted] here offers -- or proposes that he can sensitize DS/IP to your request. Here the Ambassador is saying that you can take Director [redacted] up on that offer and ask him to help with the DS/IP.

Why at this point in time would the Ambassador have sought the MSD director's help with DS/IP when requesting high-threat-trained agents?

A Because we had a difficult history with DS/IP responding to our requests.

Q That is a topic I think we'll visit perhaps in a future round.

I understand that you left post shortly afterwards. You

mentioned that a few times here. Did you have any mention on whether DS/IP did, in fact, provided high-threat-trained agents following this?

A I don't know -- I feel, if my memory serves me correctly, that we did probably send in the formal request before I left. Because we certainly had several cables that we had sent in requesting additional Diplomatic Security staffing, but I don't recall the timing.

Q And that is because you left post, you said, June 15?

A Correct.

Q Moving forward, when we started our discussion, you had mentioned at least two security incidents, the first being the June 6 attack, which we have tried to close out, if you will. You also mentioned an attack on around June 11 on the convoy of the British Ambassador while he was visiting in Benghazi.

Do you recall that incident?

A Yes.

Q You mentioned you recalled that very clearly.

A Yes.

Q Just generally, do you recall taking any immediate steps in response to that specific security incident to harden or improve the security posture in Embassy Tripoli or the Special Mission in Benghazi?

A As I said earlier, I remember having an Emergency Action Committee meeting pretty quickly. I remember actually the day of the attack on the British Ambassador speaking repeatedly to colleagues at

the British embassy to offer condolences, support.

Given that the attack happened in Benghazi, I think that our colleagues on the ground there were much more involved in helping provide the immediate support. And we had an Emergency Action Committee meeting the next day to try to make sense of it.

I personally was very concerned that it might not have been targeted at the British Ambassador, but could have been targeted at us, given the location where it had occurred and given that we had been storing the British embassy's vehicles on our compound. But it was unclear. It was very murky, difficult to determine exactly who was targeted.

We then sent in an Emergency Action Committee meeting cable that included some very specific requests for measures to increase the physical security of our compound in Benghazi. And that is a classified cable. So I think, if any further detail is needed, we should discuss it in the afternoon.

Q Okay. We are happy to do so.

I think at this point it makes sense for us to go and introduce Exhibit 3.

[[redacted] Exhibit No. 3

Was marked for identification.]

BY MR. KENNY:

Q Again, Ambassador, I'd like to give you a moment to read that. But just for the record, I will note that this is an email dated June 12, 2012, from Ambassador Stevens to [redacted], cc'g you and

others, with the subject "RE: Following up on UK convoy attack." Document number is C05409960.

I think it would be helpful to aid our discussion if we walk through portions of this.

A Uh-huh.

Q I would like to read a portion of this in the record. And we'll start with the beginning email. It starts at the bottom and moves on to page 2 here.

You wrote to [redacted] and others. And this is the day before; so, it is June 11. You stated, "Just to let you know - we've alerted GOL security contacts of the attack on the UK Ambassador's convoy to Benghazi, asked whether they have any information regarding threats to US diplomats or facilities, and also asked for extra protection for all USG diplomatic facilities. We'll hold an EAC at 6:00 p.m. to discuss the attack and will send a readout afterwards."

And just further in our discussion about some of the steps you'd taken in the immediate aftermath, it appears here you took at least three steps, including reaching out to your contacts, asking for threat information, and seeing if they could provide additional security resources. Is that accurate?

A Yes. Correct.

Q And do you recall whether you received additional information about additional threats to U.S. Government personnel or facilities in Libya at this time?

A I don't recall receiving additional information from the

Libyan authorities.

Q And did you make a request here for additional extra protection? Did you, in fact, receive that extra protection, if you recall?

A I don't recall.

Q Okay. I will note here that you do refer to the EAC, and I think you mentioned just briefly some of your discussion there.

Do you recall whether Ambassador Stevens attended that EAC?

A I don't recall. In my mind, this was a meeting that took place the next morning. So maybe there were two meetings.

The meeting that I recall -- and, again, maybe I was wrong. Maybe it was the night of. But Ambassador Stevens was definitely at the meeting that I recall. So I really don't remember if there were two, like one the day of and one the next day.

Q Okay.

A But I obviously had a lot of discussions with Ambassador Stevens about that. He was for sure in the meeting that I remember having happened the next day. And I am sorry to be so convoluted. Maybe my memory is wrong. It has been more than 3 years.

Q Okay. That's helpful. And I think in another setting we may be able to tease out a few more of those details.

A Uh-huh.

Q But had the Ambassador been there as Chief of Mission, would he have then chaired the EAC?

A Yes. Yes.

Q And to the extent we can discuss it here, I would just like to ask: Coming out of that EAC, was there a recommendation that Embassy Tripoli move to either authorized or ordered departure?

A No.

Q Was there a recommendation that the Special Mission move to either authorized or ordered departure?

A No.

Q Was there a recommendation that either the Special Mission or Embassy Tripoli suspend operations --

A No.

Q -- even if temporarily?

A No.

Q And, again, appreciating the difficulty with possibly several meetings in a very short time period here, to the extent you can, can you share with us what Ambassador Stevens -- those discussions you had with him during your meeting with him about this incident?

A I think that his views were very clearly encapsulated in this email that you have just shown me in Exhibit 3.

Q Okay.

A Ambassador Stevens, on the one hand, very much understood the seriousness of -- or the serious nature of this attack and, coupled with the attack that had just happened on our compound, understood that the security environment was not good, but also felt very strongly about the need to keep a presence in Benghazi for policy reasons, for reporting, for having contact with the revolutionary forces who were

still very much present in Benghazi.

So he, as I was leaving Tripoli, was literally wringing his hands about this decision, about what should be done about the future of the Mission.

And he felt strongly that the best solution was what is encapsulated in this email from Ambassador Stevens to [redacted], saying that we should probably scale down our presence a bit, you know, take advantage of the gap -- the natural gap that was there and reassess.

He was not ready to make a decision on the future of Benghazi's staffing on -- you know, in that period June 12 through June 14. And then I left on June 15.

Q Okay. I think we are going to get to that point. I would like to just read some portions of this email into the record.

A Okay.

Q Above the email I just read, [redacted] replies, "Benghazi convened an informal EAC." "We have suspended movements today/this evening and will also remain on compound tomorrow, Tuesday, June 12. Tomorrow afternoon we will assess the movements currently planned for Wednesday, June 13."

Again recognizing that there may have been several meetings in this time, do you recall participating in the Benghazi EAC at this time?

A I did not participate in the Benghazi EAC. Again, these were two separate missions. So we relied on Benghazi to do what they needed to do to assess their security situation and security posture,

and we also held a parallel EAC in Tripoli.

Q And there is a list of certain entities that attended that. Would this have been the right mix of personnel to attend an EAC?

A Yes. And it was the full list of personnel present in Benghazi. Actually, it wasn't the full list, come to think of it, because we had the information management officer and -- yeah.

Q So, again, here -- and just for the record, [redacted], who is she?

A She was the principal officer in Benghazi at the time.

Q And so they convened an informal EAC. And it looks like the recommendation coming out of that was that they would make some limited modifications to their security posture and their travel policy -- travel security policy. Is that accurate?

A Correct.

Q And did you consider those at that time to be prudent steps, given the June 11 incident?

A I think it was the only choice. I think they needed to kind of hunker down at that point.

Q There is an indication here that tomorrow afternoon they will reassess.

Do you recall if they took any further steps the next day?

A I don't recall.

Q Okay. Moving up to the next email, [redacted] writes, "Chris, I am getting quite concerned about the security situation for our folks in Benghazi. Maybe we should talk on the phone tomorrow at

your convenience. Just informally touch base. We are at a (possible) natural break in the action coming up, with [redacted] leaving. We can bring [redacted] and a few others into the conversation at the next stage, but I would like your sense of things first."

And above that, on June 12, Ambassador Stevens writes, "We share your concern. [redacted] and I have been discussing recommending a pause in our Bgzi PO staffing to further assess the security situation there. As you note below, there is a natural pause coming up, in the two-week gap between [redacted] June 14 departure and [redacted] anticipated arrival at the end of the month. One idea would be to use this time to allow our RSO team in Benghazi (perhaps reduced in number) to continue to assess the threat environment and consider ways to mitigate. Those are our initial thoughts."

The Ambassador here refers to [redacted] departure. I assume that that's the principal officer, [redacted]?

A Correct.

Q And he refers to [redacted] anticipated arrival. Who is [redacted]?

A [redacted], if I remember his last name correctly, who was supposed to be the next principal officer.

Q And there is -- they use the word -- the Ambassador used the words "natural pause coming" here.

So there was a natural break in the principal officer staffing in Benghazi at this time. Is that right?

A Correct.

Q And that 2-week gap was not driven by security concerns?

A No. [redacted] had a family situation that required her to leave Benghazi earlier than expected.

Q Okay. There is a reference here to discussions you may have had with the Ambassador.

Do you recall those discussions or some of the same meetings we were just talking about a few moments ago?

A They were, of course, the Emergency Action Committee meetings. But Ambassador Stevens and I had separate discussions, just the two of us. As I said earlier, he was literally wringing his hands about what to do because, for him, this was a very difficult problem.

Obviously, he understood the serious nature of the security threats in Benghazi, but he also understood the equally serious, in his mind, need to keep folks on the ground there to continue doing our policy work, our outreach, our reporting, about the situation in Benghazi.

Q Thank you.

It sounds like the Ambassador here at least may be proposing to take the natural break and allow the regional security officer on the ground to further assess the threat environment. Is that right?

A Correct.

Q Did you support that proposal or did you agree with Ambassador Stevens that that was the correct approach to take?

A I supported his decision.

Q With respect to the RSO assessment, do you recall if there was an RSO in Benghazi at this time?

A Presumably, if there was an RSO who was referenced in [redacted] June 11th email. I don't recall who that was.

Q Does the name [redacted] ring a bell?

A I really don't remember.

Q So you don't recall if an assessment did, in fact, take place or if there was anything that the RSO would have reported back?

A I left post on June 15. I cannot speak to anything that happened in Libya after that date.

Q Okay. So after you left post, did you continue to closely track developments in either Tripoli or Benghazi?

A No. I had 1 week in which I was outprocessing, as one is supposed to do from an assignment. And because I was technically assigned to Washington, I had to submit my final travel vouchers. I had to finalize whatever performance reviews, et cetera, from the time.

I was also preparing for an assignment in Iraq. So I had a number of things I needed to do then in terms of my inprocessing for Iraq. So I think I had 4 days in the State Department in which I was very, very busy with administrative stuff and then I was done with Libya.

Q Okay. Do you recall if at this point in time -- this is an email thread between the Ambassador, [redacted] -- for the record, who is [redacted]?

A [redacted] was the Director of the Office of Maghreb Affairs in the State Department.

Q You had indicated that the Ambassador at this time was wringing his hands over the decision. I would like to generally ask:

The Ambassador had served several months as the special envoy in eastern Libya, one of the principal players on the ground, if you will, during the formative moments of our Mission of special envoy to Libya and, at this point, had been the Ambassador for a brief period of time in Libya.

Was he considered to be expert on Libyan matters?

A Yes. Chris's views on Libya were very highly regarded. In addition to his service in Benghazi, of course, he had served previously as the DCM, my predecessor in Tripoli. He was there from 2007 until 2009.

So he had a lot of experience, probably more than anyone in the U.S. Government, about Libya. So people put a lot of stock in his assessment of the situation.

Q And that would include folks back at Main State?

A Yes.

Q So if the Ambassador at this moment in time -- and I apologize that this is a bit of a hypothetical -- had he made a recommendation to suspend operations in Benghazi or to consider the closure of that post, would that recommendation have received serious consideration or weight?

A That's a purely hypothetical question. I can't answer that. Chris did not make that recommendation at that time.

What I can say is that, as I said earlier, his views were highly respected and given serious consideration by the State Department.

Q Okay. To your knowledge, was Ambassador Stevens ordered

by anyone at the State Department to keep Benghazi open --

A No.

Q -- during this period?

A Not at all.

Q Thank you. With that, we will go off the record.

[Recess.]

Ms. Jackson. It's 1:20, and we'll go back on the record.

BY MS. JACKSON:

Q Ambassador, when we left, we were talking about security incidents and the response thereto. And like the last hour, I am going to jump around a little bit. I have some followup questions on some of the areas that we talked about. So it won't be as streamlined as the first hour we spent together.

But I did want to pick up where we left off right before we broke when we were talking about the June 2012 security incidents that occurred, both the IED blowing a large hole into the wall of the compound in Benghazi and the attack on the U.K. Ambassador.

And starting with the U.K. Ambassador attack, you stated in the last hour that you had some concerns that there was the potential that it was an attack against U.S. Government interests. Can you explain what your concerns were at the time and why you thought it could have been an attack directed at the U.S.?

A There were two main reasons.

One was the physical location of the attack. It occurred, I believe, on Venezia Street, which is right by our compound. And it was actually -- as I understood it, not having been there at the time of the attack -- close by our rear exit from our compound. And, also,

given the fact that we had been storing British armored vehicles on our compound, again, if someone had been watching, you know, did they know for sure whether that was British or American.

Also, around the same time, a figure named Abu Yahya -- is it Abu Yahya al-Libi? -- a senior Al Qaeda operative, had been killed, I believe, in either Pakistan or Afghanistan. So I was --

Q By the U.S. Government?

A Correct.

Q In a drone strike or something like that?

A Correct. In some U.S. operation. So, given that he was a Libyan, I was concerned whether or not there could have been some retaliatory action taken by Al Qaeda, you know, for that act.

So it was murky. There were a lot of things that were unclear, but I was concerned that there could have been links to the U.S. Government.

Q At that time, in June of 2012, the Brits were storing their vehicles and their weapons on the U.S. compound, the Benghazi compound; is that correct?

A Correct.

Q At the time the attack happened, had the U.K. Ambassador just left our compound, or was he on his way back to our compound?

A I don't know.

Q Okay. Do you recall what time of day it was?

A I don't remember.

Q Okay.

And that attack happened on or about June 11; is that correct?

A I believe so.

Q Okay. And it was just a few days before that that the IED explosion of the wall of the compound had occurred?

A Correct.

Q Four or 5 days before that?

A Uh-huh.

Q Okay. And that was a pretty large hole, as you understand it; is that correct?

A Correct.

Q Okay.

The wall that surrounded the compound, did it meet the standards of the State Department at the time?

A I believe that there were waivers in place for all of the physical security requirements. Maybe not even formal physical waivers, but the -- because this was a temporary facility. So short answer, no, to the best of my knowledge, it did not meet the physical security standards.

Q You described it as a temporary facility. What did that mean to you, and what was the distinction between a temporary and a permanent facility?

A With the qualification that I'm not an expert in these matters -- that's usually something that's handled by Overseas Buildings Operations and Diplomatic Security -- it meant that there was not the same requirements that you would have in place for, let's

say, a new embassy compound that was being built.

Q Okay. And who could make the determination that a facility could be occupied in a temporary status?

A I honestly don't remember who does that. I know that there were certainly communications back and forth with Overseas Buildings Operations and Diplomatic Security. I don't know who has the ultimate authority.

Q Okay.

And was that same designation as a temporary facility also true for the facility you were in in Tripoli?

A I believe so.

Q Okay. And were you then essentially able to occupy it as is, without these upgrades?

A Yes.

Q Okay. And was there a plan in place, to your knowledge, to bring the facilities up to the standards?

Mr. Evers. I'm sorry. You've mentioned two different facilities.

Ms. Jackson. Just as to each.

Mr. Evers. Okay. Thank you.

Ambassador [redacted]. For Tripoli, yes, we were working on a massive renovation plan that would create residential and office space that would serve as the interim embassy compound, I believe was the term that was used.

And for Benghazi, certainly we had put in requests for various

physical security upgrades to the facility, but there was not an overall plan to renovate it because this was a short-term facility.

BY MS. JACKSON:

Q Okay. At that time, in June of 2012, did you know how long the U.S. Government was going to maintain a presence in Benghazi?

A I believe that the memo that had been signed off by Under Secretary Kennedy authorized the mission for a year, if I remember correctly.

Q So that was for all of calendar year 2012?

A That's my understanding.

Q Okay. And that was a memo that had been signed towards the end of 2011, early 2012?

A That's my understanding, yes.

Q Okay. Were there other components to that memo, such as what the staffing should look like and the security should look like at the Benghazi compound?

A Without having looked recently at the memo, I couldn't tell you what exactly was included.

Q Then we'll look at it.

Did you have any role in reviewing it or providing information?

A Yes. I did see it in draft form. And then I believe I got a copy of the signed document, as well.

[[redacted] Exhibit No. 4

Was marked for identification.]

BY MS. JACKSON:

Q All right. Let me hand you what I've marked as exhibit No. 4.

A Okay.

Q And if you would take a moment and look at that.

For the record, this is document No. C05391930. It's entitled "Action Memo for Under Secretary Kennedy -- M." At the top, it is dated December 27, 2011. And the subject line is "Future Operations in Benghazi, Libya."

Oh, there has been a photocopying error. I'm going to give you another one marked exhibit 4. We'll take those back. We had a photocopying malfunction. There's an extra -- we can go off the record.

[Discussion off the record.]

BY MS. JACKSON:

Q Exhibit 4, is it an exhibit that you -- or is this information that you've seen before?

A Yes.

Q Okay. And, again, what were the circumstances in which you saw this memo?

A I saw it, I think, in draft form. I did not see the final version that was sent to the Under Secretary for his consideration, but I did see them, the come-back copy with the approved recommendations.

Q Okay.

And this memo, just generally, allows a diplomatic presence by

the U.S. Government in Benghazi, Libya, through all of calendar year 2012; is that correct?

A Yes.

Q Okay.

Does it have a component in it where it talks about what the security personnel should be?

A Yes.

Q Okay. And what was that?

A I believe it was five Diplomatic Security agents.

Q Okay. And do you recall, would Diplomatic Security have signed off on this memo prior to it being sent to Under Secretary Kennedy?

A Given that I was not assigned by -- well, I technically was assigned to Washington, but given that I was not physically present in Washington, I don't know who cleared this document.

Q Okay. Is that the normal process within the State Department, is that all the various component bureaus or offices that are affected by a decision generally clear on it before it goes forward for approval?

A That's the general practice. But, like I said, I wasn't involved in the drafting or clearance of this document, so I couldn't say who did or did not clear this document.

Q Okay.

In the last hour, we talked about difficulties in staffing in Benghazi and in Tripoli for your security. Can you describe for us

a little bit of the difficulties that you had in the staffing in Benghazi? We focused on MSD and SST in Tripoli, but what were the difficulties in Benghazi?

A Well, as you see in this memo, there was an approved plan to have five Diplomatic Security agents present. And Diplomatic Security routinely referred to this -- or officials within Diplomatic Security referred to that as an unfunded mandate, because this was a mission that wasn't part of our normal staffing plan, so there weren't bodies or billets that, you know, could be assigned to that.

So it was a constant push and pull to pull people from other assignments, to have TDY, temporary-duty assignments for people from various Diplomatic Security field offices, and there were gaps that resulted.

Q Okay. And what happened when there were gaps? What were the ramifications of there not being a full complement of five agents in Benghazi?

A We felt that we didn't have enough resources to do our jobs and to adequately protect our personnel. So there was a period in the February 2012 timeframe where I believe they were down to one or two agents, which then prompted me to get involved and to push Washington to send more resources.

Q Was February a particularly sensitive time in Libya? Was it the anniversary of the revolution?

A Yes, it was.

Q Okay. And did that pose additional security concerns for

you and others in Libya at that time?

A Yes, but I would say every day posed particular security concerns. As I said earlier, it was a very fluid environment. So it was just very important to ensure that we had appropriate staffing.

Q Did you use this memo, exhibit 5, in any way to seek greater resources for Benghazi?

A Well, I certainly referred to the approved staffing levels when I was interacting with officials in the Diplomatic Security Bureau to ask for more staffing.

Q And what was their response?

A Well, it was part of an ongoing discussion.

Q Okay.

A So, I mean, a response at any given moment. If you, you know, asked for a more specific time, I could give you a more specific answer.

Q Okay. But you mentioned earlier that there were issues with not having permanent billets. Does that mean that it didn't go through the normal selection process for putting people overseas?

A Yes, that's correct. I mean, when you have an established embassy or consulate, there are approved staffing patterns, there are clear personnel procedures to get people out to post, whereas we were staffing Benghazi entirely on a kind of volunteer basis basically.

Q Sort of an ad hoc basis?

A Uh-huh.

Q Okay.

If there had been a more formalized relationship between Benghazi and Tripoli, would that have eased the staffing issue? And from this sense is what I'm asking: Would it have more formalized the procedure? Could billets have been added to Tripoli so that Benghazi could be covered?

Do you understand what I'm asking?

A I do, but I think it's a hypothetical question.

Q Well, in your experience, when you have more than one facility in a country, how does that normally work?

A I have never worked in a country with an embassy and a consulate.

Q Okay. Do you know from your training and experience and your length of time in the State Department how that generally works? Or what's your sense of how that works?

A I don't know. As I said, I've never worked in a country with an embassy and a consulate, so --

Q Was there any discussion in 2012 while you were still in Libya about formalizing the relationship between Tripoli and Benghazi to make it easier to staff?

A No, there was not.

Q And do you know why that wasn't? Had there been a firm decision that there was not going to be any connection between the two?

A There was a firm decision that Benghazi would be a special mission that was not a formal embassy or consulate.

Q Okay. And how did you acquire that information? Who told

you? Was it in a memo? How did you come to understand that?

A There were ongoing interagency policy discussions in the summer of -- I believe it was 2011. And I don't recall exactly how I was told of this policy decision, but I was aware of it. And it was a decision in which I did not participate; it was certainly made at a level higher than me.

Q Okay. And you said it was an interagency decision?

A There was an interagency process in general that was talking about our overall engagement with the new, post-Qadhafi Libya.

Q Okay.

If a post or consulate is tied to an embassy or otherwise some sort of formal relationship, is there any notification to Congress that's required, if you know?

A I'm not an expert in this area. The hearsay around the State Department is that, yes, when there is a formal diplomatic presence that is established, yes, there is a congressional notification process.

Q To your knowledge, did that concern play into the decision to keep Benghazi separate from Tripoli?

A I don't know what was the rationale that was deployed by senior officials in the State Department to make that decision.

Q Was that ever communicated to you by anyone?

A The rationale?

Q That notification to Congress was a concern.

A There was certainly speculation around the State Department

that that could be one reason.

Q Okay. And do you know why that would have been a concern? Was that part of the discussion and speculation?

A I was not part of the decisionmaking process regarding whether or how to interact with Congress on the mission in Benghazi, so anything that I would say would be pure speculation.

Q Okay.

In this timeframe when the decision was to go into Benghazi in the spring and summer of 2011 and there were these interagency discussions, did you participate in them at all? Did you attend any sub-IPC meetings, deputy committee meetings, IPC meetings, anything?

A Regarding the decision to go into Benghazi?

Q Yes.

A No, I did not.

Q Okay. What about the decision whether to resume operations in Tripoli?

A Yes. I was part of a -- and I should caveat all this -- I was part of a planning process that worked at a working level to figure out how to make the mission in Benghazi happen. I was not part of the policy decision.

So I sat around the table with colleagues from Diplomatic Security, Under Secretary Kennedy's team -- I don't even remember who else was there -- you know, just figuring out the logistics of how you make that happen.

And then --

Q And by "that," you mean the mission in Benghazi, how you make that happen?

A Yes. And then also a lot of working-level planning meetings for how to go back into Tripoli and how you make that happen.

Q Okay. And, as a result of these what I would call policy and planning meetings -- you may have called them something different.

A They were not policy and planning meetings, because the policy was already made. This was planning for implementation of policy.

Q Okay. How were those meetings memorialized? Were there briefing papers or action memos or information memos? Or how was the collective wisdom of the group communicated to the policymakers or others within the State Department?

A I don't remember. And I played no role in the memorialization. That was something that I believe was done by the NEA/EX team.

Q Okay.

You stated in the last hour that, as you were leaving Tripoli, you thought that in Tripoli you had the right combination of security assets, be it RSOs, MSD, SST, through the elections. Did I hear your prior answer correctly?

A Yes. I felt comfortable with the security staffing that we had in place in Tripoli.

Q Okay. At least through the period of the elections; is that correct?

A Correct.

Q And, as I understand it, you had two MSD teams at the time?

A Yes.

Q Okay. And you had an SST team?

A Yes.

Q And what is an SST team? What is it comprised of? What agency does it come from?

A I don't remember what the acronym stood for, but it was a -- it came from the Department of Defense, from AFRICOM. They were special forces members who were there to supplement our security in a static way. So they weren't, you know, providing close protection as we were moving around town, but they helped --

Q They were not? I'm sorry, were or were not?

A They were not providing close protection. That was not part of their duties. But they came in with a skill set that our Diplomatic Security teams didn't have. So, for instance, explosive ordnance disposal, because when we were first going back in, we didn't know the state of our embassy or our residences, so we needed someone who could respond to an EOD; medical skills that our teams didn't have. And I thought it was very helpful to have them there.

Q Okay. Were there like resources in Benghazi?

A No, there were not SST officials or resources like that in Benghazi.

Q Were there MSD officials in Benghazi?

A No.

Q Okay. And do you know why not?

A I wasn't part of decisionmaking for the overall staffing patterns and resource decisions that were made in the State Department.

Q Okay. Do you know whether those resources were ever requested by Benghazi?

A I don't believe Benghazi ever requested an MSD or an SST. That said, when there were staffing gaps in the Diplomatic Security component in Benghazi, I made the decision to send additional resources from Tripoli to Benghazi to augment their security posture.

Q Okay.

During the time that you were in Tripoli -- you mentioned the name of [redacted] before as the RSO. Was he the RSO during your entire time of return to Tripoli, as I would call it, from September of 2011 to June when you left?

A Essentially. I think he arrived in Tripoli about 2 weeks after I did, but yes.

Q Okay. And had he been your RSO at the time you went into suspended operations?

A No, he was not. He was new to Libya, entirely new.

Q But had he worked with you during the summer of 2011?

A No.

Q Did you know him before?

A I had done a telephone interview with him when he was applying for the job in 2010, well before any of this started.

Q How would you describe your working relationship with him?

A Professional.

Q Did you value his opinion?

A In certain respects, yes; in other respects no.

Q Okay. And could you elaborate on that?

A I felt that [redacted] really did not have the kind of tactical and operational knowledge to operate in that kind of environment.

Q And I would ask you to elaborate on that because I don't understand.

A [redacted] had come to us with his last overseas assignment having been an assistant RSO [redacted] doing consular investigations, office work -- very different from operating in a high-threat environment with militias duking it out, with, you know, possibilities of IEDs.

So I, as a matter of practice, made sure that anytime I discussed a security matter, of course, I included [redacted] because he was our regional security officer, but I relied far more heavily on the advice and views of our MSD teams.

Q Okay. And who was the leader of the MSD teams?

A It changed as the teams came in and out. When I first arrived, [redacted], who was the head of MSD, was there. And then there were a variety of senior officials from MSD who came out.

Q Okay.

In the documents we have reviewed, there were a lot of requests for additional security, both for Tripoli and for Benghazi. And [redacted] name appears in many of those communications. Was that his role, to communicate those requests to Main State?

A Yes.

Q Okay. And were you kept apprised of those requests that he made?

A I worked very closely with him on all those requests, and, in some cases, I was the one who asked him to make those requests.

Q Okay. Was there any request that he made that you did not approve of or did not concur with?

A No.

Q Okay. Did you believe that he was being overambitious with -- that may not be the right word -- with the number and nature of requests that he was making for security, either in Tripoli or Benghazi?

A No. I thought they were absolutely appropriate. And, as I said earlier, I coordinated all of this with him and, in some cases, asked him to make those requests.

Q Okay. So, in those requests that were made, would you put them on, sort of, the continuum of being grounded in realism as opposed to being an alarmist?

A I think they were grounded in a very accurate assessment of the security situation, which did not reflect [redacted] personal, you know, solo views. It, in fact, reflected the views of me, the Ambassador, the MSD team, the SST team, and other agencies present at post.

Q Okay.

In the last hour, you described a series of meetings that you had

at Main State in February of 2012 where, among other things, you discussed ongoing security needs for both Tripoli and Benghazi. Is that correct?

A Yes.

Q Okay. How high up in the Department did you take your concerns? You've mentioned you met with Diplomatic Security. Did you discuss at any higher level security concerns?

A I had met with the Deputy Assistant -- then-Deputy Assistant Secretary, Charlene Lamb, and I also met with the Principal Deputy Assistant Secretary in the NEA Bureau, Liz Dibble.

Q Okay. Did you go to the Under Secretary level with any of your concerns?

A No, I did not.

Q Did you have any meetings at the Under Secretary level while you were there?

A No, I did not.

Q Okay.

Did you have any meetings with anybody from the National Security Council when you were in D.C. in February of 2012?

Ms. Safai. Are you referring to Libya-specific issues?

Ms. Jackson. Well, yes. She was the DCM for Libya.

Ms. Safai. But she -- never mind. Go ahead.

Ambassador [redacted]. I don't remember, quite honestly. I'm thinking the answer is no, but sometimes when I was in Washington I was pulled in to participate in various ad hoc meetings. But I don't

recall going over and having a specific meeting at NSC. But this was several years ago, 3 years ago.

Actually, did I have coffee with someone? I may have. I'm really -- I'm trying to remember.

Ms. Jackson. We will help you out.

Ambassador [redacted]. Thank you.

[[redacted] Exhibit No. 5

Was marked for identification.]

BY MS. JACKSON:

Q I'm going to hand you what I've marked as exhibit 5. And if you would take a few moments to take a look at that.

And, for the record, this is a document that's numbered C05561876. At the top of the page, it is an email chain from John C. Stevens to [redacted], dated February 17, 2012. The subject line is, "Re: NSS, resources and the DC."

But on the back page of it is an email exchange from the witness, [redacted], dated February 17, to [redacted], [redacted], [redacted], and [redacted], with the same subject line.

And we'll just give you a few moments to take a look at that.

As to exhibit 5 -- and, yes, we understand that these events were over 3 years ago.

A Yes.

Q Does this refresh your recollection of --

A It does.

Q -- your meetings and trip in February of 2012?

A Yes. Although I don't remember going over to the NSC, clearly I did. And I do remember having discussions with Ben Fishman -- is that his name?

Q Ben Fishman from the national security staff?

A Yes, about all of these issues, yes.

Q Okay.

So this is an email that you wrote on February 17, 2012; is that correct?

A Yes.

Q And as you've reviewed it, is it an accurate reflection of the issues that were raised and things that you discussed in February of 2012?

A Absolutely.

Q Okay. Did you try and be comprehensive and thorough when you were doing this write-up?

A Yes.

Q Okay.

I noticed that on the "to" line of your email, it is sent to the names I read before, [redacted] and -- is it [redacted]?

A Uh-huh.

Q -- [redacted], and [redacted]. Can you tell me who those people are and what role they played at the time?

A Yes. So [redacted] was the deputy office director in Maghreb Affairs. I'm not sure why I didn't include [redacted] -- maybe he wasn't there at the time -- because he was the office director. And

then everyone else on the "to" line was part of the Libya desk.

Q In NEA?

A Correct.

Q And then I see on the cc line, are those people who were also in NEA?

A Yes. Everyone except Liz Dibble was part of the NEA/EX office. And Liz Dibble, of course, was our Principal Deputy Assistant Secretary.

Q Okay.

I notice that Ray Maxwell is not included. Can you tell me why not?

A I don't remember why at the time I would have not included him. However, given that this was a resource issue, I thought it was very important to include Liz because her role as the number-two person in the NEA bureau was to oversee all of our resource issues.

Q Okay. When you were in for these meetings, did you meet with Ray Maxwell?

A No, I did not.

Q Okay. Was he the director of the Maghreb Affairs that included the country of Libya?

A He was the Deputy Assistant Secretary of State for Maghreb Affairs.

Q Okay. And Maghreb Affairs included Libya?

A Yes.

Q Okay.

Was there someone who was sort of specializing or handling Libya issues because they were so hot at the time, for lack of a better word?

A And handling in what sense?

Q Well, the person that you went to with concerns and things like that.

A In the State Department, you always go to your desk officer. And in the State Department there's a division between policy issues, which would be the desk officer, and then the administrative or management support issues, which would be the post management officer.

So, given this was a nexus of both of those issues, I included the mix of both the desk and the EX team.

Q But not the Deputy Assistant Secretary.

A No, I did not.

Q Okay.

How often did you talk with Mr. Maxwell?

A I think -- well, I paid a courtesy call on him before I went out to Libya. And I had one phone conversation with him the entire time that I was in Libya, which was related to a flag-raising ceremony. And, really, that was the extent of my substantive interaction with him.

Q And how often would you have contact with Elizabeth Dibble?

A I'm trying to think. I mean, it also wasn't very regular for me. But keep in mind, as the Deputy Chief of Mission, in normal State Department practice, it's the office director level. It's the Ambassador's job to deal with the higher-level people.

Q Would you say that you talked to her or communicated with her phone or email once a week, once a month?

A I couldn't quantify it. But I felt, again, given her role overseeing the resource issues, she was the one that I needed to loop in on things that involved resources.

Q Okay.

One of your concerns that you raised while you were out in February of 2012 was the issue of security assets in both Tripoli and Benghazi. Did you and -- and in February, Ambassador Cretz was still there; is that correct?

A Absolutely.

Q And let me ask this first. It's my understanding that Ambassador Cretz made a trip to Washington either overlapping or right after you were there. Do you recall that?

A Ambassador Cretz and I would have never been in Washington at the same time. That's standard practice. Either the Ambassador or DCM always needs to be in country at the same time.

I don't remember his travel schedule, quite honestly, so I couldn't answer that question.

Q Okay. But when you went back into Tripoli, you had set up 6 weeks in country, 2 weeks break, 6 weeks and that. So he would have followed you out of the country?

A He was the Ambassador. He took leave and traveled when he wanted to take leave. It wasn't as regular as a system. And there were also Chief-of-Mission conferences and other demands on his time.

Q Okay. Do you recall if he ever had a series of meetings in Washington regarding the security staffing in Tripoli and Benghazi?

A I don't recall.

Q Okay.

Going back to exhibit 5 for a minute, you had a meeting with Ben Fishman of the national security staff at that time. Had you had recurring conversations or meetings with him during the time that you were the DCM, while you were --

A Yes.

Q Okay. And how often would you communicate with him?

A Again, I can't quantify that. There were times when he would phone and want to discuss various issues. There were times when there were email exchanges, and certainly there were times when I saw him in person.

Q Okay. Did the frequency of those meetings increase, decrease, or stay the same when we look at the period of time from September of 2011 through June of 2012 as opposed to when you were in Tripoli before?

A It was much more intense interaction with the National Security Council staff after the revolution.

Q Okay. And what were the nature of those conversations? What type of issues would you be discussing with the national security staff?

A Usually policy-focused issues.

Q And could you give us a list or examples of those?

A Well, as you see in this email, there was a great desire on the part of the National Security Council staff for us to engage more with the Libyans and the desire to send out various experts in various subject matters, not necessarily experts in Libya, but -- I mean, the overall mindset, which was difficult for those of us on the ground, that the U.S. Government had done transitions in Iraq and Afghanistan with the full force and backing of the U.S. military and everyone and everything. And, you know, it was just a very different model. And the model in Libya was different, but the demands were the same.

So, as you see in this email chain, for example, I think we had, I don't know, like, nine armored vehicles when we were operating in Tripoli. And you can't run a mission with nine armored vehicles when everyone has to travel in armored vehicles.

So it was this constant push and pull of people saying, why can't we have someone to go out and do an assessment of the militias, or why can't we have someone to go out and, you know, engage on economic reform? Well, because I don't have a bed for them to sleep in, and I don't have a car or the Diplomatic Security agents to move them around.

So that was one example of the kind of discussions that we had.

Q Did you ever communicate to the national security staff that, you know, if you gave me some military assets, we could, you know, get out and about and do the things that you want?

A I did not ask for military assets because there was a very clear policy parameter that there would be no boots on the ground.

Q Okay. And how did you learn of that policy?

A It was, I believe, announced by the President of the United States.

Q Okay. And so how did you get SST resources? Because that was a military resource.

A Those were policy decisions in which I played absolutely no role. I was on a little bit of vacation at the end of August 2011, after our time at Embassy Tripoli expired and before I started my new assignment. And when I came back, I was briefed on the plans for the SST.

Q And that decision was made while you were out.

A Yes. And it was not a decision in which I would have been involved. That was at a much higher level.

Q Okay. So it was clear that you could not ask for military assets for additional protection.

A I didn't feel that I needed military assets for additional protection.

Q You needed just additional security assets?

A Correct.

Q Okay.

You've described the various things that the national security staff wanted you to accomplish or wanted your group to accomplish in Libya. Were you getting the same and similar requests through the State Department, or were these taskings that you got directly from the NSS?

A We had all sorts of brilliant ideas coming from all sorts of people all over government.

Q Of course you did. It was the Federal Government.

A Yes.

Q Would anything that was requested of you from the national security staff, would that be echoed or reiterated by State Department, or would they be separate and distinct from requests that you got from the State Department?

A It could be either or both. I mean, it's impossible for me to generalize.

Q Okay.

Ms. Jackson. Go ahead.

Ms. Betz. Well, you just talked about, sort of, this push that you felt from the NSS on putting these individuals on the ground. Did you feel like that push was greater than other pushes that you felt within the State Department or other agencies?

Ambassador [redacted]. Government-wide, there were an awful lot of people -- and this is my personal view. Government has grown explosively since September 11, 2001. So we have offices for stabilization, we have offices for -- I don't know what we have -- special envoys. We have all of these people who, in the Iraq and Afghanistan context, had some small piece of a very big puzzle.

Libya was not Iraq or Afghanistan. The policy decision was that we were not involved in Libya in the same way that we were involved in Iraq and Afghanistan. We did not have the administrative resources.

So we were bombarded every day by people with, you know, what they thought was the right way to fix Libya. And I can't tell you how many times we had to do conference calls, and, you know, as the DCM, I was the bad guy. I was the enforcer. "No, we can't do that. No, that doesn't make sense. If you want to do that, here's what we need in terms of resources to support that."

I mean, keep in mind, this was a situation where we were living, you know, four people to a room, eight people to a bathroom, which in a third-world country is never a good idea, with the plumbing.

So, again, people who thought, well, you know, but in Iraq we were able to do fill-in-the-blank, and there was just a complete disconnect that Libya was not Iraq.

BY MS. JACKSON:

Q And, again, switching around here, with respect to Libya and prior to the Arab Spring, prior to suspended operations, how were decisions regarding Libya made by you and Ambassador Cretz? Such as, it's my understanding that the DCM or the Ambassador approves travel into country, gives country clearances, and things like that. Was Libya operating as a standard embassy prior to suspended operations?

A Prior to suspended operations, yes, we were operating as a normal embassy.

Q Okay. And, obviously, that changed once you went into suspended operations; is that correct?

A Yes.

Q When you were in Tripoli in exile, did you and Ambassador

Cretz retain your authorities and decisionmaking power?

A Ambassador Cretz retained all of his authorities as Chief of Mission throughout his entire time.

Q Okay. But did you, as Deputy Chief of Mission?

A Well, I had no more mission to manage.

Q Okay.

It is our understanding that, during that time and even for when Special Envoy Stevens went into Benghazi, that all decisions as to who could travel into Libya, whether it was Tripoli or Benghazi, was being handled by the Under Secretary for Management.

A Yes, that's correct. So I should amend my previous answer to state that, you know, the normal country clearance authorities that reside with the Chief of Mission were taken over by Under Secretary Kennedy.

Q Okay. When you went back into Tripoli in September of 2011, did Ambassador Cretz resume that authority, or did it stay with Under Secretary for Management Kennedy?

A Under Secretary Kennedy retained that authority, but I think we also had a role in terms of providing recommendations about what we needed and what we were comfortable with and what we could support. Under Secretary Kennedy and his team I always felt were very attentive to our needs.

Q Okay. Was that unusual, though, that those authorities did not revert back to the Ambassador once you'd gone back in country?

A I think that's impossible for me to generalize. I mean,

certainly, there are situations where, you know, the post is on an evacuation status and the Under Secretary has that authority to determine who goes in and out of the country. In some cases, he retains it; in some cases, he doesn't.

[[redacted] Exhibit No. 6

Was marked for identification.]

BY MS. JACKSON:

Q I'm going to hand you what I've marked as exhibit 6, which is a June 10, 2011, document entitled "Action Memo for Under Secretary Kennedy -- M." It bears document number C05578649 from "NEA -- Jeffrey Feltman, Assistant Secretary," subject, "Request Authorization to Add Five State USDH personnel in Benghazi, Libya."

And I'll give the witness to few minutes to review this document.

In exhibit 6 -- are you familiar with this action memo, first?

A Yes.

Q Okay. And, in fact, you are on the cleared -- the list of persons who cleared on this memo; is that correct?

A Yes.

Q Okay. And it was when you were in Tripoli in exile?

A Yes.

Q Okay. And so you supported this memo going forward?

A Yes.

Q To your knowledge, did this memo go forward?

A I don't recall.

Q Okay. Because I notice it does not bear an approved or

disapproved signature.

A Uh-huh.

Q Okay.

Were there any events ongoing in Benghazi at the time that this action memo was drafted and cleared?

A Particular political or security events or --

Q Security events.

A I believe this was around the time that they moved out of the Tibesti Hotel.

Q And that was due to security concerns?

A I don't remember the exact timing, but, of course, there was first a car bomb at the Tibesti Hotel, and then there was very specific threat information that made the team move out in a hurry. And I don't remember the dates of that.

Q Okay.

If we go back and piece it together, you were there from mid to late May of 2011; is that correct?

A Uh-huh.

Q And did these events occur after you left?

A Yes.

Q Did they occur shortly after you left, within the next 30 days or so, if you recall?

A Yes, I believe within the next 30 to 45 days. I think they were in June, but this is, you know, 4 years ago, so I don't remember exactly.

Q Okay.

What can you tell us about what was -- the motivation for -- or the underlying rationale is spelled out in this document and -- is that correct?

A Yes.

Q Okay.

And, as I read this document -- and we need your input, because that's much more important -- but it seems like the U.S. Government and State Department has decided to have a long-term, more robust presence in Benghazi. Was that the purpose of this memo?

A I disagree with the characterization of "long-term."

Q Okay.

A This was still -- this was June. So this was, you know, what, 4 months after the revolution started, 3 months or 2 months after Chris and the team had arrived in Benghazi. There were increasing demands that were placed on the team. Certainly, when I was there, I was working from, you know, 8 in the morning till midnight. And there were two reporting officers there.

Just in terms of sustainability and getting the work done, 8 in the morning until midnight is never a good recipe, and, also, when you're trying to make sure that people are at a heightened state of alert that's appropriate for a very fluid security environment.

So it wasn't a decision to say, oh, we need a long-term presence. It was a decision that we don't have the resources in place to get the work done that needs to get done.

Q Okay.

And do you recall whether this personnel ever went to Benghazi, this level of personnel?

A This level of personnel did not go to Benghazi, but then later in the summer there was another decision memo that was in the works to think about the future staffing. So decisions were made later about what it would take. And this ties back to the Libya cell organization, to which I belonged.

Q Okay.

And do you recall that -- and was that discussion that you had later in the summer regarding -- was that an increase of staffing in Benghazi?

A It put forward -- it created the Libya cell, so that if events warranted, i.e., if the situation dragged on and there continued to be a standoff between the revolutionary forces and the Qadhafi forces such that we were unable to go back to Tripoli, we would need to bump up our presence in Benghazi. But if Qadhafi fled Tripoli, then we would use those personnel from the Libya cell to increase and reestablish our presence in Tripoli.

Q Okay. And that's ultimately what happened, right?

A Correct.

Q And so you, as a member of the Libya cell, were part of the Libya cell with an eye of the possibility of going into Benghazi.

A Correct.

Q Okay. That's very helpful, because I did not understand

that.

Prior to your leaving Tripoli as the DCM, was there any -- we've talked about discussions of possibly closing Benghazi. On the flip side, were there discussions about keeping Benghazi open into 2013?

A As I was preparing to leave Benghazi in June 2012, yes, there were discussions: What do we do? What's the future? What do we need? But they were very nascent discussions. So I could shed no light on, you know, what might have happened later as time progressed.

Q And you said in June of 2012 that everyone was concerned with the security situation in Benghazi, and there was a lot of discussion and deep concern over whether to keep it open or shut it down. Is that correct?

A I wouldn't say that everyone was concerned. That's a very global assessment. Certainly, I was concerned, Ambassador Stevens was concerned, our security team was concerned, because the trends were worrisome. It was a very different environment than had existed in 2011 when we first went into Benghazi. So there were concerns, yes.

Q Okay.

A But there was not a formal policy discussion at that time of whether to close or open or grow. It was very nascent.

Q You stated in the last hour that you supported the decision of the Ambassador regarding Benghazi; is that correct?

A Yes.

Q Okay. Was it your recommendation that he take a different course before he made his decision?

A I did not provide any independent recommendations to Ambassador Stevens. I felt that he knew Benghazi far better than I did, and I would go with his judgment on that.

Q Prior to your leaving Tripoli, were you aware that Secretary Clinton was planning a trip to Libya in the fall of 2012?

A I'm sorry?

Q Prior to your leaving Libya in June of 2012, were you aware that there were discussions that Secretary Clinton may visit Libya, and Benghazi in particular, after the elections?

A I don't remember --

Q Okay.

A -- quite honestly.

[[redacted] Exhibit No. 7

Was marked for identification.]

BY MS. JACKSON:

Q I'm going to hand you what I've marked as exhibit 7. And, for the record, it is marked document SCB0045144. It is not an email chain that you are on, but at the top it's from Jacob Sullivan, dated January 24, 2012, to "H," regarding "FW: Libya information."

And I'd ask you to take a look at that, because my first question is going to be: Have you ever seen all or part of this document before?

A I have, because I read it in the Blumenthal emails that were just released.

Q Prior to that, had you ever seen this document before?

A No.

Q Okay. Were you aware that Ambassador Cretz was receiving some sort of email from Mr. Sullivan?

A I don't think so. And I was really trying hard to remember this when I was reading all of this online when it was released.

Q So, to your recollection, you were not consulted by Ambassador Cretz or played any part with providing information in response to this?

A No. And he, as a matter of practice, before the revolution and after the revolution, often communicated with people without including me.

Q Okay.

And just to make sure we've covered everything, this is from Jacob J. Sullivan. Do you know who Mr. Sullivan is?

A Yes.

Q Okay. And who is he?

A He, at the time, served as, I believe, the chief of staff -- not the chief of staff. He was something, I mean, a close advisor to Secretary Clinton.

Q Okay. He was part of the senior leadership of the Department?

A He was a close advisor to Secretary Clinton.

Q Okay.

And then it's initially sent to Gene A. Cretz, which would have been Ambassador Cretz; is that correct?

A Yes.

Q And Jeffrey Feltman, and who was he?

A He was the NEA Assistant Secretary.

Q Okay.

And so you don't recall -- having reviewed the Blumenthal memos, you don't believe that you were consulted with or reviewed any of them.

A Never.

Q Okay.

And in the last few minutes, I'm going to give you one other document that I'm going to mark as exhibit 8 and ask if you would take a moment and review that.

[[redacted] Exhibit No. 8

Was marked for identification.]

BY MS. JACKSON:

Q And this does not have a document number, but it is on the letterhead of Osprey Global Solutions, LLC. It's to an Andrew J. Shapiro, dated 4 January, 2012, from a David L. Grange.

Have you had an opportunity to review this?

A Yes, I have.

Q Okay. Have you ever seen this letter before?

A No.

Q Okay. Do you have any knowledge of Osprey Global Solutions?

A I'm not sure. In the pre-revolutionary period in Libya, there were any number of defense contractors who came in and out of Libya trying to do business. I feel like David Grange was one of those

characters, but I don't remember. This is just sort of a vague recollection.

Q Okay.

And when you went back into Tripoli after September 11, did U.S.-based companies come in and discuss with you and Ambassador Cretz providing humanitarian relief or humanitarian infrastructure, rebuilding of Libya? Did various companies come and talk to you?

A Yes. In general, there were lots of companies coming in and -- yes, absolutely.

Q Okay. But you don't have any specific recollection if Osprey Global Solutions was one of those companies?

A I do not, but I don't have a clear recollection of any companies that came in, really, I mean, because there were many. And usually the people who would do the meetings would be our commercial officer and the Ambassador, if needed.

Q And who was the commercial officer at the time?

A A guy named [redacted].

Q Okay.

Do you know who Andrew Shapiro is?

A Yes.

Q And who was he?

A He was the Assistant Secretary of State for Political-Military Affairs.

Q Okay. And what role did he play with respect to Libya?

A He was the Assistant Secretary of a bureau that had programs

and activities in Libya. And, obviously, he would have been involved in policy-related decisions relevant to those issues.

Q Would there be any type of record or log of any meetings that Ambassador Cretz would have had with U.S. companies who discussed with him providing goods, services, or other things in Libya?

A Not a formal log per se, but, certainly, his secretary would have kept a calendar. Although, in January 2012, we didn't have a secretary. So we kept his calendar by writing in pencil in one of those spiral notebooks, and I would brief the security team the night before. I mean, we were really a shoestring operation.

Q Okay.

And did representatives of U.S. companies actually travel to Libya and come and meet with you there?

A Yes, in general.

Q Okay. And would there be any type of security log of who was coming on the compound in Tripoli?

A I have no idea how the RSO kept records.

Q Okay. All right.

Ms. Jackson. With that, I see I have exhausted my hour, and so we will go off the record and take a short break and then resume in just a few minutes.

Ambassador [redacted]. Okay. Thanks.

[Recess.]

Mr. Kenny. The time is now 2:40 p.m.

Ambassador, thank you again. We appreciate your continued patience with us as we move into the afternoon portion here.

During our hour of questioning, I'm going to try to proceed chronologically to help guide the discussion, but I again may be jumping from topic to topic and exhibit to exhibit. So I'm going to do my best just to help steer, but if you have any questions about where we are, please feel free to let me know.

Ambassador [redacted]. Thank you.

BY MR. KENNY:

Q I'd like to begin with exhibit 1.

A Okay.

Q And we had a discussion earlier this morning about this document and about the reports here. This was referring to security conditions in Ajdabiya, if I'm pronouncing that correctly, that seemed to lead to at least some sort of pause or a consideration of whether the Special Envoy mission would withdraw.

And I would just like to read a portion of the original report here. I know that the email, the first email in the chain writes, "Per Special Envoy Stevens." So is it your understanding that, based on that, that this is a report that Special Envoy Stevens was patching

or sending back to Main State?

A As I recall the situation, it was actually a report of a phone call.

Q Okay. And do you recall for this particular report who the phone call would have been between?

A I don't recall. I know that I was on it because I'm referenced there. And, as I think I mentioned earlier, I recall talking with Chris on the phone about the situation, encouraging him to think about pulling the plug, and he wasn't interested in doing it at that point.

Q Okay.

A But I really don't remember who else would have been on the call.

Q Okay.

And I'll just note here it does say in the first point here that, quote, "He will monitor the situation to see if it deteriorates further, but no decision has been made on departure. He will wait 2-3 more hours, then revisit the decision on departure," close quote.

So it did appear that perhaps he was going to wait and then make another reassessment down the road about whether or not to pull out. And do you recall, was there a decision or did he ever make a recommendation that the team should pull out in this time period?

A As I recollect, I think he decided to stay.

Q Okay.

And do you recall if, for instance, the conditions or with this

particular situation in Ajdabiya whether -- let me back up. Was that recommendation tied at all to a change in the circumstances on the ground? For instance, if there was a security threat at one point, that that security threat had lessened or been reduced?

A It was tied specifically to the tripwires that Chris and the team had developed for whether or not they should pull out of Benghazi. And one of the specific tripwires, as I recall, was Qadhafi forces moving into Ajdabiya, because Ajdabiya was the next city before Benghazi. So, you know, if the Qadhafi forces were in Ajdabiya, they could very quickly be in Benghazi, and it wouldn't be safe for Chris any longer.

Q Okay.

A So, as I recall the situation, I think the fighting abated or the Qadhafi forces were pushed back, and Chris made the decision to stay. But this is my recollection of an event that was more than 4 years ago.

Q Sure. I understand.

And you used the term "tripwire." What is that?

A A tripwire is a -- what's the right word? It's a system that we have in place in the State Department, so, you know, if X happens, then you should consider doing Y. It's a way of keeping people honest. I think, you know, often when you're in a security situation it's, a boiling frog, right? The water is getting hotter and hotter. So it's a way of making sure that you say, oh, actually, we've passed whatever point makes us think that we need to take some action.

Q Okay. And, in this instance, is your recollection that there were tripwires in place at this time? Is that right?

A I believe so.

Q Okay.

A I recall that the tripwires were developed before the team went in.

Q Got it. And would you have participated in the drafting or development of those tripwires?

A I think I was involved, if I remember correctly.

Q And just to help us better understand how that tool can be used in a risk management or a crisis management scenario, if a tripwire is approached or if it's crossed, you had mentioned that it may also indicate that there's actions to take. Can you just walk us through, if a tripwire is crossed, what is the effect of that?

A There are actions to consider. And the way the State Department did it at the time, it was, you know, actions that would consider -- trigger authorization of -- sorry, I'm a little tired -- actions that would trigger discussions of authorized departure or actions that would trigger discussion of ordered departure.

It's not necessarily, if X, then Y. It's more like things you should be thinking about and some recommended courses of action to take. But it's ultimately the decision of the emergency action committee about what should be done in response to those individual tripwires.

Q I see. So it's meant to trigger an additional conversation

or discussion about ways to mitigate a risk or potential steps to take. Is that accurate?

A Yes.

Q You mentioned that there was -- or you didn't recall that there was a recommendation that he had given that you had pulled the team out, that it seemed that he wanted to stay. Do you remember that?

A Yes.

Q Was it your understanding that then-Special Envoy Stevens had received an instruction or some sort of direction that he would stay in Benghazi irrespective of the security conditions on the ground?

A No, not at all.

Q Okay.

You had mentioned in our first hour that, in this time period, or at least the initial Special Envoy phase, that you recalled that there were daily updates that may have been sent up or passed along to the Secretary.

I'd just like to ask -- I see here in this first email there are a series of acronyms or a potential mailing list here. And I was wondering, I see the second one on the "to" line is an "S_SpecialAssistants." Who would that refer to?

A Those are the special assistants who worked for the Secretary of State.

Q Okay.

And when you'd indicated earlier that daily updates or updates would be passed along to the Secretary, would this have been one of

those mechanisms for doing so?

A Meaning through the S_SpecialAssistants?

Q Yes.

A Yes, potentially. But I think the daily updates that I was referring to earlier were actually formal information memos to the Secretary of State. And this was a product from the State Operations Center, and I've never worked in the Ops Center, so I couldn't tell you how they send information to the Secretary.

Q Okay.

I'm sorry. So you used the term "information memo." Can you just describe for us what that is?

A An information memo is a formal document drafted by any office in the State Department when you want to inform the Secretary of State of developments on a particular issue.

So, in our embassy-in-exile days, so, say, March 1, 2011, until the end of August 2011, we did very regular information memos to the Secretary of State with the updates on the situation overall in Libya that we were gleaning from our contacts.

Q Okay. And was that separate, then, from the daily updates?

A Yes.

Q The information memos, for instance --

A Yes.

Q -- can require clearance. So were those submitted on a daily basis?

A Those were submitted fairly -- actually, maybe they weren't

info memos. Maybe they were notes to the Secretary, which has a more limited clearance process, and it's something that -- sorry, this is very bureaucratic -- but that an Assistant Secretary of State can send directly to the Secretary without having the whole host of offices throughout the State Department clearing.

So we did a number of products. I mean, number one would be, first, the phone updates that were coming up from Chris Stevens and his team that then we or the Ops Center would send in email form. Once Chris and his team had the appropriate coms in place, they were then able to do those updates themselves, daily kind of situation reports.

And then, separately, the Tripoli embassy in exile was doing regular updates -- I think they were notes to the Secretary, not information memos -- about what we knew about the situation on the ground.

Q Okay. And would those notes, would that just be passing? Were they essentially situation reports? Would they make recommendations or ask --

A They were not policy documents. In order to make recommendations, you would need to do a policy, like an action memo, that sort of thing. So we did not do that.

And I would note that these info memos or notes to the Secretary were in place of the political reporting that an embassy would normally do.

Q I see.

Ms. Sachsman Grooms. Do you know who the notes to the Secretary

were getting sent to?

Ambassador [redacted]. We submitted them to the line, just what we call the shorthand for the Secretary's executive secretary, the people who process paper for the Secretary. Again, never having worked there, I don't know what happens. It's sort of putting the paper into the sausage machine, so to speak.

Ms. Sachsman Grooms. So it would be like a paper document goes into the executive secretary --

Ambassador [redacted]. And they distribute it.

Ms. Sachsman Grooms. Okay. Got it.

BY MR. KENNY:

Q Okay. That's helpful. Thank you.

You mentioned that some of the information that would be passed along, it would be a substitute for or equivalent to what political reporting would otherwise be in a traditional setup or a traditional post.

A Uh-huh.

Q Was the reporting of Special Envoy Stevens in this timeframe, so shortly after his initial insertion into Libya, was that information useful to policymakers in D.C., in your view?

A The information, let's say, in April 2011 --

Q Yes.

A -- in that timeframe?

Q Yes. April through May 2011.

A Yes, absolutely.

Q Okay. And do you have, like, a basis for that? Would you hear or see feedback that this is great information, keep it coming, those kinds of things?

A No, but it was the information that was our only on-the-ground assessment of what was happening. It was the only vehicle with which to have substantive policy discussions with the Libyan revolutionary leadership. So no one stopped and sort of patted us on the back and said "atta boy," but it was clearly feeding very important policy discussions.

Q And, again, we're not Foreign Service officers, so you had mentioned at the beginning of our interview today that when you worked in the embassy in exile or embassy on the Potomac that you had reached out to contacts and those contacts would pass along information to you.

A Uh-huh.

Q So I was wondering if you could just compare for us the difference between receiving that sort of information secondhand versus having a U.S. official directly on the ground in a place like Benghazi in this timeframe?

A Sure.

Well, the information that we were doing, the embassy in exile -- let's say there was fighting in the double Nafusa, the mountains to the west of Tripoli. Chris and the team were in Benghazi very, very far away from that situation. So we, you know -- or if there was fighting in Misrata. So we were doing more, kind of, the reporting about what's happening.

Chris, of course, was doing reporting about what's happening, as well, but more focused on Benghazi and more focused on the outreach to the political leadership that was based there. So that's a very different function.

I mean, we were talking to, you know, let's say, someone who was an English-language school director in the, you know, Zintani area who suddenly picked up arms and was a fighter. Whereas Chris was sitting and having very serious discussions like what's your financial situation, what about the frozen assets, you know, things that moved the policy ball forward in a way that we couldn't while we were sitting in Washington.

Q Okay.

You had also indicated that you traveled to Benghazi and filled in as the Acting Special Envoy?

A Uh-huh.

Q I know you'd mentioned two occasions that that happened.

A Right.

Q During your time there, what was your sense of the mood in Benghazi? Was it a somber place? Was it exuberant?

A On my first trip, which was in May of 2011, it was quite exuberant, giddy even, and very, very friendly to the United States and to anyone who was participating in the NATO strikes. There was a great sense of relief.

I was also struck by the fact that Libyans were suddenly more open. I went to a university campus for the very first time in my time in

Libya because Qadhafi had never allowed us to do that. There was civil society that was popping up. People were working together to clear garbage and sweep the streets. It was a real grassroots revolutionary movement and was quite joyous.

When I was there the second time, it was much more somber. I was there when Abdul Fatah Younis, who was a prominent general, was killed, and there was a lot of concern that that would have sparked some intertribal fighting. So people were more worried when I was there. And they were also worried about the financial situation.

Q You'd mentioned that there was some pro-U.S. sentiment at that time.

A Absolutely.

Q Did you personally experience that in any way?

A Absolutely. Flags all over the place. People very happy to see us. You know, you'd drive by in what was clearly, you know, a foreign vehicle with foreigners, and people would flash the victory sign, honk horns. And, of course, in personal interaction, people were very, very grateful for everything that the United States had done.

Q So we understand that, at one point in time, Qadhafi may have threatened Benghazi and the people of Benghazi may have felt that they were under siege and their lives were in danger.

A Uh-huh.

Q Did you get the sense at all that the U.S., due to its role in the NATO-led intervention, that the people in Benghazi, that they were supportive or felt that the U.S. had somehow helped spare them

from a potential --

A Absolutely.

Q -- bloodshed?

A Absolutely. And I heard that from just about everyone that I met, whether they were private citizens who had nothing to do with the revolution or NGO activists or especially the members of the Transitional National Council.

Q The term "genocide" has been used to describe what possibly could have happened had Qadhafi moved on Benghazi I believe in the February-March 2011 timeframe. Is that something that you were tracking at all, back in Washington, back at Main State?

A In anticipation of what he was going to do?

Q Yes.

A Certainly, I was watching the military situation on the ground, yes.

Q Okay. And was that a concern that you had, what might happen if Qadhafi moved on Benghazi?

A I was concerned that a lot of people would die, yes. He was a rather ruthless character.

BY MR. KENNY:

Q And just returning briefly to exhibit 1. So I think we described one mechanism the information can be shared from Special Envoy Stevens and the Department how that information might be disseminated. Was there a point in time where this type of reporting shifted and it became to approximate more closely what might be considered traditional reporting?

A In the 2011 timeframe, or?

Q Yes. Like did you have a sense of when this style of reporting changed or stopped?

A I really don't remember because it was when they had their full comms up and running and were able to start doing SitReps. That said, sometimes when there were breaking events, we would still get the quick phone call; and it was easier for someone sitting in Washington to sent the quick note around, but I couldn't tell you exactly when.

Q Sure. You had mentioned that for instance, Special Envoy Stevens had placed or you may have had multiple calls with him in any given day in the early 2011 timeframe. And I think you had indicated that had dropped off at a certain point in time. Do you have a sense of when that began?

A I don't recall.

BY MS. SACHSMAN GROOMS:

Q But am I correct in understanding that it dropped off because he got more regular communication methods, and he started doing situation reps?

A Yes.

Q Okay. And so the daily sort of notes to the Secretary that you were doing, did those drop off at some point because the political reporting became more normal?

A They dropped off when Embassy Tripoli dropped off. You know, because we started to lose staff. We had staff members who were being reassigned, so I think that the pace naturally started to diminish, and I would say probably by about the June timeframe we weren't doing very many of those.

Q So June of 2011?

A Uh-huh.

Q Okay. And did you guys ever start that back up again?

A No, because then we went back into Tripoli in September.

Q Okay. And then when you were in Tripoli, you were doing the normal political reporting situations, SitReps?

A Yes. Once we had our comms up and running as well.

BY MR. KENNY:

Q You mentioned in the last hour in your capacity as acting envoy, you had reviewed certain properties in Benghazi?

A Uh-huh.

Q Do you recall, at that time what drove or what led you to

view other properties in Benghazi? Was that concern about security at the hotel? Was it contingency planning for a possible scaling up of the mission, or was it a combination of factors?

A In my mind the primary concern was the lack of security at the hotel. I can't speak as to what was in Chris' mind, but he certainly was the one who began that search. And certainly people in the State Department, specifically in Diplomatic Security and Overseas Buildings Operations, shared those concerns.

Q Okay. Do you recall participating in the preparation for any congressional delegation to travel to Libya in March, April 2011?

A Yes.

Q And which codels, do you recall?

A I believe that Senator McCain led a codel that went into Benghazi, and I spoke to his staffer extensively and also talked to two colleagues in the State Department and Chris Stevens as well about how we could support that and make that work.

Q In your view or to the best of your understanding, why did Senator McCain travel to Benghazi in that timeframe?

A I don't recall the specific reasons he gave.

Q Do you recall whether his intent to go there was to protest the U.S. presence in Benghazi?

A I really don't recall the purpose of his trip.

Q Also, during this period, do you recall participating or helping any briefings for Members of Congress related to Libya up here on the Hill? For instance, would you have helped to prepare Ambassador

Cretz if he were to come and provide briefings to Members of Congress?

A I don't recall having done that.

Q There were some questions in the last round about congressional notifications. And I would just like to ask whether in this time period the U.S. had actually formally recognized the Transitional National Council as the governing authority in Libya?

A I believe that happened sometime over the summer of 2011, maybe in the July timeframe.

Q Okay. And who was the TNC? Was this meant to be a permanent representative government within Libya? Was it something more like a caretaker government?

A It was the Transitional National Council meant to provide political leadership during the course of the revolution with the sense that once Qadhafi was gone, they would then help set up the mechanism for a free and fair democratic elections and a new system of governance.

Q So I'd like to move forward. We will go ahead and mark as exhibit 9.

[[redacted] Exhibit No. 9

Was marked for identification.]

BY MR. KENNY:

Q Again, just for the record, this is an email dated September 14, 2011 from [redacted] to [redacted] and others with subject, quote, "FW thoughts on the future of Mission Benghazi," close quote. Document number is C05389447.

Ms. Safai. Do you want to go off the record for a minute so the

Ambassador can read it?

Mr. Kenny. Certainly we can go off the record.

[Recess.]

BY MR. KENNY:

Q So, again, you have before you a document marked exhibit 9?

A Uh-huh.

Q Do you recall this email?

A Yes.

Q I'd like to direct your attention to the first email in this thread which is an email, it begins on page 2, it's dated September 2 of 2011. This is a thread in which Special Envoy Stevens writes to you and others and he writes at the beginning, quote: "As the Department stands up a mission in Tripoli, the question arises as to how long to keep Mission Benghazi operating. I believe it would be prudent to maintain a small State-run presence here for at least 6 months. Here are some thoughts on why and how" close quote. And then there are a series of bullets that appear here. It looks to us that these appear to be some sort of policy rational or justification for maintaining the presence.

I'd like to ask you about a few of these. The first bullet appears under a heading it's Political/economic/public diplomacy, and it refers to continuing contacts with the TNC leadership. The second one refers to engaging new GOL entities, Government of Liberty entities. And further in that point refers to AGOCO, the oil company.

The next bullet refers to monitoring political trends, Islamists, tribes, political parties, federalists, militias, and public sentiment regarding the new Libya. Special Envoy Stevens wrote, quote, "The revolution began in eastern Libya, and the views of these 2 million inhabitants will certainly influence events going forward," close quote.

And then the final point in this column reads, quote, "Demonstrate U.S. interest in the eastern part of Libya. Many Libyans have said that the U.S. presence in Benghazi has a salutary, calming effect on easterners who are fearful that the new focus on Tripoli could once again lead to their neglect and exclusion from reconstruction and wealth distribution. They feel the U.S. will ensure they are dealt with fairly," close quote.

On this last point here, I'd just like to ask, is that something -- you had spent some time in Benghazi as well as the acting envoy -- was that a concern that had been shared with you as well?

A No.

Q Okay. Do you recall if this related at all back to the third bullet which refers to monitoring political trends. There is a reference there to Federalists?

A Uh-huh.

Q Who or what are the Federalists?

A The Federalists were people, and still are, people in Libya who believe that there should be more authority given to the various provinces; and it's primarily led by political activists in the east

who feel that they have been repressed and disadvantaged over the years.

Q Okay. Did you agree with that particular rationale, that it was important to continue to monitor the Federalists?

A I felt that it was important to continue to monitor the situation in the east at large.

Q Okay. We'll just continue here. There's a second section that's called programatic. Under there the first bullet reads, quote, "Continue projects begun by USAID/OTI relating to strengthening civil society groups, medial training, and in capacity building in municipal counsel," close quote.

Did you agree with Special Envoy Stevens that USAID programs in eastern Libya were important at this time?

A Yes. I felt that USAID programs should be actually throughout the country.

Q And then the third bullet in this category reads, quote, "Commence other engagement activities, particularly in education. There is a large population of Libyan youth with high expectations for the post-revolution period. They are an important and receptive audience for U.S. engagement. Such engagement who help counter Islamist efforts in this area" close quote.

Did you agree with Special Envoy Stevens that education efforts in eastern Libya were an important part of the mission there?

A Yes.

Q And we touched on this a little bit earlier, but at this point in September of 2011, Special Envoy Stevens has spent nearly 5

months in revolutionary Libya, and I would just like to ask, in your view when he lays out a set of reasons like this for maintaining a presence in here, it sounds like for at least 6 months, is his recommendation, how much consideration would that have received back at Main State, specifically within the NEA Bureau?

A It received quite a lot of consideration.

Q Okay. And, again, he makes a recommendation or seems to suggest that it's prudent to maintain a presence in Libya for 6 months. Was that something that you supported?

A Yes, I did support that.

Q Okay. Can you explain why?

A First of all, this email was sent on September 6th. Qadhafi had just fled Tripoli. He was still on the loose, on the lam. We were not yet back in Tripoli. It wasn't clear if or when the leadership of the transitional office or Council would transition from Benghazi to Tripoli, if they all would, what would be there. And given the critical role that Benghazi had played in the start of the revolution and the execution, so to speak, of the revolution and the leadership, of course it made sense to have a presence there for another 6 months.

Q Thank you. That is very helpful. I think at this point we would like to mark, this would be exhibit 10.

[[redacted] Exhibit No. 10

Was marked for identification.]

BY MR. KENNY:

Q And again for the record, this is an email dated November

1, 2011, from then Special Envoy Stevens to you and cc'ing [redacted] with the subject, quote, "FW Mission Benghazi future," close quote. The document No. C05409976. I'll give you a moment to review.

A Okay.

Q So in the first email in this thread which begins at the bottom of the first page, then Special Envoy Stevens wrote to you, [redacted], and Ambassador Cretz, on October 31, 2011; and in the email he appears to lay out a series of options. For instance, he writes, quote, "Here are a couple possible models for Mission Benghazi," close quote. And then below there's an option A which is, quote, "Slim down compound: Principal Officer, FS-02 level, management -- MGT/IRM, and possibly one USAID/OTI officer if they get requested funding, 4 DS, 1 admin LES plus guard force. Consolidate to Villa A," close quote. And then below it indicates the duration would be through September 30, 2012, 3 months beyond the projected TNC elections.

And I'd just like to understand, first of all, he's making a recommendation. The Special Envoy is making a recommendation for an FS-2 level. Where would that have been in relation to, say, the Special Envoy at the time? Would that have been a more senior or a more junior?

A It would have been a less junior level.

Q Okay. I'm sorry; less, more junior than?

A I'm sorry. It's a long day. Less senior than Special Envoy Stevens, yes. Chris was Senior Foreign Service. FS-2 is two levels below senior Foreign Service.

Q Okay. And on here it also under option A indicates, quote,

"Other Benghazi missions: UNSMIL, EU and UK intend to maintain small branch offices for the next 6 months to one year. Italians and Turks have consulates," close quote.

There is then what appears to be option B, which is, quote, "Virtual presence: End all 3 compound leases. Zero full-time State Department staff. Use hotels, as Spanish, Greek and foreign NGOs have been doing," close quote.

I would just like to understand this. The section option here would mean that the U.S. would essentially leave Benghazi except for day trips or remaining overnight in a hotel setup. Is that accurate?

A Yes, but I think there's additional information we would have to discuss in a classified setting.

Q Okay. I'll note below, that between the option A, the option B, Special Envoy indicated, quote, "My personal recommendation would be option A. There will be a lot of political activity in Benghazi in the coming year, not least of which will be elections and campaigning. A good number of TNC members, including the chairman himself, will be travelling frequently between Tripoli and Benghazi. MANPADs collection and USAID programming will also continue in the east. It would help us a lot to maintain a small platform in Benghazi through next fall," close quote.

In the next email chain above that, you indicate, quote, "Option A looks right to me," close quote. And I would just like to ask, because it appears you're favoring a slimmed down compound over what's referred to her as a virtual presence. Can you just explain for us why you

supported option A?

A Basically for all the reasons that Chris articulated in his September email on staffing. It was important to maintain a presence so we could have the political engagement to understand what was happening.

As Chris noted, not all of the leadership was in Tripoli at that time. And also we had programs that were ongoing, and particularly the MANPADs program which was quite a high priority at the time.

Q We'll just note this is the late October, early November timeframe so --

A Yes.

Q Embassy Tripoli has now been stood up by this point in time. Is that correct?

A Uh-huh.

Q Because you had mentioned, I think earlier, that some of the justifications in September -- I'm just trying to understand; would those have continued to carry forward, so for instance, the MANPADs collection?

A Yes, because this was still, it was still a fluid environment. I'm trying to remember exactly when the TNC declared victory over Qadhafi. It was like October 18. Well, Qadhafi wasn't even killed until October. Right? Anyhow, things were still very much in flux.

There wasn't a clear transition plan for what would happen after the TNC. There was a lot happening, and we did have programs in place

already in the east that needed to be managed from the east. Also needed a role in the west, but we needed a presence in the east for that.

Q I would just like to ask. I think we may have touched on this a little bit before, but were you ever told by anyone in Washington that regardless of a recommendation by the Special Envoy or anybody else on the ground, that there would be a continued presence in Benghazi?

A No. I mean, that said, there was the email by Under Secretary Kennedy at the end of the year where it was clear that there would be, but at this time there was no one directing the way things should be. There was an ongoing debate about what made sense.

Q So would it be fair to characterize how these proposals were being generated, how they were flowing up within the Department; was this kind of a ground-up process, if you will, as opposed to a top down?

A Yes.

Q So I'd like to fast-forward, if I may, and redirect your attention to exhibit 5, and this is the February 2012 time period.

A Okay.

Q So you were asked a series of questions about the email, the first email in this thread which appears on the second page.

A Yes.

Q And I'd just like to ask for you because it sounds like you had, at least based on here you say, my meetings were extremely productive. It sounds like you had a series of meetings during your

return visit to D.C. Is that accurate?

A Yes.

Q Okay. So is this readout then, or this email, is this an attempt to provide a readout of multiple meetings in one email?

A Yes.

Q Okay. And I note here that, this first paragraph, you indicated that you had wanted to make sure you were all aware of discussions I had with NSS, DS and EX Re: The resource issues. And first I would just like to ask -- we talked a little bit about the NSS before. You touched on the DS meetings. What were the EX meetings resource issues?

A I really don't recall, because as I mentioned earlier, I frankly didn't even remember talking to Ben Fishman about this. I remember generally the issues that were at play and how I felt about the issues that were at play, but the specifics of every single meeting that I had while I was in Washington, I remember some of them but clearly not all of them.

So in general, I talked with EX regularly about our staffing needs, our security needs, the asks that we had of the State Department. But my specific discussions with them at that time, I don't remember.

Q Okay. And when you say your staffing needs, would that also include diplomatic staff?

A Diplomatic staff, security staff, everything. I mean, we were in the process of trying to regularize operations after having suspended operations. And also in the February timeframe, we were

looking ahead to a summer transfer cycle in which we would be growing our staff, and so recruitment, you know, the benefits package, all of those management issues that go with it.

Q And I think we had touched on this a little bit before, but in terms of recruitment, is that a process that takes a long time?

A Yes.

Q To get the advertisements out. What is that process? For instance, if you wanted to have a political officer join as part of the Embassy or you wanted to have an RSO or an ARSO, how would that process work?

A Well, first the positions have to be established. It was complicated because we had abolished, I mean, we closed the Embassy, so making sure that we had the right positions on the books and then getting it through the personnel process so they could be advertised so people could bid so you could identify and vet the candidates, you know, try and make offers to people.

Q So the reason I had asked is you had indicated earlier that you felt some of the procedures at the Special Mission in Benghazi seemed to provide challenges in terms of the staffing there?

A Uh-huh.

Q But it also seems like Embassy Tripoli was having issues with staffing due to some of these same procedural issues is that --

A No. They were not the same issues. With Embassy Tripoli, we had the ability to formalize, bill it, and go through normal personnel procedures to fill them; but with the mission in Benghazi,

we did not have the same ability.

Q Okay. And how long would that have taken in Embassy Tripoli for instance, if you wanted to establish a permanent position to hire and bring somebody on? Would that have been a long process as opposed to, say, a TDY assignment, have a TDYer come on?

A It's a longer process than a TDY process, yes.

Q Okay. One thing I was hoping to understand, because there's a lot of information in this email. I note here you refer to resource issues, and throughout the course of today, you talked about resource issues. And as the Deputy Chief of Mission, you would have had responsibility for essentially all the resources at post?

A Uh-huh.

Q I would like to ask if there's a distinction that could be made between you say resources, is that strictly speaking, security resources; or would it include things like vehicles? You had mentioned beds, perhaps an availability of beds?

A It's missionwide. It's vehicles. It's personnel, you know, to work across the board. It's having the right facilities to support that so you don't have eight people sharing the same toilet, having the right life services contract. So resources at large means everything that it takes to run a mission.

Q Okay.

Ms. Sachsman Grooms. For Tripoli and Benghazi or just Tripoli?

Ambassador [redacted]. I was focused on Tripoli for the most part because I didn't have any official responsibility for Benghazi, so when

I was asking for resources for Benghazi, it was usually in a supportive role when I felt that the principal officer there wasn't getting the traction or attention that he or she needed.

BY MR. KENNY:

Q Were you aware of any efforts underway at this point in time to bring management issues, whether they were EX type issues, management issues that would have been traditionally handled by a management officer to fold those under Embassy Tripoli? For instance, so that a management officer in Tripoli would provide assistance to the IMO at the Special Mission? Were you aware of any of those discussions?

A There were some discussions, and in fact we of course sent people out as needed. We sent our facilities manager out to Benghazi at various points to look at the setup there and figure out what needed to be done to make improvements. I think we sent our GSO out there at some point also to do some things, so we supported as we needed to; but I don't recall any formal discussions to say, yes, we should put Benghazi under Tripoli. That was never on the table.

Q Do you recall whether there were similar discussions underway within the Bureau of Diplomatic Security that the RSO at Embassy Tripoli would provide increased responsibility for Special Mission Benghazi?

A Not that I'm aware of, or not that I can recall.

Q And so returning to this readout and your meetings. So in the last round I think you had indicated that there are lots of offices

within the State Department?

A Yes, there are.

Q Lots of people responsible for a myriad of topics. When you go to the Bureau of Diplomatic Security, you go to NEA/EX, the types of issues that you raise to them, does that depend on what would sort of fall under their purview?

A Yes.

Q So for instance, if you had an issue with attaining vehicles or having enough fully armored vehicles, who would you have approached over that topic?

A I think it was both NEA/EX and DS.

Q Okay. So that was a shared responsibility?

A Yes.

Q Okay. And, again, it looks like you had a series of meetings with NSS, DS and EX, and each of those entities has its own set of responsibilities; and occasionally it sound like those may overlap. What specifically were your discussions with NSS about Libya at this point in time?

A Given that I don't remember having met Ben Fishman, even though I wrote an email about it, I couldn't tell you what specifically I discussed with him other than what we have from the written record from my summary.

Q Okay. And I'll just note here it looks like the first part of this email refers to the NSS meeting. Would you agree with that?

A Yes.

Q Okay. And in the second paragraph it appears that you're referring to a request that they're staff up TDYers? Is that referring to technical assistance-type TDYers?

A Yes.

Q Okay. So that wouldn't be security TDYers for instance?

A Correct. It was the idea that we needed people to talk to the Ministry of Finance about economic reform; that we needed to do have an imbedded adviser at the Ministry of Interior, all sorts of very specific asks to promote transition.

Q And, again, recognizing it may be difficult to recollect with specificity, but do you recall in the course of your conversation with Dr. Fishman, that you made a request for security or security resources at Embassy Tripoli?

A I don't recall my exact conversation with Ben. I don't recall having met him in February. That said, as you can see in this email, I was very clear in all of my interactions with anyone who wanted to send out additional staff to Tripoli that we couldn't do it without additional cars and without additional Diplomatic Security agents.

BY MS. SACHSMAN GROOMS:

Q Would you have been making a request to NSS for more Diplomatic Security agents?

A No, because they don't control Diplomatic Security agents, but I was making the point that it was impossible to lay on additional policy and programmatic demands on a mission that did not have the appropriate management and security platform to support those

activities.

Q And it looks like to me from reading this email -- tell me if I'm wrong -- that really the second paragraph, the one that starts NSS is extremely focused, is the one out of this email that applies to the meeting with NSS and that in meeting in NSS, it looks like to me, it's mostly NSS asking you for things and you pushing back that you can't do all those things. Is that an accurate --

A Yes.

Q So it's not so much that you would have gone to NSS to make requests to NSS for things. It's more that they're asking for things that you can't deliver. Is that --

A Yes.

Q Okay. I think that's helpful to understand. NSS wasn't, however, the only set of people asking you for things that were difficult to deliver. Right? You were getting requests from all over the place. Right?

A Correct.

Q And one of those places was Congress? Were you getting a bunch of requests from Congress for congressional delegations and beds and visits?

A We had a very firm rule that no one was supposed to overnight. We allowed, I think maybe Under Secretary Otero to spend the night. I mean, we tried to manage our visits so that they were in and out the same day. While I was in Tripoli -- I'm trying to remember how many codels we had. Was it just one? I really don't

remember.

Q Were you getting requests from other agencies?

A Yes, we had many, many requests, and we had, I don't know, a total of like seven or nine assistant secretaries or higher level visits in the 2 months in which we reestablished operations. It was at an excruciating pace.

Q And so that was difficult to manage?

A Yes.

Q Is that one of the reasons why Under Secretary Kennedy stepped into the role of sort of I guess approving who was allowed in and out of country?

A I don't know why Secretary Kennedy made the decisions he made. I wasn't privy to his thinking.

BY MR. KENNY:

Q Did his role or involvement, did it help you in any way, if you were to tell someone in a senior level position that post didn't have the resources to provide or accommodate a particular visit?

A He was very helpful in that regard, yes.

Q I would just like to note, you were asked a few questions about an individual, the Deputy Assistant Secretary for Maghreb Affairs, Raymond Maxwell, in this you were asked whether or not you included him on this email chain. It doesn't appear that his name is there, but if you move up to the second email, and this is from [redacted], at the bottom of page 1 it appears that Mr. Maxwell's name does appear on the cc line.

A Uh-huh.

Q And, again, who is [redacted]?

A She was the Deputy Office Director for Maghreb Affairs.

Q Okay. She notes there that she's adding [redacted] and Ray?

A Uh-huh.

Q And do you know why she added Mr. Maxwell to this email chain?

A Probably because she was doing the right thing and adding her bosses, but that's a guess on my part.

Q I have a few minutes left, so I'd like to move a little bit more quickly to this document. So again this is exhibit 11, I'll just mark.

[[redacted] Exhibit No. 11

Was marked for identification.]

BY MR. KENNY:

Q This is an email dated March 28, 2012 from [redacted] to [redacted], ccing you and others. It has the subject, quote, "FW: Request for DS TDY and FTE support," close quote. And the email appears to contain -- we'll go off the record for just one second?

[Discussion off the record.]

Mr. Kenny. We'll go back on the record.

I'm only going to ask you about the third paragraph and the cable.

Ms. Jackson. Of the first set, the one sentence?

Ambassador [redacted]. I have your highlighted copy. Look at

this. Okay. Paragraph 3, and the highlighted thing was the Benghazi.

Mr. Kenny. Yes. It begins DS Agent Support in Benghazi. It's at the top of page 3, it's technically paragraph 3, but there's a bullet underneath.

Ms. Jackson. Oh, paragraph 3 of number 3, or subparagraph 3 of bullet 3.

BY MR. KENNY:

Q It's a paragraph entitled DS Agent Support of Benghazi.

A Okay. I have read through all of that paragraph.

Q Okay. And do you recall this email chain?

A Absolutely.

Q Do you recall this cable that's contained within the email?

A Yes, and I cleared it and I worked closely with [redacted] on the drafting.

Q Okay. Just note for the record, in this paragraph it's entitled DS Agent Support in Benghazi, there's a request for continued support for five TDY DS agents in Benghazi. Was that a request that you were involved at all in developing or drafting?

A Yes.

Q Do you recall what that specific recommendation was based on, that there should be five DS agents in Benghazi?

A It was based on the memo that was approved by Under Secretary Kennedy in December 2011.

Q Okay. Do you recall when this cable was sent, and I see here that RSO [redacted] forwards it to what appears to be his desk

officer back in DS/IP/NEA?

A Uh-huh.

Q Do you recall hearing what Main State or the Bureau of Diplomatic Security's initial response was to this cable?

A I don't recall.

Q Okay. Maybe this will help aid our discussion, and this will be exhibit 12.

[[redacted] Exhibit No. 12

Was marked for identification.]

BY MR. KENNY:

Q And this is an email that's dated March 30, 2012, from you to Gregory Hicks and Chris Stevens. Subject, quote, "DS issues," close quote. And it's document No. C05393218. I'll give you a few moments to read through that.

A Yes, I've finished reading it.

Q I guess I'd like to begin with the top email here, and I see the name Gregory Hicks appears, and I'd just like to ask who that is?

A Gregory Hicks was my successor as DCM.

Q Do you recall when he was scheduled to become the Deputy Chief of Mission?

A He was initially supposed to arrive at post in June, but for a variety of reasons, [redacted], he delayed his arrival.

Q Did you have any overlap with him in Tripoli?

A No, I did not.

Q I'd just like to begin the email thread at the top there. You wrote, quote, "Just fyi and please don't forward since the RSO who is in Bzi conducting a security assessment intended this to be a candid update of his ongoing discussions with DS," close quote. Below RSO [redacted] begins an email, quote, "A rather lengthy, exhausting, and at times heated call with DS/IP/NEA regarding our cable request, which the regional director described as a request for the sun, moon and stars," close quote.

And just at the outset here, I'd like to ask, RSO [redacted] refers to our cable request. Is it your understanding that that cable request is the same as 12 Tripoli 130?

A Yes.

Q On the second page, the second paragraph up from the bottom reads, and I quote, "I doubt we will ever get DS to admit in writing what I was told reference Benghazi, but specifically DS/IP was directed by DAS Lam to cap the agents in Benghazi at three and force post to hire local drivers. This is apparently a verbal policy only but one which DS/IP/NEA doesn't plan to violate. I hope that nobody is injured as a result of an incident in Benghazi since it would be particularly embarrassing to both DS and DAS if it was a result of some sort of game they are playing."

He concludes the email further down, quote, "I also explained that the hardest part of this assignment was not dealing with the Libyans or the environment at post, but managing the personnel and offices in

DS HQ, which are purportedly there to support post; adding that the only times I've been contacted by the RD for DS/IP/NEA was to criticize, admonish, or second guess a post level decision."

I would just like to ask, you were asked in the last round your opinion on RSO [redacted], and you said that you valued his judgment in certain matters but not necessarily all matters. Here he seems to provide an extremely bleak assessment of his interactions with the Bureau of Diplomatic Security. I would just like to ask first, he came to you; did you have a chance to speak with RSO [redacted] about these issues?

A I spoke regularly with [redacted] about all of these issues.

Q Okay. And how did you respond to him when you received this?

A I don't recall what exactly I said, but certainly I had been engaged with senior level leaders in the Diplomatic Security Bureau for months trying to make sure that we had adequate resources. And as I indicated in my note to Chris Stevens and Greg Hicks, I did have the sense very strongly that people in Washington thought we could somehow just quickly transition from this very messy, unstable security environment where we had no staff to a system where all of a sudden miraculously we would have fully trained, armed, and professional same quality as MSD agents, focally engaged bodyguards.

It takes time and effort to develop that, and I felt like it was a constant battle to get Diplomatic Security to understand there wasn't a magic switch that we could flip, and we needed time, and we needed

continued support from Washington in order to get to the position where I agreed we needed to be, but it wasn't something that would happen quickly.

Q And when you say Washington, are you referring specifically to the Bureau of Diplomatic Security?

A Yes.

Q Okay. And who specifically within DS?

A I felt that Charlene Lamb was the decisionmaker, who many times I found her to be a roadblock and very unhelpful.

Q Okay. And when you say she was a decisionmaker, what do you mean by that?

A She was the person who controlled resources within Diplomatic Security.

Q For overseas posts?

A For my post. I couldn't speak to what her other responsibilities were, but it was very clear that she was the decisionmaker for anything related to Libya.

Q Okay.

Ms. Sachsman Grooms. Did you try going above her in DS?

Ambassador [redacted] I did not because as Deputy Chief of Mission, that wasn't really my role. I think, if I remember correctly, Ambassador Cretz did have discussion with the head of DS at that time, but I couldn't say that with 100 percent certainty because this was all, you know, 3-plus years ago?

Q Prior to this point had you been aware of what's referred

to as a verbal policy by DAS Lamb to cap agents in Benghazi at three?

A I was not.

Q Okay. Was RSO [redacted], did he seem surprised when he was informed that a policy had been made to that effect?

A I think he was surprised. I have no evidence to indicate that there was such a policy in place, by the way, because in all of my previous discussions with Charlene, we had talked about the five agents; and I believe there is a memo that sort of memorializes that meeting and that discussion with Charlene Lamb.

Q Okay. And in that meeting, did she commit to providing five DS agents?

A I don't remember exactly. I'd have to look at the memo again.

Mr. Kenny. Okay. We are out of time so we will go off the record.

[Discussion off the record.]

BY MS. JACKSON:

Q All right then, we are going reconvene for another session. This too will be unclassified.

A Okay.

Q So the same rules apply. If you think any question posed to you would go into a classified area, please just let us know, and we will hold it until the next round, where we will be asking you questions that call for classified information or potentially classified information.

A Okay.

Q In the last hour we continued the discussion about various security incidents that occurred in the summer of 2012 in Benghazi and we talked about an IED exploding at the wall. We talked about an attack on the U.K. Ambassador. Do you remember an event in Benghazi also around that time where there was a large Islamic rally in Benghazi?

A Yes.

Q Okay. And what can you tell us about what you recall from that event and what, if any concerns it raised?

A I don't remember when it happened. I remember that it happened. And I believe that's about it in terms of -- and I remember, you know, thinking about what it meant for the overall political

environment, but I don't remember anything specific beyond that.

Q And what were some of your concerns about how it affected the political environment?

A Well, it was a new development.

Q Something that had not been seen in Benghazi before?

A Certainly there had been Islamist tendencies and, you know, a city called Derna was a hotbed of extremist activity for quite a long time. But the rally in Benghazi represented something new in terms of an organized presence.

Q And the size of the rally?

A I don't recall the size.

Q Okay. Was it close in time to these other events, the attack at the wall and the attack on the U.K. Ambassador's convoy?

A I really don't remember.

Q Okay. Do you recall whether there were al Qaeda banners that were being flown?

A I can't recall.

Q Okay. I believe you have the exhibits before you, and if you could turn your attention to exhibit 9 and I just want to clarify one of your answers because I may have missed it.

A Okay.

Q You were asked in the last hour about essentially the political reasons for staying in Benghazi.

A Uh-huh.

Q And one of them on page 2 of exhibit 9 was at the bullet

point that says, quote "Demonstrate U.S. interest in the eastern part of Libya. Many Libyans have said that the U.S. presence in Benghazi has a salutary, calming affect on Easterners who are fearful that the new focus on Tripoli could once again lead to their neglect and exclusion from reconstruction and wealth distribution. They feel the U.S. will help ensure that they are dealt with fairly."

And I may just have missed your answer, did you say you agreed or did not -- did you share or not share Ambassador Stevens' view on this?

A I can't recall exactly what I said in the last session, sorry. I feel like I'm telling you and now I can't recall anything. But I had a slightly more nuanced view on this issue. And in fact the word choice of saying that the U.S. presence would have a salutary, calming affect on Easterners, I don't agree with at all. I don't think that the diplomatic presence anywhere is necessarily calming.

But what I did hear repeatedly from many people in the east is that, you know, historically, they had been dispossessed under the Qadhafi regime. They thought it was very important that there be a more equal distribution of resources and political power in a new Libya. And certainly there was a sense among Libyans if the U.S. had a diplomatic presence in the east that would somehow help them bolster their case and that's an argument that we heard repeatedly from many people. Bolstering a political case does not equal calming in my mind.

Q Okay. And is that then a summary of your nuanced take on this or was there more to that?

A That's a summary of my nuanced take.

Q Okay. And you said you don't believe the U.S. presence necessarily has a calming affect in any country?

A I can't generalize in that sense. Perhaps it does in, I don't know, Papua New Guinea or somewhere. But a diplomatic presence in is a critical part of doing business, if we judge whether it has a calming affect or not, that's not a relevant yardstick to measure whether we should be there, in my mind.

Q Okay. Now I would like to move on to exhibit 10, which I also hope you have in front of you, which is the November 1st, 2011, email chain between Chris Stevens, yourself and [redacted] about the future of mission Benghazi. And I believe you said that at that time, given everything that was going on, that you concurred with Chris Stevens' preference for a slimmed down compound; is that correct?

A Yes.

Q Okay. And for many of the same reasons that he outlined in here?

A Yes.

Q Did your view of whether we should continue our presence in Benghazi change after Qadhafi fell and they were moving towards the elections?

A No, it did not change.

Q Okay. You continued to believe that we needed to have a presence in Benghazi?

A Yes.

Q Okay. Did you continue to hold that view in June of 2012 when the security situation seemed to be changing dramatically?

A I had in my particularly in my last 2 weeks in Libya I had concerns about the way the security situation was evolving. Given that I was about to depart the embassy, I think made a decision not to push my views one way or the other. I wanted to be supportive to my newly arrived Ambassador.

[[redacted] Exhibit No. 13

Was marked for identification.]

BY MS. JACKSON:

Q In the last hour we also talked about your trip to Main State in February of 2012. And part of the reason that you were there were to discuss resources for Tripoli and Benghazi. I am going to hand you what I've marked as exhibit 13, I think. And I'm not sure whether we covered this in the last session, but there was a concern that Tripoli would be losing some security assets also; is that correct?

A I am sorry, I was reading this document.

Q Let me give you a few minutes to read this, it is a short exhibit. For the record it is document number C05395251, it is an email exchange from [redacted] to you, others are copied with a subject line M Update.

A Okay, I've read it. Thank you.

Q Part of the reason, or part of the meetings that you had when you were at Maine State a few days before this email was written was to lobby on behalf of retention of security assets in Tripoli; is

that correct?

A Yes.

Q Okay. And you had a series of meetings regarding extension of the SST, MSD resources and other DS assets; is that correct?

A Yes.

Q Okay. Does this email formalize or tell you in some way that decisions were made to give you some of the assets or continue some of the assets that you requested?

A It appears that way, although I don't remember having received this email. I am sure I did because my name is on it but this really doesn't really stick in my mind.

Q Just to read it into the record, the email says, quote "Interesting stuff from M and DOD today" exclamation point. "While preparing for the February DC on Libya, M let us know that it will ask for the SST to be renewed beyond April. A/S Boswell has committed to make six additional DS agents available and send to Tripoli by early April. Eleven to 12 additional armored vehicles are scheduled to arrive by early week, early April. M will work informally with DOD on sharing their three vehicles in the interim period. And finally M will restart weekly Tripoli logistics meetings as of this Friday." End quote.

There's some acronyms in here so just to make sure, interesting stuff from M, would that be Under Secretary Kennedy?

A Yes.

Q Okay. DOD obviously is the Department of Defense?

A Yes.

Q Okay. And they owned the SST assets; is that correct?

A Correct.

Q It says while preparing for the February 23, DC on Libya. What is that?

A Deputies committee meeting.

Q Is that an interagency group that is hosted by the national security staff?

A Yes.

Q Okay. And so, is it your understanding that Under Secretary Kennedy is going to be attending that meeting and asking for the extension of the SST?

Mr. Evers. If you know.

Ambassador [redacted]. I don't know, but as a matter of -- I wouldn't say principle, as a matter of practice I think is the better word these sort of logistical support issues weren't necessarily part of the agenda of these meetings.

And M as far as I know wasn't planning on attending that. I don't know, I was in Tripoli at this point in time. So the people who were working on these DCCs would have been the Libya desk and the Maghreb affairs office.

BY MS. JACKSON:

Q As I look at this email, it seems to say that your concerns regarding security resources in Tripoli were elevated to the under secretary level and your pleas for additional resources were heard?

A Yes.

Q Is that your assessment?

A Sure, yes.

Q Okay. Do you know if similar pleas for resources for Benghazi were taken to that level?

A I don't know.

Q Okay. Did Benghazi get any additional resources following your meeting?

A Not that I can recall.

Q Going back to exhibit 10 for a moment. You were asked in the last hour about the future of the Benghazi mission and I believe you were asked if the decision to remain in Benghazi was a ground up effort versus a top down effort. Do you recall that?

A Yes, I recall the conversation.

Q Okay. Was that the policy decision or the logistical decision or both?

A I think it was both. The State Department put a lot of stock into what the people on the ground thought about the situation, what we thought we could get done, what we thought we needed to get done. So I always had the sense that people in the State Department were looking to those of us in the field to come up with the recommendations for the future.

Q Okay. I am nearing the end of my unclassified questions, just a couple of other areas.

A Okay.

Q We understand that you left Libya on June 15th, 2012. Did you have any involvement in the response to the attacks -- into the monitoring or the response to the attacks that occurred on September 11th, 2012?

A No.

Q Okay. Were you not called back into service to work in the operation center or anything like that?

A No.

Q Okay. An ARB was convened following the attacks in Benghazi. Did you play any role in gathering documents to be presented to the ARB or be interviewed by them?

A I did not play any role in gathering documents. I should clarify that I was on medical leave from July 30th, 2012, until February 19th, 2013. I did not have any access to my State Department accounts. That said, I received a message from a colleague who was working in the Bureau of Information Resource Management who said, don't worry, we are accessing all of your documents, because I had heard, you know, that this was underway. And yes, I was interviewed by the ARB.

Q Okay. And was that from your home?

A It was from -- I was temporarily residing in Richmond, Virginia, which is not my home, but yes, I did it via an unsecured, totally unclassified telephone call with the ARB.

Q Did you ever have a classified session with them?

A No.

Q And did you talk to just one member of the ARB by phone or do you know if you were on a conference call with more than one?

A I was on a conference call with every one except Ambassador Pickering, he was not present.

Q Did you ever read the ARB report?

A I read the unclassified report.

Q Okay. We have not been introducing these, but because you have different counsel here with you today I am going to go ahead and mark one. But I am just going to read portions of it into the record and ask you specific questions. For the record. And I did not make more than just a couple of copies.

[[redacted] Exhibit No. 14

Was marked for identification.]

Ms. Jackson. We agreed among ourselves that we would stop killing branches of trees by copying multiple versions of the ARB report for every single interview that we did.

Mr. Evers. Is this the 39-page unclassified version of the report?

Ms. Jackson. Yes.

BY MS. JACKSON:

Q So what has been marked as exhibit 14 is the 39-page unclassified version of the ARB. Can you tell if this is what you've read before?

A It appears to be the same document.

Q Okay. I assume it's been a while since you've read the ARB

report.

A Yes, almost 3 years.

Q Yes. Overall did you agree with the findings of the ARB or did you have issue with one or more of its findings?

A Overall I agreed with the findings.

Q Were there particular areas in which you disagreed with the findings of the ARB?

A I don't recall. I would have to read all of the recommendations again to give you a more nuanced answer.

Q Okay. One of the overarching findings of the Benghazi ARB was that Congress has to be a partner in addressing the security risks at overseas missions. And that is one of the reasons -- one of the core reasons of this committee. Some will say this is the eighth congressional committee, but it is the only one that has been asked to look holistically at what happened in Benghazi from all angles of the attacks.

Other committees have looked at discrete events, discrete areas of their and our members, our majority members want to fully understand what happened in Benghazi. And once we are able do that, we can then see if there's need to use any of Congress' powers to help the State Department ensure that a Benghazi does not happen again.

And so, I want to talk to you about some of the recommendations that were made in the Benghazi ARB, and specifically look at specific recommendations and ask if you agree or disagree with those, and also ask you some questions about whether you've noticed any change in the

State Department since Benghazi.

A Uh-huh.

Q So that's my general purpose.

Now on page 5 of the report, at the very top it says, quote "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. Do you agree with that finding?

A That the security staff was inadequate?

Q Yes.

A Yes.

Q Okay. What is the number that you think was needed to be in Benghazi for the compound of that size and the number of personnel that were on the --

A I'm not a security expert.

Q But you certainly have been in high threat posts before?

A I have, but I am not a security expert. The number that I work with is the number of five agents that was approved by Under Secretary Kennedy.

[Discussion off the record.]

Ambassador [redacted]. Sorry about that.

BY MS. JACKSON:

Q Were both Tripoli and Benghazi considered high threat posts?

A I am trying to remember, certainly Tripoli was considered a high threat post given that Benghazi wasn't an official post, I don't know that it had any sort of security rating.

Q Okay. But during your entire time in Tripoli was it considered a high threat post?

A No.

Q So before the revolution it was not?

A I don't remember what the threat rating was.

Q Okay. But it certainly was after you returned?

A Correct.

Q Okay. On page 6 of the report, about halfway down of what I would say is the second full paragraph, it says, quote "Communication, cooperation and coordination among Washington, Tripoli and Benghazi functions collegially at the working level, but were constrained by a lack of transparency, responsiveness and leadership at the senior levels. Among the various Department bureaus and personnel in the field, there appeared to be very real confusion over who ultimately was responsible and in power to make decisions based on policy and security considerations." Do you agree with those statements from the ARB?

A Given that this is an assessment of the conditions on the ground and the coordination that was happening after I left, I don't think I am in a position to comment on this either way. I can comment on my views about coordination -- I am sorry, communication, cooperation coordination up until June 15th, 2012, but this is looking

at what happened on September 11th, 2012, so I can't comment on that.

Q Okay. Then let's talk about up until June 15th. Do you agree that there was collegial communication, cooperation and coordination among Washington, Tripoli and Benghazi at the working level?

A Define working level. Was I working level?

Q Did you view yourself as working level?

A I viewed myself as having very close communication and coordination with the principal officer in Benghazi. I viewed myself as having very good communication and coordination with my kind of back office team in Washington within the NEA bureau.

So I felt that we did the best that we could in a very kind of ad hoc situation. But as I mentioned earlier in the day, I do think that there were issues related to the fact that there wasn't a normal sort of embassy consulate relationship, there weren't clear lines of authority. As DCM, I did not have oversight over the mission in Benghazi, which inherently tied my hands.

Q Okay. And that had not changed by the time you left in June of 2012?

A Correct.

Q Okay. Other than the Benghazi ARB, have you read any other ARBs?

A I don't think so.

Q The inspector general's office of the State Department did a special review of the Accountability Review Board process. Did you

read that report?

A I did not.

Q Okay. Are you generally familiar at all with what the inspector general did in that report?

A No.

Q Regardless of whether you read the --

A Not at all.

Q Have you read any other of the inspector general reports that have looked at various aspects and recommendations in the Benghazi ARB that have been done since the Benghazi ARB report was out?

A No, I have not.

Q Okay. Are IG reports shared with ambassadors?

A IG reports for our specific missions are shared with us as we are preparing to go out to post, yes.

Q So the State Department doesn't have a mechanism to share with ambassadors when an IG report looks at the management of the Marine security guard program, or how it vets local guards, or prioritizes physical security related requests?

A All of these IG reports are available to anyone on the State Department Web site who wants to take a look at them. So there's a mechanism available, yes. But were those reports formally transferred to me as Ambassador to Algiers, no.

Q There is no mechanism to push them out to ambassadors?

A I couldn't speak to that. I have not received any of these reports.

Q On the Benghazi ARB on page 8 the first recommendation deals with post nation support and again this is exhibit 14, I believe. And it says in paragraph 1, quote "The Department must strengthen security for personnel and platforms beyond traditional reliance on host government security support in high risk, high threat posts."

And then the second sentence from the end says, "the United States must be self-reliant and enterprising in developing alternate security platforms, profiles and staffing footprints to address such realities."

Do you agree with recommendation number 1 and in particular the two portions that I read?

A Yes, I mean always there's the need to have the proper balance with an acceptable risk and expected outcomes. That's very clear. But, you know, the idea that we must be self-reliant in developing alternate security platforms, there's a certain level of cooperation that has to exist within this government because unless you're operating with the full force and backing of the U.S. military, it is very hard to secure your outside perimeter. There is a certain level of cooperation with the host government that has to take place. I don't know how you can operate without that.

Q But how do you operate in an environment where there is no host government because there is a revolution transition?

A That's a very tricky question and I am not a security expert.

Q But from a policy standpoint -- let me back that out and ask a different question. Is Algeria considered a high threat post

right now?

A We are high threat for terrorism, yes.

Q How does the host nation support that you have in Algeria differ from what you have in Libya in 2011, and 2012?

A There is a strong, capable, effective host government that is very responsive to our needs in Algeria and I hope it stays that way.

Q Do you have any recommendations as to what the Department could have done differently, given that there was not a strong host nation support in Libya?

A I think the State Department did the best that it could under very, very difficult circumstances. I thought that the way that we utilized the MSD teams and the SST gave us a degree of flexibility that we would have never otherwise had. And in some ways, I think the way that we went back into Tripoli was good. I mean Benghazi when we went in initially also there were sufficient resources, there was sufficient attention.

When I look back at this, you know, there should have been more security resources in place in Benghazi. With all of the caveat that I was not whether the attack occurred, even had there been five diplomatic security agents on the compound at the time of the attack there is nothing we could have done to prevent that.

Q And when Envoy Stevens first went in, he had 10 to 12 DS agents for himself and Mr. [redacted]?

A Yes.

Q So would one of your recommendations be that the Department consider augmenting its SST and MSD capabilities so that they are available across the country or across the world?

A I am not a security expert. I can't make global recommendations for the State Department.

Q The Benghazi ARB recommendation number 5, which is found on page 9 reads, "the Department should develop minimum security standards for occupancy of temporary facilities and high risk, high threat environments and seek greater flexibility for the use of Bureau of Overseas Building Operations, OBO sources of funding so they can be rapidly made available for security upgrades at such facilities." Do you agree with this recommendation?

A It strikes me as a commonsense recommendation.

Q Do you know whether the Department has developed minimum security standards for high risk, high threat environments?

A I do not know.

Q Would it surprise you that they haven't?

A I don't know and I couldn't comment.

Q Okay. Ambassador [redacted], I think you will be sad to hear that I have run out of questions for the unclassified session. I know you would rather go on and talk to me for hours on end, but I am going to turn it over to my minority colleagues now. I do have some questions for our classified session and so we --

[Discussion off the record.]

BY MR. KENNY:

Q The time is 4:35 again Ambassador we appreciate your continued patience with us. I know it's been a long day. We hope to finish our unclassified portion in this round and then hopefully we can move to another setting and conclude the day.

I'd like to first return to exhibit 13 which was introduced in the last hour. If you have that in front of you.

A Yes.

Q It is the email from [redacted] to you. And I was just hoping I could clarify something I had jotted down in my notes. You were asked does this document or something to the effect of does this document show that concerns were elevated up to M. And as I sit here and read this, I see in reference to M a discussion about the SST being renewed, but then with respect to DS agents I see a comment about A/S Boswell, Assistant Secretary Boswell, agreeing or committing to make six additional DS agents available and send to Tripoli and then a continued discussion there.

And I'd just like to understand your understanding of whether the Diplomatic Security staff in issue whether that specifically, based on this email, this reading was briefed up to M?

A I have no idea.

Q Okay.

A And I would just clarify, you know, when the State Department staff write emails about M, and P, and other acronyms, you know, acronyms. Often especially someone like a desk officer, which [redacted] was at the time, is talking to the staffer, because the

staffer is aware of an issue, because M probably means M staff, not necessarily [redacted] isn't like chatting with Pat Kennedy in the hallway. You know, so it's --

Q Yeah. And I notice here on that first line there is -- it reads M let us know it will ask for the SST.

A Yes.

Q So referring obviously not to he --

A To an organization, not an individual. So I think that's an important distinction.

Q Okay. And so when we see M elsewhere would it possibly refer to both or most often --

A Yes, it can refer to both.

Q Moving forward, you were asked a series of questions about the Accountability Review Board process --

A Yes.

Q And your participation in that. I'd just like to ask a couple of questions about your participation with the ARB. Just first did you withhold any information from the ARB?

A No.

Q Okay. Were you ever under any pressure from anyone to withhold information from the ARB?

A No.

Q Do you feel that the ARB accurately captured your experience in Libya?

A For the most part, yes. But in reference to that question

that Sharon had raised about the coordination, I have to say when I read that I thought wait a minute. I felt that we were coordinating to the best of our ability.

Q Okay. Point taken, Ambassador, appreciate that.

At this point now we would like to shift gears a little bit and I am going to ask you a series of questions about some public allegations that have been made in connection with the attacks in Benghazi. We understand that the committee is investigating these allegations and therefore we are asking everybody about them to include yourself, I'll start with the allegation and then ask whether you have any evidence to support that.

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 to quote "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 "stand down" on the night of the attacks?

A No.

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

A No.

Q It has been alleged that Secretary Clinton personally signed an April 2012 cable denying security to Libya. The Washington

Post fact checker evaluated this claim and gave it four Pinocchios, its highest award for false claims. Do you have any evidence that Secretary Clinton personally signed an April 2012 cable denying security resources to Libya?

A No.

Q Do you have any evidence 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 from military operations in Libya in spring of 2011. Do you have any evidence that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Qadhafi to his own people in order to garner support from military operation in Libya in spring of 2011?

A No.

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

Do you have any evidence to contradict the House Intelligence Committee's bipartisan report 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 on the night of the attacks, and there have been a number of allegations about the cause and appropriateness of the delay. The House Intelligence Committee issued a bipartisan report concluding that the team was not order 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, quote "bad" close quote or improper reason behind the temporary delay at 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 document 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 of 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 provided to Congress. Do you have any evidence that anyone in the State Department removed or scrubbed damaging documents from the materials that were provided to Congress?

A No.

Q It has been alleged that CIA Deputy Director, Michael Morell, altered unclassified talking points about the Benghazi attacks for political reasons, and that he then misrepresented his actions when he told Congress that the CIA quote "faithfully performed our duties in accordance with the highest standards of objectively and nonpartisanship." Close quote. Do you have any evidence that CIA Deputy Director Mike Morell gave false or intentionally misleading testimony to Congress about the Benghazi talking points?

A No.

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

A No.

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

A No.

Q It has been alleged that the President of the United States was 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 the attacks?

A No.

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

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 there was no -- let me start over. 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 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 all dissipated, we probably couldn't have done more than we did." Close quote. Do you have any evidence do 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 the Pentagon leadership intentionally decided not to deploy?

A No.

Ms. Grooms. That concludes our questions in the unclassified session. So I thank you very much for bearing with us and I think we will go off the record and go to classified.

Ms. Jackson. Can I ask one last question?

BY MS. JACKSON:

Q You've been so patient with us today and we really appreciate your being here, but as you sit here at the end of a long day for our unclassified session, as you reflect is there any question or answer that you gave that you would like to reflect on, change, add to, alter in any way before we lose you back to Algeria?

A No.

Q Anything else that you would like this committee to know before we go off the record in the unclassified session?

A No.

Q Thank you. Is that it? We'll go off the record for the unclassified session.

[Whereupon at 4:45 p.m. the committee proceeded in closed session.]

Ms. Jackson. Let's do our final session. We are reconvening and this session is going to be classified. We're going to try and keep it at the Secret level, but should any question that we ask to you require you to answer at a higher level, if you would flag that for us first. Everyone in this room is cleared to TS, most of us are cleared to TS/SCI, but if for any reason an answer would go into an SCI, please just again flag it to us, and then we will either withdraw the question or excuse certain people.

Mr. Evers. So what we talked about before, is that she is going to try to keep her testimony at the Secret level. And so if she believes she had to go to Top Secret, she will do that and in addition to that TS/SCI as well.

Ms. Jackson. Yes, yes.

[[redacted] Exhibit No. 15

Was marked for identification.]

BY MS. JACKSON:

Q Ambassador, before you you have what I've marked as Exhibit 15, it is actually a sensitive, but unclassified document bearing document number C05396560. It is an email exchange on Friday, June 15th, 2012, which we understand from our prior session was your last day as the DCM in Libya. And it is an email exchange between an [redacted], [redacted] and John Stevens with a copy to [redacted]. And it is -- the subject line, MANPADS MOU. Have you had an opportunity to review this exhibit?

A I have read it, but I should clarify I was traveling at this

time on June 15th. I flew out on a Lufthansa flight and I know that I left the compound on the morning of Friday, June 15th. So I was not involved in this interaction between [redacted] and Ambassador Stevens in any way whatsoever.

Q Well, the first line talks about this is the quote "follow on to loose ends left over from the Wednesday briefing I gave you." Were you present for that briefing?

A I don't believe I was.

Q Okay. And who was [redacted]?

A He was the political and economic section chief in Algeria who took over as acting DCM upon my departure.

Mr. Evers. You mean.

Ms. Jackson. Not Algeria.

Ambassador [redacted] Libya. Gosh, long day. Thank you for catching that. Took over in Tripoli. He arrived, like, the week that I was leaving so we had a week long overlap and then he took over as the acting DCM.

BY MR. JACKSON:

Q Okay. And you stayed the acting DCM until the arrival of Greg Hicks?

A That's my understanding, although I wasn't there.

Q That was the plan at least when you left?

A Yes.

Q Generally were you aware of the MANPADS program in Libya?

A Yes.

Q Okay. And what can you tell us about that program, did it exist prior to your going back in in September of 2011?

A Initial discussions about the program began in the spring of 2011. I don't recall when exactly, but the guys from the PM/WRA office came over to Embassy Tripoli in Exile, and they were quite eager to get going on the program. I don't remember when it launched exactly.

Q But it launched some time before September 11 when you and others returned to Tripoli?

A I believe so. I believe, if my memory serves me correctly, they had gotten things going in Benghazi at some point over the summer of 2011.

Q And what was the MANPADS program in Libya?

A Well, there was a great deal of concern because Qadhafi had spent a lot of money and building pretty significant armaments. So there was concern that as a result of the fighting and the lack of control that was exercised over these arms by the Qadhafi military, then that they would fall into the wrong hands, into terrorist hands. So there was a big effort underway to try to track them down and destroy them.

Q Okay. And the State Department led that effort?

A Yes.

Q Was it an interagency effort offer a State-only effort?

A There was a State effort, [redacted]

Q Okay. Will you describe for us then the State effort?

A I wasn't an expert in this. You know, they -- really, I wasn't an expert on this. I'm trying to recall. There were contractors involved, people who went around -- we knew sort of mapping of where we thought the things had been based on intelligence sources, et cetera.

So like I remember at one point the PM Bureau rep went down to a former arms depot and saw that it had been flattened in a NATO air strike and then trying to account for what we knew had been there, what might have been there. And then making sure that they would like sort of break the whatever component to make sure that these things were not usable.

There was an effort, as you see here to have an MOU that would essentially have been kind of a buyback program that the Libyans were resistant to do that.

Q Okay. And were you privy to that attempt to get the MOU for the buyback program prior to your departure from Libya?

A Yes.

Q Okay. And did you negotiate with any Libyan officials of the TNC regarding that MOU or proposed MOU?

A I think I personally did not. I think I remember working closely with the PM Bureau, and Ambassador Cretz, and then Ambassador Stevens to make sure that, you know, the talking points -- maybe I did deliver the talking points to the foreign ministry, but the ministry of defense interactions were usually done with defense attache and or Ambassador Cretz.

Q Okay. Did the State Department have more than one MANPADS program in Libya?

A I believe it was just one.

Q And that was to identify and render inoperable MANPADS?

A Yes.

Q Okay. [redacted]

A Yes.

Q Okay. And what [redacted] to your knowledge?

A I don't remember the specifics of it.

Q At all?

A I remember that [redacted]

Q On Exhibit 15, at the very last like before [redacted] signs off, it says, quote "[redacted] was kind enough to set aside time today to get read into my programs." Would that be the State Department's programs?

A Yes.

Q Okay. And by read into, that meant it was a classified program?

A No, I think [redacted] was using that term which often in the intelligence circle means getting read in and getting the appropriate clearances simply to mean to get up to speed.

Q Okay. So the State Department did not have a classified MANPADS program?

A I believe the MOU was classified because we were always going back and forth with the documentation on the classified system, but the State Department program itself was not classified.

Q How logistically does the State Department go about it, or State personnel sent over to Libya to do this buyback program, or to find, identify, and render inoperable MANPADS, or do they rely on other companies to do that?

A There was a PM Bureau representative who was at post and [redacted] happened to be the one at the time. And then there was a contractor who I believe was identified here in this email.

Q Would that be the Control Demolitions International or CDI?

A It appears to be that.

Q Was there a company by the name of Sterling that was in country doing any type of MANPADS work?

A I don't recall.

Q Exhibit 15 also talks about that at the end of the contract for the Benghazi based contractor will be late December, early January. Were you aware of that, of how long the contract was to go?

A I don't remember quite honestly. I mean, this was complicated stuff and I sat regularly with the PM Bureau rep to make sure that I was up to speed but I have had a lot of other complicated stuff in my head since June 2012.

Q Is there anything else that you remember about the MANPADS

program in Libya?

A No.

Q Okay. [redacted] is that correct?

A Yes.

Q In Tripoli and in Benghazi?

A Yes.

Q Okay. And what was [redacted]?

A At what period in time?

Q You went back in in September of 2011 through June of 2012?

A Well, the primary purpose was [redacted]

[5:08 p.m.]

BY MS. JACKSON:

Q Okay. The term I have heard over the years is that [redacted]?

A Yes.

Q Do you know what [redacted] in Tripoli between September and June of 2012?

A September 2011 and June 2012?

Q Yes.

A Not off the top of my head, no.

Q Okay. [redacted]?

A Yes.

Q Okay. [redacted]?

A In that time period, [redacted] that we were concerned --

Q Weapons what? I am sorry.

A [redacted] in Libya that we were concerned about. [redacted].

Q And that part of it was being [redacted]?

A Yes.

Q In the period of September 2011 through June of 2012, did you have various intelligence products that were made available to you as the DCM?

A Yes.

Q Okay. And what type of products or intel reporting would you review on a regular basis?

A The same sort of read book that I would read in any other embassy anywhere in the world. [redacted].

Q Okay. Would they have access to intelligence products from other U.S. Government agencies such as the Department of Defense or the CIA, NSA?

A Yes.

Q Okay. And so they would call through those and distill them and give you a read book?

A Yes.

Q So would you get any raw intelligence?

A Generally, as a State Department officer you don't get the raw intelligence. Things usually go through a finished product. As chief of mission, chief of mission often has more leeway, but as DCM, I did not.

Q Okay. Of the finished intelligence products, would you

get -- you would actually read the finished intelligence products such as something put out by the CIA or DIA or one of the other intel agencies?

A Yes.

Q Okay. And so you would not see them summarized in any way by State personnel, but you would see the finished intelligence product?

A Yes.

And by the way, if I could go back to the idea of, you know, did I see raw intelligence. Certainly, when there was information that came in that was threat related, they didn't necessarily [redacted]

And there were definitely instances, especially both when I was charge and also when I was DCM where there would be breaking threat streams that we were concerned about that would be shared before it was a finished intelligence product. But I don't want to make it sound like it was a very bureaucratic procedure. There was some fluidity in the way that we received information.

Q Okay. In February, March, April, and May of 2012, did you see any changes in the threat reporting that you were getting through the intelligence community channels as to the security in Libya? Was it changing in any way?

A It was. And one trend in particular that I was very concerned about was the presence of Mokhtar Belmokhtar, an Algerian national who was a -- and I don't know if he still is, because he might

have been killed in June. I don't know -- but an Algerian national who was the leader of Al Qaeda and the Islamic Maghreb.

So we, in Tripoli, were very, very concerned by his continued presence in Libya and what that might mean for the overall threat environment, the ability for Al Qaeda or other groups to carry out terrorist attacks.

Q In what respect were you concerned? Was he gathering up forces and weapons and planning terrorist attacks in Libya?

A Well, anytime there is a senior Al Qaeda leader in your country, you are concerned. We didn't have a whole lot of insights into what he was doing, but the fact that he was there for such a long period of time, you know, you can make estimates, guesses, about what he was up to, and it certainly wasn't something that we would have supported.

Q And you may have said this but I missed it, in what part of Libya was he suspected of being located?

A He was suspected of being in eastern Libya.

Q Okay. Were there other groups that you were concerned about in eastern and southern Libya?

A As I had mentioned earlier, there was always an extremist presence in Derna, a city in eastern Libya. We had no indications that those guys were up to anything bad, but the fact that this very prominent Al Qaeda leader was now in eastern Libya, in my mind, was -- I wouldn't say a game changer, but a very disturbing development.

Q And if you recall, when were you first aware that he was

in Libya?

A It was in late 2011.

Q So close in time to after you go back into Libya in Tripoli?

A A couple of months later.

Q Okay. And was your intelligence that he was still there at the time you left in June of 2012?

A No. He had returned to either Algeria or Mali. He had left. We knew that for sure.

Q Did the intelligence report that anyone else had been -- had taken his place from the AQIM network?

A I don't recall.

Q You talked earlier in our unclassified session about the drone strike that took out al-Libi.

A Uh-huh.

Q Was there intelligence reporting about the impact of that action by the U.S. Government?

A Yes, there was intelligence reporting about the impact, you know, on corporate Al Qaeda, and whether it was Afghanistan or Pakistan, wherever he was killed, we didn't know what that meant for -- you know, what the repercussions would be for what we knew then to be, you know, again, an Al Qaeda presence in Libya. So it was all very, very unclear.

Q Okay. And, again, can you tell me when al-Libi was killed?

A I don't remember the date.

Q Okay. During your time from late 2011 through your departure in June of 2012, did you read intelligence about Ansar Al

Shari'a?

A I don't recall reading intelligence about Ansar Al Shari'a, but it was certainly a group that we were starting to keep an eye on.

Q Were they having an increased presence in Libya, or why is it that there was a change?

A Again, this is all developments from more than 3 years ago, but it was an emerging group. You know, I think before kind of the springtime we weren't tracking Ansar Al Shari'a, you know. We were tracking various militias. And if I recall the events correctly, these groups, you know, which had been very localized militias started forming into something a little bit different that was worrisome.

Q Was it your sense that the individuals that you dealt with back at Main State were aware of the same intelligence that you were reading?

A No, it was not my sense. And in particular, with Mokhtar Belmokhtar, I was very concerned that my senior leadership in the NEA bureau seemed to be entirely unaware of the fact that Mokhtar Belmokhtar had been in Libya. And that was one reason why I wanted to see Liz Dibble, to discuss that with her.

Q Okay. And when you talk about your senior leadership, who are you referring to?

A The NEA front office. So I did not ever discuss Mokhtar Belmokhtar with the assistant secretary, but when I met with Liz Dibble in February 2012, I raised this. And it was the first she had heard of the fact that Mokhtar Belmokhtar was in Libya.

Q To your knowledge, did she have the same access to the intelligence reporting that you had?

A I don't know.

Q Okay.

A But there was a big disconnect because I was hearing [redacted] that, you know, the director of the CIA was being briefed on this situation every day, and my senior leadership in the State Department didn't -- I mean, within my bureau didn't seem to be aware of this. So was it so compartmentalized that the CIA wasn't sharing that information? I don't know.

Q Okay. Did you have confidence in [redacted]?

A Yes.

Q Did you meet -- and did you find he or she had good insight into what was going on in Libya?

A Yes.

Ms. Jackson. I think that is all the questions I have in this session, so I will turn it over to my minority colleagues.

Mr. Kenny. Go off the record.

[Recess.]

BY MR. KENNY:

Q So we will go back on the record. Time is 5:20. Hopefully this will be our last round and we can conclude. We are still in classified session.

I would just like to ask one or two questions to follow up on the

discussion we were just having in the last round. You were discussing a particular individual by the name of Mokhtar Belmokhtar, I think is the name, which I am --

A Mokhtar Belmokhtar, MBM.

Q Belmokhtar, that is right. And I would just like to ask, you had mentioned that there were indications that he was present in Libya beginning in late 2011; is that correct?

A Yes.

Q And when did he depart Libya?

A It was sometime in the spring. I want to say the March, April timeframe --

Q Okay.

A -- of 2012.

Q Of 2012. So there was a period of time of a few months where this individual is located in Libya?

A Yes.

Q I think you indicated that it was eastern Libya, to your recollection?

A Yes.

Q Okay. And was there confirmation of the fact that he was present there or were -- was it more along the lines of -- what was the confidence level of --

A A very high degree of confidence.

Q Okay. And you had mentioned that you, in your consultations with PDAS Dibble that you had raised this as a potential

concern for her. And you said that she seemed to be unaware at that point in time about this individual's presence. When you told her this, was it your sense that she was concerned?

A Yes. She understood the magnitude of having such a senior Al Qaeda official in Libya. And the security implications. Promised to look into it and figure out why she hadn't been aware of this. Yes. So she did --

Q Okay. Do you know if she took any steps to follow up after that?

A I don't know, because I went back to Libya.

Q Okay. Okay. We will enter, this will be Exhibit 16 into the record.

[[redacted] Exhibit No. 16

Was marked for identification.]

BY MR. KENNY:

Q This is a classified exhibit. It is marked "SECRET//NOFORN."

And Ambassador, I am just going to read into the record some descriptive information about this document. This is a cable, it is 12 Tripoli 39. It is entitled "Embassy Tripoli EAC Meeting - June 11, 2012." And I will give you a few moments to review that.

A Yes. I have read it.

Q Thank you. So I would like to circle back to a discussion we were having in an unclassified session about the June 11 timeframe, which is when the British Ambassador's convoy was struck in Benghazi.

And we touched on the Emergency Action Committee process, and you indicated that you recalled a series of meetings. You couldn't recall if one or the other was labeled as an EAC or there may have been multiple EACs.

So I would just like to ask, does this help refresh your recollection of the June 11 EAC?

A It does. And it also helps refresh for the previous one as well, because it looks like it was a core EAC, which was a much smaller group, which might be why it didn't really stick in my memory as much.

Q Okay. And is the process that you would have -- and could you maybe just explain real briefly. There is a core EAC. There could be a full country team EAC, just the difference.

A Yeah, so a core EAC would be a much smaller group, and now I am sort of remembering, because the Department came back and said, why did you only have a core EAC. And the reason was, we only had a core EAC because we already had a previously-scheduled meeting [redacted] and needed to have a classified discussion.

Q Okay.

A So that was, I guess, less memorable because I probably was thinking of it in the context of our usual coordination meetings that took place over there.

Q Okay. So this particular EAC then was held in a classified session. The document itself is marked classified. And so you could have -- if I could understand you correctly, it was held at a separate location so that you could have a free --

A No, sorry. So I was referring to whatever the day of the IED attack. There was a ref b, right, or whatever that was the -- I can't remember where I saw that. So there was a separate meeting that took place the same day as the IED attack which was a core EAC meeting, which I think was also probably a classified discussion.

Q So maybe it would be helpful, on the second page, in paragraph 6 --

A Yes that's the ref b meeting.

Q -- it specifies --

A The June 6 core EAC meeting.

Q So that is the June 6?

A Yes.

Q And that presumably was in relation to the June 6 attack on the wall?

A Yes.

Q Okay. So this EAC though --

A Was after the UK convoy attack, and it was held [redacted] and involved all of the people that are listed in paragraph one.

Q Okay. But because it was held in the classified session, the core team was able to have an unencumbered discussion about security and possible changes to the security posture?

A This was a full EAC. This was not a core EAC. Sorry.

Q This is the full EAC?

A The core EAC took place on June 6, which was the smaller group meeting --

Q I see.

A -- which I am speculating that I think it took place [redacted], because we met regularly, you know, several times a week with the Ambassador, pol/econ section, me, RSO, [redacted], to discuss the overall threat environment, security, you know. The FCS officer, for example, didn't need to be part of that discussion and didn't have the right clearances.

Q Okay. That is helpful. So it seems like there are two EACs in this time period, one --

A Yes, one was on June 6, which was the smaller group.

Q Okay.

A And then the June 12 meeting was the full EAC.

Q I am sorry, June 11?

A Eleventh, sorry. This is from this report, yes.

Q I think the cable -- it looks like the cable may have been sent on June -- may be dated June 12.

A June 12. Yes, it was sent the following day.

Q Okay. And so this particular EAC, is it your recollection that this EAC was focused primarily on the attack on the Ambassador's convoy but also with reference to the previous attack?

A Yes. In the context of the overall threat environment and what was a series of increasingly disturbing security incidents in Benghazi.

Q Okay. And I will just note here, did the Ambassador attend this EAC?

A Yes, he chaired this meeting.

Q Okay. And did you attend this as well?

A Yes.

Q Okay. And if I could direct your attention just to the fourth -- the paragraph that is numbered four.

A Uh-huh.

Q This paragraph reads, quote, "Given the proximity of the attack to the U.S. office in Benghazi, the EAC debated whether there was any possibility that the U.S. Mission, instead of the British, could have been the target of this attack, concluding that it was impossible to determine at this time," closed quote.

And I just -- we had a discussion that you recall a belief you may have had at the time or --

A Yes.

Q -- held at the time that those two were related. Does this help refresh your recollection about that?

A Yes.

Q Okay. And according to this, at least at this time it was impossible to determine. Was that also an assessment you shared?

A Yes.

Q Okay. That paragraph goes on, quote, "Tripoli's EAC agreed that it was prudent for Benghazi staff to stand-fast in the wake of this attack, as already decided by Benghazi's EAC. The EAC discussed whether to drawdown staff from Benghazi and agreed that no draw downs were needed at this time. However, the EAC agreed to revisit this issue

as more information was gathered. (Benghazi's EAC met separately on June 11 and determined that they would suspend off-compound moves on June 12. They also agreed to use two-car convoys when they decide to move off compound later this week.)," closed quote.

And just further to our discussion, and this may help refresh your recollection on some of the questions that you had been asked previously in the unclassified. And I apologize I was unable to use this document in that setting, but. It sounds like the recommendation here, that it was discussed whether Benghazi should be drawn down?

A Uh-huh.

Q Okay. And the EAC decided against that recommendation; is that right?

A Correct.

Q Do you recall whether that was a consensus viewpoint of the EAC?

A I really don't recall.

Q Okay. And just when it says the EAC discussed whether to draw down staff for Benghazi, is that referring to the Tripoli EAC?

A Yes.

Q Okay. We just talked a little bit earlier about the EAC process and how consensus viewpoints or how the EAC may drive towards consensus or cede consensus on specific issues. Do you remember with regard to this specific conversation or this topic what the various viewpoints were among the members of this EAC?

A I don't recall. But I do, if my memory serves me correctly,

I think Ambassador Stevens by this point was putting out the idea, you know, of having a gap in the staffing and reassessing later. So I think that people felt with that because there were just so many unknowns at this point in time.

Mr. Kenny. Okay. That is all we have. Thank you. We can go off the record.

[Whereupon, at 5:32 p.m., the interview was concluded.]

EXHIBIT 1

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

From: [redacted]
To: [redacted]
Subject: Fw: (SBU) Update from Special Envoy Stevens
Date: Sunday, April 10, 2011 10:02:25 AM

Sent from my blackberry

From: [redacted]
Sent: Sunday, April 10, 2011 09:26 AM
To: [redacted]
Subject: Fw: (SBU) Update from Special Envoy Stevens

Fyi - situation in ajdabiyah worsening; chris weighing whether to pull team. We asked him to consult euros and then give dept a recommendation. M, P, DS will need to be involved. Jeff feltman has alerted p

From: [redacted]
Sent: Sunday, April 10, 2011 06:09 AM
To: SES_DutyDeputies; S_SpecialAssistants; Feltman, Jeffrey D; Schlicher, Ronald L; [redacted]
Cc: SES-O_SWO; Tripoli Cooperation; SES-O
Subject: (SBU) Update from Special Envoy Stevens

(SBU) Per Special Envoy Stevens:

- The situation in Ajdabiyah has worsened to the point where Stevens is considering departure from Benghazi. The envoy's delegation is currently doing a phased checkout (paying the hotel bills, moving some comms to the boat, etc). He will monitor the situation to see if it deteriorates further, but no decision has been made on departure. He will wait 2-3 more hours, then revisit the decision on departure.
- He received reports of shelling last night in Ajdabiyah as well as snipers shooting people in the city. AFRICOM reported Qadhafi's forces took the eastern and western gates of Ajdabiyah, with 5 vehicles at the eastern gate and 50 at the western gate. More Qadhafi forces are heading to Ajdabiyah from Brega.
- The Brits report Qadhafi forces are moving from Sirte to Brega, which they interpret as preparation for another assault on Ajdabiyah today.
- He plans to discuss the situation further with the Brits, Turks, and the TNC to see if this is an irreversible situation. Departure would send a significant political signal, and would be interpreted as the U.S. losing confidence in the TNC. Initial message to the TNC would frame the departure as due to security grounds and as a temporary measure only.
- [redacted] said she would discuss these developments with Amb. Cretz.
- If the group departs, the contract for the boat stipulates they return to Greece. One scenario could be the group stages elsewhere for a few days.

Ops will continue to monitor the situation.

Best regards,

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[redacted]
State Department Operations Center
Tel: 202.647.1512

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EXHIBIT 2

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[redacted]

From: Stevens, John C
Sent: Thursday, June 07, 2012 5:29 AM
To: [redacted]
Subject: RE: MSD/Tripoli

OK, thanks, I will respond to Scott and ask for his support with DS/IP when our RSO sends in a formal request.

From: [redacted]
Sent: Thursday, June 07, 2012 9:34 AM
To: Stevens, John C
Subject: RE: MSD/Tripoli

[redacted] & I have discussed this possibility before and are comfortable with the idea of high-threat trained agents instead of MSD.

From: Stevens, John C
Sent: Wed 6/6/2012 5:19 PM
To: [redacted]
Subject: FW: MSD/Tripoli

What do you think about his suggestion that we ask for High Threat Trained Agents? I suppose we should pulse [redacted] and [redacted]. C

From: [redacted]
Sent: Wednesday, June 06, 2012 3:00 PM
To: Stevens, John C
Cc: [redacted]
Subject: RE: MSD/Tripoli

Hi Chris/[redacted], sorry I didn't get back sooner, I wanted to crunch some numbers with my staff before I responded. Unfortunately, MSD cannot support the request. As an Office, we would gladly do it for both of you who have been so good to us, but we have two emerging requirements similar to Tripoli that requires the whole of our office essentially.

When we were in Benghazi, DS provided High Threat Trained agents for that mission. Would that suffice for your needs? While not a situation I can directly control, I can sensitize DS/IP to your requirement. I think your reasons for a High Threat Team to replace the loss of the MSD team would resonate with DS given post election uncertainties and the anticipated VIP visits. My sense is that they could pull together a team for you for at least one or two 45 day TDY assignments. (Getting visas for these teams would have to be a priority with strong support from our Embassy.

We really wish we could support, in large part, because we have enjoyed working with both of you and the Embassy staff, but these emerging missions are going to trump everything for MSD in the coming months. Please be safe. [redacted], see you in Baghdad this summer. [redacted]

From: Stevens, John C
Sent: Tuesday, June 05, 2012 10:55 AM
To: [redacted]

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Cc: [redacted]
Subject: MSD/Tripoli

[redacted] Greetings from your favorite country. I've been on the ground for a week and am really enjoying it. In fact, yesterday, we were treated to the sound of rounds going off near our compound, as militia-men from Tarhuna encircled the airport demanding the release of their beloved and captured leader. Some things just don't change, I guess!

I'm writing specifically to ask your advice on an MSD matter. My understanding is that we are scheduled to reduce to one MSD team on July 12, with the second team staying until August. The second team has been doing the LGF training.

The July-August period is going to be potentially tumultuous with national elections in the late June-mid July timeframe followed by appointment of a new gov't in the weeks thereafter. We will likely have VIP observers, including possibly Pres Carter and Sen McCain. There is much uncertainty about how the militias will conduct themselves during this period of shifting political power.

Our LGF are getting good training from one MSD team, but don't yet have their weapons permits. We'd feel much safer if we could keep two MSD teams with us through this period to provide QRF for our staff and PD for me and the DCM and any VIP visitors.

What do you think? I know you guys are stretched. Is there any room for keeping two teams here through August (vice letting one go in mid July)?

Appreciate your advice. Chris

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EXHIBIT 3

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[redacted]

From: Stevens, John C
Sent: Tuesday, June 12, 2012 10:52 AM
To: [redacted]
Cc: [redacted]
Subject: RE: following up on UK convoy attack.

We share your concern. [redacted] and I have been discussing recommending a pause in our Bgzi PO staffing to further assess the security situation there. As you note below, there is a natural pause coming up, in the two-week gap between [redacted] June 14 departure and [redacted] anticipated arrival at the end of the month. One idea would be to use this time to allow our RSO team in Benghazi (perhaps reduced in number) to continue to assess the threat environment and consider ways to mitigate. Those are our initial thoughts. -- C

From: [redacted]
Sent: Monday, June 11, 2012 11:11 PM
To: Stevens, John C
Cc: [redacted]
Subject: FW: following up on UK convoy attack.

Chris

I am getting quite concerned about the security situation for our folks in Benghazi. Maybe we should talk on the phone tomorrow at your convenience. Just informally touch base. We are at a(possible) natural break in the action coming up, with [redacted] leaving. We can bring [redacted] and a few others into the conversation at the next stage, but I would like your sense of things first.

[redacted]
Director
Office of Maghreb Affairs
Department of State
202-647-4679
[redacted]**@state.gov**

From: [redacted]
Sent: Monday, June 11, 2012 1:19 PM
To: [redacted] NEA-LIBYADESK; SES-O; [redacted]
Cc: [redacted]; TRIPOLI RSO; [redacted]
Subject: RE: following up on UK convoy attack.

All,

Benghazi convened an informal EAC with RSO, [redacted] and PO. We have suspended movements today/this evening and will also remain on compound tomorrow, Tuesday, June 12. Tomorrow afternoon we will assess the movements currently planned for Wednesday, June 13.

[redacted] (Principal Officer, U.S. Mission Benghazi)

From: [redacted]
Sent: Monday, June 11, 2012 4:05 PM
To: [redacted]; NEA-LIBYADESK; SES-O; [redacted]
Cc: [redacted] TRIPOLI RSO; [redacted]
Subject: following up on UK convoy attack.

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Just to let you know – we've alerted GOL security contacts of the attack on the UK Ambassador's convoy in Benghazi, asked whether they have any information regarding threats to US diplomats or facilities, and also asked for extra protection for all USG diplomatic facilities.

'We'll hold an EAC at 6:00 pm to discuss the attack and will send a readout afterwards.

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EXHIBIT 4

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C05391930

2011253781

United States Department of State

Washington, D.C. 20520

SENSITIVE BUT UNCLASSIFIED December 27, 2011

ACTION MEMO FOR UNDER SECRETARY KENNEDY - M

FROM: NEA – Jeffrey Feltman

SUBJECT: Future of Operations in Benghazi, Libya

Recommendation 1:

That you approve a continued U.S. presence in Benghazi through the end of calendar year 2012; and that you approve a combined footprint of 35 U.S. government personnel in Benghazi, including eight State Department and USAID and two TDY beds.

Approve _____ Disapprove _____

Recommendation 2:

That you approve the release of the existing State Department lease in Benghazi on Villa A; and that you approve the retention of Villas B and C for office and residential space for the State Department presence.

Approve _____ Disapprove _____

Background

The Transitional National Council (TNC) recently declared Libya liberated and moved the center of TNC operations from Benghazi to Tripoli. Chris Stevens, the Department's original Special Envoy to the TNC, has been replaced by Bureau of Political Military Affairs officer [redacted], who previously served at Embassy Tripoli. Entry level officer [redacted] transitioned to Tripoli in mid-December and USAID has shifted its permanent presence to Tripoli. Because of budget constraints and the reduced footprint, Diplomatic Security's current presence consists of two Special Agents, with an additional three slots currently unfilled.

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C05391930

With Information Management Officer (IMO)/Management Officer [redacted] the permanent presence in Benghazi is five, down from an approved footprint of 17. The current leases are paid through February 4, 2012, and extendable at our discretion through 2015.

Although our presence in Benghazi has shrunk considerably since the reopening of the Embassy in Tripoli, I would like to maintain a small State-run presence in Benghazi through the end of calendar year 2012, to include the critical summer elections period. Headed by an FS-02 or GS-14 officer, this office would work in close coordination with Tripoli on political and economic reporting, public diplomacy and commercial work in the eastern part of Libya and serve as "host" for the activities of USAID, PM, and any other U.S. government TDY personnel in Benghazi. Because this would be a smaller operation, Benghazi would continue to be supported by one IRM TDYer for communications and management issues and one NEA TDY reporting officer in addition to the TDY head of operations. NEA also would support the continuation of an LES PSA position to provide translation, policy, and administrative support. With the full complement of five Special Agents, our permanent presence would include eight U.S. direct hire employees, two slots for TDY PM and USAID officers, and one LES program assistant.

A continued presence in Benghazi will emphasize U.S. interest in the eastern part of Libya. Many Libyans have said the U.S. presence in Benghazi has a salutary, calming effect on easterners who are fearful that the new focus on Tripoli could once again lead to their neglect and exclusion from reconstruction and wealth distribution and strongly favor a permanent U.S. presence in the form of a full consulate. They feel the United States will help ensure they are dealt with fairly. TNC officials have said some government agencies may shift their headquarters to Benghazi (such as the National Oil Company). Other government agencies and corporations already have their headquarters in Benghazi and will likely remain there for the foreseeable future. The team will be able to monitor political trends (Islamists, tribes, political parties, militias) and public sentiment regarding the "new Libya," as well as report on the critical period leading up to and through Libya's first post-Qadhafi elections. Programmatic benefits to a continued U.S. presence in Benghazi include building on USAID/OTI's programs to strengthen civil society groups, media training, and capacity building in municipal councils. We should continue to engage with the populace, particularly with the large population of Libyan youth, an important and receptive audience with high expectations for the post-revolution period.

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Italy, Tunisia, Morocco, Malta, Finland, Turkey, Egypt, Sweden, Sudan, and the Palestinian Authority all have consulates in Benghazi. In informal conversations, representatives of the United Kingdom and French have said their governments would be unlikely to maintain offices there for budgetary reasons. The European Union and the United Nations have not announced whether they will maintain long-term presences in Benghazi.

Facilities

The current Benghazi State platform (Villas A, B, and C) is a 13-acre walled compound with 3.5 villas, office space, and a dining hall. Although all groups have come to the conclusion that co-location is the best and most economical option for continued presence, [redacted] the current State facility is not large enough to permit co-location. Tripoli Facility Manager [redacted] recently traveled to Benghazi to study a proposed villa compound (Villa D – see Tab) [redacted] and determined that the electrical, plumbing and physical security work needed to bring the facility up to an acceptable standard would negate any cost savings of the move.

The current Villa Compound is much larger than we need for the duration of our presence in Benghazi. We currently pay $70,000/month for the three properties (A - $28,000/month, B - $14,000/month, and C - $28,000/month). NEA proposes to release the Villa A property and use Villa C for residential and Villa B for offices, dining facility, and TDY housing. If you agree with this course of action, NEA will work with DS to rapidly implement a series of corrective security measures as part of the consolidation of the State footprint. We have one-year leases renewable for up to three additional one-year periods on these villas, with an option to terminate without financial penalty after the first six months, with sixty days notice. In order to avoid any additional rent payments on Villa A, NEA proposes to give immediate notice of termination, but would like to retain the leases on Villas B and C through the end of calendar year 2012 [redacted]

Attachment:
Tab – Benghazi proposal

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EXHIBIT 5

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[redacted]

From: Stevens, John C
Sent: Friday, February 17, 2012 10:13 AM
To: [redacted] NEA-MAG-LIBYA
Subject: RE: [redacted]

Categories: Working

Thanks. Great that [redacted] has offered to pull the right resource people into a room to try to sort this out -- the problem is largely State's to solve, and our principal [redacted] will need to be armed with points and a position on what resources we can add to Post to support the expanded mission. I completely agree on need for a transition coordinator, for the record. -- C

SBU
This email is UNCLASSIFIED

-----Original Message-----
From: [redacted]
Sent: Friday, February 17, 2012 9:48 AM
To: Stevens, John C
Subject: FW: [redacted]

This email is UNCLASSIFIED-----Original Message-----
From: [redacted]
Sent: Friday, February 17, 2012 9:47 AM
To: [redacted]
Cc: [redacted] Dibble, Elizabeth L; [redacted]; Maxwell, Raymond D
Subject: RE [redacted]

[redacted]

It might be helpful to have DS, RM, and OBO comments for the talking points. We'll round up the necessary people. [redacted] on Wednesday?

Lee

This email is UNCLASSIFIED

[redacted]
Executive Director
Bureaus of Near Eastern and
South and Central Asia Affairs
202/647-3269
202/647-3028=fax

-----Original Message-----
From: [redacted]
Sent: Friday, February 17, 2012 8:35 AM
To: [redacted] Dibble, Elizabeth L; [redacted] Maxwell, Raymond D
Subject: RE: [redacted]

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[redacted] thanks so much. this is extremely helpful as we tailor [redacted]

dding [redacted] and [redacted]

st,
[redacted]

SBU
This email is UNCLASSIFIED

-----Original Message-----
From: [redacted]
Sent: Friday, February 17, 2012 7:40 AM
To: [redacted]
Cc: [redacted] Dibble, Elizabeth L
Subject: [redacted]

Many thanks once again to [redacted] for setting up such a comprehensive schedule! My meetings were extremely productive. I wanted to make sure you all were aware of the discussions I had with [redacted] DS and EX re resource issues, since it looks like this will come up [redacted]

[redacted] is extremely focused on trying to get more technical assistance TDY'ers to Libya [redacted] the current pace of one TDY group for a week or two at a time is not sufficient to support the USG transition goals. [redacted] expectation is that we should be able to support up to five teams of technical assistance TDY'ers. (Even with more cars, there's no way we could have all 5 at the same time. We barely have five substantive officers to serve as control officers.) [redacted] can determine our key priorities (I made a plea to [redacted] to narrow it to 3-5) and ensure that we have the resources to meet them.

ow that we have funding for the cars, we're in much better shape. EX is looking into shipping options but I suspect that the 4-6 eek timeframe might not be acceptable [redacted] Air shipment could be an option but costs roughly one million - money we nply don't have. [redacted] wants the cars there quickly, they'll need to wrangle more funds for air transport.

Security is the other critical component. DS DAS Lamb insists that post must stop relying on "emergency resources" (MSD and SST) and develop "normal" RSO operations. She's adamant that the third MSD team must leave in March and that SST must go in April. Although we're working hard on plans to train LES drivers and develop an LES bodyguard force, we will not have an indigenous BG force in place til May at the earliest - and even then we don't have assurances that the GOL will grant LES permission to carry arms. (We should add weapons licenses for an LES BG force to the TPs for the PM's visit; it's a critical operational need on which we've gotten zero traction with the MOI.) I'm worried that we won't be able to handle our usual pace without MSD and SST, much less an influx of still more TDY'ers.

Our RSO sent DS a list of the resources we'd need to replace the third MSD team (basically more agents plus a MED TDY); DAS Lamb said she also needs a quantitative analysis of the number of runs we need to make per day, regional trips, "safe" areas etc. We'll get that to her early next week.

If DS does indeed pull out the MSD team in March, I see a very worrisome gap btwn a potential increase in [redacted] TDY's and our ability to provide security. It would be great if you all could flag this as an issue [redacted] Unless DS either keeps that third MSD team or quickly provides the additional resources requested, we will have a very hard time supporting an increased number of TDY'ers.

The final issue is our staffing at post. I need to talk to the Amb about the possibility of a transition coordinator slot but am thinking this could be a very useful addition. [redacted] also agrees that this could be useful and is comfortable with State vice AID taking on this role.

ease call if you have any questions. I'm around today and heading back to Tripoli tomorrow. All the best.

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EXHIBIT 6

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
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UNCLASSIFIED June 10, 2011

ACTION MEMO FOR UNDER SECRETARY KENNEDY – M

FROM: NEA – Jeffrey Feltman, Assistant Secretary

SUBJECT: Request Authorization to Add Five State USDH personnel in Benghazi, Libya

Recommendation:

That you allow the footprint in Benghazi to grow by five State USDH personnel in Benghazi, Libya.

Approve_____ Disapprove_____

Background

The Special Representative to the Libyan Transitional National Council (TNC) and his mission have been in Benghazi, Libya, since April 5, 2011. Current USG footprint is eighteen USDH personnel, one of which is in Benghazi only temporarily to do a physical security study. This seventeen-member team includes the Special Representative, one reporting/public diplomacy officer, one Information Management Officer who is also doing Management work, four USAID officers, and ten Diplomatic Security special agents who comprise the protective detail for the mission.

As the conflict in Libya continues, demands are increasing on Stevens and his team for more reporting and policy coordination. In order to respond to these demands, Stevens faces the immediate need to add two more Arabic-speaking reporting officers to his team. These two positions will enable Stevens to report on

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the full range of economic and political issues in eastern Libya, thereby increasing our understanding of realities on the ground and giving us additional contacts with which to explore key policy issues. The additional staff also is required to help manage the increasing volume of official visitors, including Codels and Staffdels. With the increase in reporting positions, DS would need to add three more to the protective detail. Justification for each position follows.

Economic Officer: The TNC's dire financial situation is an increasingly important focus of our engagement. Stevens is faced with daily requests for detailed information about the TNC's budget, banking sector and import/export needs, as well as its views on and participation in the Temporary Financial Mechanism. Stevens and his team also need to delve more deeply into Libya's critical oil and gas sector, to understand the current state of the sector, its future prospects and the steps required to bring eastern Libya's fields back to full production – a particularly important issue as the international community grapples with the question of whether to guarantee loans to the TNC with its future oil revenues. In addition, the USG is facing an increasing number of queries from U.S. companies seeking information about commercial opportunities; regular discussions with TNC officials responsible for finance, the economy and reconstruction will be key to our ability to understand and report on these needs.

Political Officer: Eastern Libya has seen an explosion of political activity in the wake of the February 17 revolution. Although the bulk of Stevens' focus has been on the Transitional National Council, dozens of new civil society organizations, political parties and militias are cropping up and beginning to exert influence. These new organizations -- including the February 17 Coalition, several youth groups, and new Islamist political organizations represented by Athal and the Muslim Brotherhood – are playing an increasingly important role in transitional Libya, and we need to have a better understanding of their aspirations for a post-Qadhafi Libya. Regular contact with and reporting on these organizations is vital to the USG's understanding of these groups' current and future roles, as well as the TNC's overall standing and legitimacy among the broader population.

Diplomatic Security Protective Detail: An increase in reporting capacity presumes an ability to get out and meet with contacts in Benghazi. In order to meet that need, DS would need to add sufficient personnel to support another vehicle movement. The current detail allows for two independent movements at a time. The addition of three more DS special agents would allow the Stevens mission to make up to three simultaneous movements and would provide sufficient around the clock security support.

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Drafted: [redacted], 7-6355 or [redacted], 6/10/11

Cleared:
NEA/FO: RSchlicher
NEA/FO: [redacted]
NEA-SCA/EX: [redacted]
NEA-SCA/EX/PM: [redacted]
NEA/MAG: [redacted]
Embassy Tripoli: [redacted]
Benghazi: JCStevens
D(S): [redacted]
D(N): [redacted]
P: [redacted]
M: [redacted]

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EXHIBIT 7

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From: Sullivan, Jacob J <SullivanJJ@state.gov>
Sent: Tuesday, January 24, 2012 1:00 PM
To: H
Subject: FW: Libya info

FYI

From: Cretz, Gene A
Sent: Tuesday, January 24, 2012 2:58 AM
To: Sullivan, Jacob J; Feltman, Jeffrey D
Subject: RE: Libya info

[redacted] The Benghazi protestors appear to be a pastiche of different groups of disaffected people including war-wounded, martyrs' families, transparency and accountability demandeurs, and those who believe the east is once again being neglected. So the source of this report attributing the whole thing to war-wounded does not jive, although they may have been the ones who carried out the violent acts. The Belhaj bogeyman is a bit overplayed-no doubt his military influence has waned but he does remain a player --one of many --looking to make political gain in this new environment. The proposition that he is just lying in waiting to take advantage of the current stability to move in and establish an Islamic state appears a bit exaggerated. Minister of Labor Rajbani (who has his own axes to grind) said there is now a group of six ministers (I need to clarify whether this is with al-Keeb's knoweldge or not) who are serving as the "cohones" of the cabinet and taking decisions the others won't. al-Keeb is proceding cautiously (that is his strength and weakness) and that is the problem-this is really the time for a "war-time" cabinet not the cautious approach he appears to be taking does not suit this volatile time. Let's see what the meeting today between the NTC and the government produces--the benghazi protests, the Bani Walid conflict, and the various other incidents that have flared up in recent days point to the need for some real drastic movement in the DDR process and in the other issues that engender current dissatisfaction among the populace. I can't really comment on the points regarding foreign contracts except to say it rings true given the current government's reluctance to make any significant decisions, especially regarding past or future issues of money. The Heftar piece also sounds a bridge too far given al-Keeb's disposition. But I do agree that it is not too late if this government can just organiza itself and take some fundamental decisions to i mprove liquidity, get the real war-wounded good treatment, and push the MOD and MOI to speed up the DDR process.

From: Sullivan, Jacob J
Sent: Tue 1/24/2012 2:25 AM
To: Cretz, Gene A; Feltman, Jeffrey D
Subject: Libya info

Interested, as always, in your views.

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

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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 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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EXHIBIT 8

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

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[redacted]

From: [redacted]
Sent: Wednesday, September 14, 2011 4:18 PM
To: [redacted]
Subject: FW: Thoughts on future of Mission Benghazi

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Working
Classification: UNCLASSIFIED
SensitivityCode: Sensitive

[redacted]
NEA-SCA/EX
Post Management Officer
Morocco, Algeria, Tunisia, and Libya
202-647-6355 office

SBU
This email is UNCLASSIFIED.

From: Stevens, John C
Sent: Wednesday, September 14, 2011 4:12 PM
To: [redacted]
Subject: FW: Thoughts on future of Mission Benghazi

[redacted] – In light of the mounting need for [redacted] talents in Tripoli, here are some thoughts on how you might scale back Mission Benghazi for the next phase (however long that might last). I know Jeff F. has some ideas, too.

- Assign an officer to run the compound and do the political/econ/PD/commercial work here in coordination with Tripoli (like an APP). This officer would also oversee the activities of USAID, PM, and any other TDYers in Bzi. It would be ideal if this officer were at least FS-02 and had some Arabic.
- Support with one IRM/MGT officer.
- DS presence of 7 instead of current 10. This would allow for two simultaneous movement teams of two agents each, and 3 to stay back to man the TOC and walk the compound.
- Two LES (one would cover translation/policy/admin support; the other would support the DS team).

This configuration would put staffing level at 11.

There are 11 bedrooms in the 3 villas, so everyone could conceivably have his/her own room. This would make it a more attractive option for potential recruits.

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TDY capacity: There are two bedrooms (sleeping 4) in the Villa C annex. Also, an extra sleeping area for one or two in our old upstairs office in Villa A.

From: Stevens, John C
Sent: Tuesday, September 06, 2011 9:01 AM
To: [redacted] Cretz, Gene A; [redacted] Dibble, Elizabeth L
Cc: [redacted]; Stevens, John C
Subject: Thoughts on future of Mission Benghazi

As the Dept stands up a mission in Tripoli, the question arises as to how long to keep Mission Benghazi operating. I believe it would be prudent to maintain a small State-run presence here for at least 6 months. Here are some thoughts on why (and how):

Political/economic/public diplomacy:

- Continue contacts with TNC leadership. We don't know how the TNC's transition to Tripoli will play out. Early signs are that the TNC will soon move to the capital, but there will likely be a lot of back-and-forth travel by TNC members from the east, in particular chairman Abd al-Jalil. It is also possible that the transition could fail or stall.
- Engage new GOL entities. TNC officials have said that some government agencies may have their headquarters in Benghazi (such as the National Oil Company). Other government agencies/corporations already have their HQ's here (parastatal oil company AGOCO, and the Libyan Pension Fund).
- Monitor political trends (Islamists, tribes, political parties, "federalists", militias) and public sentiment regarding the "new Libya". The revolution began in eastern Libya and the views of these 2 million inhabitants will certainly influence events going forward.
- Monitor the resumption of oil production in the east, where most of Libya's oil reserves are located. Engage with US petroleum companies in the east.
- Engage Eastern elites and key groups as necessary to help ensure smooth transition to a united, democratic Libya.
- Demonstrate US interest in the eastern part of Libya. Many Libyans have said that the US presence in Benghazi has a salutary, "calming" effect on easterners who are fearful that the new focus on Tripoli could once again lead to their neglect and exclusion from reconstruction and wealth distribution. They feel the US will help ensure they are dealt with fairly.

Programmatic:

- Continue projects begun by USAID/OTI relating to strengthening civil society groups, media training, and capacity building in municipal councils.
- Continue activities begun by PM/WRA in securing and destroying conventional weapons, particularly MANPADS.
- Commence other engagement activities, particularly in education. There is a large population of Libyan youth with high expectations for the post-revolution period. They are an important and receptive audience for US engagement (such engagement would help counter Islamist efforts in this area).
- Serve as a platform for TDY visits/events from Embassy Tripoli and Washington.

Who else will be in Benghazi?

- Italy, Turkey, Egypt, Sweden, Sudan, and Syria have consulates in Benghazi. In informal conversations [redacted], they have said their gov'ts would be unlikely to maintain offices here for budget reasons. It is unclear if any UN offices will remain in Benghazi. The EU rep has reportedly advocated keeping an outpost in Benghazi but it is unclear what Brussels will decide.

What would be required:

- The current Benghazi platform is a 13-acre walled compound with 3 ½ villas, office space and a dining hall. The leases are for 2 years, with an option to end them without financial penalty after 6 months.

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- Security and comms upgrades are in place and underway. These include physical security upgrades, a nascent local guard force, and OpenNet and Classnet.
- The compound sleeps up to 22. A local contractor provides "life services" under a DOS contract (ie, meals, cleaning, laundry, and garden/buildings maintenance).
- Staffing should include: principal officer, IRM/MGT, reporting/PD officer (helpful if he/she has CONS training, as many CONS questions come up), a DS team (number depends on size of mission and security conditions), and program officers as required (currently USAID/OTI and PM/WRA TDY). The mission currently utilizes FAVs but this may not be required in the future if security conditions improve.

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EXHIBIT 9

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C05409976 Date: 10/20/2015

C05409976-MOU

Kozlowsky, Matthew J

From: Stevens, John C
Sent: Tuesday, November 01, 2011 9:05 AM
To: Polaschik, Joan A
Cc: Roebuck, William V
Subject: RE: Mission Benghazi future

Interesting about DS staffing. I really hope the numbers can safely be reduced so that you can all have your own rooms – or at least your own beds! Someone told me that Nate curled up on the floor with a blanket during his TDY. Llike an IDP.

Will be interested to know what your EAC decides. Our new RSO will be in touch with yours .

Bill do you want to share the Benghazi proposals with Liz? We consulted a property lawyer here today and he said we're on solid legal ground to hold onto Villa B (cafeteria/offices) through the end of the 1 year lease term, ie, August 3. So that's an additional option. (Of course, the landlord might try to evict us in court, but that's speculation).

C

From: Polaschik, Joan A
Sent: Monday, October 31, 2011 1:13 PM
To: Stevens, John C; Roebuck, William V; Cretz, Gene A
Subject: RE: Mission Benghazi future

Option A looks right to me. Just one note re DS staffing... we're holding an EAC tomorrow in which we plan to discuss our movement policies & continued DS staffing. If/if current positive trends continue, RSO & MSD plan to recommend that we move o/a December 1 to an eased travel policy that will allow USDH staff to travel solo without an MSD agent (e.g., with just a GSO driver) but still in an armored vehicle. MSD would maintain QRF teams throughout the city in order to respond to any incidents. In theory, the same policy should apply to Benghazi but I'm not sure that you have the numbers to go to a QRF model.

From: Stevens, John C
Sent: Monday, October 31, 2011 3:08 PM
To: Roebuck, William V; Cretz, Gene A; Polaschik, Joan A
Subject: Mission Benghazi future

Here are a couple of possible models for Mission Benghazi. I have discussed with Benghazi RSO, PM/MANPADS rep and USAID/OTI rep here. We are currently staffed at 9 (myself, Nate, OTI, IRM/MGT, plus 5 DS, with Nate and OTI planning to transfer to Tripoli later in November). Also note that the landlord of Villa B (office/cafeteria compound) has served us notice that he would like to terminate our lease on Feb 3. We have paid rent through Feb 3 for all 3 compounds; we're required to provide 60 days notice to end the leases. So if we're going to get rid of any of these properties, we should be ready to give notice by then.

A) Slimmed down compound: Principal Officer (FS-02 level) MGT/IRM, and possibly one USAID/OTI officer (if they get requested funding). 4 DS. 1 admin LES plus guardforce.
   - Consolidate to Villa A (combine lodging/offices; beds for 7 plus 2 TDY in living room; also possible to rent a small 1 bedroom house attached to Villa A belonging to same owner)
   - Duration: through Sept 30, 2012 (3 months beyond projected TNC elections)
   - Purpose: provide platform for POL/ECON reporting; PD and OTI programming; PM/Conventional Weapons collection effort in east; commercial outreach.

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C05409976 Date: 10/20/2015

- Other Benghazi missions: UNSMIL, EU and UK intend to maintain small branch offices for the next 6 months-one year. Italians and Turks have consulates.

B) Virtual presence: End all 3 compound leases. Zero full-time State Dept staff. Use hotels (as Spanish, Greek and foreign NGOs have been doing). Possibly leave FAV in Benghazi [redacted] to support TDY travel in eastern Libya.

My personal recommendation would be Option A. There will be a lot of political activity in Benghazi in the coming year, not least of which will be elections and campaigning. A good number of TNC members, including the chairman himself, will be traveling frequently between Tripoli and Benghazi. MANPADS collection and USAID programming will also continue in the east. It would help us a lot to maintain a small platform in Benghazi during through next fall.

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EXHIBIT 10

C05578694

[redacted]

From: [redacted]
Sent: Wednesday, March 28, 2012 9:07 AM
To: [redacted]
Cc: [redacted]
Subject: FW: REQUEST FOR DS TDY AND FTE SUPPORT

[redacted]

FYI -- This is a consolidated support request for Libya, as discussed with and requested by DAS Lamb and PDAS Bultrowicz during my last meetings in DC.

With the visa delays, and current staffing of only 1 agent in Benghazi, our immediate needs are TDY agents for Benghazi, Tripoli, and ARSO support to replace [redacted] when he departs on/about 06 April.

I'm in Benghazi withe the SST Commander until Friday, 3/30.

[redacted]

From: SMART Core [mailto:svcSMARTBTSRctSPrec@state.gov]
Sent: Wed 3/28/2012 3:15 AM
To: [redacted] (Tripoli TDY); [redacted] (TRIPOLI TDY)
Cc: [redacted]
Subject: REQUEST FOR DS TDY AND FTE SUPPORT

UNCLASSIFIED
SBU

Action Office:	RSO, MGT
Info Office:	DETCMDR_INFO, EXEC_INFO

MRN:	12 TRIPOLI 130
Date/DTG:	Mar 28, 2012 / 280648Z MAR 12
From:	AMEMBASSY TRIPOLI
Action:	WASHDC, SECSTATE *ROUTINE*
E.O.:	13526
TAGS:	ASEC, AMGT, LY
Captions:	SENSITIVE
Reference:	12 TRIPOLI 64
Pass Line:	STATE FOR DS/IP/NEA AND NEA/EX
Correction Reason:	CORRECTED COPY: Reftel added.
Subject:	REQUEST FOR DS TDY AND FTE SUPPORT

1. (SBU) SUMMARY AND ACTION REQUEST: As Tripoli seeks to transition from emergency to normalized security operations, post and the RSO face a considerable workload in a constantly evolving environment. Accomplishment of RSO's core objectives -- essential support for movement security, including continuing high volume of senior-level visits; rebuilding and expanding post's PSA Local Guard Force (LGF); managing major physical security projects; creating a locally engaged bodyguard force; and establishing traditional RSO programs -- requires continued TDY support from the Department, as well as an increase in the number of our permanently assigned RSO staff. In order to transition successfully from the current MSD and SST-based security model to one that incorporates more locally based and non-emergency assets, post requests: 12 TDY DS agents for 45-60 day rotations in Tripoli (to replace our two departing MSD teams); 5 TDY DS agents for 45-60 day rotations in Benghazi; continued deployment of one MSD team through completion of training of our second LES bodyguard team (o/a July 1); one TDY ARSO from April 1 til July 1; and one WAE TDY'er to assist with LGF program development and emergency planning. In addition, post requests an increase in full-time staffing for RSO Tripoli to include: one RSO, one Deputy RSO, and four ARSOs. Post is extremely grateful for the extraordinary support provided by DS as we transition to normalized security operations. End summary and action request.

2. (SBU) As noted in our EAC reports and regular DS spot reports, the security environment in Tripoli remains uncertain and unstable. Although there has been a marked decrease in the number of militia checkpoints around Tripoli, the Transitional National Council (TNC) has not yet succeeded in demobilizing the multiple militias or bringing them into a centralized command and control structure. This uncertain environment is likely to continue through the entire transition cycle, which as outlined in the TNC's constitutional charter, is expected to last at least one year beyond the June 2012 election for the constitutional assembly. In REF A, Post provided a detailed description of the evolving security environment at Post, VIP visit demands, physical security projects underway, and an update of LGF and LES close protection recruitment, staffing, and training efforts.

3. (SBU) As recommended by the Department, post is developing plans to transition our security staffing from an MSD and SST-based model to one that incorporates more locally based and non-emergency assets. Post requests the following support:

-TDY DS AGENTS: Post requests twelve (12) TDY DS agents, with a preference for high-threat trained personnel, for 45-60 day rotations, to provide movement and static security in lieu of two MSD teams. Since Tripoli reopened in September 2011, post has relied on three teams of MSD agents (18 DS agents) to provided emergency support in support of our operations. One of the three MSD teams departed post in March and was not replaced. While post has reduced its movement security profile in light of a general improvement in the security environment, Post requires a DS escort for movement of personnel who have not received FACT, SNOE, or similar post provided training. Currently, MSD and SST personnel man two Quick Reaction Force (QRF) elements, deployed as a response force, for all day time movements in Tripoli. Movements after 1800 hrs generally require QRF support and a DS escort in the vehicle. MSD and SST personnel also provide personnel to support COM and DCM movement teams. Post also is required to deploy MSD and SST personnel to support VIP visits, which occur at rate of 3-5 per month. Finally, MSD and SST assets provide static armed security at the temporary Chancery and interim Residential compounds. As Post's LES close protection assets and program expands, we would expect the number of TDY DS agents to contract accordingly, with a planned complete reduction of TDY DS agents in Tripoli within the next 3-5 months. However, complete elimination of our USDH TDY security presence is contingent upon post receiving host government permission to arm our LES bodyguard force.

C05578694

-DS AGENT SUPPORT IN BENGHAZI: Post requests continued support for 5 TDY DS agents in Benghazi on 45-60 day rotations. This number is required to ensure that we have an appropriate USDH presence to protect our COMSEC; support the two long-term USDH TDY'ers; and support an increasing number of program/assistance TDY's from both Tripoli and Washington. The number of TDY'ers in Benghazi is expected to increase in the run-up to the June elections. Embassy Tripoli is in the process of recruiting four LES drivers and an RSO LES SPSS, which will support operations in Benghazi. Post also plans to deploy a TDY RSO from Tripoli once expanded permanent staffing is established and stabilized. Once these positions are filled, Post anticipates requiring fewer TDY DS agents to support Benghazi. Although an LGF contractor has begun operations in Benghazi, initial discussions regarding contractor-provided armed close protection / movement support does not appear viable based on complications regarding GOL firearms permits. Currently, the LGF contractor is able to obtain only short-term (48-72 hr) firearms permits for specific VIP visits.

-MSD TEAMS: Post requests the continued deployment of one MSD team of six agents to provide training team assistance for a surge of newly hired LGF and LES movement security. We would expect the first group of 12 LES movement security team members to complete an 8-week MSD led training course on April 19 and a second group of 12 team members to complete the same training on June 14. Approximately 50 newly hired LGF will complete MSD assisted two-week basic training courses by mid-April. Post anticipates the departure of the MSD training team upon completion of the second LES movement security team training course and deployment, on/about July 1, 2012. Post requests that the second MSD team currently deployed until mid-May be replaced with the aforementioned TDY non-MSD DS agents.

-ARSO SUPPORT: Post expects its two permanent ARSOs to arrive in mid-April and mid-June respectively. Post requests one TDY DS AGENT with prior ARSO experience to act in a TDY ARSO capacity for periods of 45-60 days beginning on April 1 until July 1.

-ADDITIONAL SUPPORT: Post requests one WAE TDYer to assist with LGF program development and assist with emergency planning, to include development of Post's Emergency Action Plan (EAP).

4. (SBU) FULL TIME STAFFING: Given the vast increase in the number of programs and personnel that RSO is required to manage as well as the fluid security environment in which those programs must be built, Post supports the proposed full time staffing for RSO Tripoli of 1 RSO, 1 Deputy RSO, and 4 Assistant RSOs. As Post expects continued operations in Benghazi through CY 2012 and Tripoli's tours of duty to remain at one year, the proposed permanent staffing would provide sufficient support during periods of RR/RRBs while also stabilizing support for operations in Benghazi.

5. (U) Embassy Tripoli is extremely grateful for the extraordinary support provided by DS as we transition to normalized security operations. Point of contact for this request is [redacted] RSO Tripoli, [redacted]@state.gov, 24hr VOIP/TOC – [redacted]

C05578694

Signature:	CRETZ
Drafted By:	TRIPOLI[redacted](RSO)
Cleared By:	[redacted]
Approved By:	[redacted]
Released By:	TRIPOLI[redacted]
Info:	
Action Post:	
Dissemination Rule:	DETCMDR_INFO, RSO, EXEC_INFO, MGT_ACTION

UNCLASSIFIED
SBU

EXHIBIT 11

C05393218

From: [redacted]
To: Hicks, Gregory N; Stevens, John C
Subject: DS issues
Date: Friday, March 30, 2012 2:14:01 AM
Importance: High

Just fyi and please don't forward, since the RSO (who's in Bzi conducting a security assessment) intended this to be a candid update of his ongoing discussions with DS. We're trying very hard to have a systematic transfer of responsibilities from MSD to a new LES BG team, but DS thinks we can just flip a switch and go from one system to another. We need time to phase in these programs and also need licenses from the GOL for the BG's to carry arms. Although we've raised this repeatedly at every level of govt, we still haven't gotten an answer from the Libyans.

From: [redacted]
Sent: Thursday, March 29, 2012 10:43 PM
To: Polaschik, Joan A
Subject: FW: [redacted] give [redacted] a call in his office
Importance: High

A rather lengthy, exhausting, and at times heated call with DS/IP/NEA regarding our cable request, which the Regional Director described as a request for "the sun, moon, and stars".

DS HQ could not understand why we were asking for 1 MSD team plus 12 TDY agents (18 total) when we supposedly had 12 LES bodyguards graduating on 4/20. I pointed out that the cable reflected post's intention to contract tdy resources accordingly as post's LES team reaches full operational levels. Neither post nor RSO plans to maintain more than the 18 security personnel we had in September. I underscored that the cable represented our plan to reduce reliance on MSD teams but did not factor into it LES bodyguards who may or may not be ready by May 1st and who may or may not be authorized to even operate by the GoL. DS planning assumptions are, however, based on the best case scenario of 12 LES bodyguards and 6 TDY DS agents.

It was clear that they have no intention of pushing a second group of 6 agents out to replace the 2nd MSD team departing on/about 12 May and we should expect to utilize the ~12 LES bodyguards graduating in late April instead.

The group of 6 TDY field office agents are expected to be at post from 06 April to 08 June and based on the apparent planning assumptions from DS HQ, represent a one time resource which post should expect to replace with the ~12 LES bodyguards. This means we will have 6 TDY DS agents, and *possibly* 2 MSD teams until mid-May.

The 2nd group of MSD agents scheduled to depart mid-May will not be replaced and the Regional Director reported a plan/threat from the MSD director to pull the training team out with the completion of the 1st group of LES bodyguards on 20 April.

C05393218

The Regional Director also advised that the FTE number of 6 has now been revised down to 5 by DS HQ and those positions probably won't be ready by winter cycle 2012.

The Regional Director was also unaware of the offer from DS HQ regarding a WAE person to assist with emergency planning and local guards. The RD added that he 'represents' DS HQ and therefore should know about these request. I directed him to [redacted] head of DS/IP/Special Programs and Coordination (SPC) who asked if post would support such a TDYer.

I doubt we will ever get DS to admit in writing what I was told reference Benghazi but specifically DS/IP was directed by DAS Lamb to cap the agents in Benghazi at 3 and **'force'** post to hire local drivers. This is apparently a verbal policy only but one which DS/IP/NEA doesn't plan to violate. I hope that nobody is injured as a result of an incident in Benghazi since it would be particularly embarassing to both DS and the DAS if it was a result of some sort of game they are playing.

I suggested that rather than berate RSO and post for requesting what we believed to be prudent resources; resources which were discussed at length in recent meetings in DC; that DS/IP/NEA approve, deny, or offer whatever resources they felt they could provide. The RD also directed RSO to forward all requests to DS/IP/NEA in draft form so they could review and prepare an answer ahead of time. While I affirmed RSO's commitment to work with DS/IP/NEA on future requests and resource needs, I stated it was unlikely that we would go through such steps simply to avoid an unexpected request or prevent IP/NEA from having to make a difficult decision. I also explained that the hardest part of this assignment was not dealing with the Libyans or the environment at post but managing the personnel and offices in DS HQ which are purportedly there to support post; adding that the only times I've been contacted by the RD for DS/IP/NEA was to criticise, admonish, or 2nd guess a post level decision.

[redacted]
Regional Security Officer
U.S. Embassy
Tripoli, Libya
[redacted]
http://libya.usembassy.gov/

From: [redacted]
Sent: Thu 4/29/2012 [redacted]:15 PM
To: [redacted]
Cc: [redacted]
Subject: [redacted] give [redacted] a call in his office

EXHIBIT 12

C05393218

[redacted]

We tried to catch you at the TOC and on your cell, no luck. Give [redacted] a call at his desk 571-345-3005 to discuss the Tripoli cable.

Thank you,

[redacted]

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

This email is UNCLASSIFIED.

From: [redacted]
Sent: Wed 3/28/2012 9:07 AM
To: [redacted]
Cc: [redacted]
Subject: FW: REQUEST FOR DS TDY AND FTE SUPPORT

[redacted]

FYI -- This is a consolidated support request for Libya, as discussed with and requested by DAS Lamb and PDAS Bultrowicz during my last meetings in DC.

With the visa delays, and current staffing of only 1 agent in Benghazi, our immediate needs are TDY agents for Benghazi, Tripoli, and ARSO support to replace [redacted] when he departs on/about 06 April.

I'm in Benghazi withe the SST Commander until Friday, 3/30.

[redacted]

From: SMART Core [mailto:svcSMARTBTSRctSPrec@state.gov]
Sent: Wed 3/28/2012 3:15 AM
To: [redacted] (Tripoli TDY); [redacted] (TRIPOLI TDY)
Cc: [redacted]
Subject: REQUEST FOR DS TDY AND FTE SUPPORT

UNCLASSIFIED
SBU

EXHIBIT 13

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

[redacted]

From: [redacted]
Sent: Tuesday, February 21, 2012 5:09 PM
To: [redacted]
Cc: NEA-MAG-LIBYA; [redacted]
Subject: M Update

Interesting stuff from M and DOD today!

While preparing [redacted], M let us know it will ask for the SST to be renewed beyond April, A/S Boswell has committed to make 6 additional DS agents available and send to Tripoli by early April, 11-12 additional armored vehicles are scheduled to arrive by early April, M will work informally with DOD on sharing their 3 vehicles in the interim period, and finally, M will restart weekly Tripoli logistics meetings as of this Friday.

Further on the DOD/vehicles front, [redacted] called [redacted] back – he said he doesn't think there will be any problem getting the DOD vehicles into the motorpool for the interim period but will get back to us.

SBU
This email is UNCLASSIFIED.

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

EXHIBIT 14

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.

The Benghazi attacks represented the first murder of a U.S. ambassador since 1988, and took place 11 years to the day after the terrorist attacks of September 11, 2001. Ambassador Stevens personified the U.S. commitment to a free and democratic Libya. His knowledge of Arabic, his ability to move in all sectors of the population, and his wide circle of friends, particularly in Benghazi, marked him as an exceptional practitioner of modern diplomacy. The U.S. Special Mission in Benghazi, established in November 2011, was the successor to his highly successful endeavor as Special Envoy to the rebel-led government that eventually toppled Muammar Qaddafi in fall 2011. The Special Mission bolstered U.S. support for Libya's democratic transition through engagement with eastern Libya, the birthplace of the revolt against Qaddafi and a regional power center.

The Benghazi attacks took place against a backdrop of significantly increased demands on U.S. diplomats to be present in the world's most dangerous places to advance American interests and connect with populations beyond capitals, and beyond host governments' reach. With State Department civilians at the forefront of U.S. efforts to stabilize and build capacity in Iraq, as the U.S. military draws down in Afghanistan, and with security threats growing in volatile environments where the U.S. military is not present – from Peshawar to Bamako – the Bureau of Diplomatic Security (DS) is being stretched to the limit as never before. DS overall has done a fine job protecting thousands of employees in some 273 U.S. diplomatic missions around the world. No diplomatic presence is without risk, given past attempts by terrorists to pursue U.S. targets worldwide. And the total elimination of risk is a non-starter for U.S. diplomacy, given the need for the U.S. government to be present in places where stability and security are often most profoundly lacking and host government support is sometimes minimal to non-existent.

The Benghazi attacks also took place in a context in which the global terrorism threat as most often represented by al Qaeda (AQ) is fragmenting and increasingly devolving to local affiliates and other actors who share many of AQ's aims, including violent anti-Americanism, without necessarily being organized or operated under direct AQ command and control. This growing, diffuse range of terrorist and hostile actors poses an additional challenge to American security officers, diplomats, development professionals and decision-makers seeking to mitigate risk and remain active in high threat environments without resorting to an unacceptable total fortress and stay-at-home approach to U.S. diplomacy.

For many years the State Department has been engaged in a struggle to obtain the resources necessary to carry out its work, with varying degrees of success. This has brought about a deep sense of the importance of husbanding resources to meet the highest priorities, laudable in the extreme in any government department. But it has also had the effect of conditioning a few State Department managers to favor restricting the use of resources as a general orientation. There is no easy way to cut through this Gordian knot, all the more so as budgetary austerity looms large ahead. At the same time, it is imperative for the State Department to be mission-driven, rather than resource-constrained – particularly when being present in increasingly risky areas of the world is integral to U.S. national security. The recommendations in this report attempt to grapple with these issues and err on the side of increased attention to prioritization and to fuller support for people and facilities engaged in working in high risk, high threat areas. The solution requires a more serious and sustained commitment from Congress to support State Department needs, which, in total, constitute a small percentage both of the full national budget and that spent for national security. One overall conclusion in this report is that Congress must do its part to meet this challenge and provide necessary resources to the State Department to address security risks and meet mission imperatives.

Mindful of these considerations, the ARB has examined the terrorist attacks in Benghazi with an eye towards how we can better advance American interests and protect our personnel in an increasingly complex and dangerous world. This Board presents its findings and recommendations with the unanimous conclusion that while the United States cannot retreat in the face of such challenges, we must work more rigorously and adeptly to address them, and that American diplomats and security professionals, like their military colleagues, serve the nation in an inherently risky profession. Risk mitigation involves two imperatives – engagement and security – which require wise leadership, good intelligence and evaluation, proper defense and strong preparedness and, at times, downsizing, indirect access and even withdrawal. There is no one paradigm. Experienced leadership, close coordination and agility, timely informed decision making, and adequate funding and personnel resources are essential. The selfless courage of the four Americans who died in the line of duty in Benghazi on September 11-12, 2012, as well as those who were injured and all those who valiantly fought to save their colleagues, inspires all of us as we seek to draw the right lessons from that tragic night.

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.

Post and the Department were well aware of the anniversary of the September 11, 2001 terrorist attacks but at no time were there ever any specific, credible threats against the mission in Benghazi related to the September 11 anniversary. Ambassador Stevens and Benghazi-based DS agents had taken the anniversary into account and decided to hold all meetings on-compound on September 11.

The Board found that Ambassador Stevens made the decision to travel to Benghazi independently of Washington, per standard practice. Timing for his trip was driven in part by commitments in Tripoli, as well as a staffing gap between principal officers in Benghazi. Plans for the Ambassador's trip provided for minimal close protection security support and were not shared thoroughly with the Embassy's country team, who were not fully aware of planned movements off compound. The Ambassador did not see a direct threat of an attack of this nature and scale on the U.S. Mission in the overall negative trendline of security incidents from spring to summer 2012. His status as the leading U.S. government advocate on Libya policy, and his expertise on Benghazi in particular, caused Washington to give unusual deference to his judgments.

Communication, cooperation, and coordination among Washington, Tripoli, and Benghazi functioned collegially at the working-level but were constrained by a lack of transparency, responsiveness, and leadership at the senior levels. Among various Department bureaus and personnel in the field, there appeared to be very real confusion over who, ultimately, was responsible and empowered to make decisions based on both policy and security considerations.

3. Notwithstanding the proper implementation of security systems and procedures and remarkable heroism shown by American personnel, those systems and the Libyan response fell short in the face of a series of attacks that began with the sudden penetration of the Special Mission compound by dozens of armed attackers.

   The Board found the responses by both the BML guards and February 17 to be inadequate. The Board's inquiry found little evidence that the armed February 17 guards offered any meaningful defense of the SMC, or succeeded in summoning a February 17 militia presence to assist expeditiously.

   The Board found the Libyan government's response to be profoundly lacking on the night of the attacks, reflecting both weak capacity and near absence of

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.

POLITICAL AND SECURITY CONTEXT PRIOR TO THE ATTACKS

On April 5, 2011, then-Special Envoy to the Libyan Transitional National Council (TNC) Chris Stevens arrived via a Greek cargo ship at the rebel-held city of Benghazi to re-establish a U.S. presence in Libya. The State Department had been absent from Libya since the Embassy in Tripoli suspended operations and evacuated its American personnel on February 25, 2011, amidst an escalating campaign by Muammar Qaddafi to suppress violently a popular uprising against his rule.

Benghazi, the largest city and historical power center in eastern Libya, was the launching point for the uprising against Qaddafi and a long time nexus of anti-regime activism. It also served as the rebel-led Transitional National Council's base of operations. Eastern Libya (Cyrenaica) had long felt neglected and oppressed by Qaddafi, and there had been historic tensions between it and the rest of the country. Throughout Qaddafi's decades-long rule, eastern Libya consistently lagged behind Tripoli in terms of infrastructure and standard of living even as it was responsible for the vast majority of Libya's oil production. Stevens' presence in the city was seen as a significant sign of U.S. support for the TNC and a recognition of the resurgence of eastern Libya's political influence.

Benghazi was the seat of the Senussi monarchy until 1954, the site of a U.S. consulate, which was overrun by a mob and burned in 1967, and the place where Qaddafi began his 1969 revolution against the monarchy. Qaddafi's subsequent combination of oppression and neglect enhanced the city's sense of marginalization, and its after-effects were felt more widely in the eastern region where a Salafist jihadist movement took root. Jihadis from Benghazi engaged in Afghanistan against the Soviets and took up arms against U.S. forces in the post-2003 Iraq insurgency. Many of them reemerged in 2011 as leaders of anti-Qaddafi militias in eastern Libya.

Stevens initially operated from the Tibesti Hotel in downtown Benghazi. He was accompanied by a security contingent of 10 Diplomatic Security agents whose primary responsibilities were to provide personal protective services. Stevens' mission was to serve as the liaison with the TNC in preparation for a post-Qaddafi democratic government in Libya. By all accounts, he was extremely effective,

earned the admiration of countless numbers of Libyans, and personified the U.S. government commitment to a free and democratic Libya.

Benghazi, however, was still very much a conflict zone. On June 1, 2011, a car bomb exploded outside the Tibesti Hotel, and shortly thereafter a credible threat against the Special Envoy mission prompted Stevens to move to the Annex. On June 21, 2011, he and his security contingent moved to what would become the Special Mission Benghazi compound (SMC). By the end of August 2011, the walled compound consisted of three sections (Villas A, B, and C) on 13 acres. (Use of Villa A was discontinued in January 2012, when the SMC footprint was consolidated into the Villas B and C compounds, some eight-acres total.)

On July 15, 2011, the United States officially recognized the TNC as Libya's legitimate governing authority although Qaddafi and his forces still retained control over significant portions of the country, including Tripoli. The TNC continued attacking the remaining Qaddafi strongholds, and Tripoli fell earlier than expected at the end of August. The TNC immediately began moving the government from Benghazi to Tripoli. By early September, 21 members of State Department Mobile Security Deployment teams were in Tripoli with the Deputy Chief of Mission (DCM) in preparation for the resumption of operations of the U.S. Embassy, which Ambassador Gene Cretz officially re-opened on September 22, 2011. From September 2011 onwards, Embassy Tripoli was open with a skeleton staff built on temporary duty (TDY) assignments, to include the DCM and Regional Security Officer (RSO). (The fall of Tripoli took place shortly after Embassy Tripoli lost its assigned staff and bureaucratically ceased to exist, pursuant to Department regulations regarding the length of time a post can remain open in evacuation status.)

Although the TNC declared that Tripoli would continue to be the capital of a post-Qaddafi Libya, many of the influential players in the TNC remained based in Benghazi. Stevens continued as Special Envoy to the TNC in Benghazi until he departed Libya on November 17, 2011, after which the Special Envoy position was not filled. Stevens was replaced by an experienced Civil Service employee who served for 73 days in what came to be called the "principal officer" position in Benghazi. After November 2011, the principal officer slot became a TDY assignment for officers with varying levels of experience who served in Benghazi anywhere from 10 days to over two months, usually without transiting Tripoli. In December 2011, the Under Secretary for Management approved a one-year continuation of the U.S. Special Mission in Benghazi, which was never a consulate

and never formally notified to the Libyan government. Stevens arrived in Tripoli on May 26, 2012, to replace Cretz as Ambassador.

Throughout Libya, the security vacuum left by Qaddafi's departure, the continued presence of pro-Qaddafi supporters, the prevalence of and easy access to weapons, the inability of the interim government to reestablish a strong security apparatus, and the resulting weakness of those security forces that remained led to a volatile situation in which militias previously united in opposition to Qaddafi were now jockeying for position in the new Libya. Frequent clashes, including assassinations, took place between contesting militias. Fundamentalist influence with Salafi and al Qaeda connections was also growing, including notably in the eastern region. Public attitudes in Benghazi continued to be positive toward Americans, and it was generally seen as safer for Americans given U.S support of the TNC during the war. However, 2012 saw an overall deterioration of the security environment in Benghazi, as highlighted by a series of security incidents involving the Special Mission, international organizations, non-governmental organizations (NGOs), and third-country nationals and diplomats:

- March 18, 2012 – Armed robbery occurs at the British School in Benghazi.
- March 22, 2012 – Members of a militia searching for a suspect fire their weapons near the SMC and attempt to enter.
- April 2, 2012 – A UK armored diplomatic vehicle is attacked after driving into a local protest. The vehicle was damaged but occupants uninjured.
- April 6, 2012 – A gelatina bomb (traditional homemade explosive device used for fishing) is thrown over the SMC north wall.
- April 10, 2012 – An IED (gelatina or dynamite stick) is thrown at the motorcade of the UN Special Envoy to Libya in Benghazi.
- April 26, 2012 – Special Mission Benghazi principal officer is evacuated from International Medical University (IMU) after a fistfight escalated to gunfire between Tripoli-based trade delegation security personnel and IMU security.
- April 27, 2012 – Two South African nationals in Libya as part of U.S.-funded weapons abatement, unexploded ordnance removal and demining project are detained at gunpoint by militia, questioned and released.
- May 22, 2012 – Benghazi International Committee of the Red Cross (ICRC) building struck by rocket propelled grenades (RPGs).
- May 28, 2012 – A previously unknown organization, Omar Abdurrahman group, claims responsibility for the ICRC attack and issues a threat against the United States on social media sites.

- June 6, 2012 – IED attack on the SMC. The IED detonates with no injuries but blows a large hole in the compound's exterior wall. Omar Abdurrahman group makes an unsubstantiated claim of responsibility.
- June 8, 2012 – Two hand grenades target a parked UK diplomatic vehicle in Sabha (800 km south of Benghazi).
- June 11, 2012 – While in Benghazi, the British Ambassador's convoy is attacked with an RPG and possible AK-47s. Two UK security officers are injured; the UK closes its mission in Benghazi the following day.
- June 12, 2012 – An RPG attack is made on the ICRC compound in Misrata (400 km west of Benghazi).
- June 18, 2012 – Protestors storm the Tunisian consulate in Benghazi.
- July 29, 2012 – An IED is found on grounds of the Tibesti Hotel.
- July 30, 2012 – Sudanese Consul in Benghazi is carjacked and driver beaten.
- July 31, 2012 – Seven Iranian-citizen ICRC workers abducted in Benghazi.
- August 5, 2012 – ICRC Misrata office is attacked with RPGs. ICRC withdraws its representatives from Misrata and Benghazi.
- August 9, 2012 – A Spanish-American dual national NGO worker is abducted from the Islamic Cultural Center in Benghazi and released the same day.
- August 20, 2012 – A small bomb is thrown at an Egyptian diplomat's vehicle parked outside of the Egyptian consulate in Benghazi.

It is worth noting that the events above took place against a general backdrop of political violence, assassinations targeting former regime officials, lawlessness, and an overarching absence of central government authority in eastern Libya. While the June 6 IED at the SMC and the May ICRC attack were claimed by the same group, none of the remaining attacks were viewed in Tripoli and Benghazi as linked or having common perpetrators, which were not viewed as linked or having common perpetrators. This also tempered reactions in Washington. Furthermore, the Board believes that the longer a post is exposed to continuing high levels of violence the more it comes to consider security incidents which might otherwise provoke a reaction as normal, thus raising the threshold for an incident to cause a reassessment of risk and mission continuation. This was true for both people on the ground serving in Libya and in Washington.

While the June IED attack and the RPG attack targeting the UK convoy in Benghazi prompted the Special Mission to reduce movements off compound and have a one-week pause between principal officers, the successful nature of Libya's

July 7, 2012, national elections – which exceeded expectations – renewed Washington's optimism in Libya's future. Nevertheless, the immediate period after the elections did not see the central government increase its capacity to consolidate control or provide security in eastern Libya, as efforts to form a government floundered and extremist militias in and outside Benghazi continued to work to strengthen their grip. At the time of the September attacks, Benghazi remained a lawless town nominally controlled by the Supreme Security Council (SSC) – a coalition of militia elements loosely cobbled into a single force to provide interim security – but in reality run by a diverse group of local Islamist militias, each of whose strength ebbed and flowed depending on the ever-shifting alliances and loyalties of various members. There was a notional national police presence, but it was ineffectual. By August 2012, Special Mission Benghazi would evaluate the worsening security situation and its implications.

"I was at the foot of the wide marble staircase when the breakthrough occurred. Fanatical knife-carrying intruders, bleeding from cuts received as they were pushed through broken windows, ran down the hall. Putting on gas masks and dropping tear gas grenades, we engaged them on the stairs with rifle butts. In seconds tear gas saturated the area. We then moved into the vault, securing the steel combination door, locking in ten persons…. My greatest fear, which I kept to myself, was that gasoline for the generator would be found, sloshed under the vault door and ignited. When after minutes this did not happen, our hearts sank, nonetheless, as outside smoke wafted in and we knew the building had been set afire."

-- First-person account of the June 5, 1967 mob siege of the then-U.S. Consulate in Benghazi

TIMELINE OF THE ATTACKS
September 11-12, 2012

(All times are best estimates based on existing data and should be considered approximate.)

The Prelude – the Ambassador's Arrival

Ambassador Chris Stevens arrived in Benghazi, Libya on September 10, 2012, accompanied by two temporary duty (TDY) Assistant Regional Security Officers (ARSOs) from Tripoli. It was the Ambassador's first visit to Benghazi since he departed as then-Special Envoy in November 2011. With the Ambassador's arrival, there were eight Americans at the Special Mission compound (SMC) on September 10-11, 2012, including the Ambassador; Information Management Officer (IMO) Sean Smith, who arrived in Benghazi one week earlier to provide TDY communications and management support; and five Diplomatic Security (DS) agents (three assigned on short-term TDY to Benghazi – "TDY RSO", "ARSO 1" and "ARSO 2" – and the two who traveled from Tripoli to provide protection for the Ambassador during his visit – "ARSO 3" and "ARSO 4"). The eighth American, the TDY Benghazi principal officer, completed his 13-day assignment and returned to his full-time job in Tripoli the morning of September 11, leaving seven Americans at the compound. Ambassador Stevens was scheduled to remain in Benghazi until September 14, and his visit was timed in part to fill the staffing gaps between TDY principal officers as well as to open an American Corner at a local school and to reconnect with local contacts.

In the absence of an effective central government security presence, the Special Mission's Libyan security contingent was composed of four armed members of the February 17 Martyrs' Brigade (February 17) – a local umbrella organization of militias dominant in Benghazi (some of which were Islamist) and loosely affiliated with the Libyan government, but not under its control. They resided in a guest house building on compound. Normally four members resided on the Special Mission compound near the front gate, but on September 11 one had been absent for several days, reportedly due to a family illness. The Special Mission also had an unarmed, contract local guard force (LGF), Blue Mountain Libya (BML), which provided five guards per eight-hour shift, 24/7, to open and close the gates, patrol the compound, and give warning in case of an attack.

After the Ambassador's arrival at the Special Mission on September 10, ARSO 1 gave the Ambassador a tour of the SMC and pointed out the safe area and escape hatch windows in the Ambassador's room in Villa C. Later that afternoon, the Ambassador visited the Annex for a briefing. He then met with the City Council at a local hotel for dinner, an event at which local media invited by the Council showed up unexpectedly, despite U.S. efforts to keep the Ambassador's program and movements from being publicized.

Security Environment on September 11, Preceding Attacks

In consultation with the TDY RSO and mindful of the threat environment and the September 11 anniversary, Ambassador Stevens did not leave the SMC on September 11, but rather held meetings there. At approximately 0645 local that morning, a BML contract guard saw an unknown individual in a Libyan Supreme Security Council (SSC) police uniform apparently taking photos of the compound villas with a cell phone from the second floor of a building under construction across the street to the north of the SMC. The individual was reportedly stopped by BML guards, denied any wrongdoing, and departed in a police car with two others. This was reported to ARSOs 1 and 2. Later that morning they inspected the area where the individual was seen standing and informed the Annex of the incident. There had not been any related threat reporting. The local February 17 militia headquarters was informed of the incident and reportedly complained to the local SSC on the Special Mission's behalf. The Ambassador reviewed a Special Mission-drafted complaint to local authorities on the surveillance incident; however, it was not submitted due to the typically early closure of Libyan government offices. Later on September 11, the Ambassador was informed by his Deputy Chief of Mission (DCM) in Tripoli of the breach of the Embassy Cairo

compound that had occurred that day and briefly discussed the news with ARSO 3. The TDY RSO was also informed of the Cairo compound breach by his Regional Security Officer counterpart in Tripoli and shared the information with colleagues at the Annex.

At approximately 1940 local, Ambassador Stevens and an accompanying ARSO escorted a Turkish diplomat to the SMC's main exit at the north C1 gate, where nothing out of the ordinary was noted. Some 30 minutes later, between 2010 and 2030 local, a UK security team supporting a day visit by British diplomats dropped off vehicles and equipment at the SMC (per arrangements made after the UK diplomatic office in Benghazi suspended operations in June 2012). When the UK security team departed via the C1 gate at about 2030 local, there were no signs of anything unusual, including no roadblocks outside of the compound, and traffic flowed normally.

Ambassador Stevens and IMO Sean Smith retired for the night to Villa C at about 2100 local, while ARSO 4 watched a video in the Villa C common space. ARSOs 1, 2, and 3 were sitting together outside and behind Villa C; the TDY RSO was working in the workspace building referred to as the "Office" or "TOC" (Tactical Operations Center), near the Villa B compound, which was connected to the Villa C compound by an alleyway. From the TOC, the TDY RSO could monitor a series of security cameras placed in and around the perimeter of the SMC. The ARSOs were each armed with their standard issue sidearm pistol; their "kits," generally consisting of body armor, radio and an M4 rifle, were in their bedroom/sleeping areas, in accord with Special Mission practice.

The Attack on the Special Mission Compound

An SSC police vehicle, which had arrived at the main compound gate (C1) at 2102 local, departed at 2142. The Special Mission had requested that a marked SSC police car be posted outside of the compound 24/7, but in practice a car was there only intermittently. The Special Mission had requested this presence again, specifically for the duration of the Ambassador's visit. A subsequent local press report quotes an SSC official as saying that he ordered the removal of the car "to prevent civilian casualties."

Around the same time, the TDY RSO working in the TOC heard shots and an explosion. He then saw via security camera dozens of individuals, many armed, begin to enter the compound through the main entrance at the C1 gate. He hit the

duck and cover alarm and yelled a warning over the radio, and recalled no such warning from the February 17 or BML guards, who had already begun to flee to points south and east in the compound, towards the Villa B area. ARSOs 1 and 2 heard an attack warning from the BML guards passed on over the radio. The TDY RSO also alerted the Annex and Embassy Tripoli by cell phone.

The other three ARSOs behind Villa C also heard gunfire and explosions, as well as chanting, and responded immediately along with ARSO 4, who was inside Villa C. Following the SMC's emergency plan, ARSO 1 entered Villa C to secure the Ambassador and IMO in the safe area and to retrieve his kit; ARSOs 2, 3, and 4 moved to retrieve their kits, which were located in Villa B and the TOC. ARSO 1 in Villa C swiftly located the Ambassador and IMO Smith, asked them to don body armor, and led them into the safe area in Villa C, which ARSO 1 secured. He then reported their whereabouts by radio to the TDY RSO in the TOC. ARSO 1, armed with an M4 rifle, shotgun and pistol, took up a defensive position inside the Villa C safe area, with line of sight to the safe area gate and out of view of potential intruders. ARSO 1 gave his cell phone to the Ambassador, who began making calls to local contacts and Embassy Tripoli requesting assistance.

From Villa C, ARSO 4 ran to his sleeping quarters in Villa B to retrieve his kit, while ARSOs 2 and 3 ran to the TOC, where ARSO 3 had last seen the Ambassador, and where ARSO 2's kit was located. (ARSO 2's sleeping quarters were in the TOC, making him the designated "TOC Officer" in their emergency react plan.) ARSO 3, upon not finding the Ambassador in the TOC, ran to Villa B to get his kit; ARSO 2 remained in the TOC with the TDY RSO and shared notification and communication duties with him. At Villa B, ARSO 3 encountered ARSO 4, who was also arming and equipping himself, and the two then attempted to return to Villa C. They turned back, however, after seeing many armed intruders blocking the alley between Villas B and C. ARSOs 3 and 4, outnumbered and outgunned by the armed intruders in the alley, returned to Villa B and barricaded themselves in a back room, along with one LGF member whom they had encountered outside Villa B.

Attack Continues, Use of Fire as a Weapon

Sometime between 2145 and 2200 local, armed intruders appear to have used filled fuel cans that were stored next to new, uninstalled generators at the February 17 living quarters near the C1 entrance to burn that building. The crowd

also lit on fire vehicles that were parked nearby. Members of the crowd then moved to Villa C.

In Villa C, ARSO 1, who was protecting Ambassador Stevens and IMO Smith in the safe area, heard intruders breaking through the Villa C front door. Men armed with AK rifles started to destroy the living room contents and then approached the safe area gate and started banging on it. ARSO 1 did not want to compromise their location in the safe area by engaging the intruders, and he warned the Ambassador and IMO Smith to prepare for the intruders to try to blast the safe area gate locks open. Instead the intruders departed, and the lights in Villa C appeared to dim. ARSO 1 realized that smoke from fires set inside the villa, away from his vantage point, was reducing the light and visibility. (There was no line of sight to Villa C from the Villa B/TOC compound where the TDY RSO and three ARSOs were barricaded. The TDY RSO in the TOC did not see smoke emerge on the view from the camera near Villa C until shortly after 2200 local.)

As smoke engulfed the Villa C safe area, ARSO 1 led Ambassador Stevens and IMO Smith into a bathroom with an exterior window. All three crawled into the bathroom, while the thick, black smoke made breathing difficult and reduced visibility to zero. ARSO 1 tried to seal the door with towels and provide some ventilation by opening the window. Instead, opening the window worsened conditions and drew more smoke into the bathroom, making it even more difficult to breathe. ARSO 1 determined that they could no longer stay in the safe area and yelled to the others, whom he could no longer see, to follow him to an adjacent bedroom, where there was an egress window. ARSO 1 crawled on his hands and knees through a hallway to the bedroom, unable to see, while yelling and banging on the floor to guide the Ambassador and IMO Smith to safety. ARSO 1 opened the window grill and exited the building, collapsing onto a small, partly enclosed patio, at which point he believed he was being fired upon. Immediately following his exit, ARSO 1 realized the Ambassador and IMO had not followed him out the window. He then re-entered Villa C through the egress window several times to search for his colleagues while under fire by the intruders outside. He was unable to locate the Ambassador or IMO Smith, and severe heat and smoke forced him to exit the building to recover between each attempt. After several attempts, he climbed a ladder to the roof where he radioed the TOC for assistance and attempted unsuccessfully to ventilate the building by breaking a skylight. Due to severe smoke inhalation, however, ARSO 1 was almost unintelligible, but the TDY RSO and ARSO 2 in the TOC finally understood him to be saying that he did not have the Ambassador or IMO Smith with him.

While Villa C was under attack, armed individuals looted Villa B's interior and attempted to enter the area where ARSOs 3 and 4 were barricaded. The intruders carried jerry cans and were seen on security cameras trying to dump them on vehicles outside the TOC, but they were apparently empty. A group of intruders also attempted unsuccessfully to break down the TOC entrance.

Annex Responds, DS Agents Rally for Further Rescue Efforts

Just prior to receiving the TDY RSO's distress call shortly after 2142 local, the head of Annex security heard multiple explosions coming from the north in the direction of the SMC. The Annex security head immediately began to organize his team's departure and notified his superiors, who began to contact local security elements to request support. The Annex response team departed its compound in two vehicles at approximately 2205 local. The departure of the Annex team was not delayed by orders from superiors; the team leader decided on his own to depart the Annex compound once it was apparent, despite a brief delay to permit their continuing efforts, that rapid support from local security elements was not forthcoming.

While the TDY RSO continued to man the TOC and communicate with Tripoli, the Annex, and Washington, ARSO 2 used a smoke grenade to obscure his movements from the TOC to Villa B, where he joined ARSOs 3 and 4 who were barricaded inside. By this point, the first group of attackers appeared to have receded. The three ARSOs then drove an armored vehicle parked outside of the TOC to Villa C, where they assisted ARSO 1, who was in distress on the roof, vomiting from severe smoke inhalation and losing consciousness. ARSOs 2, 3, and 4 repeatedly entered Villa C through the egress window, at times crawling on their hands and knees through the safe area due to heavy smoke and the lack of air and visibility.

Near the SMC, the Annex team hoped to bring along friendly forces from militia compounds located along their route. The Annex team stopped at the intersection to the west of the C1 entrance and attempted to convince militia members there to assist. There was periodic, ineffective small arms fire in the team's location from the direction of the Special Mission.

Unable to secure additional assistance, the team moved on to the SMC. The February 17 living quarters and adjacent vehicles were burned, and heavy smoke

was pouring out of the still smoldering Villa C. The Annex team made contact with the four ARSOs at Villa C. Some Annex team members went to retrieve the TDY RSO from the TOC, while other Annex team members joined the ARSOs in their search for the Ambassador.

During their searches of the Villa C safe area, the ARSOs found and removed the body of IMO Smith with Annex security team assistance. The team checked for vital signs and verified that IMO Smith was already deceased, apparently due to smoke inhalation. Other Annex security team members and the TDY RSO joined up with the ARSOs again to enter Villa C via the egress window but were unable to locate Ambassador Stevens despite multiple attempts. Heat and smoke continued to be limiting factors in their ability to move farther into the safe area. When the TDY RSO attempted to enter Villa C through the front door, the ceiling collapsed. During these rescue attempts, an ARSO received a severe laceration to his arm.

Second Phase Attack on the Compound, Evacuation to the Annex

At the urging of the Annex security team and friendly militia members, who warned that the compound was at risk of being overrun, the TDY RSO and four ARSOs departed for the Annex without having found Ambassador Stevens. As the Annex team provided cover fire, the five DS agents' fully armored vehicle departed and took hostile fire as they left the SMC and turned right out of the C1 entrance. The driver, ARSO 1, reversed direction to avoid a crowd farther down the street, then reverted back to the original easterly route towards the crowd after a man whom the DS agents believed to be with February 17 signaled them to do so. Farther ahead, another man in a small group of individuals then motioned to them to enter a neighboring compound, some 300 meters to the east of the C1 entrance of the Special Mission compound. The DS agents suspected a trap, ignored this signal, and continued past. The group along the route then opened fire at the vehicle's side, shattering and almost penetrating the armored glass and blowing out two tires. While the identities of the individuals who fired upon the DS agents is unknown, they may have been part of the initial wave of attackers who swarmed the SMC earlier that night. A roadblock was present outside this compound and groups of attackers were seen entering it at about the time this vehicle movement was taking place.

ARSO 1 accelerated past the armed crowd and navigated around another crowd and roadblock near the end of the road, driving down the center median and

into the oncoming lane at one point to bypass stopped traffic. Two cars followed, with one turning off and the other following them with its lights off until it turned into a warehouse area not far from the Annex. The DS vehicle then proceeded to the Annex, arriving around 2330 local. There the ARSOs joined Annex personnel and took up defensive positions, to await the Annex security and Tripoli response team. The situation was relatively quiet. Wounded personnel received medical support.

Back at the SMC, the Annex security team at Villa C used small arms fire and took defensive positions to respond to an apparent second phase attack, which lasted about 15 minutes and included small arms fire and at least three rocket-propelled grenades (RPGs) launched from outside the C3 gate. With their many and repeated attempts to retrieve the Ambassador having proven fruitless and militia members warning them the SMC could not be held much longer, the Annex team departed the SMC, carrying with them the body of IMO Smith. They arrived back at the Annex and moved to take up additional defensive positions.

Embassy Tripoli Response

Upon notification of the attack from the TDY RSO around 2145 local, Embassy Tripoli set up a command center and notified Washington. About 2150 local, the DCM was able to reach Ambassador Stevens, who briefly reported that the SMC was under attack before the call cut off. The Embassy notified Benina Airbase in Benghazi of a potential need for logistic support and aircraft for extraction and received full cooperation. The DCM contacted the Libyan President and Prime Minister's offices to urge them to mobilize a rescue effort, and kept Washington apprised of post's efforts. The Embassy also reached out to Libyan Air Force and Armed Forces contacts, February 17 leadership, and UN and third country embassies, among others. Within hours, Embassy Tripoli chartered a private airplane and deployed a seven-person security team, which included two U.S. military personnel, to Benghazi.

At the direction of the U.S. military's Africa Command (AFRICOM), DoD moved a remotely piloted, unarmed surveillance aircraft which arrived over the SMC shortly before the DS team departed. A second remotely piloted, unarmed surveillance aircraft relieved the first, and monitored the eventual evacuation of personnel from the Annex to Benghazi airport later on the morning of September 12.

Uncertainty on Ambassador Stevens' Whereabouts

U.S. efforts to determine Ambassador Stevens' whereabouts were unsuccessful for several hours. At approximately 0200 local, Embassy Tripoli received a phone call from ARSO 1's cell phone, which he had given to the Ambassador while they were sheltered in the safe area. A male, Arabic-speaking caller said an unresponsive male who matched the physical description of the Ambassador was at a hospital. There was confusion over which hospital this might be, and the caller was unable to provide a picture of the Ambassador or give any other proof that he was with him. There was some concern that the call might be a ruse to lure American personnel into a trap. With the Benghazi Medical Center (BMC) believed to be dangerous for American personnel due to the possibility attackers were being treated there, a Libyan contact of the Special Mission was dispatched to the BMC and later confirmed the Ambassador's identity and that he was deceased.

BMC personnel would later report that at approximately 0115 local on September 12, an unidentified, unresponsive male foreigner – subsequently identified as Ambassador Stevens – was brought to the emergency room by six civilians. The identities of these civilians are unknown at the time of this report, but to the best knowledge of the Board these were "good Samaritans" among the hordes of looters and bystanders who descended upon the Special Mission after the DS and Annex teams departed. With the clearing of smoke, Ambassador Stevens' rescuers found him within a room in the safe area of Villa C, did not know his identity, pulled him out through an egress window, and sought medical attention for him. Although the Ambassador did not show signs of life upon arrival at the BMC, doctors attempted to resuscitate him for some 45 minutes before declaring him deceased, by apparent smoke inhalation.

Attacks on the Annex

Just before midnight, shortly after the DS and Annex security teams arrived from the SMC, the Annex began to be targeted by gunfire and RPGs, which continued intermittently for an hour. Annex security personnel engaged from their defensive positions, which were reinforced by DS agents. Other personnel remained in contact with Embassy Tripoli from the Annex.

The seven-person response team from Embassy Tripoli arrived in Benghazi to lend support. It arrived at the Annex about 0500 local. Less than fifteen minutes later, the Annex came under mortar and RPG attack, with five mortar rounds impacting close together in under 90 seconds. Three rounds hit the roof of an Annex building, killing security officers Tyrone Woods and Glen Doherty. The attack also severely injured one ARSO and one Annex security team member. Annex, Tripoli, and ARSO security team members at other locations moved rapidly to provide combat first aid to the injured.

At approximately 0630 local, all U.S. government personnel evacuated with support from a quasi-governmental Libyan militia. They arrived at the airport without incident. The DoD unarmed surveillance aircraft provided visual oversight during the evacuation. Embassy Tripoli lost communication with the convoy at one point during transit, but quickly regained it.

Evacuees, including all wounded personnel, departed Benghazi on the chartered jet at approximately 0730 local. Embassy Tripoli staff, including the Embassy nurse, met the first evacuation flight at Tripoli International Airport. Wounded personnel were transferred to a local hospital, in exemplary coordination that helped save the lives of two severely injured Americans.

Embassy Tripoli worked with the Libyan government to have a Libyan Air Force C-130 take the remaining U.S. government personnel from Benghazi to Tripoli. Two American citizen State Department contractors traveled to the airport and linked up with the remaining U.S. government personnel. While awaiting transport, the TDY RSO and Annex personnel continued to reach out to Libyan contacts to coordinate the transport of the presumed remains of Ambassador Stevens to the airport. The body was brought to the airport in what appeared to be a local ambulance at 0825 local, and the TDY RSO verified Ambassador Stevens' identity.

At 1130 local, September 12, 2012, the Libyan government-provided C-130 evacuation flight landed in Tripoli with the last U.S. government personnel from Benghazi and the remains of the four Americans killed, who were transported to a local hospital.

In coordination with the State Department and Embassy Tripoli, the Department of Defense sent two U.S. Air Force planes (a C-17 and a C-130) from Germany to Tripoli to provide medical evacuation support for the wounded. At 1915 local on September 12, Embassy Tripoli evacuees, Benghazi personnel, and

those wounded in the attacks departed Tripoli on the C-17 aircraft, with military doctors and nurses aboard providing en route medical care to the injured. The aircraft arrived at Ramstein Air Force Base at approximately 2230 (Tripoli time) on September 12, just over 24 hours after the attacks in Benghazi had commenced.

FINDINGS AND DISCUSSION

1. The attacks in Benghazi were security-related, resulting in the deaths of four U.S. personnel after terrorists attacked two separate U.S. government facilities – the Special Mission compound (SMC) and the Annex.

Identification of the perpetrators and their motivations are the subject of an ongoing FBI criminal investigation. The Board concluded that no protest took place before the Special Mission and Annex attacks, which were unanticipated in their scale and intensity.

ADEQUACY OF SECURITY SYSTEMS AND PROCEDURES PRIOR TO SEPTEMBER 11, 2012

2. Systemic failures and leadership and management deficiencies at senior levels within two bureaus of the State Department resulted in a Special Mission security posture that was inadequate for Benghazi and grossly inadequate to deal with the attack that took place.

Through the course of its inquiry, the Board interviewed over 100 individuals, reviewed thousands of pages of documents, and viewed hours of video footage. On the basis of its comprehensive review of this information, the Board remains fully convinced that 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 attack.

Overriding Factors

This is not to say, however, that there are no lessons to be learned. A recurring theme throughout the Board's work was one also touched upon by the Nairobi and Dar es Salaam ARBs in 1999. Simply put, in the months leading up to September 11, 2012, security in Benghazi was not recognized and implemented as a "shared responsibility" in Washington, resulting in stove-piped discussions and decisions on policy and security. Key decisions, such as the extension of the State Department presence in Benghazi until December 2012, or non-decisions in Washington, such as the failure to establish standards for Benghazi and to meet them, or the lack of a cohesive staffing plan, essentially set up Benghazi as a

floating TDY platform with successive principal officers often confined to the SMC due to threats and inadequate resources, and RSOs resorting to field-expedient solutions to correct security shortfalls.

Communication, cooperation, and coordination between Washington, Tripoli, and Benghazi occurred collegially at the working-level but were constrained by a lack of transparency, responsiveness, and leadership at senior bureau levels. The DS Bureau's action officers who worked on Libya are to be commended for their efforts within DS and across the Department to provide additional security resources to Benghazi. Action officers in the Bureau of Near Eastern Affairs' (NEA) Office of Maghreb Affairs and Executive Office showed similar dedication in collaborating on solutions with their DS counterparts and responding to TDY staffing demands. However, in DS, NEA, and at post, there appeared to be very real confusion over who, ultimately, was responsible and empowered to make decisions based on both policy and security considerations.

The DS Bureau showed a lack of proactive senior leadership with respect to Benghazi, failing to ensure that the priority security needs of a high risk, high threat post were met. At the same time, with attention in late 2011 shifting to growing crises in Egypt and Syria, the NEA Bureau's front office showed a lack of ownership of Benghazi's security issues, and a tendency to rely totally on DS for the latter. The Board also found that Embassy Tripoli leadership, saddled with their own staffing and security challenges, did not single out a special need for increased security for Benghazi.

Further shortfalls in Washington coordination were manifested by the flawed process by which Special Mission Benghazi's extension until the end of December 2012 was approved, a decision that did not take security considerations adequately into account. The result was the continuation of Special Mission Benghazi with an uncertain future and a one-year expiration date that made allocations of resources for security upgrades and personnel assignments difficult.

Another key driver behind the weak security platform in Benghazi was the decision to treat Benghazi as a temporary, residential facility, not officially notified to the host government, even though it was also a full time office facility. This resulted in the Special Mission compound being excepted from office facility standards and accountability under the Secure Embassy Construction and Counterterrorism Act of 1999 (SECCA) and the Overseas Security Policy Board (OSPB). Benghazi's initial platform in November 2011 was far short of OSPB

standards and remained so even in September 2012, despite multiple field-expedient upgrades funded by DS. (As a temporary, residential facility, SMC was not eligible for OBO-funded security upgrades.) A comprehensive upgrade and risk-mitigation plan did not exist, nor was a comprehensive security review conducted by Washington for Benghazi in 2012. The unique circumstances surrounding the creation of the mission in Benghazi as a temporary mission outside the realm of permanent diplomatic posts resulted in significant disconnects and support gaps.

Personnel

The Board found the short-term, transitory nature of Benghazi's staffing to be another primary driver behind the inadequate security platform in Benghazi. Staffing was at times woefully insufficient considering post's security posture and high risk, high threat environment. The end result was a lack of institutional knowledge and mission capacity which could not be overcome by talent and hard work alone, although the Board found ample evidence of both in those who served there. The situation was exacerbated by the lack of Locally Employed Staff (LES) who would normally provide a backstop of continuity, local knowledge, and language ability. This staffing "churn" had significant detrimental effects on the post's ability to assess adequately both the political and security environment, as well as to provide the necessary advocacy and follow-through on major, essential security upgrades.

The Board determined that DS staffing levels in Benghazi after Embassy Tripoli re-opened were inadequate, decreasing significantly after then-Special Envoy Stevens' departure in November 2011. Although a full complement of five DS agents for Benghazi was initially projected, and later requested multiple times, Special Mission Benghazi achieved a level of five DS agents (not counting DoD-provided TDY Site Security Team personnel sent by Embassy Tripoli) for only 23 days between January 1-September 9, 2012.

As it became clear that DS would not provide a steady complement of five TDY DS agents to Benghazi, expectations on the ground were lowered by the daunting task of gaining approvals and the reality of an ever-shifting DS personnel platform. From discussions with former Benghazi-based staff, Board members concluded that the persistence of DS leadership in Washington in refusing to provide a steady platform of four to five DS agents created a resignation on the

part of post about asking for more. The TDY DS agents resorted to doing the best they could with the limited resources provided.

Furthermore, DS's reliance on volunteers for TDY positions meant that the ARSOs in Benghazi often had relatively little or no prior DS program management or overseas experience. For a time, more experienced RSOs were sent out on longer term TDYs, but even that appeared to diminish after June 2012, exactly at the time the security environment in Benghazi was deteriorating further. It bears emphasizing, however, that the Board found the work done by these often junior DS agents to be exemplary. But given the threat environment and with very little operational oversight from more experienced, senior colleagues, combined with an under-resourced security platform, these agents were not well served by their leadership in Washington. The lack of Arabic-language skills among most American personnel assigned to Benghazi and the lack of a dedicated LES interpreter and sufficient local staff also served as a barrier to effective communication and situational awareness at the Special Mission.

Required security training for DS agents prior to service in Benghazi consisted of the High Threat Training Course (HTTC). However, domestically-based DS agents who had not served abroad did not have the opportunity to receive RSO training before serving in Benghazi. In addition, after April 2012 all personnel scheduled to serve in Libya for over 30 days were required to take the Foreign Affairs Counter Threat (FACT) training. IMOs, who also served as the "management officer" at post, did not, as a prerequisite, receive any basic management or General Services Officer (GSO) training to prepare them for their duties.

The Board determined that reliance on February 17 for security in the event of an attack was misplaced, even though February 17 had been considered to have responded satisfactorily to previous, albeit less threatening, incidents. The four assigned February 17 guards were insufficient and did not have the requisite skills and reliability to provide a reasonable level of security on a 24/7 basis for an eight-acre compound with an extended perimeter wall. In the days prior to the attack and on September 11, 2012, one was absent. Over the course of its inquiry, the Board also learned of troubling indicators of February 17's loyalties and its readiness to assist U.S. personnel. In the weeks preceding the Ambassador's arrival, February 17 had complained about salaries and the lack of a contract for its personnel. At the time of the attacks, February 17 had ceased accompanying Special Mission vehicle movements in protest. The Blue Mountain Libya (BML)

unarmed guards, whose primary responsibilities were to provide early warning and control access to the SMC, were also poorly skilled.

Physical Security

Given the threat environment, the physical security platform in Benghazi was inadequate. It is incumbent upon the Board, however, to acknowledge that several upgrades and repairs took place over 2012. DS provided additional funding for the Local Guard Force (LGF), February 17, and residential security upgrades, including heightening the outer perimeter wall, safety grills on safe area egress windows that helped save the life of ARSO 1 on the night of September 11, concrete jersey barriers, manual drop-arm vehicle barriers, a steel gate for the Villa C safe area, some locally manufactured steel doors, sandbag fortifications, security cameras, some additional security lighting, guard booths, and an Internal Defense Notification System. Because OBO does not fund security upgrades for "temporary" facilities, DS also identified non-traditional funding streams to fund physical security upgrades and worked with the IMOs, NEA and Embassy Tripoli to move funds and supplies to Benghazi. The Engineering Security Office (ESO) in Cairo provided strong technical support and regularly visited. Following the June 2012 IED incident, which blew a large hole in the compound wall, DS, OBO, Tripoli, NEA and ESO Cairo immediately responded to Benghazi's request for assistance. Tripoli identified OBO funds that could be used to fix the wall, and ESO Cairo traveled to Benghazi on June 8 to provide technical support. The TDY IMOs worked tirelessly with the RSOs, Tripoli procurement and financial management staff, and Libyan professionals on statements of work, contracts and funding for the emergency repair of the SMC wall and for the other physical security upgrades, as well as ongoing electrical repairs. New upgrades remained a challenge, however, due to a lack of cash reserves and contract and procurement expertise, which meant Benghazi had to rely on Tripoli for further processing.

The Board found, however, that Washington showed a tendency to overemphasize the positive impact of physical security upgrades, which were often field-expedient improvements to a profoundly weak platform, while generally failing to meet Benghazi's repeated requests to augment the numbers of TDY DS personnel. The insufficient Special Mission compound security platform was at variance with the appropriate Overseas Security Policy Board (OSPB) standards with respect to perimeter, interior security, and safe areas. Benghazi was also under-resourced with regard to certain needed security equipment.

Security Planning

Post and the Department were well aware of the anniversary of the September 11, 2001, terrorist attacks, although DS did not issue a worldwide caution cable to posts related to the anniversary. Ambassador Stevens and his DS agents had taken the anniversary into account by deciding to hold all meetings at the SMC that day rather than making any moves outside.

The Ambassador chose to travel to Benghazi that week, independent of Washington, as per standard practice. Timing for his trip was driven in part by commitments in Tripoli, as well as a staffing gap between principal officers in Benghazi. His trip had been put off earlier in the summer, and the September 10-14 dates were not decided upon well in advance. The Board found that plans for the Ambassador's trip provided for minimal close protection security support, and that Embassy country team members were not fully aware of planned movements off compound. The Ambassador did not see a direct threat of an attack of this nature and scale on the U.S. Mission in the overall negative trendline of security incidents from spring to summer 2012. His status as the leading U.S. government advocate on Libya policy, and his expertise on Benghazi in particular, caused Washington to give unusual deference to his judgments.

IMPLEMENTATION OF SECURITY SYSTEMS AND PROCEDURES ON SEPTEMBER 11-12, 2012

3. **Notwithstanding the proper implementation of security systems and procedures and remarkable heroism shown by American personnel, those systems themselves and the Libyan response fell short in the face of a series of attacks that began with the sudden penetration of the Special Mission compound by dozens of armed attackers.** In short, Americans in Benghazi and their Tripoli colleagues did their best with what they had, which, in the end, was not enough to prevent the loss of lives of Ambassador Stevens, Sean Smith, Tyrone Woods, and Glen Doherty. At the same time, U.S. security professionals prevented a further loss of life and helped ensure the safe evacuation of remaining American personnel in Benghazi 12 hours after the attacks began.

As noted in the preceding section, physical security at the Special Mission was insufficient. The SMC perimeter was breached immediately, providing no reaction time to the five DS agents on compound. There was no advance warning regarding the group of attackers approaching outside the SMC prior to the attack,

and no sign of them on surveillance cameras outside the C1 gate until the attack was underway. The Board learned that, as of the time of the attacks, the Special Mission compound had received additional surveillance cameras, which remained in boxes uninstalled, as technical support to install them had not yet visited post. In addition, the camera monitor in the local guard force booth next to the C1 gate was inoperable on the day of the attacks, a repair which also awaited the arrival of a technical team.

Some aspects of physical security upgrades did perform as intended – in particular, the safe area in Villa C, which prevented intruders from entering and the TOC door, which protected the DS agents from attackers trying to enter. Also, the installation of exits in the window grates of the Villa C safe area allowed ARSO 1 to escape the fire, and those exits were the entry point for him and other DS agents and Annex personnel to make multiple attempts to rescue and recover Sean Smith and Ambassador Stevens.

The Board found the responses by both BML and February 17 to be inadequate. No BML guards were present outside the compound immediately before the attack ensued, although perimeter security was one of their responsibilities, and there is conflicting information as to whether they sounded any alarms prior to fleeing the C1 gate area to other areas of the SMC. Although the unarmed BML guards could not be expected to repel an attack, they had core responsibility for providing early warning and controlling access to the compound, which they had not always performed well in the past. In the final analysis, the Board could not determine exactly how the C1 gate at the Special Mission compound was breached, but the speed with which attackers entered raised the possibility that BML guards left the C1 pedestrian gate open after initially seeing the attackers and fleeing the vicinity. They had left the gate unlatched before.

The Board's inquiry found little evidence that the armed February 17 guards alerted Americans at the SMC to the attack or summoned a February 17 militia presence to assist expeditiously once the attack was in progress – despite the fact that February 17 members were paid to provide interior security and a quick reaction force for the SMC and the fact that February 17 barracks were in the close vicinity, less than 2 km away from the SMC. A small number of February 17 militia members arrived at Villa C nearly an hour after the attack began. Although some February 17 members assisted in efforts to search for Ambassador Stevens in the smoke-filled Villa C building, the Board found little evidence that February 17

contributed meaningfully to the defense of the Special Mission compound, or to the evacuation to the airport that took place on the morning of September 12.

In contrast, DS and Annex personnel on the ground in Benghazi performed with courage and an overriding desire to protect and rescue their colleagues, in a near impossible situation. The multiple trips that the DS agents and Annex security team members made into a burning, smoke-filled building in attempts to rescue Sean Smith and Ambassador Stevens showed readiness to risk life and limb to save others. They ultimately were unable to save Sean Smith and Ambassador Stevens, due to the intensity of the heat and smoke and a lack of resources, including breathing apparatus. The DS agents' decision to depart the SMC without the Ambassador came after they had all suffered smoke inhalation due to multiple rescue attempts, and amidst a renewed attack that continued as they departed the compound. The Board members believe every possible effort was made to protect, rescue, and recover Ambassador Stevens and Sean Smith, and that the bravery of the DS agents present in Benghazi helped prevent a further loss of life, particularly given their assistance in defending the Annex.

The Board found that the lack of non-lethal crowd control options also precluded a more vigorous defense of the SMC. The Board also determined that the lack of fire safety equipment severely impacted the Ambassador's and Sean Smith's ability to escape the deadly smoke conditions. On the other hand, the DS agents' tactical driving training, as well as their fully-armored vehicle, saved their lives when they were attacked by weapons fire en route from the SMC to the Annex. In addition, the DS emergency medical training and the DS-issued personal medical kit saved an ARSO's life after he was severely injured by a mortar attack at the Annex.

The Board found the Libyan government's response to be profoundly lacking on the night of the attacks, reflecting both weak capacity and a near total absence of central government influence 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. It also facilitated the departure of the charter plane carrying the Tripoli rescue team to Benghazi, and provided a Libyan Air Force C-130 that was used to evacuate remaining personnel and the bodies of the deceased from Benghazi on the morning of September 12.

Washington-Tripoli-Benghazi communication, cooperation, and coordination on the night of the attacks were effective, despite multiple channels of

communication among Washington, Tripoli, Benghazi, and AFRICOM headquarters in Stuttgart, as well as multiple channels of communication within Washington itself. Embassy Tripoli served as a lifeline to Benghazi throughout the attacks, marshalling support from Washington, Stuttgart and elsewhere, including quickly organizing the charter plane that sent the seven-person reinforcement team to Benghazi. At the direction of AFRICOM, DoD moved a remotely piloted, unarmed surveillance aircraft to Benghazi, which arrived over the SMC shortly before the DS team departed. A second remotely piloted, unarmed surveillance aircraft relieved the first, and monitored the eventual evacuation of personnel from the Annex to Benghazi airport later on the morning of September 12.

Embassy Tripoli staff showed absolute dedication and teamwork in mobilizing to respond to the crisis, with the DCM, DATT, Political, and other country team sections reaching out to a wide range of contacts in Tripoli and Benghazi to secure support; the Public Affairs team monitoring social media sites and recording a log of Mission calls; the Embassy nurse providing invaluable guidance on caring for the wounded evacuated from Benghazi; and a Consular officer donating blood that helped save the life of a wounded colleague. Throughout the crisis, the Acting NEA Assistant Secretary provided crucial leadership guidance to Embassy Tripoli's DCM, and Embassy Tripoli's RSO offered valuable counsel to the DS agents in Benghazi.

The interagency response was timely and appropriate, but there simply was not enough time given the speed of the attacks for armed U.S. military assets to have made a difference. Senior-level interagency discussions were underway soon after Washington received initial word of the attacks and continued through the night. The Board found no evidence of any undue delays in decision making or denial of support from Washington or from the military combatant commanders. Quite the contrary: the safe evacuation of all U.S. government personnel from Benghazi twelve hours after the initial attack and subsequently to Ramstein Air Force Base was the result of exceptional U.S. government coordination and military response and helped save the lives of two severely wounded Americans. In addition, at the State Department's request, the Department of Defense also provided a Marine FAST (Fleet Antiterrorism Security Team) as additional security support for Embassy Tripoli on September 12.

Overall, communication systems on the night of the attacks worked, with a near-constant information flow among Benghazi, Tripoli, and Washington. Cell phones were the main method of contact, but lacked redundancy. Radio

communications between the Annex and the SMC also worked well, thanks to prior coordination between the two.

Shortly after receiving the initial notification from Embassy Tripoli at approximately 1545 EST, the State Department Operations Center notified the interagency, including the White House, of the Special Mission attack by secure conference call and email alerts. The Operations Center and the Diplomatic Security Command Center (DSCC) were exemplary in eliciting information from Tripoli- and Benghazi-based colleagues without overloading them.

IMPACT OF INTELLIGENCE AND INFORMATION AVAILABILITY

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**.

Terrorist networks are difficult to monitor, and the Board emphasizes the conclusion of previous accountability review boards that vulnerable missions cannot rely on receiving specific warning intelligence. Similarly, the lack of specific threat intelligence does not imply a lessening of probability of a terrorist attack. The Board found that there was a tendency on the part of policy, security and other U.S. government officials to rely heavily on the probability of warning intelligence and on the absence of specific threat information. The result was possibly to overlook the usefulness of taking a hard look at accumulated, sometimes circumstantial information, and instead to fail to appreciate threats and understand trends, particularly based on increased violence and the targeting of foreign diplomats and international organizations in Benghazi. The latter information failed to come into clear relief against a backdrop of the lack of effective governance, widespread and growing political violence and instability and the ready availability of weapons in eastern Libya. There were U.S. assessments that provided situational awareness on the persistent, general threat to U.S. and Western interests in eastern Libya, including Benghazi. Board members, however, were struck by the lack of discussion focused specifically on Benghazi.

Benghazi's threat environment had been generally deteriorating since the "gelatina" bomb was thrown over the SMC fence on April 6, but was not judged to have reached a critical point before September 11. The July 7 elections, about

which there had been some trepidation regarding the security situation, passed with less violence than expected and were followed by Ramadan, when incidents are usually lower. Before September 11, a patchwork of militias in Benghazi had assumed many, if not all, of the security functions normally associated with central government organs, as the government had little authority or reach in Benghazi. There seemed to be no attempt, however, to link formally the many anti-Western incidents in Benghazi, the general declarations of threat in U.S. assessments and a proliferation of violence-prone and little understood militias, the lack of any central authority and a general perception of a deteriorating security environment to any more specific and timely analysis of the threat to U.S. government facilities.

Board members found that there was little understanding of militias in Benghazi and the threat they posed to U.S. interests. One prime factor behind this knowledge gap was that eastern Libya is home to many militias, which are constantly dissolving, splitting apart and reforming. Furthermore, many individuals are associated with more than one militia. Understanding of February 17, in particular, was further limited by the fact that it is an umbrella organization, made up of many different militias with differing ideologies, some of which are extremist in nature.

The Board determined there were no warnings from Libyan interlocutors.

ACCOUNTABILITY OF PERSONNEL

5. **The Board found that certain senior State Department officials within two bureaus in critical positions of authority and responsibility in Washington demonstrated a lack of proactive leadership and management ability** appropriate for the State Department's senior ranks 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 that any individual U.S. Government employee engaged in misconduct or willfully ignored his or her responsibilities, and, therefore did not find reasonable cause to believe that an individual breached his or her duty so as to be the subject of a recommendation for disciplinary action.

EXHIBIT 15

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

[redacted]

From: [redacted]
Sent: Friday, June 15, 2012 1:38 PM
To: Stevens, John C
Cc: [redacted]
Subject: MANPADS MOU

Sir: This is a follow-on to "loose ends" left over from the Wednesday briefing I gave you on PM/WRA's MANPADS/Ammunition Supply Area (ASA) survey and inventory programs:

End of contract for the Benghazi-based contractor group: This contract will end late December/early January, but could possibly be renewed. The prime contractor for this contract is Controlled Demolitions International (CDI); the sub-contractor that is responsible for in-country operations is Global Offshore Properties (GOP).

[redacted]

[redacted] was kind enough to set aside time today to get read into my programs.

Respectfully submitted,

[redacted]

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

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

From: [redacted]
Sent: Monday, August 27, 2012 12:12 PM
To: Hicks, Gregory N
Cc: [redacted]; Stevens, John C
Subject: FW: SOFA Process Briefings
Attachments: NEGOTIATION OF A SOFA.pptx; PM SNA SOFA Briefing.pptx

Gentlement,

FYI for when the day comes. There is some hi-side traffic on this.

v/r

[redacted]
LTC, USA
Defense and Army Attaché
USDAO Tripoli, Libya

Cell, [redacted]
VOIP, [redacted]
sipr: [redacted]state.sgov.gov

** If it is time sensitive, pls call, I have limited access to this email **

From: [redacted]
Sent: Monday, August 27, 2012 5:02 PM
To: [redacted]
Cc: [redacted]
Subject: SOFA Process Briefings

[redacted]

As noted in my high side email. The attachments discuss the SOFA process, etc—may be helpful to Emb Tripoli's understanding.

R/[redacted]

[redacted]
Senior Military Advisor for Security Negotiations & Agreements
Bureau of Political-Military Affairs, Department of State
2201 C. Street N.W. (Rm 3242)
Washington, D.C. 20520
Comm: [redacted]

SBU
This email is UNCLASSIFIED.

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

EXHIBIT 16

This exhibit was not cleared for public release.

INTERVIEW OF DIPLOMATIC SECURITY AGENT #30

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, AUGUST 19, 2015

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

DANA CHIPMAN, *Chief Counsel*
MARK GRIDER, *Deputy General Counsel*
CARLTON DAVIS, *Counsel*
SARA BARRINEAU, *Investigator*
SHERIA CLARKE, *Counsel*
HEATHER SAWYER, *Minority Chief Counsel*
BRENT WOOLFORK, *Minority Senior Professional Staff*

FOR THE U.S. DEPARTMENT OF STATE

AUSTIN EVERS, *Senior Advisor*

Mr. Grider. If we can go on the record, please. 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 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. [redacted], could you please state your full name for the record, please.

Mr. [redacted]

Mr. Grider. On behalf of the committee, we appreciate you taking the time and willingness to come in and talk to us today. My name is Mark Grider. I'm one of the counsel on the committee's majority staff, and I'm going to take a second here and let everybody go around the room and introduce themselves.

Ms. Clarke. Sheria Clarke, majority staff.

Mr. Woolfork. Brent Woolfork, minority staff.

Ms. Sawyer. Heather Sawyer, minority staff.

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

Mr. Chipman. Dana Chipman with the majority staff.

Ms. Barrineau. Sara Barrineau with the majority staff.

Mr. Evers. Austin Evers, State Department.

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

this morning.

Generally, the way the questioning proceeds is that a member from the majority will ask questions first for up to about an hour. Then the minority will have an opportunity to ask questions for an equal period of time, if they so choose. Questions may only be asked by members of the committee or designated staff member. We'll rotate back and forth, 1 hour per side, till we're out of questions, and then the interview will be over.

Unlike a testimony or deposition in Federal court, the committee's format is not bound by the Federal rules of evidence. The witness, you, and your counsel may raise objections for privilege subject to the review by the chairman of the committee. If these objections cannot be resolved in the interview, the witness can be required to return for a deposition or a hearing.

Members and staff of the committee, however, are not permitted to raise objections when the other side is asking questions. This has not been an issue we've encountered in the past, but I just want to make sure you're clear of how it -- sort of how the process works.

Mr. [redacted] Okay.

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

All right. In preparing for the interview, I don't believe

any of my questions will go into a classified information based on the documents that I've reviewed. But if you feel it does, please confer with Austin, and we will handle accordingly.

You're welcome to confer with counsel at any time throughout the interview, but if something needs to be clarified, we ask that you just make it known to me, and we'll clarify the question.

If you need to discuss anything with your counsel, we'll go off the record, stop the clock, and provide you an opportunity. We can even do a coffee break just to make sure you all are clear.

We'll also take a break any time it's convenient for you, so this can be every hour or when you need, you know, 15 minutes or if you need a break, just let us know. We want to -- obviously, you know our goal is to make you as comfortable as possible so that we can just obtain the facts and what happened.

As you can see, to your right, an official reporter is taking down everything you say with a written -- everything I say and you say with a written record, so we ask that you give verbal responses to all questions, yes and no as opposed to the nods of the head. I'm going to ask the reporter to please feel free to jump in any case you do respond nonverbally or I overtalk the witness or I'm too quiet, so I give her full authority to jump in at any time.

Also, we should both try not to talk over each other so it's easier to get a clear record. I want you to answer our questions in the most complete and truthful manner possible. We'll take our

time and repeat or clarify any questions, if necessary.

If you honestly don't know the answer to a question or do not remember, as you know, it's best not to guess. Please give us your best recollection. If there are things you don't 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 to the question.

All right. Do you understand that you have an obligation to answer questions truthfully from Congress?

Mr. [redacted] Yes.

Mr. Grider. This applies to questions posed by 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] Yes.

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

Mr. [redacted] No.

Mr. Grider. Okay. That's the end of my preamble. I always like to check with the minority to see if they have anything to say.

Ms. Sawyer. No.

Mr. Grider. Okay. And my colleague here will be working in

tandem with me, so if, you know, she's always welcome to jump in and ask additional questions because our goal is to get a complete record so --

Mr. [redacted] Okay.

Mr. Grider. All right. We want to just sort of mark down the time. All right. We've got say what.

Mr. Evers. 10:07.

Mr. Grider. 10:07 it is. All right. We just want to get some general background questions, and, you know, look, I'll give you just sort of a general overview of where we're headed, so you know, you can be at ease.

I'm going to ask you just some general background questions about your history. I think a number of us here are really interested in the role in the DS command center, so we want to just sort of walk through that, and then the structure. You know, I've been in the command center. I haven't been in the DS command center, so if you can walk us through that aspect, and then the information that's coming in and the information that's going out and how that whole process works.

And then in order, to stay within my hour, more than likely I'm going to try to direct our attention to the day and the night of the attacks. So that's sort of the general outline. We may have to come back in order to get everything within the hour.

Mr.[redacted] Okay. That's fine.

EXAMINATION

BY MR. GRIDER:

Q All right. So can you briefly walk us through your education and professional background prior to joining the State Department?

A So I attended [redacted] got a bachelor's degree in criminal justice, and I did Russian studies. And while I was with the State Department, I attended War College, so I ended up getting a master's degree in strategic planning. As far as education, that's sort of pretty much all.

Q Absolutely. So can you tell me, when did you start with the State Department, what year?

A 2001.

Q Okay. And what was your role, and sort of can you walk me through sort of your positions, starting in 2001 all the way up to current?

A Oh, yeah, absolutely.

Q Okay. Thank you.

A So in 2001, right out of special agent training, I was recruited into Mobile Security Deployments Division, and now it's Office of Mobile Security Deployment. So that was a 3-year assignment, then moved to the [redacted] for 2 years, and then moved to [redacted] as the assistant regional security officer for 3 years, and then went to War College in Norfolk, Virginia.

Q Let me just make sure I'm tracking with you. So I know

2001 to 2004, [redacted] Then 2 years, 2006 you were in [redacted]?

A In 2007 in [redacted].

Q Okay. And then you were in the War College around 2008; is that correct?

A Yes. So 2001, I had to go to special agent training.

Q Sure.

A So that eats up about a year of your time.

Q Fair enough.

A And then I was with security deployments, was about 3 years after that, so that's why we were in the office.

Q Okay. Fair enough.

A So then [redacted], 3 years; [redacted] was 3 years; War College was 11 months, and then to the command center for 2 years.

Q So tell me, just -- I just want to make sure we're all on the same page. So would that have been 2009 you were sort of entered into the command center?

A Oh, no. So I came out of [redacted] in 2010.

Q Okay. Okay.

A Did 1 year War College, basically.

Q I see.

A 2011 is when that ended.

Q Okay.

A I joined the command center then for 2 years.

Q Okay. Good. So 2011 to 2013, you were in the command center?

A Correct.

Q And then we'll come back to that time period, but let's continue on after 2013.

A 2013 to now, I've been with [redacted] It's in office again, and yeah, so I'm assigned to them, [redacted].

Q Okay. And is that based here in D.C.?

A It is, yeah.

Q Okay. Very good. Thank you.

So let's go back to sort of that 2011, 2013 time period. When you entered the command center, what was your title and role?

A I entered as a senior watch officer.

Q And can you explain to us what exactly is, you know, the role of a senior watch officer?

A Sure. So senior watch officer basically runs the operations on the floor at the command center, so our job is to make sure that you have, you know, watch officers that are on time, they're carrying out their assignments or tasks properly. Our job is to make sure that all the protocols are followed when incidents take place, you know, notifying seniors, basically carrying out day-to-day operations inside the command center.

Q Okay. So one thing that would be helpful is can you give me just sort of the hierarchy. So you have -- start from the bottom and sort of work up. So you have the watch officers, senior watch officers.

A Let me come back down actually, from the top. It'll be easier for me to explain like that.

Q Appreciate it.

A So we have the director of the command center, the deputy director of the command center where their office is sort of off to the side, so they are not necessarily on the floor.

Q Sure.

A Then you have the senior watch officer who oversees the operation on the floor, and then you have -- the protocols are you have to have a minimum of two watch officers, and that's a requirement that we have in our policy. Then we have several contractors that are on the floor, two or three, sometimes it goes up and down, the numbers assigned to technical operations group, or TOG is what they call it. Then we have one individual assigned to personnel tracking locators, and at the time we had, I think, two or three people working on a product called, "DS Daily." It's a secret, no-phone kind of product that they prepare basically, and it's sent to everybody basically throughout the intel community.

Q So just to clarify, you're saying during the time period that you were there, in addition to the director in command, the deputy director, the senior watch officer, the two watch officers, some of the contractors, the individual that is sort of the personnel tracking locator, in addition, there were individuals there. Were they contractors that were sort of --

A No. They are full-time employees, basically. Their job is to create this product called "DS Daily."

Q "DS Daily," okay. To your knowledge, is that sort of a permanent position? Are they still there today, and were they there prior to you or is that --

A They moved to a different division now, but yeah, back then, it was -- it's all under the same directorate.

Q Sure.

A They just moved to a different office where it's -- aesthetically and workplace is much more comfortable for them.

Q All right. Fantastic. So I'm going to focus on your time period, 2011 to 2013. Who was the director of the command center, the deputy director during your time period there?

A [redacted] was the director.

Q Did you get that? [redacted]?

A [redacted]

Q [redacted] Okay.

A [redacted] was the deputy director. The reason why I pause is there a time when [redacted] arrived and [redacted] was not necessarily in the office yet, so I'm not sure if [redacted] had arrived at the time or not. I don't know. I can't remember that far back, to be honest with you.

Q And can -- I'm not sure if we got the last name.

A Oh, [redacted].

Q So you have [redacted].

A [redacted] and [redacted], I'm sorry. [redacted].

Q All right. And so during the 2011, 2013 time period, were there other individuals that took those positions, or were they --

A So [redacted] was the -- again, when we say 2011 or '12, 2011 to '12, we had a different management, and when Benghazi happened, at that time, we had [redacted] that had arrived, and he was the deputy director. Whether [redacted] had -- was already there or not, I'm not sure.

Q So during the attack, [redacted] was the deputy?

A Correct.

Q And during the attacks, was [redacted]?

A That's where I'm not sure.

Q Okay. All right. Just walking down. So you were the senior watch officer. Is there only one senior watch officer or --

A So each watch, so there's three 8-hour shifts. Each watch has a watch officer, and we had one extra senior watch officer that was -- I'm sorry, each watch has a senior watch officer, and we had an extra senior watch officer in case one of us was sick or something, you know, they could be in office --

Q Sure.

A -- to support. And each senior watch officer had individuals assigned to their team.

Q Sure.

A So you sort of stayed with your team as you moved from one shift to the next one.

Q Fair enough. Can you -- if you recall, do you know the other two to three other senior watch officers during sort of -- we'll just sort of focus in on sort of during the attack that may have been rotating through the future.

A Sure. So one of them was [redacted].

Q [redacted]?

A Uh-huh. I don't know the third one. We had a switch again. You got to understand, it's summertime, so we had a lot of transition happening.

Q Sure.

A So between one leaving and the next one coming, I'm not sure which -- who was there, but I can give you all the senior watch officers' names that I remember there.

Q Yeah, go ahead. Please.

A So we had a guy named [redacted] and [redacted], but [redacted] replaced [redacted], so I'm not sure [redacted] was there during Benghazi or not.

Q All right. We're going to keep working through this, but let me just move on. It's my understanding that perhaps you had -- well, I'll ask you. What was your normal watch officer time period? Was it like 8:00 to 5:00, or what was your --

A That day. So the three different shifts are from 6:30

until 2:30, I think, 2:30 to 10:30, and then all the way around.

Q So 6:30 a.m. to 2:30 p.m.?

A Correct.

Q 2:30 p.m. to --

A 10:30.

Q -- 10:30. And what was your shift?

A Mine, on that day, was morning shift.

Q So you had the 6:30 a.m. --

A From what I remember, it was the morning shift.

Q -- to 2:30 p.m. Do you recall, during -- you know, the attacks, who else, once you left, who had the 2:30 to 10:30 shift?

A No. I wouldn't be able to remember that.

Q You don't think it was [redacted], [redacted], or [redacted]?

A It was definitely not [redacted] because [redacted] had the midnight shift, so either [redacted] or [redacted] must have had that one.

Q Okay. And so that midnight shift, that would have been [redacted]?

A Yeah. Oh, yeah, it was [redacted].

Q All right. Okay. So I always like to just get it -- sort of a visual of the command center. How large -- it seems like there is about 8 to 10, maybe 15 people. So how large is the room? Can you sort of give us sort of the size of the room and where it was located? I think I know, but where, you know, where in Virginia it was located?

A It was located in Rosslyn, [redacted],

[redacted]. As far as the size of the command center, maybe I want to say about 2,000 square feet, if that makes any sense.

Q And it seemed like the director and the deputy director of the command, they may have had offices?

A So their office is sort of cut off -- not cut off, but their space is partitioned right off the floor, and their doors open into the command center.

Q Okay.

A So if something happens, an alert goes off or whatever, they can actually hear it, and they can walk out.

Q And so did you -- as the senior watch officer, did you have a desk or did you have an office, or where were you -- or were you sort of walking around the night of --

A So the way -- the center is designed sort of like a horseshoe, and what you have is large screens where we can monitor stuff. In front of the screens is that sort of horseshoe, you know, tables and workstation set-up where you have the watch officers and everybody else sitting. Behind them, there's a smaller desk space for a senior watch officer where you're overlooking at everything that's happening over their shoulder, seeing the screen, and then what they're working on.

Q Very good. Okay. Thanks. That's helpful.

All right. So let's go to sort of the technology, and I think in my first hour, I'm trying to get to some places. We'll come back and maybe my colleague will help me a little bit more,

sort of flesh out some of this. But let's talk about the technology and sort of the information coming in and how it was during that time. I don't know anything about it, so you tell me there were screens, telephones, faxes, so how were you getting information?

A Okay. So domestically, you have agents that might call in for regular law enforcement-related database checks. So the watch officers have access to several different types of databases, internal diplomatic security databases, some are just, you know, let's say, regular law enforcement databases. So agents will call in and ask for the watch officers to conduct checks, maybe log entries, suppose they're transporting, you know, a prisoner from A to B, you know, they give the mileage, you know, something very routine as that.

Q Sure.

A Maybe an alarm going off from one of the domestic field offices, and where we have to notify, maybe, the supervisor of that office, hey, your alarm is going off, somebody needs to go over and check it. Phone calls, fielding regular phone calls from the general public, phone calls from different members of the law enforcement agency, some citizens that might call looking for some information.

Q So domestically, the general, you know, information coming in, requests. So let's go to the post and sort of this international, you know, Cairo.

A Okay.

Q You know, so tell us how you were getting information whether it be from Tripoli?

A All right.

Mr. Evers. Sorry. Just for the sake of the record. Are you talking specifically about any particular days or are you talking generally --

Mr. Grider. Right now, we're going just -- if you can just sort of lay a foundation of just sort of --

Mr. [redacted] Sure.

Mr. Grider. -- broadly you're getting information, and then we'll sort of pinpoint it. Is that okay?

Mr. Evers. Yeah. Because you mentioned Tripoli and Cairo. I wasn't sure whether --

Mr. Grider. Yeah.

Mr. Evers. -- it was broad or not.

BY MR. GRIDER:

Q Let's go broad right now. And then --

A Okay.

Q -- we'll sort of focus in on the time?

A Okay. I understand.

Q Go ahead.

A So from overseas, there's a variety of ways we get information. Some are emails, some are internal, basically, products or systems that were set up for agents to report back to

us.

Q So tell us, can you --

A Spot reports, variety types of reports. Some are cables. I mean, we monitor all source cable coming from different intelligence community members that might -- and then we're sort of sorting through to see if there's anything related to diplomatic security or State Department. Basically we're serving as a distribution center to route information that we see that might be of importance to different department heads or seniors to make a decision.

Q All right. So if you had to break down sort of the percentage of information when it came to sort of these posts, how would you rank, you know, majority are emails or spot report? If you had to sort of say, hey, look, you know, for an 8-hour shift, you know, predominantly the traffic was X and then the next tier was Y.

Mr. Evers. If you can say.

BY MR. GRIDER:

Q If you can say.

A I guess, depending on the day, some days you might end up getting, you know, 10, 15 spot reports coming in from different post general centers. I think there are over 270 posts that we're monitoring. So during the daytime to overseas to domestic, interaction is not as much because they're probably sleeping at that time, but at -- the nightshift ends up taking the brunt of

those reports and everything else, but as far as the cables, those are just constantly coming through, yeah.

Q Okay. With respect to cables, if an ambassador or someone sent a cable, let's say someone sent a cable to the Secretary, would that cable have to come through the command center or was there another -- are there other sources or ways information could have gotten to different individuals, or were you all the one-stop shop for any information coming through initially?

A No, absolutely not. So our primary job at the DS command center was to look for anything related to diplomatic security or security-related information, not necessarily State Department-wide information. We have State operations that primarily deals with everything else. Our main goal is the security at the embassies and our personnel.

Q But if there is a cable concerning security, more than likely it would have come through your shop and been routed to the correct --

A Even if it didn't come through our shop, let's say it was at a level we couldn't see it, or maybe whoever was sending out the cable forgot to put us on the distribution list. Generally, we would either have State operations or some other agency that might call and say, hey, have you seen this cable, you know, just take a look at it.

Q Okay.

A So generally, security-related information would be flagged to us if we didn't actually see it ourselves.

Q Okay. You mentioned State operations. Where are they located?

A Out of Main State building.

Q Okay. And what was your sort of relationship or communication back and forth? How did you all communicate back and forth?

A Emails or phone.

Q Okay. So was there -- Skype is not the right word. Were there video teleconferences, or you know, could you see the other individual?

A No, not necessarily, but we had regular tours at the operation center, and watch officers from the operation center used to come over to our center to sort of become interoperable to understand what our mission was and what their mission sets are, because we had areas where we overlap a little bit, so we just basically to iron out things and make sure the personnel would understand each other's missions. We had a lot of this interaction going back and forth.

Q Could you tell me the two distinct different missions? So in your -- based on your opinion, what was sort of the State ops mission and what was your mission area?

A I know what my mission is. Theirs, I'd say everything else because I know, having been at the DS command center and seen

all the different aspects that we have, I don't think I would be able to accurately describe what their full mission set is so --

Q We're going -- we're getting closer to the night of the attacks and --

A Sure.

Q But just in a general perspective, did you have the capability to view different posts? I mean, view, let's say, Tripoli, for instance, or Cairo, you know, was there -- you know, were you able to see whether it be in real-time or feeds about certain security going on?

A Yes.

Q Okay. So can you tell me more how that worked?

A As far as how the technology works?

Q Yeah, yeah. So was it real-time?

A It is -- well, as close to real-time as it possibly can be, I guess. I'm sure there is some minutes, seconds of lapse here and there. The reason why we have contractors -- remember that's the technical operations group --

Q Correct.

A -- is so that I personally don't have to be the expert of figuring out what the lapse time is or, you know, how things work.

Q Sure.

A What I do know is some posts -- or the posts where we do have camera feeds coming from, we're able to monitor some of

that information at the command center.

Q All right. So let's take -- let's take Cairo. Were you able to monitor -- was there a monitor? Were you able to -- let's get -- direct our attention to sort of the month of September. Were you able to monitor protests or what was going on in Cairo in real-time?

A Yes.

Q And so -- and I'm just trying to sort of visualize this. Was it on a big TV screen or you look at this little feeds where you're sort of like a security manager and you're seeing little feeds, or you know, explain to us how?

A So, you know, you have cameras installed at different areas throughout the embassy.

Q Okay.

A So the perspective that you're seeing at the command center on your monitors is just that small little camera feed that you get.

Q Okay.

A So on a big monitor, the size of a maybe two or three large screens, right. Let's say 52-inch, so times that four, what we have is maybe a, I don't know. Small square boxes that are showing different camera feeds coming in at the same time, all coming from the same post, for example.

Q Sure, sure.

A So for Cairo, it might have 10 cameras.

Q Okay.

A 10 camera feeds that we're monitoring at one time.

Q And let's say Cairo had 20 or 30 cameras. Were you -- did you have the ability to sort of switch from one camera to the other? Or who was controlling -- who would control the feed that you were seeing?

A Well --

Q Does that make sense?

A As far as who's controlling the feed, I don't know, but what I do know is whatever angle the cameras are facing --

Q Sure.

A -- that's the angle it stays. We cannot manipulate the angles.

Q Okay.

A Is that what you were asking?

Q Yes. To a degree, yeah. And then let's say you were only able to see 10 cameras, but let's say there's 20 -- a total of 20 cameras.

A Right. Okay.

Q Are you able to switch from camera A to go to camera W?

A Yeah.

Q So you can control --

A You can add more --

Mr. Evers. I'm sorry, we're getting a little cross talk, I think so, for the court reporter. I thought we'd just maybe slow

down just a little bit.

Mr. Grider. Absolutely. Thank you. Austin.

Mr. Evers. Sorry to interrupt.

Mr. [redacted] Yeah, you can have -- you can have however many cameras you have, however many you can fit on one screen, so total number of -- total number of screens or total number of cameras you might be able to monitor might be 10 at a time, for example; so, yes, you might have 10 up, but that doesn't mean you have to stay and continue monitoring the same thing. You can switch back and forth between other camera feeds as well.

BY MR. GRIDER:

Q Okay. So that's how it worked at Cairo?

A That's how it works for all embassies.

BY MR. GRIDER:

Q So with respect to Tripoli, you were able to -- essentially the same. And then what about Benghazi?

A So you know, I was shaking my head to you when you said Tripoli, but what I want to correct is I know at the time there were some issues with camera feeds coming from Libya. I don't remember monitoring Benghazi because Benghazi was, again, just another -- one of the many posts out of those 270 that we monitor. So I personally don't remember monitoring Libya or Tripoli because during my shift, Libya or Tripoli were not on a map, per se. Nothing was really happening there at the time that I knew of.

Mr. Evers. You're talking about September 11th or generally?

Mr. [redacted] No, no, no. I was talking about September 11th.

Mr. Evers. Right.

Mr. [redacted] But you're asking generally, yeah, Tripoli might have been one that we looked at whenever there were, you know, maybe an attack or some incident that took place, might have brought that camera up just to sort of monitor for a day or two, but yeah.

BY MR. GRIDER:

Q Very simple here, a question here. Obviously, you didn't have 270, you know, different cameras or screens to watch

every post. To your knowledge, how was that determined, which monitor you'd be focussing on Tripoli or focussing on Egypt for that given day? What was sort of the basis for, okay, we're going to look at Tripoli, or no, we're not looking at Tripoli. We're going to look in, you know, Iraq because you only had so many -- you only had the ability to look at so many locations at one point in time, so how was that sort of ranked and prioritized? Does that make sense?

A Yeah. Sure. So now I think we're getting to a SBU area. Am I okay to discuss?

Mr. Evers. And I was going to -- I meant to say this earlier. In terms of the layout of the DS command center's capabilities, as you mentioned in your preamble, we're going to try and keep the conversation at an unclassified level, but I think law enforcement capabilities, what types of information we're monitoring, how it's being routed probably falls within the category of sensitive but unclassified information that is not appropriate for broad public dissemination.

As always, we're happy to talk about specific information, if necessary, but in answer to your question, we can speak at the unclassified level here, and that includes SBU information.

Mr. [redacted] Okay. Fair enough. So the priorities are based on, you know, the events that are taking place worldwide. Sometimes it's the senior watch officer that might make a decision on what cameras to monitor based on the incidents that are

happening, or sometimes it might be the deputy director or the director walking out and saying, hey, keep an eye on, you know, such and such post.

So it depends on, I guess, what the feel of the day is, what kind of reporting we're getting from overseas, what post is basically showing maybe signs of distress or maybe things that we need to keep an eye on.

Mr. Grinder. Okay. Let's go off the record for one second.

[Discussion off of the record.]

BY MR. GRIDER:

Q All right. So let's turn our attention -- we may come back to a little bit more specifics with respect to those earlier issues, but let's direct our attention to sort of the time period of September 10th and through, let's say, the 15th. I'll direct your attention to Cairo. So can you tell me, you know, were you there when the protest in Cairo started?

A Yes.

Q So tell me about that day. You came in what, 6:00 a.m.?

A Man, I wish I knew. I knew down to that specific time.

Q You're a person, I imagine, you probably came in at 5:00. You're a person that --

A No, no, I mean, the general time, sure, I'm sure I came an hour earlier. So Cairo, the reason why I remember Cairo is primarily because I was out to lunch. One of the watch officers

called me and said, hey, come on back, looks like Cairo is getting hit, so I run back, basically left my lunch, came back to sort of deal with that situation. As far as time-wise, so I'm saying lunch, maybe 12ish, I guess, but I'm not sure on the timing at all.

Q All right. So can you walk me through what you observed, what happened with Cairo, what information was coming in, so if you can just sort of walk me through that.

Mr. Evers. Can we go a little bit more specific about the date because you asked about several days.

Mr. Grider. Fair enough.

Mr. Evers. And I think history says there is quite a bit happening over those days.

Mr. Grider. Sure. But to your knowledge, Cairo happened on what day?

Mr. Evers. I don't -- I'm not a fact witness.

Mr. [redacted] I don't.

Mr. Grider. All right. Fair enough. So I think the witness and I know Cairo happened on September 11th, correct?

Mr. [redacted] I'm not sure on the dates, but whatever date you tell me, I'll go with the date when Cairo happened.

Mr. Grider. Okay. So we're focussing on the Cairo protests and attacks. I don't know how more specific than that.

Mr. Evers. Sure.

Mr. Grider. That's what I asked. Okay.

Mr. Evers. Just for the sake of the record, I wanted to -- I mean, let me -- actually let me discuss.

[Discussion off the record.]

Mr. Evers. So, sorry. For the sake of the record, all I was asking to flag several days of Cairo, and then I think you were talking about a specific incident. While the witness may not have the date of the year, I think you're talking -- sorry. The specific day of the year that events happened, I think his memory is probably -- and you can ask him that -- we're talking about the day that the -- the event that you're asking about in Cairo are the same -- happened the same day as the events that happened in Benghazi. Is that what you're talking about?

Mr. Grider. That's correct.

Mr. Evers. Okay. I just wanted that clarity because you named several days, and Cairo had zero events on other days.

Mr. Grider. I think he was understanding me. So you weren't -- so I'll try to be more clear. Okay.

BY MR. GRIDER:

Q All right. So you were at lunch on the day of the Cairo attack; is that correct?

A Correct.

Q Okay. So can you walk me through what happened on that day? You came back from lunch. What did you observe? What did you hear?

A So to clarify for you, so when we say Cairo event,

there were many events that have happened to Cairo up to that, Tahrir Square, and everything else, so the date that we're talking about specifically is the continuation of, you know, at the end of that day, sort of when the midnight shift picked up is when Benghazi happened, so we're talking about that general day.

Q That's correct.

A Okay. So, you know, I got a phone call from the watch officer asking me to come back. I walked into the command center. We had the monitors up. We had an open line with Marine security guards at post in Cairo, just sort of -- basically there's really not much you can do physically to assist them except start notifying the seniors at that point.

So you know, we started following our protocol of notifying the seniors of what was going on at post so that they were aware of what was happening on the ground.

Q Okay. So let's talk about you were saying, you had an open line, so you add an open line with post. Do you recall who was sort of -- you know, one of their RSOs, who was calling?

A So the general protocol is we just call post 1 which is manned by the Marine security guards, and any one of the Marines might pick up the phone, so as far as who it was, I'm not necessarily sure of that.

Q Okay. Were you receiving any emails, to your knowledge?

A So when I walked in, we hadn't really gotten to a point

of an email yet. What we had were some, I think, information about protests that were happening close by the embassy, but as far as when I walked into the command center, we saw people sort of trying to climb over the wall is when I was there.

Q Okay.

A So up to that point, we knew there were protests going on but we were the expecting protests to be happening anyways.

Q How did you know that there were protests taking place? How did you come to that conclusion?

A So, again, from what I remember, it was around 9/11. We knew that there were already several cables that had gone out informing all posts to be on the defensive side, basically, not to take just big travels anywhere away from post. Some posts were asked to stay in and not necessarily move from that area.

And the expectation was that there was going to be protests right around 9/11 worldwide throughout the Muslim countries and maybe even some of the other countries, but primarily we were focused on the hot areas, what we considered one of them being Cairo. You know, you had the Arab Spring and all these things happen there, so we knew there was, you know, situations going on there, so --

Q Was there any monitoring of like Twitter feeds, or did you all Twitter anything going on as sort of -- do you all have that capability?

A We don't.

Q Okay.

A We didn't at the time.

Q Okay. So social media was not being monitored as well?

A Not at the time that I remember.

Q You had mentioned seniors. So you're getting the information from the Marine security guards through the open line. You're observing that there's protests and people that are climbing over the wall, and then you said we want to relay that information to seniors. So, can you tell me who you're relaying the information to with respect to Cairo?

A To when I say seniors?

Q Yes.

A So the director of International Programs is the office that's sort of, is over the RSOs or is in charge of the RSOs or security at the embassies, so notifying maybe the desk officers within International Programs or what we refer to as the IP desk officers that were covering Cairo. From desk officer all the way up to regional director, up to -- I think she was a deputy assistant secretary. Up to Charlene Lamb, basically, who was in charge of International Programs. When I say seniors, we basically step up all the way until we notify someone at that rank, and at that point, we let them sort of inform others as they see fit.

Generally, an email goes out with a distribution list that has DS seniors, and I'm not necessarily sure who else is on that

list.

Q So I think you answered my second question is how did -- let's say, let's take Charlene Lamb. How was the information getting from the command center to Charlene Lamb?

A So during the day, it would be an email followed with a phone call at the same time. So the watch officer might pick up the phone and start calling to notify them. Second one is sending an email out to that mass distribution list that we were talking about.

Q So did a watch officer have the capability of picking up the phone and relaying information up, or did they relay it to you and that you were in charge of relaying the information?

A No, any of the watch officers could do that. It was based on, you know, who was doing what at the time.

Q During the Cairo protest, did you observe anyone else in the room? Were there -- did Charlene -- I'm just going to -- was Charlene Lamb there? Were there other officials coming in to observe?

A I don't recall, and I'll tell you why. After that, it wasn't just Cairo. There were many other protests that were happening that sort of continued on after Cairo, and throughout the day we had multiple seniors coming in and going back upstairs again, and then that sort of followed on the next day with Benghazi.

So every time I walked in, I would see a bunch of seniors

setting there from Charlene Lamb all the way to director level, so all of that is very fuzzy. So I don't recall whether on that very minute while we're monitoring Cairo she came down or not. But it's very common that they would actually come down just to see the cameras, to hear what's going on on the open line.

Q Okay. The operation center on the 7th floor pertaining to Cairo, what information -- so I understand you were giving information to seniors like Charlene Lamb and up. How was that information being passed on to the ops center at State?

A Via email or phone call.

Q I think I've looked at a few of the emails, and I guess I'm just trying to figure out sort of the organization. I understand it's chaotic. When you say email, did you have responsibility to sort of vet the email and then the, you know, the deputy would vet the email and then send out, or was it anybody had the ability to just sort of shoot out an email based on what they learned quickly?

A So the watch officers, as they would get the information, they would draft the email, sort of let the senior watch officer know, hey, I'm sending out this email, and then off it would go. The majority of the time, though, we try to stay away from drafting our own emails. It was really forwarding emails back and forth.

So if you think of the command center as the office that produces reports, it would be false. They are primarily there to

help distribute the information back and forth, sort of route the information where it needs to go. Phone calls, where you cannot necessarily -- right, someone has to -- somebody calls in, let's say from Cairo and says, hey, we're under attack. They don't have time to also follow up with an email, so we would write down, let's say such and such person reported they're under attack, and then that email might go over to State operations.

But as far as who was drafting emails or what was being routed to the operations center, that would be sort of coordinated amongst the watch officers and the senior watch officer, but one person wouldn't have monopoly over who's going to write that or who's going to edit it.

Q I'm using this name just because it's the one name that I think you recall with respect to a senior, so I'm just using this as an example. So a senior came in, let's say it's Charlene Lamb, did they have the ability to ask questions and get realtime information, or would you just turn around and sort of tell them what you were seeing? How did that interaction go? Would the senior sort of be sitting in the back wall or were they able to engage and watch and form their own conclusion?

Mr. Evers. And can I just ask, are you asking in general is that something seniors can do, or did you -- or specific memories about what DS -- DAS Lamb did?

Mr. Grider. That's good. That's good.

BY MR. GRIDER:

Q So in general. Let's go in general.

A In general. Any of the seniors can walk into the command center at any time.

Q And interact? Ask questions?

A Just to say hello, talk to people, even sometimes test you. Hey, what would do if this happened or that happened, you know. Really just to determine what the protocols are, you know, who they'd be notifying, that kind of stuff, so yes, there's -- there's plenty of interaction.

Watch officers all know that throughout the day and even sometimes at midnight you might have a senior watch -- or senior, DS senior walk in and say hello to you or just sit down or maybe use the workstation, so it's possible, yes.

Q Are you familiar with the name Eric Boswell?

A Yeah, of course.

Q Can you tell me what's his title and role?

A Under Secretary of Diplomatic Security. Ambassador Boswell is what we refer to him.

Q And do you recall on, you know, during the Cairo protest and the attacks, do you recall --

A You know, I think I misspoke. He's not under secretary. I think Assistant Secretary for Diplomatic Security is what his title is.

Q Would he be considered one of the seniors in your definition of a senior?

A Oh, absolutely.

Q Okay. Do you recall seeing him on September 11th or September 12th while you were there?

A I don't recall.

Q Okay. I'm going the get this name wrong. [redacted] or --

Ms. Clarke. [redacted]

Mr. [redacted] Oh, [redacted]

BY MR. GRIDER:

Q Yes.

A He's a senior. Again, I wouldn't recall if I saw him personally, yeah.

Q But you would -- as far as your definition of getting information to seniors, [redacted], Eric Boswell, Charlene Lamb would all fall in that category?

A Those names should be in the DS seniors' distribution list, if that's what you're asking about.

Q Okay. Yeah. And then what about, are you familiar with [redacted]?

A I know [redacted].

Q And what was his role?

A He was not at the command center. I don't remember what his position was at the time. I don't recall actually, but I know he was somehow involved. Maybe he was special assistant or -- but I'm not sure what his title was at the time. He's a

special agent as well.

Q In your role, did you interact with him or obtain information from him?

A Again, I don't remember what his position was. If he was a -- maybe a desk offer for IP, it's very possible that we interacted over time, but it's been several years also.

Q Sure. I think you answered this question, but I just want to make clear in my notes. You stated earlier about sort of it was known that there was a protest in Cairo, and I think you answered it, but I just want to make clear. I'm looking back at my notes. What was sort of the basis of that sort of knowing that there was a protest?

A Well, the basis was 9/11, right, so we knew we were getting close to 9/11. That date was sort of significant itself. We knew that there was a cable that had already gone out to a post sort of notifying people to be on an offence, basically on be vigilant as far as with their travels, and you know, restricting their travel or so, and we were sort of expecting protests to sort of take place because that was -- that had been the precedent from the year before and years before, from what I understand.

So the expectation was, yes, something was going to happen. As far as where this was going to take place, we were not sure.

Q Did any of your officers observe protests or --

A You mean in Cairo?

Q Yes.

A Well, Cairo had -- if you remember, at the time, I think there were many protests going on, not necessarily in front of the embassy, but you know, at Tahrir Square. Again, I had been to Cairo before, but I'm not necessarily sure where those protests were. I know the embassy is very close to Tahrir Square, so it would be very easy for the protestors to sort of, you know, mingle their way over to the embassy.

Q Okay. So let's move from Cairo to around something like 2:00 after lunch to -- to your recollection on sort of the attacks and what happened, you know, from 2:00 on, on September 11th?

A 2:00 p.m. on, you mean?

Q Yes.

A See, I wasn't there, so I wouldn't know.

Q So you went home?

A Yeah, I went home.

Q You told me that you went home. What information -- I mean, you had a Blackberry, I imagine. What information did you receive at home, or what were you --

A So I went home, changed my clothes, went to work out. After I worked out, I came out, I think it was maybe 10:00, close to 10:00 p.m. or so. And I saw there were a few emails from some of the watch officers. Remember, we're a team, in a sense, right, so some of the watch officers had called me asking if they were allowed to go in to help out.

Really, what they were looking for is would I authorize them to go and work overtime, and I was not so sure what was going on. And I said, why, is there something going on, they said yes. Looks like there's something going on in Libya, you know, is it okay for us to go in. I said, yeah, if they're looking for people, that's fine.

The reason they were asking that question is because that morning they had to come back in to work 6:00 a.m., so 10:00 a.m. -- I mean, 10:00 p.m. for them to go back to work, that's the reason, when I was asking are we okay, because I still have to have enough manpower for me continue my operations in the morning.

So I sort of authorized that and said, okay, no problem, but I was close enough to Rosslyn where I could actually drive in and see what was going on. So, you know, in my work out clothes, I walked in, and sure enough, multiple seniors sitting around the command center, everybody sort of hunched over their workstations, you know, very focused, phone calls coming in, and so I realized something big was going on but it wasn't my watch for me to take over.

The deputy director was there, the senior watch officer that was in charge of that shift was there, and they had, at that point, both of the watch officers from my team that were already present. So they had enough manpower on the floor, and I asked, hey, do I need to help out, and they said, no, you know, it's getting late, you need to be ready to go tomorrow morning. Why

don't you go home and sleep and, you know, we'll see you in the morning.

Q Do you recall who you may have observed when you went in at 10:00 p.m.?

A I do definitely remember Charlene Lamb and Eric Bultrowicz -- no, not Eric. Scott Bultrowicz. I'm sorry if the names are messed up. I'm sorry.

Q What, if anything, did you -- did you have a conversation with them at all or --

A No, they were all very focused on what was going on. I know my conversation was primarily with the deputy director, just to say, hey, do I need to be here -- and I was in my workout clothes and we had seniors there, so it wasn't really appropriate for me to stay there.

Q Anyone else that you observed?

A You know, [redacted], who was running the shift, you know, some of the watch officers there, my two watch officers that were there, you know. You want their names?

Q Yeah, that would be great.

A Okay. [redacted] and [redacted].

Q Okay. When you went in with respect to feeds, did you observe Tripoli?

A I don't remember.

Q You don't know if that was up?

A I don't remember that.

Q And you don't recall what feeds were up at the time when you went in at 10:00 p.m.?

A The seniors were more important to me than the monitors, so --

Q I understand. I understand. Fair enough, fair enough. I'm just asking. Okay. So you went home, and then what, you know, on September 12th, what happened?

A Again, the dates, I'm not sure if it was the 12th or not, but basically the next morning, you know, 6:00 a.m., you know, I came in. The whole crew that was there continued working, and it was sort of hard for them to relinquish, sort of move on, so you know, that turnover generally takes about 15, 20 minutes. Depending on what kind of events you have going on where I have to brief you, but just about that 20 minutes or so, you know.

This turnover ended up lasting for a couple of hours before we could get them out of their chairs and send them home. Primarily because everybody was sort of too focused and there was just too much going on.

They had been working on a lot of the information throughout the night, so they didn't want to necessarily get up and walk away and take that information with them, so they want to sort of describe everything, so yeah.

Q We'll talk a little bit more of sort of that turnover process. I want to get to just a quick emails, but let's touch on that. Did anyone brief you about what happened, or how did you

get up to speed quickly? How did that take place?

A So yeah, so the senior watch officer at some point as the watch officers are conducting their operations, senior watch officer will brief the new incoming team as to what was going on, where they are at the time, you know, what are some of the tasks that they've left that need to sort of be completed.

So again, I don't remember the specifics, but that's the general way to pass the information to the next team. And then as the watch officer sits down, as they're replacing the watch officer that's seated at that workstation, they have their own interaction, hey, you know, can you send out these last two emails, or I'm finished with this, or I'm expecting a phone call from such and such, so there's some briefings going on there as well.

So senior watch officer does his thing for about 20 to 30 minutes. When he's done, the watch officers basically approach the floor and then they get a briefing from the watch officers themselves, and they sit down and start logging in and, you know, sort of taking over the workspace.

Q Did you receive any -- I understand there is sort of verbal briefings. Was there any documents that you may have received, notes or documents?

A I am sure I received notes and documents. I just don't remember what they were or -- there was too many papers being printed at that time, sort of making sure we had enough folders

for seniors to be able to review what was going on throughout the night, so I'm sure there were a lot of documents being made.

Q So bottom line is the way you got up to speed was verbally and you would have had documents that would have been sent throughout the night as well?

A And the emails, too, as we sit down, and then yeah, yeah.

Q All right. Let's just take a look at one quick email here. I'll mark this as exhibit 1.

A Okay.

[[redacted] Exhibit No. 1

Was marked for identification.]

BY MR. GRIDER:

Q Do you recall this exhibit 1?

A I mean, I see the conversation is mine, so --

Q Okay. We're going to sort of move back and forth, but first, let's just start off with document exhibit -- document number C, as in Charlie, 05390678. It's an email. Why don't you walk me through just the "from" and the "sent," and you can tell me -- tell us who the two individuals are, if you recall, just at the top?

A So [redacted], they are all special agents. Some, I don't remember again what their positions were at the time, but all of them are special agents assigned to the SO. One -- you know, as far as what their specific assignments were at the time,

I'm not sure. I think [redacted] was in IP, International Programs. [redacted], obviously, it says Pesh, he's got parenthesis, so he's out of Peshawar. [redacted], and then [redacted], I don't remember again what their positions were at the time, but they're all special agents.

Q Okay. So let's go to the -- it appears that these documents were together, so let's go to the second page.

A Okay.

Q Where it states the subject is "White House sees no sign of Libya attack premeditated." Do you recall seeing this email or reviewing this statement?

A I don't recall it, but I'm reading it now. So yeah.

Q What's your understanding of this statement?

Mr. Evers. The headline of an AP story; is that what you're asking about?

BY MR. GRIDER:

Q Or just the -- yeah, the entire -- or the headline, or what's your understanding of it?

A That basically the White House says that there's no indication that this was a premeditated attack.

Q And then let's turn to the bottom of page 1 where I believe you responded on Tuesday, September 18th, 2012, at 1:14 p.m.

A Yeah.

Q Can we go through the two. I think these are some -- I'm not sure if there's a new individual on here. Are these all

the same individuals throughout? Let's see. Well, can you tell us, you know, you know, who are these individuals, why were you sending an email to them?

A So they're all special agents. As far as what their positions were at the time, I don't remember what their positions were, but all of them I pretty much have known all throughout my DS career.

Q Sure.

A I know [redacted] became the deputy RSO in Libya. So basically somehow all of them had some sort of an association with protests, or the events that were going on, basically, the protests that we were monitoring and that kind of stuff. As far as my question, is that what you're saying?

Q That's correct. You stated. Yeah, go ahead.

A Yeah. So I'm just reading exactly what this says here, the front page. It says, Deadly attacks on U.S. consulate in Benghazi was -- they have no indication that the protests were -- or "the attack was premeditated. Violent protests appear to have been sparked by an anti-Islamic film made in the U.S., which at the time, the night of Benghazi, we all sort of assumed that this was just a continuation of protests just carrying it on to a different country.

Later on, as time went on and more facts started coming out as far as what had happened, what we realized is there wasn't necessarily a protest that took place, that maybe there was

something else there. As far as what that was, we weren't sure, but we knew for sure there was no protest, so there had to be more investigations on that point.

Q So your statement at the time, you were saying that there was no protest?

A So no, what I'm saying is at the time, can you believe this.

Q Right.

A Is where I probably have either seen evidence or have heard from people around me that there was no protest.

Q Okay. Okay. Got it.

A When I say no protest, what I mean is a mass protest that we saw in Cairo.

Q I understand. So making that distinction, that's why we sent some time on Cairo, the basis of your conclusion that there was a protest in Cairo, you had certain information that formed that conclusion, correct, in Cairo?

A Absolutely, and it wasn't just Cairo, right. So right after Cairo, we had, I think, Sudan that got hit.

Q Right. I understand.

A And then right after Sudan, I want to say -- I don't know, but I know there were several posts that were being attacked at the same time that day.

Q Right on. Okay. So let's walk up to the second email. Can you walk us through who is, you know, from [redacted] --

[redacted] was that individual, he would have --

A Special agent. Yeah, basically he's just basically saying was there really no protest there going on or was there any rioting in Benghazi reported prior to the attacks, and I said, no, no rioting that was reported.

Q What was the basis of that zip -- you actually said, "zip, nothing, nada." What was the basis of that?

A Probably referring to was there any rioting going on in Benghazi the night of the attack. So --

Q Right. But what's the basis of your statement? You could have said, "well, maybe."

A I guess the basis would probably be on the reports that I had seen at that point.

Q So based on the information that you had received at that point, you formed the conclusion that there was no rioting reported prior to this?

A I hadn't seen any evidence of any rioting that was reported there.

Q Okay. So based on that and these questions, did you communicate that conclusion to the seniors? Would that have been communicated to the seniors?

A I don't think so. I think this was primarily a conversation between colleagues and me where they're asking me a question. I'm sort of giving them my honest opinion of what I've seen.

Q Sure.

A So yeah, no. If a senior had asked me that, I would absolutely have told them exactly the same thing.

Q And so, to your knowledge, did that ever occur?

A As far as senior -- it didn't have to occur because they could probably -- they had the same evidence, so I'm assuming they probably came to the same conclusion. They had more information than I did, so --

Q And that conclusion was there was no rioting in Benghazi prior to the attack?

A That was my conclusion based on information that I had.

Q You received?

A Seniors might have had a lot more, and they might have completely disagreed with this, but I don't see the information they see. I'm not privy to that information.

Mr. Evers. Okay. So we are at 11:07. You want to take a break?

Mr. Grider. You need a break? You need one, for the record?

Mr. Evers. For the record, yes.

Mr. Grider. Go off the record for a second. Thank you.

[Recess.]

Mr. Woolfork. We are back on the record. It is currently 11:21.

EXAMINATION

BY MR. WOOLFORK:

Q Agent [redacted], my name is Brent Woolfork, on the minority staff. I am joined by our counsel Heather Sawyer. We appreciate you being here today. We appreciate your service, and actually coming in from where you were.

We wanted to actually continue with exhibit 1, which was the chain of emails that originated with an article. So I think you have that in front of you, so we are just going to kind of go through that document.

A Sure.

Q Now, the bottom of page 1 I notice it's an email that you had sent to several individuals which you had identified in the past hour, and that is an email dated Tuesday, September 18th at 1:14 p.m. Does that look correct to you?

A Correct.

Q It's forwarding an article that's entitled "White House sees no sign Libya attack premeditated." And that appears to be an AP article. Does that look correct to you as well?

A It does.

Q And I just want to kind of just work through that article just a little bit more, and ask you some questions along the way. First paragraph says, "The White House," quote, "The White House says it doesn't have any indication that last week's deadly attack on the U.S. consulate in Benghazi, Libya, was premeditated. But White House spokesman Jay Carney says matter still is under investigation and that assessment could change."

In the past hour that you had said that more investigation, I believe in your words, needed to occur, is that right?

A Of course.

Q And then within that, you know, he notes, Mr. Carney notes a possible in-depth assessment could change in the article. Would you agree that in situations like this, that initial assessments that might be made could change as more information is collected?

A Absolutely. Of course.

Q And just looking at that second paragraph, that starts with Carney, quote, "Carney said that so far there is no evidence to back up claims that the attacks that killed four Americans, including U.S. Ambassador to Libya were planned. He said the violent protest appears to have been sparked by anti-Islam film made in the U.S." And you had commented on that earlier.

Now, you had indicated on the day of the Cairo incidents that you had received calls for inquiries from other posts around the

world. Is that right?

A I don't remember -- can you give me a little more on what you mean?

Q Sure. On the day of the Cairo protest --

A Oh, you mean as far as more protests happening at other posts?

Q Right. You had said, I think, other RSOs had contacted the command center?

A Oh, yeah.

Q Did you have any indications from what -- is there any motivations to the attacks on those other facilities?

A Motivations, I'm not sure, but --

Q Okay.

A -- what we did have is the protests, mass protests happening at several different embassies that we were trying to monitor. So the precedence at that point was, look out for mass protests to continue on happening at other posts as well, not just, you know, Cairo, or it's not necessarily limited to just one country.

Q Okay.

BY MS. SAWYER:

Q Did you hear from any of those RSOs, or anyone about, this article references anti-Islam film made in the U.S. Were you hearing at all from any of those calls on anything about a potential protest sparked by an anti-Islam film?

A Well, I know we were expecting protests, in fact, we were sort of thinking that this would be the cause of protests initially, or it would spark up protests. It might be one of the reasons why protests might actually begin or pick up. As far as whether that was the only motivator for a protest, I'm not sure. But we were monitoring that.

Q And one of the potential reasons that people might protest that you had heard about was this anti-Islam film on that day --

A Of course.

Q -- on 9/11. And it sounds like from what you're saying that there was concern that there would be, I'm going to use the term, spillover that what was happening in Cairo in terms of protests could carry over and spill over to other places in the region. Was that a prevalent concern?

A It was.

Q And was it the sense that that was indeed, in fact, happening on that day on 9/11?

A It was happening.

BY MR. WOOLFORK:

Q I just wanted to point to the third paragraph in the article. Carney says, quote, "Carney says investigations will 'follow facts wherever they lead.' He says the goal is to find out what happened and why and to track down those responsible for the deaths."

At that point on September 18th, did you have any reason to doubt Mr. Carney's sincerity in terms of tracking down those who were responsible?

A I don't know. I know what Carney's position is, but I don't know him personally, so I have no way to doubt him or not doubt him.

Q And in particular, quote, "follow the facts wherever they lead," you had indicated this -- again, this is on September 18th that you had seen information and talked with individuals within DS that indicated that protests had not occurred. And you had said that if a senior official had asked you about that, you were given the conclusion that there had been no protests, is that right?

A Not that there had been no protests, but we had no reported, there were no reports prior to the protest.

Q Okay.

A So basically it says, was there any rioting in Benghazi reported prior to the attack? That's what I was referring to on this.

Q Okay. And you had mentioned that it was possible that the seniors may have had more information than you did?

A Of course.

Q Is that correct?

A Yeah.

Q Would it be possible that they might have intelligence

or information that would have caused them to think that there may have been a protest prior to the attacks?

A Absolutely.

BY MS. SAWYER:

Q In terms of that phrase that Mr. Carney uses here, "investigators will," quote, "follow the facts wherever they lead," end quote, and just setting aside Mr. Carney, based on your experience and the people you were working with in DS did you have any reason to doubt that any of those folks, the seniors that you were routing information to, were doing anything other than trying to follow the facts wherever they led?

A No.

Q And that everyone was -- any reason to doubt that everyone was doing their best-faith effort to determine what the ground truth facts were?

A Not one bit.

Q And at the time you sent this on September 18th, and to the best that you can recall, was that effort, that investigation, the effort to find the facts and then follow them wherever they would lead, was that still ongoing?

A I'm sure it was.

Mr. Woolfork. So Agent [redacted], we are asking these questions because over the past few years a large part of a lot of the congressional investigations has been on whether or not there were protests that had preceded the attacks in Benghazi on

September 11th, so I'm just going to kind of ask you more about that, specifically, kind of into the process itself.

Ms. Sawyer. And just to be clear, not only whether or not there were protests, but how quickly the determination as to whether the protests occurred in Benghazi, as they had elsewhere, and then how people spoke about it.

So a lot of the focus of the investigations has been not only on factually when was an assessment made across the board about the protests, but how quickly that was made, and how it was talked about. So we did want to ask you some questions about that.

BY MR. WOOLFORK:

Q So 3 days after, on September 14th --

A I just want to clarify something, though.

Q Sure.

A Because we are talking about rioting and then protests. And in my mind those are a little bit different things. So, I don't want us to use that sort of as if it's the same word. I just want to make sure that I'm clear on what you guys are asking for as well.

So are we asking about rioting, or are we talks about protests? Because protests are basically when people gather up outside and they are standing and screaming, and yelling, and that kind of stuff. Rioting is when people are, basically, you know, looting, you know, things similar to that nature is what I'm picturing in my mind. You know, looting stores, you know, that's

rioting, violence, that's what I'm picturing in my mind, right? So that's part of the discussion.

BY MS. SAWYER:

Q So based on that distinction, I'm going back to exhibit 1 just for a moment. [redacted]

A Yes.

Q Sent you a note that asked you as to whether there was any rioting in Benghazi reported prior to the attack. You then rely, "Zip, nothing nada." And rioting, in your terminology, meaning looting --

A Yeah, outside basically where there is, you know, indications that something has gone wrong outside, yes.

Q And then what about the notion of was there any protesting? You had said protesting is when in your terminology people come to an occasion --

A Gather.

Q -- and gather and vocalize their --

A Protest.

Q -- disagreement, protest, whatever. What about that notion? Was there any report, any protesting reported prior to the attacks?

A Not that day that I know of, no.

Q So your answer would have been the same?

A Yes.

Q And again, with regard to that, your honest opinion as

of the 18th would have been that there was no protest that preceded the attack?

A Yes, according to this, absolutely.

Q And that information and you have knowledge that the other folks that were seeing it, your seniors in particular, may have had additional information that potentially could contradict what your honest opinion on that date was, is that correct?

A Of course. That's correct.

Q And then just to be clear, because I have understood you to say you don't recall ever sharing your opinion with your seniors, certainly if they asked you, but you don't recall having offered it, and I think you have explained very well kind of the role of DS command center as routing information that comes in, and making sure it gets to the right stakeholders and decisionmakers. It wouldn't have been part of your role to make an assessment as to the underlying substantive assessment as to what motivated the attack, would it?

A No, it wouldn't.

Q Or to determine as a factual matter whether protests preceded the attacks, would that have been part of your job?

A Assessing it, no.

BY MR. WOOLFORK:

Q Agent [redacted], I want to ask, were you aware on September 14 of 2012 that Congress requested unclassified talking points about the attacks from the intelligence community?

A Say that again one more time. I'm sorry.

Q On September 14, 2012, were you aware that Congress had requested unclassified talking points from the intelligence community?

A I'm not. I don't remember that. I don't recall.

Q Okay. I just want to enter into the record, Exhibit No. 2.

[[redacted] Exhibit No. 2

Was marked for identification.]

Mr. Woolfork. If you would please just review that document.

Mr. [redacted] Okay.

Ms. Sawyer. And Mr. [redacted], as you review it, just to ground you, it is a two-page document, and to identify it for the record, the first page shows that it is the U.S. Senate Select Committee on Intelligence report on the terrorist attack on the U.S. facility in Benghazi. And we have just excerpted page 43, which is also appendix one of that report, and wanted to just ask you a few questions about that appendix one.

Mr. [redacted] Okay.

BY MR. WOOLFORK:

Q Agent [redacted], I just wanted to point to page 43 which is the second page of the document, which is also appendix one, and looking at the middle of the page, the second paragraph. It says there that, quote, "The final unclassified version of the CIA talking points as provided to HPSCI," which is the House Permanent

Select Committee on Intelligence, "on September 15, 2012, read as follows: The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the U.S. Embassy in Cairo, and evolved into a direct assault against the U.S. diplomatic post in Benghazi and subsequently its annex. There are indications that extremists participated in the violent demonstrations."

It continues: "The assessment may change as additional information is collected and analyzed as currently available information continues to be evaluated."

Now, the talking points in this document began with the CIA went through an interagency process. Were you at all aware of that interagency process --

A No.

Q -- at the time. And so given that you were not involved in the interagency process, would you have had a chance to see the initial talking points from which these -- what I just read sprung?

A No.

Q And would you have known whether or not Deputy Secretary Mike Morell was responsible for finalizing those points?

A No.

Q These points which I just read indicate that the intelligence community's assessment were that demonstrations preceded attacks which were spontaneously inspired by events in

Cairo, which we discussed earlier today. Do you know when IC changed its assessment to reflect its later conclusion that there had been no protests in Benghazi?

A No.

Q Okay. I want to introduce Exhibit No. 3.

[[redacted] Exhibit No. 3

Was marked for identification.]

BY MR. WOOLFORK:

Q And this is a report from the House Permanent Select Committee on Intelligence entitled, "Investigative Report on the Terrorist Attacks on U.S. Facilities in Benghazi, Libya, September 11-12, 2012."

And this was published on November 21, 2014. And again, I will give you a few moments. And this is a two-page document. The first page is the title page and then the second page is a part of the executive summary and I want to ask you a question about a particular paragraph.

A Is there a page that you were going to give me?

Q Yes, I am going to give it to you.

A Okay, no problem.

Q Agent [redacted], I had mentioned earlier that I was going to talk about a specific one, and that would be the fifth paragraph which starts with, "Fourth, the Committee concludes."

A Okay.

Q I'm just going to read into the record that fifth

paragraph. Quote, "after the attacks, the early intelligence assessments and the administration's initial public narrative on the causes and motivations for the attacks were not fully accurate. There was a stream of contradictory and conflicting intelligence that came in after the attacks. The Committee found intelligence to support CIA's initial assessment that the attacks had evolved out of a protest in Benghazi; but it also found contrary intelligence, which ultimately proved to be the correct intelligence. There was no protest. The CIA only changed its initial assessment about a protest on September 24, 2012, when closed-caption television footage became available on on September 18, 2012, (2 days after Ambassador Susan Rice spoke), and after the FBI began publishing its interviews with U.S. officials on the ground on September 22, 2012."

So this conclusion of the House Permanent Select Committee, their conclusion was that the assessment wasn't changed until September 24th, and then was based on additional evidence in the video, and then actual interviews with individuals that were on the ground in Benghazi. So this is about 2 weeks after the attacks.

We have touched upon this and I want to make sure it is clear for the record, was it your sense during that 2-week period that additional information was being collected and analyzed in order to get the fullest picture possible on what happened on the night of September 11?

A Yes.

Q And so as through that process, is it possible that assessments could have changed as that information came in?

A Of course.

Q As the HPSCI report noted, there was contradictory intelligence. And is that often the case in a crisis situation that you might get initial intelligence or information that might be contradicted later?

A Of course.

Q Okay. Now, in terms of this process, I assume -- we had talked about an email that you sent on September 18th and it wasn't until 6 days later, according to the HPSCI report, that the initial assessment or the correct assessment, essentially, was finally made. Now, in terms of these assessments, do you have any reason to believe that anyone is doing anything other than his or her best-faith, good efforts to determine the truth and convey that information with regard to what happened?

A No.

Q Did you get any sense that anyone is kind of concealing the truth in order to avoid embarrassment or to perpetuate a false scenario about these acts?

A No.

Q Do you have any evidence that anyone is concealing facts for political advantage?

A Say it again.

Q Do you have any evidence that anyone is concealing the facts that occurred for political advantage?

A Not that I know of.

BY MS. SAWYER:

Q Were you yourself ever pressured into failing to route any particular information to the seniors, or pressured into concealing yourself the fact that you were coming to learn upon which you based your opinion that there had been no reporting of a protest or rioting before the attack in Benghazi?

A You have got to repeat that question one more time.

Q Sure. Were you yourself ever -- well, did you yourself ever fail to pass on information that you learned in the course of -- and I understand you weren't there the night of, so you were not, and just to be clear for the record, you left at 2:00, before the Benghazi attacks started, you were not in any official capacity until the next morning around 6:00 a.m., is that correct?

A That's correct.

Q So you yourself were not a recipient of any of the information that was either coming in on the line or by email, or wherever that information came in during the attacks, is that correct?

A That's correct.

Q So whatever information you then did learn yourself from the time you came in on the morning of September 12th at 6:00 through, let's say September 24th, when the intelligence committee

formally changed their assessment about the protest preceding the attacks, did you ever fail to send on the full and complete information that you received?

A Not that I'm aware of.

Q And were you ever pressured not to just send on everything that you learned and asked to conceal any particular facts?

A No.

Q And do you know of anyone else who was asked to conceal facts or refused to send on --

A No.

Q -- the information?

So I think now we just want to return back to the time on September 11 that you were in the command center, so kind of when your shift started. I assume your shift started that day at 6:30?

A Yes.

Q And ended that day at 2:30, as would have been on September 11?

A The schedule was, but I'm not sure if it ended at 2:30.

Q So roughly sometime that afternoon?

A I'm not sure.

Q Okay. And we did want to talk to you more broadly about -- we have heard a little bit about Cairo from you, and what was happening with Cairo. You had mentioned that you believed that there was also unrest and protests throughout the region, so

we wanted to walk through with you a little bit of that, and get a sense from you as to how widespread that was, what information was coming in. So, if you could just share with us, was Cairo the first --

A So Cairo was the first one that I was aware of as far as having them up on -- as far as us monitoring at the command center. And I'm not sure how much time had lapsed before we heard, I think from Sudan the same thing, you know, mass protests outside, people starting to climb over the wall; a phone call comes in from the RSOs, or Regional Security Officers, sort of discussing, hey, you know, what their security defensive measures were at the time.

You know, they are taking people to the safe havens, whatever the protocols are that they are activating. And our job was primarily notifying now the desk officers for that specific country.

I remember I think Yemen was the next one that all of a sudden started getting protests where, you know -- we had one of the hotels there was transformed into a diplomatic transition center, or I forget what the correct terminology is, but basically where we housed a lot of our employees, and at some point we decided just to completely take over that compound.

There were people protesting outside of that area which we couldn't necessarily see on the cameras because that was away from, you know, any of our camera feeds. But we could see the

embassy in Yemen, for example, and we could see people protesting. And I'm sure there were a couple of other countries but I just don't recall what other ones were --

Q And as the information came in, you said one of the group of individuals you had notified would be the relevant desk officer for Yemen --

A The countries, yes.

Q -- or Sudan, or Egypt --

A Correct.

Q -- for Cairo. Who else to the extent you can give us a sense of the universe of folks you would be shooting information out to, would it be only State Department individuals? Would it also be individuals at the Department of Defense? How broadly does the Diplomatic Security routing go?

A So the way that the routing works, we forward a lot of the information that we want to share with the intel community or other agencies to State operation, and they have embeds, military embeds or, you know, liaison officers that work inside the op center, who then will cable that report to their agencies via their own means, you know, whether it be email, or cable, or whatever, you know, measures they have in place, plus phone calls.

You know, just notifying the different agencies such as, you know, National Counterterrorism Center, for example, would be one. We have an agent that is assigned to the White House situation room that would be sort of relayed over to the White House. We

have an agent that is assigned to DHS, Department of Homeland Security, so we would notify him. So we would basically get the word out to different agencies through our liaison officers as well.

Q And so at that point to the extent you can recall, you and the DSCC during your shift were monitoring at least one, two, three, four, or five different countries where protests were going on. So you guys were juggling, getting all of that information, shooting all of that information out. Is that accurate?

A That's correct.

Q And then presumably all of the people who are receiving it also were simultaneously monitoring as many situations as you all were monitoring, so --

A Of course.

Q -- there was a number of different situations. And you had indicated that -- did you, even though you weren't there, you said you found out about the attacks by being notified by some of your employees. And you then did come into the command center. Do you recall whether you had a sense, and I think you may have indicated this before, whether you initially just even on that night, had a sense with regard to Benghazi as to whether it was unfolding similarly to the other countries earlier that day, deriving from protests?

A In fact, that was my expectation when I showed up. I basically thought it must be the same thing protesters are sort of

carrying on from one country to the next one because there was already a precedent set from the earlier events throughout the day.

So when I came in my expectation was to see that exact thing, mass protests. But like I said, I mean, I was not expecting all the seniors to be sitting in a room. So my attention, instead of being at the cameras or asking people questions, it was more of a, obviously something has gone wrong. You know, do I really need to be here, or do I need to go? And just basically having a discussion with my boss.

But my own personal opinion at the time was definitely, there must be a huge protest that has started in Benghazi, or not actually in Benghazi, but something has gone on in Libya as well. But yes, the first thing that -- first assumption on my part was it must be a protest.

Mr. Woolfork. Agent [redacted], I just want to show you a table from September 11, 2012, and I will enter this as Exhibit No. 4.

[[redacted] Exhibit No. 4
Was marked for identification.]

BY MR. WOOLFORK:

Q And it's a cable from Main State to the American Embassy in Tripoli, as well as to all diplomatic consular posts, and this was sent at 2225 Zulu, which I understand is 6:25 p.m. Eastern.

A And there's a certain paragraph you want me to look at

or, did you want me to read through the whole thing?

Q No, I want to point you to paragraph 2, and then paragraph 3. So that's a good chunk of it, those two.

Ms. Sawyer. And paragraph -- yeah, you said --

Mr. [redacted] I will wait until I hear it.

BY MR. WOOLFORK:

Q Now, just to do some housekeeping, I wanted to point to the bottom of page 2. I'm sorry, the Bates number, the document number is C05391108. Agent [redacted], on the bottom of page 2, it says, drafted by, quote, "DS/TIA/ITA-[redacted]," and quote, "Approved by: SBULTROWICZ." Could you just tell us who or what are DS/TIA/ITA, and [redacted]? Is that a location, or a person, or both?

A I think [redacted] is the name of an individual that is in charge of -- well, I'm not sure he was in charge, but was working in intel and threat analysis directorate.

Q Okay. And where is intelligence and threat analysis director located? It that within --

A It's within the same building where the command center is located.

Q Okay, and then so the intelligence threat analysis is the ITA, and do you know what the TIA is?

A TIA is threat intel analysis. So ITA falls within that. So ITA is a group of analysts that are just focused on making, you know, analytical assessments on documents or information that we get.

Q Okay, you mentioned that DS was in the same building. Was it within like the TIA/ITA structure, or is it --

A The DS command center falls under TIA, which is threat intel and analysis directorate.

Q Okay.

A ITA is another component just like the DS command center within -- underneath the umbrella of TIA, or threat intel analysis. So you have analysts which are under ITA. You have DS command center which is sort of the watch board, the watch center, and then you have PII, which is protective intelligence investigation center, and we have OSAC, Overseas Security Advisory Council, all four components fall under the TIA umbrella.

Q Okay, and then it says approved by SBULTROWICZ. Who is SBULTROWICZ, to your knowledge?

A I guess Mr. Bultrowicz, Scott Bultrowicz, I'm assuming, but I'm not sure if that is Scott or if there is another Bultrowicz there.

Q Okay. Who is Scott Bultrowicz?

A Scott Bultrowicz was director of Diplomatic Security at the time.

Q Okay, so he would have been one of the seniors that would have been at Diplomatic Security?

A Yes.

Q Okay. Now, we understand that you had left at approximately 2:00 p.m. on September 11th, is that right?

A That's correct.

Q And so as I said, this was sent at approximately 6:25 p.m. Eastern. So would you have been or not been aware that this cable had been transmitted?

A I don't recall. I don't remember.

Q Okay.

A But if there was discussions, if there were discussions about this, I might have heard about it. But I don't recall actually reading it, no.

Q And I just wanted to point you to paragraph 2. That paragraph says, quote, "In response to the upcoming release of a controversial film entitled, 'Muhammad's Trial,' hundreds of demonstrators converged on the U.S. Embassy in Cairo on September 11, 2012, with a number of protesters breaching the compound."

And then it continues, the film was allegedly supported by a Pastor Terry Jones who is planning International Judge Muhammad Day. We had talked about the protests in Cairo. You were the senior watch officer at the time. Did you recall this film, or hearing about this film at the time?

A Yeah. Now that I read it, I do recall some of that, yes.

Q And what do you recall about it?

A There was, you know, Steve Jones, the pastor out of Florida that in the previous years he had done things similar to

that, burning the Quran, and we were basically keeping an eye on posts, expecting protests to maybe be related to this as well.

Q And so that previously he had taken steps that were seen as controversial?

A Say that again? He had taken actions that were seen as controversial?

A Oh, you mean Pastor Jones.

Q Pastor Jones?

A Yes, yes, of course.

Q And had that caused a certain reaction in different parts of the world or any type of reaction?

A Yeah, of course. I think we might have lost some servicemen in Afghanistan, I think, during his first trial when he did, you know, burning the Quran.

Q Okay. I just want to point to paragraph 3, just continuing on, quote, "Violent extremist groups could have used Pastor Jones' recent statements and actions as motivation to target U.S. interests overseas. As a precaution against any potential anti-American fallout, posts should consider convening an EAC as appropriate to assess what impact this activity may have on your security environment."

Now, what is an EAC?

A Emergency Action Committee --

Q Okay.

A -- where department heads at posts meet and they

discuss whatever the situation might be, and make -- collectively, they make interagency decisions on what they need to do next.

Q Okay. And so this would have been something basically Main State directing all those at base to take a look at their situation to be sure that they are secure?

A Correct.

Q Okay. Just curious, just looking at the top of page 1 at the top it says SBU-NIACT. Is SBU sensitive but unclassified?

A Yes.

Q What is NIACT?

A I don't remember.

Q Now, at this point when this cable is sent, protesters had breached the U.S. Embassy wall in Cairo, and this cable seems to indicate there was a concern that those types of actions could occur at other posts. Does that seem accurate?

A I'm sorry, you have got to repeat that one more time.

Q Sure. Sir, at this point protesters had gone over the wall in Cairo at the U.S. Embassy, and this cable is sent out expressing concern that some more actions could take place at other posts overseas. Does that seem right to you? Is that what the thrust of that cable was?

A Yes.

Ms. Sawyer. And in fact, it seems to reflect what you expressed is your experience earlier that day, that there had been a breach of the wall and protests in Cairo, and that had been

currently extended into other countries.

Would you say that this kind of seems to reflect your experience of that day?

Mr. [redacted] I think so.

BY MR. WOOLFORK:

Q And based on your own thoughts, do you have any reason to doubt the sincerity of the Department's concerns about violent extremist groups using the film to motivate the targeting of U.S. facilities?

A No.

Q Okay. You know, we talked about the events of the 11th and you had been getting calls from or getting information from a number of posts around the world, particularly in the Middle East, North Africa. Now, you had said that you were the senior watch officer until 2013, is that correct?

A Is that a time you are talking about 2013.

Q The year 2013.

A The year you mean.

Q Not the time.

A Yes, I think so, yes.

Q So in the weeks following 9/11, there were a series of incidents following Cairo, Benghazi, where there were a number of attacks or protests on U.S. facilities, including Tunis, and Khartoum, and Bogota. As senior watch officer were you present during any of those other incidents, do you recall, either those

or other ones that --

A I probably was. I just don't recall which ones specifically.

Q Okay. Do you recall any specifics about any of those other protests or attacks?

A I know that we lost a lot of cars. I know that some of the facilities were damaged, you know, doors burned, that kind of stuff. But I don't necessarily remember which ones. I just remember seeing the pictures of the damage cars at some of the embassies.

Q Do you remember any of the motivations or reasons behind some of those actions, those protests?

A I don't.

Q Okay. Anything regarding like the film that had caused a concern in Cairo?

A You know, I don't remember.

Q Okay. Given that, you know, you said you had recalled some of the attacks, do you think it made sense that at the time that the State Department had sent out the cable kind of warning of other attacks on other facilities?

A Do I think --

Q Do you think it was well-founded that they should have sent a warning calling on --

A My personal opinion, of course.

Q Okay. Now, we had talked about the protests in Cairo,

and you had indicated that you had thought and at least initially in your own opinion, that the protests had -- like the actions in Benghazi had started similar to like protests in Cairo and some of the other posts that had been reported throughout September 11th.

A Are you asking me if that was my opinion?

Q Yeah, is that right?

A My assumption was that --

Q Your assumption was that. Do you recall in terms of your conversations you had said you had -- you were at the gym. You started getting emails from your watch officers. You came back to the DS command center around 10:00 or so --

A Yeah, probably around 10:00.

Q Around that time. And you had kind of saw the seniors in the room and you were focused on the seniors. At that time, do you recall any other conversations where people also had made similar assumptions about the cause of the attack in Benghazi?

A No, I don't recall.

Q Okay. And do you recall, were you involved in some conversations?

A Yeah, I just spoke with the deputy director, [redacted], just primarily, you know, do they need my help? And I mean, the conversation was very short. You know, we pretty much have it at this point. I asked what was going on. They said, "it looks like we have lost the Ambassador. We can't find him." And you know, okay, well, the assumption in my mind was not necessarily anything

had happened to him, was more of maybe he is kidnapped or something when they said we lost him.

So I didn't really know what was going on, and I didn't want to continue asking questions because I didn't want to take him away from his work. So, and he pretty much said, hey, why don't you go home and just come back tomorrow morning.

Q So at that time they were getting a lot of information and so they were trying to analyze that information, and distribute it through the departments as quickly as possible?

A I would assume, yeah. I know that would be the standard protocol.

Q Standard protocol. And when you reported back the following morning on the morning of September 12th, you said you had at 6:00 a.m., or 6:30 arrival, somewhere around that time?

A Somewhere around there.

Q During that day did you have conversations with individuals then about the causes of the attack?

A No.

Q In terms of your responsibility that morning, was it kind of continuing because you had indicated earlier that turnover normally takes 15 or 20 minutes. But that morning, it took a couple of hours?

A It did.

Q So during that time you were trying to get up to speed on what was happening?

A Not necessarily get -- well, yes, part of it was getting up to speed, but the other part was actually convincing people to leave the floor. You could tell there was so much motivation there to sort of continue doing more. I don't remember necessarily if Ambassador Stevens' body had been found or not, but I know there were, you know, there were talks of maybe he being in the hospital, and who is going to go get him? There was a lot of logistical issues of trying to figure out, so there was no time really for us to sit there and discuss, you know, other things.

It was more of trying to convince people, hey, you gotta go home because you have to come back the next morning. It was more focused on the process of the situation, not necessarily focused on the event itself. For the first couple of hours I was trying to get the watch officers to go home.

Q Okay, so you are focused on trying to make sure your people are safe; not focused on kind of the motivations and what initially caused the attack, is that correct?

A That's correct.

Q Now, on September 12th, were you aware that DS had provided an initial assessment on the attacks?

A No.

Q Okay. And then if they were provided an assessment that would be --

A It would be ITA.

Q ITA?

A Right.

Q And that would have be done based on like the best possible information at that point on September 12th?

A Of course.

Q And as we had discussed earlier, initial assessments can change as you receive, and analyze additional ones?

A Yes.

Q Okay.

Ms. Sawyer. We are just going to go off the record.

Mr. [redacted] No problem.

[Discussion off the record.]

Mr. Woolfork. We can go back on the record. Agent [redacted], I just want you to know that we are going to conclude our hour, and then turn it over to the majority for further questions. Thank you, and we will go back off the record.

[Discussion off the record.]

BY MR. GRIDER:

Q Okay. Let's go back on the record. All right, Special Agent, thanks again. We are going to just clarify a few matters and then sort of come to a conclusion so. Just based on your training and experience as a Special Agent, and your understanding of the command center, as a Special Agent, do you operate on instincts, assumption, opinions in a general sense?

A Sure, absolutely.

Q But that's not all you would operate on, correct?

A Correct.

Q What's the other -- you know, would you also operate on facts?

A Of course.

Q Okay. So as a Special Agent, you would, you know, you would have your instincts, but you also wouldn't just sort of report on instincts, or conjecture, or opinions, you would go and investigate that assumption and find facts to support that assumption, correct?

A Correct.

Q So with respect to the DS command center which is probably filled more than likely with agents, would you agree that the DS command center probably would get opinions, assumptions, general thoughts, but would it also go ahead and investigate those assumptions and try to find facts to support those assumptions?

A You mean the command center?

Q The command center?

A No, the command center would not investigate any information. If there's information that is maybe not complete --

Q Correct.

A -- we might go back to the originator and ask them to provide more information, you know, if a report raised more questions then we would, you know, push it back and say, you know, can you help address these questions? But the majority of the time, we would just pass that on to decisionmakers and have them

decide what they need to do. So there is an investigative office that we would forward that to.

Q Fair enough. But with respect to the command center, the information that is coming in, is it fact-based information, or opinion-based information?

A It could be both, yes.

Q Okay, all right, fair enough. So just to be clear, I just want to go back over the Cairo, and your statement, you testified that there was a protest in Cairo based on your review?

A Yes.

Q Okay. And to your knowledge, you don't recall any contradiction regarding intelligence or reporting regarding a protest in Cairo, to your knowledge?

A No.

Q No contradictions on that?

A No.

Q And you testified based on, to your knowledge, and your review, there was no protest in Benghazi, correct?

A Not that I knew of, yeah, correct.

Q And I believe government -- the exhibit 1 was on September 18th that you stated in your response to the AP article, "Can you believe this?"

So on the 18th, you held the position that there was not a protest, is that correct?

A According to this report, yeah. At the time I probably

thought there was no protest prior to the attack.

Q Okay. Very good. And this is just more of a broad question. I think based on my records, and Austin, you may know, I believe the attack started around 4:30, or hang on here, actually I think I had it at 3:42.

Mr. Evers. Eastern time.

Mr. Grider. Yes, Eastern time. Don't hold me to it.

BY MR. GRIDER:

Q So let's say it is around the 3:42, 4:00 time period, Eastern time. You would have, your shift would have been over approximately at --

A An hour before that, yeah.

Q Correct. And just generally, with respect to -- okay, that's -- okay. Briefly, you had mentioned a distinction between a protest and rioting. What was that distinction again, just to be clear?

A So I have been in both in my professional capacity. So in my mind, the way I define protest is where people are basically standing around yelling, chanting, you know, showing their support for this group or that group. Rioting is where things are getting violent, and they are not necessarily obeying law enforcement orders, you know. That's how I see rioting versus protesting.

Q Very good. And what's your definition of an attack?

A An attack is when basically, you know, there's damage or injuries to property or personnel.

Q So there's a difference between a protest in your mind, a riot, and attack, those are three separate, distinct things?

A Well, I mean --

Q That can evolve?

A That's right. They are very, you know, it's very fluent there. I mean, one can lead into the next one very quickly, or it might jump straight from a protest to an attack. I mean, those are very common, so --

Q Fair enough. But in using, in reporting out something, you wouldn't use these interchangeably. If you were making a report, if you saw a riot, you would say there's a riot, correct?

A Right. So I'm looking at what the question was to me from my friend. It says, "Was there any rioting in Benghazi reported prior to the attack?" And in my mind, rioting, again, and I think previously was stated, if there was a protest, would I have said the same thing, yes. But as far as rioting, that's what I was picturing in my mind.

Q Fair enough, fair enough. Absolutely. So based on exhibit 1 at that point in time, it was your conclusion that there was no protest on September 18th. When did you, if you recall, between September 11th or 12th, to the 18th, when did you come to that conclusion that there wasn't a protest or it may have been a riot, when did you come to your own conclusion, if you recall?

A I don't recall to be honest with you.

Q Do you think it could have happened on September 11th?

A No.

Q And do you think it could have happened on September 12th?

A No.

Q But you're confident it happened on September 18th based on --

A My opinion on September 18th was that there was no protest prior to the attack.

Q Okay. All right, I just got one quick email. And I don't know if it is the exhibit --

[[redacted] Exhibit No. 5

Was marked for identification.]

Mr. Woolfork. Five.

Mr. Evers. Five. I think I'm right, 5.

BY MR. GRIDER:

Q Just let me know when you have had an opportunity to review it.

A Okay.

Q Very good. Let's just walk through this briefly. Let's start in reverse order. So start on the second page.

I believe that is how the email came through.

Mr. Evers. Can we identify it for the record?

Mr. Grider. Absolutely. Thank you. Charlie 05389586, email from the DS command center Wednesday, September 12, 2012 at 5:05 a.m.

BY MR. GRIDER:

Q Now, can you just walk us through, you know, the to, the CC, and then the subject line and your understanding of the email? And then we will move to the second page.

A So yes, to the DS seniors, that is the general senior distribution list that I was talking about. So if that was to expand it would have probably anywhere from 10 to 20 or 30 names in there. PII is the Protective Intel Investigations office. ITA is the Intel and Threat Analysis. So those are distribution lists basically that go to everybody within those offices. And then IP is International Programs, which basically oversees the RSOs

worldwide.

Q With respect to the subject line, who comes up with that?

A Oh, we do at the Y center.

Q So that was, the subject line says a terrorism event notification dash Libya?

A Yeah, so what we have is it is called a critical incident notification list and sort of a threshold that you look through and it is basically, you know, if there are certain events that fall within, a bombing, you know, an attack against an embassy where someone claims that it is a terrorist attack or something then we would label it as that as we were sending it out.

You want to have some sort of a subject line so people who are receiving it they can sort of vet it through and figure out what this is related to.

Q So would a protest fall within a terrorism event notification?

A Probably not. It would probably be a protest event notification.

Q It would just be a protest event notification?

A Probably. Probably. Or it might not even say protest. It might just say event notification.

Q Okay. Okay. So whoever, I am not sure at 5:05 a.m. who would have help me there -- that would have been right before

you came in, correct?

A September 12th, so this is the day after, 11th is when it all happened.

Q Yeah.

A So I must have came in early.

Q Okay. So what is your understanding of just can you explain to us just sort of the general parameters of what is being communicated here in this email?

A That the embassy is being evacuated due to ongoing attacks that resulted in the death of 14 mission personnel and three wounded.

Q And whoever wrote this at the DS command center is showing the following terrorism event information for situational awareness. And essentially it says, please contact the DS command center directly for any followup requests for information.

So that would have been really on your watch that after this went out at 5:05 you would have been sort of --

A It would have been our watch, yes.

Q Okay.

A It would have been our shift.

Q Good.

A And the underlined text there that is sort of a pre-made wording that is automatically included, you know, whenever we are sending out mass distribution emails just to make sure people are aware that there might be things changing as they,

you know, new information might come to light.

Q Absolutely. Absolutely. I appreciate you pointing that out.

Okay, let's walk to the next, on page 1, I am not sure if it was cut off or what happened there. The bottom it says, from, it says from you to [redacted], [redacted] and [redacted]. I am not sure if we have --

Mr. Evers. Mine says has the subject on the following page.

Mr. Grider. Right. So I don't know if it is redacted or we can assume that, maybe just forwarded.

BY MR. GRIDER:

Q Okay. Do you recall if you forwarded this information on or?

A It says forward up top so yes probably I did. Right there.

Q And then, I think you have already mentioned who [redacted] is but can you take us through?

A An agent. A DS agent.

Q And where was he at the time?

A You know, I don't remember. He might have already been at National Security Council as a liaison there or, or maybe not. I am not sure where he was at the time. But he could have been anywhere.

Q So he could have been, so these individuals here we don't know exactly but there is a possibility they could have been

liaisons to --

A Not all of them. So for [redacted], I know later on he went to National Security Council. At the time, I am not sure if he had already moved down there or not.

Q Okay. And if you recall -- National Security Council, are they under, they are under the White House?

A Yes.

Q Under the White House?

A Yes.

Q Let me just come back because I have a quick question on that. But. Okay. So let's move to your email sent on Wednesday, September 12, 2012, at 10:20 a.m., subject line terrorism event notification in Libya.

Can you read like just the first two sentences and then we can talk a little bit about it?

A Sure.

"It was a full on attack against our compound in Benghazi. Ambo happened to be visiting from Tripoli with an ARSO and IMO/IPO. Right around midnight when all were getting ready to sleep in their homes within the compound, 20 intruders attacked the compound with small arms fire and RPG's. Assailants started setting the buildings on fire. When Ambo's residence was ablaze, ARSO handed his cell to Ambo and ran to the rooftop to defend position."

Q Okay. Thank you. So I guess first, was this part of

your duties, or can you tell us why you put this email together or --

A I was probably summarizing what had gone on, so basically to help clarify why we were pulling people out of there.

Q And so what was the date on this again?

A It says September 12th.

Q So 10 a.m., 10:20 a.m.

And at that point, your initial email states it was a full on attack against our compound in Benghazi, correct?

A Yes.

Q Where would you have -- I mean what was the basis, do you recall what was the basis of that, you know, of that statement if you recall?

A Probably the, whatever the information I had at the time made me think that.

Q Okay. So if there was a protest, would you more than likely have put that into, you know, protest occurred and then there was a full on attack or --

A Not necessarily because this is basically stating exactly what a DS agent would want to know. They wouldn't care about how it all got to that point.

Q Sure. So, but, you know, you used the term attack as opposed to riot or protest?

A Of course.

Q Fair enough. Okay.

Ms. Clarke. The to on, for this portion of the email is svcSMARTCrossLow, do you recall what that list is for? Who would be the recipient in that particular?

Mr. [redacted]. I am trying to think what SVC is. No. I don't know what that is. I mean, the networks the way they are set up is sometimes when you email something out will automatically get something very similar to this. Smart is just the name of the software so it is just very possible, I don't know what that is to be honest with you.

BY MR. GRIDER:

Q I'm just wondering, DS command center underneath your name, it says DS command center, SWO what does that stand for?

A Senior Watch Officer.

Q Okay. Just briefly, getting back to the different liaisons you had mentioned earlier that there may have been different liaisons from the command center in different agencies?

A Yes.

Q So can you just -- I don't know if I just didn't pick it up in my notes, where were they? Which agencies?

A So a command center at the time had one individual assigned to the White House situation room. They were actually detailed to them.

Q Do you recall who that was?

A No. They have changed. They change every year I think so I don't remember. One person was to homeland security, and

then one individual was assigned to State operations.

Q Who would have been, how would you have communicated to the person at State ops?

A A phone call or an email yes, sir.

Q And how would you have communicated to the person at homeland security?

A Same.

Q And I am going to ask you how would you have communicated to the person at the White House situation room?

A You know the White House situation room, the individual there is detailed to them. So they really work as a White House situation employee per se. So we don't necessarily go to that individual. We directly would forward stuff to the White House anyway. We wouldn't specifically direct it to him.

Q So who would you direct it to?

A To the White House situation room. We just pick up the phone and talk to them, anybody who is there.

Q And so during your time, we will back out, during the month of September, did you have an occasion to communicate with the White House situation room just generally?

A I am sure we did yeah. They would call us very occasionally they would just ask us, hey, what do you have going on, you know, back and forth, just really command centers making sure they are all in synch with what is going on worldwide.

Q Okay. So, during September 11th or September 12th, do

you recall communicating with the White House situation room?

A I don't recall but I am sure I did at some point yes.

Q And during September 11th, September 12th, do you recall communicating with the State ops?

A I don't recall, but I am positive I spoke with them as well.

Q Let me just ask just a general sort of question. In my past life I have worked with a lot of agents and as a former prosecutor I am just wondering if there was a contradiction based on facts, let's say your director of command or the deputy, a [redacted] or a [redacted], and you are were aware of the facts that you received and they were communicating -- I'm taking this away from the attack -- and they were communicating something different, in your position or your job description or just even being a special agent, would you feel an obligation to at least sort of attempt to clarify based on the knowledge that you had?

A Of course.

Q If you had heard or had seen contradictory facts going forward, you would have felt, as a special agent, an obligation to at least clarify based on the knowledge that you had received, is that correct?

A Yes.

Q I am just going the take a broad -- so from September 11th to September 18th, was there ever an occasion that you communicated the facts that how you saw them or what you

observed to anyone else?

Mr. Evers. Do you mean generally or in connection with your last question to correct the different description? I am just not sure if you may need to connect your previous question.

I am sorry, do you understand the question?

Mr. [redacted] Actually if you could repeat it one more time.

BY MR. GRIDER:

Q Okay. So initially I had asked, in your role as a special agent, traveled, done investigations, you gather facts. You may overhear the facts seem to be different from what you observed. You communicated that you felt like this, generally there is an obligation --

A Of course.

Q And it is an environment within DS that you can communicate or sort of speak up and say, hey, this is what I observed, realizing there may be other facts, but this is what I observed, so that is sort of the environment within the command center and within DS, correct?

A Correct. I mean but that is on an individual, right? Some individuals might hold themselves back some may be more outspoken. If you are asking me how would I do it I would be probably outspoken.

Q And that was my assumption.

A Yes, sir.

Q Based on just knowing --

A Yes, sir.

Q How honorable you are and with respect to your role.

I think the minority had sort of raised the issue that there were countervailing facts coming in about the protests and what actually happened.

During that time period, I am just trying to sort of slice from September 11th to September 18th where we at least we have facts here on September 12th you stated it was an attack, obviously September 18 you were clear that it wasn't a protest, there may have been other information that sort of built that statement.

Was there ever an occasion that you gave a briefing or you communicated your opinion to others in the command center or anyone else other than your colleagues on the email?

A You know, I don't recall, but I wouldn't be surprised if I did.

Q I believe in the earlier hour I had raised the point with respect to when you came in on September 12 around 5:30 or 6:00 a.m. I believe you stated that there would have been a briefing or discussions with the new team coming in sort of briefing?

A A turnover.

Q Turnover?

A Yes, sir.

Q I believe you communicated there may have been -- there

would have been notes and information that would have been turned over to you, it wasn't just verbal, but there would have been emails and notes and important documents about what happened the night of. And I can't remember based on my notes if you recall reviewing specific reports and emails about the attack?

A I don't recall to be honest with you.

Q But you do recall being briefed verbally on what happened?

A Of course. Of course.

Q And more than likely you would have received documents about the night that -- what was actually happening in the command center on that night, you would have had those documents?

A Right. And so Benghazi is not itself, you know it is not right so you have to sort of picture all the events that have taken place the day of or the day before. So those folders were not just about Benghazi. It was all the events that were happening, that had already taken place and also ones that were starting to pick up. So Benghazi was probably another folder. There were so many.

Q There would have been a folder?

A It would have been basically information as they were passing it over to us for me to say you know I went in detail and read every single document and every single folder, it would not be accurate.

I am sure there was a lot of verbal you know turnover there,

primarily verbal, and then, hey, there is some documents if you need to go through that and look at it you are more than welcome to come whenever you want when you have time.

Q Right. And so [redacted] was doing the midnight shift?

A Yes, sir.

Q And so he would have briefed, he would have briefed you and possibly given you a folder of information from the midnight shift?

A Possibly.

Q Right. And then either [redacted] -- I can't read my handwriting -- or [redacted] would have more than likely, because they would have been, see, help me --

A Would have taken over.

Q Yeah, they would have been, yeah, so they would have had information that they would have turned over to [redacted] and [redacted] whether it be verbal or documentary then [redacted] would have turned over verbal and documentary information concerning the attacks, emails, what was going on and various information of that nature, is that correct?

A Correct.

Q Can we go off the record?

[Discussion off the record.]

Mr. Grider. Well, Special Agent, I really do appreciate your time. The chairman appreciates you coming in and giving us your

best recollection and the facts and I talked to Counsel Austin and he has relayed to me about just how honorable and respectful you are about your job and the service that you have with the State Department and I do appreciate that.

I have worked with a number of agents and a number of investigations. I do appreciate your service, your time, and what you did during the attacks and prior to the attacks and what you are doing now.

So on behalf of the committee, we truly do appreciate your time here, and I just want to say thank you.

Mr. [redacted] Thank you?

Mr. Evers. Thank you. I appreciate it.

[Recess.]

BY MR. WOOLFORK:

Q We will go back on the record. It is 12:48.

As I mentioned again my name is Brent Woolfork.

I am joined by my counsel Heather Sawyer, and I just want to start by going back to Exhibit 5.

Exhibit 5 is an email. At the top of page 1 that is initially on September 12 from you at 12:30 p.m. to a list serve which was discussed in the previous hour by the majority. And I just wanted to ask you about the originating email which is on page 2 that was from the DS command center and sent Wednesday, September 12, 2012, at 5:05 a.m.

And in terms of the recipients of that, there is a number of

listers that you were identifying earlier. And during our previous hour we had talked about the structure of DSCC, we talked about threats intelligence analysis TIA and then intelligence threats analysis ITA and the different roles. And previously you indicated that ITA is analysts that look at events and the threat information. So is it correct that those analysts in IT would have received this event notification?

A Yes.

Q And now you had also indicated that the underlying portion at the bottom of the email is a standard signature that is always included in these sorts of notifications is that correct?

A That is correct.

Q And so it says, sir, in the second sentence, the information contained in this report is provided only for immediate situational awareness.

Is that what you meant by you are providing information in this that is necessary for RSOs, the regional security officers, to carry out their work?

A So information for situational awareness, is that the part you're talking about?

Q Yes.

A Yes. It is whoever we are sending this to is really for situational awareness as to what is going on. But situations may evolve and, you know, we might end up sending them an update or so, yeah.

Q And then actually the next sentence additional reports may follow updating --

A Correct.

Q Correct information if necessary. So that is kind of the updates. So this information --

A Sort of raw data is what we sent out.

Q Raw. And as we discussed previously this raw data can evolve or change as more information is collected and analyzed, is that right?

A That is correct.

BY MS. SAWYER:

Q And then to the extent you indicated the folks in ITA would be the analysts and they would be responsible for collecting and analyzing the range of information that might be coming in?

A Yes.

Q And they are on this list. So to the extent they were creating an assessment in the days immediately following including on September 12?

A Yes.

Q They would have certainly seen this and either incorporated it or you know --

A Or been aware.

Q Or been aware of it at least?

A Yes.

BY MR. WOOLFORK:

Q You mentioned, Agent [redacted], I just wanted to ask you a series of questions and so the committee has been looking at various allegations that have come up for the past 3 years or so and so we don't necessarily in the minority believes the allegations are true but we have been asking them of every witness and so you may or may not have information about these allegations, and if you don't we can just move on to the next one.

So I am going to kind of read through this and ask you a series of questions.

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 that Secretary Clinton personally signed an April 2012 cable denying security resources to Libya?

A No.

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

A No.

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

Do you have any evidence that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Qadhafi to his own people in order to garner support for military operations in Libya in spring of 2011?

A No.

Q It has been alleged that the U.S. Mission in Benghazi included transferring weapons to Syrian rebels or to other countries.

A bipartisan report issued by the House Permanent Select 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.

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 were temporarily delayed from departing the annex to assist the Special Mission Compound, and there have been a number of allegations about the cause of and the appropriateness of that delay.

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

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

A No.

Q Putting aside whether you personally agree with the 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 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 in the State Department removed or scrubbed damaging documents from materials that were provided to the ARB?

A No.

Q Do you have any evidence 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 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 faithfully performed our duties in accordance with the highest standards of objectivity and nonpartisanship.

Do you have any evidence that the 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 the facts about the Benghazi attacks on the Sundays talk shows?

A No.

Q It has been alleged that the President of the U.S. 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 AWOL as Commander in Chief or missing in action on the night of the attacks?

A No.

Q It has been alleged that a team of four military personnel at Embassy Tripoli on the night of the attacks who were considering flying on the second plane to Benghazi were ordered by their superiors to stand down, meaning to cease all operations.

Military officials have stated that those four individuals were instead ordered to remain in place in Tripoli to provide security and medical assistance in their current location.

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

Do you have any evidence to contradict the conclusion of the House Armed Services Committee that there was no stand down order issued to 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 Congressman McKeon's conclusion?

A No.

Q Do you have 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 Agent [redacted], I would like to thank you very much and that concludes our questions. I appreciate it. Off the record.

[Whereupon, at 1:00 p.m., the interview was concluded.]

pg 11 no phone — NO PORN / FOREIGNERS

[redacted] 02/05/16

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: Tuesday, September 18, 2012 1:16 PM
To: [redacted]
Subject: RE: WHITE HOUSE SEES NO SIGN LIBYA ATTACK PREMEDITATED

Zip, nothing nada

[redacted]
DS Command Center - SWO
Comm - 571-345-3146

SBU

This email is UNCLASSIFIED

From: [redacted]
Sent: Tuesday, September 18, 2012 1:15 PM
To: [redacted]
Subject: RE: WHITE HOUSE SEES NO SIGN LIBYA ATTACK PREMEDITATED

Captain Command Center [redacted]-

Was there any rioting in Benghazi reported prior to the attack?

[redacted]

[redacted]
Special Agent
Diplomatic Security Service

Site Security Manager Program Coordinator
OBO/CFSM/SM/SSO (SA-6)
desk 703-516-1925

From: [redacted]
Sent: Tuesday, September 18, 2012 1:14 PM
To: [redacted]
Subject: FW: WHITE HOUSE SEES NO SIGN LIBYA ATTACK PREMEDITATED

Can you believe this ?

[redacted]
DS Command Center - SWO
Comm - 571-345-3146

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.

Subject: WHITE HOUSE SEES NO SIGN LIBYA ATTACK PREMEDITATED

White House sees no sign Libya attack premeditated

WASHINGTON (AP) -- The White House says it doesn't have any indication that last week's deadly attack on the U.S. consulate in Benghazi, Libya, was premeditated. But White House spokesman Jay Carney says the matter still is under investigation and that assessment could change.

Carney said that, so far, there is no evidence to back up claims that the attacks that killed four Americans, including the U.S. ambassador to Libya, were planned. He said the violent protest appears to have been sparked by an anti-Islam film made in the U.S.

Carney says investigators will "follow the facts wherever they lead." He says the goal is to find out what happened and why, and to track down those responsible for the deaths.

The Libyan president has contended foreign militants plotted the attack for months.

SBU

This email is UNCLASSIFIED

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

EXHIBIT 2

REVIEW

of the

TERRORIST ATTACKS ON U.S. FACILITIES

IN BENGHAZI, LIBYA, SEPTEMBER 11-12, 2012

together with

ADDITIONAL VIEWS

January 15, 2014

SENATE SELECT COMMITTEE ON INTELLIGENCE

United States Senate

113th Congress

APPENDIX I: The Benghazi Talking Points

On September 15, 2012, the CIA provided the HPSCI and the SSCI with unclassified talking points for Members' use in media and public statements regarding the September 11, 2012, terrorist attacks in Benghazi, Libya. The talking points were requested by the HPSCI during a meeting with then-CIA Director Petraeus on Friday, September 14, 2012. As made clear by 100 pages of emails released by the Obama Administration on May 15, 2013,[136] the talking points were then also provided to U.S. Ambassador to the UN, Susan Rice, in her appearances on several television talk shows on Sunday, September 16, 2012. The contents of the talking points and Rice's comments in her public appearances generated significant controversy, including in Congress. As discussed in more detail below, the SSCI devoted considerable staff time and held three closed briefings for Members to address the Benghazi talking points issue.

The final, unclassified version of the CIA talking points, as provided to HPSCI on September 15, 2012, read as follows:

> **—The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US diplomatic post in Benghazi and subsequently its annex. There are indications that extremists participated in the violent demonstrations.**
>
> **—This assessment may change as additional information is collected and analyzed as currently available information continues to be evaluated.**
>
> **—The investigation is ongoing and the US Government is working with Libyan authorities to bring to justice those responsible for the deaths of US citizens.**

[136] ABC News, "White House Benghazi Emails," accessed December 3, 2013, http://abcnews.go.com/images/Politics/white-house-benghazi-emails.pdf

EXHIBIT 3

U.S. House of Representatives
Permanent Select Committee on Intelligence

Investigative Report on the Terrorist Attacks on U.S. Facilities in Benghazi, Libya, September 11-12, 2012

A report by Chairman Mike Rogers and Ranking Member C.A. Dutch Ruppersberger of the Permanent Select Committee on Intelligence

U.S. House of Representatives
113th Congress
November 21, 2014

Executive Summary

The House Permanent Select Committee on Intelligence ("HPSCI" or "the Committee") conducted a comprehensive and exhaustive investigation into the tragic attacks against two U.S. facilities in Benghazi, Libya on September 11-12, 2012. The nearly two-year investigation focused on the activities of the Intelligence Community ("IC") before, during, and after the attacks. During the course of thousands of hours of detailed investigation, HPSCI reviewed thousands of pages of intelligence assessments, cables, notes, and emails; held 20 Committee events and hearings; and conducted detailed interviews with senior intelligence officials and eyewitnesses to the attacks, including eight security personnel on the ground in Benghazi that night.

This report details the findings and conclusions of HPSCI's investigation. In summary, the Committee first concludes that the CIA ensured sufficient security for CIA facilities in Benghazi and, without a requirement to do so, ably and bravely assisted the State Department on the night of the attacks. Their actions saved lives. Appropriate U.S. personnel made reasonable tactical decisions that night, and the Committee found no evidence that there was either a stand down order or a denial of available air support. The Committee, however, received evidence that the State Department security personnel, resources, and equipment were unable to counter the terrorist threat that day and required CIA assistance.

Second, the Committee finds that there was no intelligence failure prior to the attacks. In the months prior, the IC provided intelligence about previous attacks and the increased threat environment in Benghazi, but the IC did not have specific, tactical warning of the September 11 attacks.

Third, the Committee finds that a mixed group of individuals, including those affiliated with Al-Qa'ida, participated in the attacks on U.S. facilities in Benghazi, although the Committee finds that the intelligence was and remains conflicting about the identities, affiliations, and motivations of the attackers.

Fourth, the Committee concludes that after the attacks, the early intelligence assessments and the Administration's initial public narrative on the causes and motivations for the attacks were not fully accurate. There was a stream of contradictory and conflicting intelligence that came in after the attacks. The Committee found intelligence to support CIA's initial assessment that the attacks had evolved out of a protest in Benghazi; but it also found contrary intelligence, which ultimately proved to be the correct intelligence. There was no protest. The CIA only changed its initial assessment about a protest on September 24, 2012, when closed caption television footage became available on September 18, 2012 (two days after Ambassador Susan Rice spoke), and after the FBI began publishing its interviews with U.S. officials on the ground on September 22, 2012.

Fifth, the Committee finds that the process used to generate the talking points HPSCI asked for—and which were used for Ambassador Rice's public appearances—was flawed. HPSCI asked for the talking points solely to aid Members' ability to communicate publicly using the best available intelligence at the time, and mistakes were made in the process of how those talking points were developed.

EXHIBIT 4

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

SBU - NIACT
State 92809

SUBJECT: Security Advisory - Cairo Protestors' Reaction to Controversial Film and Pastor Terry Jones Internet Event.

1. (U) This cable contains an action request. Please see paragraphs three and four.

2. (SBU) In response to the upcoming release of a controversial film entitled "Muhammad's Trial," hundreds of demonstrators converged on the U.S. Embassy in Cairo on September 11, 2012, with a number of protestors breaching the compound. This film, clips of which have recently appeared on YouTube, was reportedly produced by U.S.-based Egyptian Coptic Christians allegedly with the support of Pastor Terry Jones. Jones has also scheduled an "International Judge Mohammed Day" in Florida for the evening of September 11, 2012. Jones reportedly stated he would "symbolically put the Prophet on trial and play it out over the internet."

3. (SBU) Violent extremist groups could use Pastor Jones' recent statements and actions as motivation to target U.S. interests overseas. As a precaution against any potential anti-American fallout, posts should consider convening an EAC as appropriate to assess what impact this activity may have on your security environment. You should review the security posture for both official and private U.S. interests and determine what actions need to be taken to counter any potential threat -- to include requesting host government security support as appropriate. EACs should carefully review internal and external procedures for mobs and possible attacks and consider conducting drills to reinforce the necessary security measures to be taken in the event of a serious incident.

4. (U) If the need exists to provide general information to private U.S. citizen communities, please use language in existing consular information program documents, specifically the Worldwide Caution. Post is reminded that CA/OCS must clear on Emergency Messages and Security Messages. CA/OCS is available 24/7 through the Operations Center.

5. (SBU) The Department will continue to ensure that you are informed immediately of any threat information that may affect your security environment.

6. (U) Minimize considered.
CLINTON

UNCLASSIFIED

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APPROVED BY: DS:SBULTROWICZ
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TAGS: ASEC, PTER, CASC

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EXHIBIT 5

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

[redacted]

From: [redacted]
Sent: Wednesday, September 12, 2012 12:30 PM
To: svcSMARTCrossLow
Subject: FW: (SBU) Terrorism Event Notification - Libya

[redacted]
DS Command Center - SWO
Comm - 571-345-3146

This email is UNCLASSIFIED.

From: [redacted]
Sent: Wednesday, September 12, 2012 10:20 AM
To: svcSMARTCrossLow
Subject: RE: (SBU) Terrorism Event Notification - Libya

It was a full on attack against our compound in Benghazi. Ambo happened to be visiting from Tripoli with an ARSO and IMO/IPO. Right around midnight when all were getting ready to sleep in their homes within the compound, 20 intruders attacked the compound with small arms fire and RPG's. assailants started setting the buildings on fire. When Ambo's residence was ablaze, ARSO handed his cell to Ambo and ran to the rooftop to defend position. When he returned IMO/IPO had passed away from smoke inhalation and the Ambo was missing. [redacted] responded from a nearby compound to assist but they had to return for reinforcements and extra equipment. During their second attempt they were able to get our guys out of dodge. Later they received a phone call from the ARSO's cell (which was in Ambos possession) and eventually tracked it down to a nearby hospital. Ambo was KIA. So far we have Two DOS KIA, two DS agents wounded but in stable condition, three [redacted] Security guys KIA. Fast team and MSD are on their way to support.

[redacted]
DS Command Center - SWO
Comm - 571-345-3146

This email is UNCLASSIFIED.

From: [redacted]
Sent: Wednesday, September 12, 2012 7:10 AM
To: [redacted]
Subject: Re: (SBU) Terrorism Event Notification - Libya

Thanks [redacted]

From: [redacted]
Sent: Wednesday, September 12, 2012 12:34 PM
To: [redacted]

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

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

Subject: Fw: (SBU) Terrorism Event Notification - Libya

From: DS Command Center
Sent: Wednesday, September 12, 2012 05:05 AM
To: DSCC_C DS Seniors; DSCC_E TIA/PII; DSCC_E TIA/ITA; DS-IP
Cc: DS Command Center; DSCC_Management_Team
Subject: (SBU) Terrorism Event Notification - Libya

ALCON:

The DS Command Center is sharing the following terrorism event information for your situational awareness. Please contact the DS Command Center directly for any follow-up requests for information.

As of 0500 EST the U.S. Mission in Benghazi has been evacuated due to ongoing attacks that resulted in the death of 4 Chief of Mission personnel and 3 wounded. At this time everyone has been evacuated to Tripoli and is awaiting further movement.

This is an initial terrorist incident report from the DS Command Center. The information contained in this report is provided only for immediate situational awareness. Additional reports may follow, updating and correcting information, if necessary. Please protect accordingly.

DS Command Center

SBU
This email is UNCLASSIFIED.

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
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INTERVIEW OF DIPLOMATIC SECURITY AGENT #17

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, AUGUST 21, 2015

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

MARK GRIDER, *Deputy General Counsel*
CARLTON DAVIS, *Investigator*
SARA BARRINEAU, *Investigator*
SHERIA CLARKE, *Counsel*
SUSANNE SACHSMAN GROOMS, *Minority Staff Director/General Counsel*
RONAK DESAI, *Minority Counsel*

FOR THE U.S. DEPARTMENT OF STATE

AUSTIN EVERS, *Senior Advisor*
LAURA DECK, *Attorney-Adviser*

Ms. Barrineau. 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?

Ms. [redacted] My full name is [redacted].

Ms. Barrineau. Thank you. The committee appreciates your appearance at this interview.

Good morning. My name is Sara Barrineau with the committee's majority staff.

And I will ask everyone else at the table to introduce themselves.

Ms. Clarke. Sheria Clarke with the majority staff.

Ms. Sachsman Grooms. I'm Susanne Sachsman Grooms from the minority.

Mr. Desai. Ronak Desai with the minority staff.

Mr. Grider. Mark Grider with the majority.

Mr. Davis. I'm Carlton Davis. I work with Mr. Gowdy.

Mr. Evers. Austin Evers, State Department.

Ms. Deck. Laura Deck, State Department.

Ms. Barrineau. Thank you. Before we begin, I would like to go over the ground rules and explain how the interview will proceed. Generally, the way the questioning has proceeded 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 of the committee or 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.

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 encountered in the past, but I want to make sure you are clear on the process.

This session is to begin as unclassified. If any question calls for a classified answer, please let us know, and we will reserve its answer until we move into a classified setting. And based on my preparation for today, I don't anticipate that. But if you feel like it's classified, let me know, and we will save it. We have space available if we need it.

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 this opportunity.

We would like to take a break whenever 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, use of the facilities, or 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 comfortable 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 am going to ask the reporter to please feel free to jump in if you respond nonverbally.

Do you understand?

Ms. [redacted] Yes.

Ms. Barrineau. Also, we should both try not to talk over each other so it's easier to get a complete 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 just let us know. We will be happy to clarify. And the official reporter should feel free to jump in if you didn't get something, or we are talking over each other.

If you honestly don't know the answer to a question or do not 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 that. And please inform us who to the best of your knowledge may be able to provide a more complete answer to the question.

You are required to answer questions from Congress truthfully. Do you understand that?

Ms. [redacted] Yes.

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

Ms. [redacted] Yes.

Ms. Barrineau. Witnesses that knowingly provide false testimony could be subject to criminal prosecution for perjury or for making false statements. I know you understand that, but do you understand that?

Ms. [redacted] Yes.

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

Ms. [redacted] No.

Ms. Barrineau. Okay. That's the end to my preamble.

Do you guys have anything?

Okay. The clock is 10:07, and we will start the first hour.

EXAMINATION

BY MS. BARRINEAU:

Q Agent [redacted] thank you again for coming today. And I just want to let you know, we want to make this as easy and painless

and not stressful as possible. So we just want to get the facts as you remember them and kind of fill in some holes. And then we will be done.

Can you tell us about your professional background before you joined DS and the State Department?

A Before I joined DS?

Q Yes, ma'am.

A I worked for a small sheriff's office [redacted].

Q When did you join Diplomatic Security?

A In 1997.

Q Wow. Can you tell us about your assignments within DS once you joined.

A Initially I was in the [redacted] field office. And I was encouraged do go to the Mobile Security Division, which I joined them shortly thereafter completing the regular academy and the courses.

From there, I was assigned to [redacted]. From there, I went to [redacted]; and then [redacted]; and then [redacted]; back to [redacted]; and then [redacted]; Benghazi; [redacted], for a short period. And I [redacted]. And now I'm currently at the [redacted].

Q So when do you get your tour in Paris? Because you have hit all of the hot spots once and sometimes twice.

A Maybe after the [redacted].

Q Maybe. Sounds like they owe you a little bit.

How do you wind up in Benghazi? Did you get recruited? Did you volunteer?

A At that time, [redacted]. And from there, we went to [redacted]. And we managed [redacted] affairs from [redacted] for a short, brief period. Then I came back, and I was in D.C. And they were looking for volunteers for Benghazi. And I didn't have like a job at that point, so I went to Benghazi.

Q And you hadn't seen Libya. It's the only place you hadn't seen in that part of the world.

Do you remember what the timeframe was when you were in Benghazi?

A I was there April until the end of May.

Q 2012?

A 2012.

Q Okay. And so, at that point, you had already had MSD training because you told us about that early in your career. Did you have to do any more high-threat training before you went to Benghazi? Or I suspect you'd probably had all that before all of your posts.

A I had all that. In preparation of going to [redacted] you have high-threat training.

Q Right. So when you arrived in Benghazi in April of 2012, how many other agents did you have with you when you got there that were already on the ground?

A One.

Q Just one?

A Yes.

Q Did you turn over with anyone? Or had that agent been by themselves before you got there? Do you remember? That's a tough one.

A I don't remember how long. But prior to my arriving, I know that [redacted] had been there because we had corresponded.

Q Right. What was your understanding of the security situation in Benghazi before you got there?

A Well, it was in transition.

Q Was it what you expected when you got there, once you landed?

A Each post is different. So I don't know that I had any expectations of -- each post is different.

Q Fair enough.

A So when I get there, I just --

Q Take what you have.

So you got to Benghazi. And you left from the airport. And you went to the Special Mission Compound. What did it look like?

A It looked like a normal housing compound, like a normal -- you know, like somewhere you would live here.

Q Did it look like, based on your experience in a lot of other -- I will say high-threat embassies, even though I know that that term has been used more post-Benghazi. Did it look like what you were used to in other high-threat-type posts in terms of the physical security of the compound?

A Well, I opened [redacted]. So [redacted] is very similar to Benghazi.

Q Okay.

A It was just a cluster of homes. In [redacted], we lived on an open street.

Q Oh, wow. So knowing what you know about [redacted] did the security in Benghazi -- the physical security of the compound make you uneasy, nervous, or is it kind of what you were expecting for a post that was in transition and relatively new?

A I wouldn't say that. I mean, because you have to factor in all of the -- I mean, there's so many variables that go into that so I don't think that I could --

Q Were there any -- let's go this way then. Were there any glaring holes in the physical security that you noticed after your arrival? Things that you wanted to upgrade or that you didn't think were sufficient.

A Yes.

Q Like what?

A The IDNS. The duck-and-cover alarm system was not functional. We were in the middle of a fence, you know, an exterior external fence project. The lighting needed to have some adjustment. The cameras needed to have some adjustment.

Q Once you noticed these things that needed adjustments or upgrades or just more, what was kind of the mechanism for you to be able to do that? Or was there an established way to go about getting those things done?

A What is that?

Q Well, you said the cameras needed adjusting and the lights needed adjusting and you were in the middle of a fence project. So, for example, with the lights and the cameras, is that something you

could do at post yourself?

A No.

Q So did someone need to come do that for you?

A Yes.

Q Did they come in a reasonable amount of time? And were they able to fix it?

A Yes.

Q So they got the lights fixed and the cameras fixed?

A Yes.

Q And the IDNS fixed?

A Yes.

Q And then can you tell us a little bit about the fence construction project.

A The original design or what we call a scope of work had been outlined. And there was a decision prior to my arrival that the scope of work would be modified. And the fence was completed during my time. And it was completed to the specification outlined by the RSO in Tripoli.

Q And were you satisfied with it? You can be honest.

A It was better than it was.

Q Okay.

A So it was an improvement.

Q What did you wind up with?

A Portions of the initial project had been completed. So in some areas of the compound, there was an internal chain link fence

topped with wire. And the modification was to focus on the concrete exterior fence, and that fence was topped with wire. Does that make sense?

Q I think so, yes.

Was it a smooth construction process? I mean, were you using local workers? And was that a smooth process?

A Yes. The company was responsive. And as with any project, it moved at the pace that it would move.

Q I like that.

Was there any way for you to vet the workers that were working on the compound? Or were you just having to essentially take what you could get in that environment?

A We weren't inundated with a large number of workers. It was only a few workers and they were the same workers, to the best of my recollection. And these are the folks that would have been brought on before my time. So, in terms of vetting, I can't respond. I don't know.

Q Understood.

So you said that the fence was built to the specifications of the RSO in Tripoli?

A Yes.

Q Was your chain of commend -- when you were the RSO in Benghazi -- did you go through Tripoli, or did you report straight back to D.C.? Or a little bit of both?

A A little bit of both.

Q So I assume in Tripoli you were reporting to -- was it [redacted] at the time?

A Yes.

Q Who in D.C. would you have been dealing with?

A [redacted]

Q In International Programs?

A Yes. He was the desk officer.

Q Was he who you had worked with for the construction and the upgrades and all those sorts of things, to at least make the requests? Or no?

A No.

Q Okay. Who were you making security upgrade requests through?

A [redacted] was my point of contact regarding the fenced compound.

Q Okay. All right. Let's shift gears just a little bit.

What was the security profile like to move -- I think the principal officer most of the time you were there was [redacted]. Is that right?

A Yes.

Q So when you would do movements with her, how many agents and cars did you have at your disposal to be able to move around the city?

A Around the city? The local movements?

Q Uh-huh.

A Typically it was one agent. And the February 17th folks

would accompany.

Q As part of the security?

A Yes.

Q So you said when you got there you had one other agent with you.

A Yes.

Q Did that increase, decrease? Was that about average while you were there?

A It increased.

Q Do you remember the most -- the highest number of agents you had?

A We were a total of three.

Q And that was the most --

A The most.

Q -- you ever had.

A Uh-huh.

Q Did you feel like that was sufficient to be able to run the facility day to day and do movements with Ms. [redacted]?

A To do the day-to-day, we were able to manage with three. But that was the bottom number. Anything less than that would have been extremely difficult to keep everything running.

Q Would more than three have been helpful?

A Much.

Q Did you make that request for extra bodies while you were there?

A Yes.

Q And who did you make that request to?

A [redacted]

Q And what was the response that you got?

A There were issues with finding volunteers.

Q Did [redacted] or [redacted] in Tripoli ever offer, suggest people from Tripoli come in to assist and plus up the numbers? Or no?

A At some point, there was -- I asked, and we did have three gentlemen from Tripoli come down to help.

Q But they didn't stay? That was just --

A They did not stay.

Q -- temporary?

A Uh-huh.

Q You mentioned local movements inside the city. With only three agents, were you able to do any movements outside the city?

A I can't recall if we -- I had -- I can't remember if our second trip -- I can't remember how many were on the second trip. The first trip I can remember outside of the city.

Q So you were able to go outside of the city?

A Yes.

Q And how did that work? Did you leave somebody back at the compound and then take an agent or two?

A Yes. We left two at the compound because remember I had asked for additional support --

Q Right. Okay.

A So there were two left at the compound. And there were four American personnel, not including [redacted], the principal officer, on the trip.

Q And it went okay? That seemed like sufficient resources?

A Yes. Given that moment in time.

Q Understood.

Did Ms. [redacted] -- was she generally cooperative in terms of, if you made a security assessment and said, you know, oh, we can do this, or we can't do this, or we shouldn't do this, did she usually defer to your security expertise?

A Yes.

Q Did you ever have to say, "No, ma'am, I'm sorry, we can't make that movement or we can't do whatever"?

A I cannot remember. But given what might have been going on on a particular day --

Q I understand. And I know we are asking you about something that was 3 years ago.

A I cannot remember.

Q Okay.

Let's talk about the security in Benghazi, the security situation in Benghazi and kind of as a city.

I know right before you left, I think, the Red Cross was bombed. But were there any other major security incidents in Benghazi while you were there?

A Yes.

Q Can you tell us about those.

A I cannot remember the dates.

Q That's fair.

A Or which came first.

Q That's fine.

A There was a bombing at the courthouse.

Q Okay.

A Or at some sort of a government building.

Q Right.

A To be clear, a Libyan Government building. And there was -- I want to say something happened with the U.N. where they had -- they call it a gelatina. It's a small pressed explosive that they use for fishing. So they throw it into the pond. It explodes, and the fish float to the top.

Q That's one way to catch fish.

A Yes. There was an incident I think involving the U.N. where someone tossed that at one of their arrivals or departures at a venue. But it wasn't anything serious. No one was hurt.

Q Did you ever feel like those were targeted at Western interests? Or did they just seem to be fairly random, based on how security was in Benghazi at the time?

A I don't know.

Q That's fair.

I'm sorry. I'm skipping around. But let's go back to the

compound.

At the special mission ground, you had the Blue Mountain Group that was the local guard force and the February 17th Brigade kind of serving as like a QRF response, right?

A Yes.

Q So with the Blue Mountain Group, did they function -- you have had a lot of experience at other embassies. Did they function like other local guard forces that you were accustomed to?

A In most other posts, when I have arrived, the guard force program has been in place for some time.

Q Right.

A Finding Libyans that would work at what I would consider an American ethic or standard was -- it was something that needed to be learned by them, what our expectations were. So it did take some time for them to comprehend, you know, our expectations and then, you know, for them to be what I would consider, you know, productive members of our security.

Q So what were your expectations for the Blue Mountain Group?

A In terms of --

Q What was their job? And what did you expect them to do? Let's say in the event of an attack.

A To hit the duck and cover.

Q And after spending some time with them, were you confident that they would at least do that?

A Yes.

Q Did you -- I hesitate to use the word "trust." But did you trust the members of the Blue Mountain Group that were on the compound to be loyal to you in that they would help the problem instead of make the problem worse?

A You know, you never know those things. You never know. You can never fully trust or -- I'm sorry to say. But you cannot fully trust or believe, you know, until the incident occurs as to what the individual may or may not do.

Q Was that specific to Benghazi? Or do you feel that way in most of your posts?

A Most of the posts.

Q Let's go the same route with the February 17th. What was their role in the event of an incident or an attack?

A Their role was a lot more engagement and participation in terms of -- in terms of -- because they were armed. The local guard force was not armed.

Q So they would just push the IDNS and duck and cover and they would do whatever. And the February 17th was supposed to help respond?

A Yes.

Q What did you know about Feb. 17th's training? Or did you and your agents help train them?

A We had three -- like I said, we had three persons that came from Tripoli. And that was a great opportunity for us to expand the training program, which we took advantage of that and did.

Q Were you confident that Feb. 17th, in the event of an

incident, would respond as you expected and assist?

A I think "hopeful" would be a better word than "confident."

Q Okay. For both Blue Mountain Group and Feb. 17th, did you have any say in the selection of who was there or an ability to vet them? Or were they just being provided and whoever is there is who you had?

A In most contract arrangements with the local guard force program, if there is an individual that is not performing at, you know, the standard we believe, we do have the ability to meet with the company manager and to request that that person -- you know, they still can work for the company but they may not be employed by -- you know, be physically working with us.

Q Did you have any problems like that?

Ms. [redacted] During my time, there was one gentleman that was sleeping, and he was released. Okay. That was Blue Mountain.

BY MS. BARRINEAU:

Q Okay. Then did you have any issues with the Feb. 17th --

A I did not.

Q -- members?

Okay. So back to the Blue Mountain Group. And, again, I know this is 3.5 years ago.

Do you remember while you were there -- I think it happened before you got there, but it came to light while you were there -- about a Blue Mountain employee who had left and it turned out later might have been dirty, for lack of a better word, and working against -- maybe not loyal to the Americans and was causing some problems.

Do you remember any of that?

A I don't recall any of the specifics. Just prior to my arrival, though, there was -- the gelatina was thrown over -- I guess over the fence or the wall. And there had been employee issues prior to my arrival. And they suspected that maybe that was the person who had thrown -- you know, a disgruntled employee had thrown the gelatina over the wall.

Q But that's all you really remember about that?

A That's all I remember.

Q Did the local guard force come with all the equipment they

needed? Or did you have to provide additional equipment for them?

A I don't recall.

Q Do you recall having --

A They had uniforms. They had radios.

Q Okay.

A I cannot remember.

Q That's okay.

Let's do it this way. Refreshing is a little bit easier than just having to completely remember.

Do you remember having to ask for additional helmets and vests because they were sitting in cars that I guess small arms fire would occasionally hit?

A I don't remember.

Q That's okay.

A But I would have if it was needed. I don't remember.

Q That's okay.

A I will need to get my glasses.

Q Okay. That is fine.

[Discussion off the record.]

Ms. Barrineau. For the record, this is an email chain. It's a State Department Document C, as in Charlie, 05474497.

[[redacted] Exhibit No. 1

Was marked for identification.]

BY MS. BARRINEAU:

Q And the last email is an email from [redacted] to

[redacted] and [redacted].

So I just want to start midway down the first page. It says, quote: "[redacted] we could definitely use the vests and helmets. Our nightly celebratory fire penetrated the roof of one of the Toyotas. It did not go through the headliner but did enter the metal. The guards and all mission personnel have been instructed to seek cover when the shooting begins. The vehicles are the only cover we have at two gates, so the helmets would be extremely valuable to Benghazi. [redacted]," end quote.

Do you recognize this document?

A Yes, ma'am.

Q Do you sort of remember this document --

A Yes.

Q -- from 3 years ago?

So could you tell us about getting the vests and the helmets for the guards and kind of what happened.

A I can't remember if we got them. I'm sorry. I don't know.

Q That's okay. So you don't remember if you got them. You obviously made the request here, but you don't remember --

A I don't remember.

Q Okay.

Let me ask you this then. I totally understand why you might not remember that from 3.5 years ago.

Would the person -- would they have come from [redacted] -- meaning, if we asked [redacted] that question, would he maybe be able to know

if the request was granted?

Mr. Evers. If you know.

Ms. [redacted] I don't know.

BY MS. BARRINEAU:

Q Okay. Did you make any other equipment requests or upgrade requests that you remember?

A I can't remember.

Q What about staffing requests? I know you said that you asked for additional staff. Can you tell us a little bit about that?

A Well, we were never at full complement or the full number that we were authorized.

Q Which was --

A Five.

Q And what was the reason you were given for why you were never at five?

A No volunteers.

Q Would there have been an ability -- and you may not know this, so if you know -- would there have been an ability to voluntold, to send people without, or was it solely based on volunteers at the time?

A I don't know.

Q But the reason you were given was, there were just no volunteers?

A Say that again?

Q I'm sorry. So the reason you were given for not being at

the full complement of five was that there were just no volunteers?

A Yes.

Q Did you make any physical security requests that were denied? I know that you said the lights got fixed, and the cameras got fixed, and the duck and cover got fixed, and the fence was finished. But were there any additional requests that you made that were denied?

A I can't remember.

Q Okay. Let's go to a slightly different topic.

In the event that the security in Benghazi deteriorated, what was the plan for an evacuation if you had to get out of Benghazi?

A We would have been dependent upon [redacted].

Q To evacuate? That was kind of the sole --

Go ahead. I'm sorry.

A Yes.

Q I'm trying to think how I can ask this here.

Ms. Sachsman Grooms. Can we go off the record?

[Discussion off the record.]

BY MS. BARRINEAU:

Q I'm going to ask this very vague. If you don't feel like you can answer it here, you don't have to.

Do you know if the plan when you evacuated, were you going to go -- were you going to drive? Were you going to fly? Do you have any idea how you were going to get out?

A I don't remember.

Q That's okay.

Were you, as the RSO, the person -- could you decide that it was time to evacuate based on what was going on on the ground? Or did you have to be told that you could evacuate from D.C. or from Tripoli? Was that your decision or a group decision?

Mr. Evers. Do you understand the question?

BY MS. BARRINEAU:

Q Let me try again.

Did you have the unilateral ability to say, "X is happening in Benghazi; this is not good; we need to leave"?

A It depends. It depends on the situation.

Q Okay.

A It would depend on, you know, what's going on.

Q During your time in Benghazi, did you ever feel like you needed to shut the compound down and leave Benghazi?

A No.

Q And you never suggested that -- or made a recommendation that you needed to evacuate?

A To close?

Q Right.

A No.

Q Did you make any recommendations about the nature or posture of the post based on the security?

Mr. Evers. Do you understand the question?

BY MS. BARRINEAU:

Q Well, you said not to close. Did you make any

recommendations -- I would say like draw down, but I don't know how you would draw down from not very many. So no?

A No drawdown recommendations, no.

Q Did Benghazi have tripwires?

A I don't remember.

[Discussion off the record.]

Ms. Clarke. I just have a couple of followup questions.

You mentioned earlier that you requested additional resources, and so three individuals came down from Tripoli. Do you recall, were those DS agents, the individuals that came from Tripoli to assist?

Ms. [redacted] They were not DS agents.

Ms. Clarke. Were they SST members?

Mr. Evers. Do you know what that means?

Ms. [redacted] I don't know what that means.

Mr. Evers. Could you use a different acronym?

BY MS. CLARKE:

Q Were they DOD personnel?

A They were DOD personnel. Yes, ma'am.

Q What prompted your request for those individuals to come to Benghazi?

A The principal officer wanted to make a trip to Derna.

Q And because of that, you wanted to have additional resources on the ground in Benghazi to assist in that trip?

A Yes.

Q Do you recall how long those individuals were in Benghazi?

A I cannot remember the dates.

Q Was it longer than a week, less than a week?

A They stayed longer than the trip.

Q Okay. And about how long did the trip take? I'm sure that would have been --

A The trip was just a day trip. I believe the trip was just -- I don't think we overnighted. I believe the trip was a day trip.

Q Okay. So those individuals more than likely didn't stay longer than a week?

A I don't know. I'm sorry.

Q Did [redacted] travel with them?

A No.

Q And during your tenure in Benghazi, did [redacted] come to Benghazi?

A No.

Q Once those individuals returned to Tripoli, did you ever receive any other additional resources from Tripoli as far as personnel?

A I can't remember.

Q Okay. You also mentioned that you thought or your assessment was that three DS agents was sufficient to be able to perform the day-to-day operations of the post. Can you kind of describe for us what you meant by the day-to-day operations?

A Yes. Running the local guard force program, which means

overseeing training; making sure that equipment is in order for them; managing the movements of the principal officer; and also, you know, taking a look at physical security and maintaining any improvements or any projects that might be ongoing with the physical security.

Q So, in your assessment, three agents were sufficient to allow the principal officer to continue in her capacity of going out into the city and making contacts with the --

A Based on the current tempo of the current existing principal officer and based on it being in the city, yes.

Q And, typically, did the principal officers have meetings off-compound? Or were a significant number of her meetings held on-compound, if you recall?

A I don't recall. Probably a little of both. It's both.

Q You said it was, based off of the tempo of that particular principal officer, three agents were sufficient. What do you mean by the tempo of her movement?

A We were not moving off-compound every day.

Q Do you recall how often you would move off-compound?

A I'm sorry. I don't.

Q But it wasn't every day?

A It was not every day.

Q Was it several times a week, three to four times a week?

A I'm sorry.

Q Okay. And that's fine. If that's your recollection or if you are unable to recall, that's fine. We just want your best

recollection. So we appreciate that.

Ms. Barrineau: I know we are not at an hour yet, but I think we are going to stop and take a break and let the minority have their round. And we will probably have some more after that.

[Recess.]

BY MS. BARRINEAU:

Q Okay. I think the last thing I have is just kind of some post event questions for things that have happened way after Benghazi.

After you got back from Benghazi and then after the attacks on Benghazi, did anyone at the State Department ever ask you about your experiences in Benghazi or want to debrief you on your time in Benghazi?

A I believe I traveled straight from Benghazi to [redacted]. So I can't recall having any conversations. I don't think I came back for consultations.

Q Okay. Once the attacks happened and Congress began investigating, did you ever provide any documents to Congress? Were you requested to provide any documents to Congress?

A No.

Q Did you sign any nondisclosure agreements about not talking about your time in Benghazi?

A Not that I can recall. I don't know.

[Discussion off the record.]

Mr. Evers. I just want to clarify. You asked her if she provided any documents to Congress and she said no.

Ms. Barrineau. Right.

Mr. Evers. But I am not sure if -- I mean, that was a pretty precise question directly to Congress.

Ms. Barrineau. Right.

Mr. Evers. I am not sure if there are other avenues that she could provide information.

BY MS. BARRINEAU:

Q Okay. Let me ask it differently and maybe more specifically.

Were you asked by anyone in the State Department to provide any documents to them?

A So there was a problem with my particular email.

Q Okay.

A Okay. When we left [redacted], of course all the ClassNet infrastructure was destroyed.

Q Right.

A So I completely lost that account and it went into a limbo that neither could I access it or could they transfer it or could we make it work. The unclass, however, was the servers were pulled and boxed and we hand-carried those out, so it still caused my account to kind of be in limbo.

That Benghazi account was some sort of a temporary account that they created, and when I left I could no longer access it. When I got to [redacted], they had to make a new account, so I didn't have really anything to provide to anybody.

Q So you couldn't get to it anyway?

A Uh-uh.

Q Okay.

A After the attack, however, of course, DS had many questions. Many people had many questions. [redacted], a gentleman from the FBI came out [redacted]. And then also while I was in [redacted], I was on a conference call with the ARB.

Q Okay.

A And that was it. But it is my understanding that whatever came about, the paper part, came from some sort of internal mechanism where they collected it. I didn't really have anything outside of that, is that correct? Okay. I mean, is that --

Q That makes perfect sense.

A So I never provided anything to Congress. Like me, little old me. You know, I am sure that there are things with my name on it that went, but I didn't do it.

Q Understood. Understood. And I have a problem with you calling yourself "little old me" based on the resume that you gave us earlier. You got to give yourself a little more credit than that.

So you didn't provide anything, but you did speak with the FBI and you did speak with ARB?

A Yes, yes.

BY MS. CLARKE:

Q You mentioned you were on a conference call with the ARB?

A Yes.

Q Do you recall, were you the only individual being interviewed or were there multiple individuals on that conference call

being interviewed?

A No, I was the only person being interviewed. But there were multiple people on the other, wherever they were calling from, I don't know. There were many people on the phone, but I was the only one -- the questions were directed to me and I responded to a group of people.

Q Thank you.

Ms. Barrineau. Actually I have one more question to that. Do you remember, was that a secure call or an unclassified call?

Mr. Evers. If she remembers.

BY MS. BARRINEAU:

Q If you remember?

A I don't remember.

Q Okay.

A I want to say unclassified.

Q Okay.

A I don't remember.

Q I guess my final question is, is there anything that we didn't ask that you thought we might ask that you want to tell us about your time in Benghazi?

Mr. Evers. I am sure she'd be happy to answer further questions.

Ms. Barrineau. Okay. Thank you so much for coming and doing this. We really appreciate it.

We'll go off the record.

[Recess.]

EXAMINATION

BY MR. DESAI:

Q Let's go back on the record. The time is approximately 11:12 a.m.

Ms. [redacted], good morning. Let me just reintroduce myself. My name is Ronak Desai. I am one of the counsels with the minority staff of the Select Committee. I am joined today by my colleague, Susanne Sachsman Grooms.

On behalf of the entire minority staff and its members, I want to thank you, first, for your appearance here today. We also want to thank you for your service to our country thus far. We recognize that appearing in front of Congress can be fairly daunting so we are going to do our best to get you out of here as expeditiously as possible. We just have a few questions left for you.

If at any time you feel as if we need to take a pause or take a break, please let me know. We will be happy to do that.

In the last session, my colleagues touched on a number of different areas with respect to some physical security upgrades that you requested and you may have made, as well as some staffing requests you may have made. I just want to ask you just some very straightforward questions about those areas.

At any point during your time at Benghazi, did you ever feel as if you couldn't be totally forthcoming or totally honest in your opinion to your superiors about the mission's physical security or anything else?

A No.

Q Did anyone at any time ever discourage your advocacy efforts to improve the mission's physical security through upgrade requests?

A No.

Q Were you ever told by anyone to keep your mouth shut about mission Benghazi's physical security or the staffing shortages conflicting the post?

A No.

Q Did anyone at any point ever indicate to you directly or indirectly that you would suffer consequences or be penalized for expressing any concerns about the security posture or seeking security upgrades?

A No.

Q And did anyone ever tell you not to rock the boat or make waves through your security upgrade requests or staffing requests?

A No.

Q At any point, did you ever face retaliation or adverse employment consequences by expressing your concerns about the mission's physical security or seeking to address them through upgrade requests?

A No.

Q Did you ever feel like you couldn't be totally forthcoming about any aspects of the security posture of staffing in Benghazi?

A No.

Q And did you ever feel like you couldn't be totally forthcoming about the overall security environment and the possible

risks or threats to U.S. personnel in Benghazi?

A No.

Q Did you ever interact with Ambassador Stevens while you were in Benghazi or before or after?

A No.

Q Okay. So at no point then, since you didn't talk to him, did he ever suppress your opinions on your security assessments about the posture in Benghazi, is that right?

A No.

Q And to your knowledge were his opinions at any point about the security or anything else Benghazi related ever suppressed by anybody, if you know?

A I don't know.

Q Okay. And at any point, at any time, did anyone ever tell you not to raise concerns about staffing, physical security upgrades or anything else Benghazi related?

A No.

Q Great. So if I can just shift your focus now to the Accountability Review Board. Did you speak with the ARB?

A Yes.

Q And do you recall when you spoke with them?

A No. I was in [redacted], I do know that.

Q Okay. You were in [redacted] when you spoke with them, so you spoke with them over the phone?

A Yes.

Q Okay. And do you recall who you spoke with over the phone or who was present on the other side of that conversation?

A I remember Ambassador Pickering.

Q Okay. Anyone else?

A Admiral Mullen.

Q Okay. Totally fine.

And overall did you feel as if Ambassador Pickering and Admiral Mullen were respective and responsive to the information you were conveying to them over the phone?

A They asked the questions and I answered.

Q Okay. And the information that you conveyed to them over the phone, was that effectively the same information that you have conveyed to us today over the course of our session in the last hour now, if you recall?

A I don't recall all their questions, but whatever they asked, I answered and whatever you ask, I will answer.

Q Sure.

Ms. Sachsman Grooms. Do you recall answering any of their questions back when they interviewed you any differently than you've answered any questions here today?

Ms. [redacted] No.

BY MR. DESAI:

Q With respect to the ARB, were you ever asked or ordered not to provide information to the ARB?

A No.

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

A No.

Q Great. We have reached almost the end of our session. I am going to shift gears just a little bit, Ms. [redacted] I am going to ask you a series of questions about several public allegations that have been made related to the attacks. We understand that the committee is investigating these allegations and, as a result, I have to ask every witness about these allegations. But I don't want you to think that by asking you these questions surrounding these allegations that either I or the minority members of the committee believe that these allegations have any merit.

You will see that there is a handful of these. And the way I want to proceed is I will ask you about the allegation and I will ask you whether or not you have any evidence to support the allegation that is being made. If you don't, just say you don't and we will move on to the next allegation until we finish the set. Is that clear?

A Yes.

Q Great. So I am going to go ahead and start. And, again, the key here is whether or not you have any evidence to support the allegation I am about to tell you.

A Okay.

Q So 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 Pinocchio's," 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 I don't know.

Q It has been alleged that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Colonel Qaddafi 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 Qaddafi to his own people in order to garner support for military operations in Libya in Spring 2011?

A I don't know, I don't know, I guess to all of them. I don't have any evidence, no. And I don't know of anything.

Q I am just going to go back. And I understand that, but we just have to go through the entire script. So I am going to ask you the question that I asked just a couple minutes ago, just to make sure we have it clear for the record, on whether or not you have evidence with respect to this particular allegation.

A Okay.

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 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 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 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 the documents that were provided to Congress.

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

A No.

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

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

A No.

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

A No.

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?

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. Military officials have stated that those four individuals were instead ordered to remain in place in Tripoli to provide security and medical assistance in their current location.

A Republican staff report issued by the House Armed Services Committee found that quote "There was no stand down order issued to

U.S. military personnel in Tripoli who sought to join the fight in Benghazi." End quote.

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

A No.

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

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

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.

Q That will do. I want to thank you again, Ms. [redacted], for your appearance today.

[Whereupon, at 11:27 a.m., the interview was concluded.]

EXHIBIT 1

C05474497 STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

[redacted]

From: [redacted]
Sent: Thursday, May 17, 2012 8:04 AM
To: [redacted]
Cc: [redacted]
Subject: RE: Excess DEAV Equipment

Got it...

Item	Size	Quantity
Vest	M L	3 2
Helmet	M L	2 3

This would allow for vests and helmets for the three static positions, one rover and one shift supervisor.

SBU
This email is UNCLASSIFIED.

From: [redacted]
Sent: Thursday, May 17, 2012 4:42 AM
To: [redacted]
Cc: [redacted]
Subject: RE: Excess DEAV Equipment

[redacted]

We could definitely use the vests and helmets. Our nightly celebratory fire penetrated the roof of one of the Toyotas. It did not go through the headliner, but did enter the metal. The guards and all mission personnel have been instructed to seek cover when the shooting begins. The vehicles are the only cover we have at two gates, so the helmets would be extremely valuable to Benghazi.

[redacted]

From: [redacted]
Sent: Wednesday, May 16, 2012 10:01 PM
To: [redacted]
Cc: [redacted]
Subject: FW: Excess DEAV Equipment

[redacted]

Opportunity knocks. If you are interested please follow the directions provided.

Regards,

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
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C05474497 STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

[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: Wednesday, May 16, 2012 3:11 PM
To: [redacted]
Cc: [redacted]
Subject: Excess DEAV Equipment

Dear RDs and Deputy RDs-

The Defensive Equipment and Armored Vehicle Division has a limited number of [redacted] vests and helmets that we would like to offer to all RSOs on a first-come, first-serve basis. This equipment is new. The vests are various sizes up to XL-Long. The vests are tan color while some of the tactical helmets are black. RSOs should consider these items for security personnel, first responder, medical personnel, and/or COMs.

If you have any RSOs interested in this equipment, they should contact [redacted] and [redacted] (cc'd above) via email. In their email RSOs should specify how much of each size vest and/or helmet they would like using the following example;

Item	Size	Quantity
Vest	XL	2
Helmet	M	4

DEAV will do its best to provide each RSO what they request until stocks are depleted. Not every RSO will get 100% of what they request.

These items are excess equipment and RSOs should not expect DEAV to replace these items in the future.

Please let me know if you have any questions.

Thank you.

[redacted]
Supervisory Special Agent ~ Division Chief, DS/PSP/DEAV
7957 Cluny Court ~ SA 7a ~ Springfield, VA 22153

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P: 703 644 3465 ~ C: [redacted] ~ E: [redacted]@state.gov
Visit the Bureau of Diplomatic Security at www.diplomaticsecurity.state.gov

3U
his email is UNCLASSIFIED.

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
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INTERVIEW OF REXON RYU

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, AUGUST 25, 2015

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

CRAIG MISSAKIAN, *Deputy Chief Counsel*
SHERIA CLARKE, *Counsel*
HEATHER SAWYER, *Minority Chief Counsel*
PETER KENNY, *Minority Senior Counsel*
RONAK DESAI, *Minority Counsel*
DANIEL REBNORD, *Minority Professional Staff*

FOR THE U.S. DEPARTMENT OF STATE

AUSTIN EVERS, *Senior Advisor*

Ms. Clarke. This is a transcribed interview of Mr. [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]. Sure. [redacted].

Ms. Clarke. Thank you. And will you spell your last name for the record, please?

Mr. [redacted]. [redacted].

Ms. Clarke. Thank you.

The committee appreciates your appearance at this interview, Mr. [redacted]. My name is Sheria Clarke. I'm with the committee's majority staff. And I'll just take a moment to go around the room and have everyone introduce themselves.

Mr. Missakian. Good morning. I'm Craig Missakian with the majority staff.

Mr. Desai. Ronak Desai with the minority staff.

Ms. Sawyer. Heather Sawyer with the minority staff.

Mr. Rebnord. Dan Rebnord with the minority staff.

Mr. Evers. Austin Evers, State Department.

Ms. Clark. Thank you.

Before we begin, I'm just going to go over some of the ground rules and explain how the interview will proceed.

Generally the way the questioning has proceeded is that the majority will ask questions for up to an hour, and then the minority will have an opportunity to ask questions as well for an equal period of time.

Questions may only be asked by a member of the committee or a designated staff member, and we will rotate back and forth 1 hour per side until we are out of questions and the interview will be completed.

Unlike the testimony or a deposition in Federal court, the committee's 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. And this has not been an issue we have encountered in the past, but I want to make sure you are clear on the process.

So this setting that we are in right now is an unclassified setting. We'll begin here. If any of the questions that you are asked, you feel that they require a classified setting, just let us know. We have reserved a classified setting that we more than likely will move to at a later point today. But if you are asked a question and you belive that it requires a classified answer, let us know and we will reserve that for that setting.

You are welcome to confer with counsel at any time throughout the

interview. If something needs to be clarified, we ask that you let us know. If you need to discuss anything with the counsel, we'll go off the record and stop the clock to provide you this opportunity.

We would like to take a break also whenever 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, just let us know and we're happy to get it for you.

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, as opposed to nodding your head. And I'm going to ask the reporter to please feel free to jump in, in case you do respond nonverbally, or if it either of us begin talking over each other, just remind us to.

We want you to answer our questions in the most complete and truthful manner possible, so we'll take our time and repeat or clarify our questions if necessary. If you have any questions or if you don't understand any of our questions, please let us know and we'll be glad to clarify that for you.

If you honestly don't know the answer to a question or don't remember, it's best not to guess. Just give us your best recollection. And if you recall someone who may be able to answer that question for us, we appreciate it if you would provide that information.

You are required to answer questions from Congress truthfully. Do you understand that?

Mr. [redacted]. Yes.

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

Mr. [redacted]. Yes.

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.

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

Mr. [redacted]. No.

Ms. Clarke. Okay. That's the end of my introduction. Does the minority have anything they would like to add?

Ms. Sawyer. Not at this moment. We thank you for appearing. Look forward to your testimony.

Mr. [redacted]. Thank you.

Ms. Clarke. All right. So the clock now reads 10 o'clock on the dot. We will go ahead and get started.

EXAMINATION

BY MS. CLARKE:

Q Okay. Mr. [redacted], we'll just start with a little bit of your professional background. Can you describe that for us.

A So I started in government about 18 years ago. My last job, my most recent job, was chief of staff for Secretary Hagel. Dates of that job were mid-September of 2014 to mid-February of 2015. I left the Defense Department in June.

I was the, prior to that, the deputy to our U.N. Ambassador in Washington from July of 2011 until September of 2014.

Prior to that, I was a director on the National Security Staff from about March of 2009 until I left to take the U.N. deputy job. So July of 2011.

I worked for 4 years prior to that for Chuck Hagel in the Senate on his personal staff, from early spring, February or so, of 2004 until the end of 2008.

And then, prior to that, I held several different jobs at the State Department where I joined in September of 1999. And I was in grad school before that.

Q Okay. Thank you. So prior to your time at DOD, you served as the deputy to the Ambassador to the U.N. Can you describe what your role was as the deputy?

A Sure. So I ran a relatively small office here in Washington, and we were part of the bureaucratic structure that reported to our Ambassador to the U.N. You know, initially for the first 2 years in my time there it was Susan Rice, and then Samantha Power. You know, that individual is largely based in New York. Most of structure is up there for USUN, which is what we're called, U.S. Mission to the United Nations. And I reported directly to the U.N. Ambassador.

Our function was largely focused on U.S. policymaking, as well as U.S. interests as it related to activities at the U.N., which for me largely meant the agenda on the U.N. Security Council.

Q Okay. And can you just kind of describe the interaction of the Washington office with the New York office? As the deputy, did individuals from the New York office report up to you or --

A Yeah. So it was a little bit of a strange bureaucratic structure. I had five advisers that worked for me in Washington. The typical structure in New York is you have the Permanent Representative, our U.N. Ambassador, and then I believe it's four ambassadors when you're at full strength up there, including a deputy permanent representative and then three other ambassadors.

The folks in New York generally didn't report through me to the U.N. Ambassador. It was more like a leadership team where the ambassadors up there, their job was largely focused on activities at the U.N., you know, what was going on across the street within the U.N. And they had, you know, a typical, almost an embassy-like structure of offices that worked on those issues. But they also got involved in supporting what we were doing and what the deliberations were down in Washington in terms of various policies. But it was largely the five staff that I had that reported to me and through me to the U.N. Ambassador.

Q Who were the 5 advisers that you had?

A Well, they changed over time. So I had [redacted], [redacted], [redacted] -- he left midstream -- [redacted] came on board, [redacted], and [redacted]. But not everyone was working all at the same time. Staff changes.

Q Gotcha. Okay. And those people were based in Washington

with you?

A Uh-huh.

Q As the deputy to the U.S. Ambassador to the U.N., were you also a standing member of the Deputies Committee for the National Security Council?

A Yes. It's part of the policymaking process.

Q And can you describe -- in general, my understanding of the Deputies Committee is that there are standing meetings and then there are also meetings that arise when necessary. Is that accurate?

A Well, I guess I would say, you know, you say standing and as they arise. I wouldn't say it's as quite as rigid as that.

Q Okay.

A You had certainly -- it really depended on the issue. But there were some topics that had more frequent meetings and others that were more of a one-off. It really was at the discretion of kind of what the topic required.

Q So in your role in Washington, it sounded like, to me, from your description that your role was to kind of interface with State Department and the U.S. Government in general to shape the policy, and then you would provide that information to the U.N. Ambassador, and from there she would make decisions regarding her interactions with the actual U.N. in New York. Is that an accurate description?

A That was a large part of what we did, in part because many important topics were on the agenda of the Security Council, you know, in Africa and the Middle East, in Asia. So that was an important

foreign policy venue for the United States in terms of what we did, what we said, what our objectives were. So, you know, that certainly, you know, the positions that the U.S. Ambassador and the other ambassadors, and, frankly, the other members of the mission up in New York took would be informed by the policy positions of the United States. I mean, it's almost like any other multilateral venue.

Q Okay. In your role did you also support the other members of the USUN mission?

A Sure, yeah, other ambassadors, because they -- like, Susan Rice and Samantha Power, you know, particularly the senior folks, the ambassadors, they would need the guidance and, you know, policy positions from Washington. So there were times when I supported them. It really, you know, depended on the needs and requirements of what was going on in New York.

Q Okay. When it came to the Security Council, when there were meetings of the Security Council, for example, what was your involvement regarding any remarks that the Ambassador may provide at those meetings or any statements that the Ambassador would make regarding those meetings?

A You know, I was really not involved in drafting. You know, we had a political team, a political section, you know, focused on the policy issues, the diplomatic issues, that worked with, you know, my -- members of my staff who had more day-to-day responsibilities on certain issues. And then they would work with other members of the interagency. But my role would really be sort of to provide oversight

to review near-final drafts as a senior member of our team.

Q So with regards to your staff, did they have a division of topics or areas --

A Yeah. They had portfolios.

Q Okay. And can you describe how the work was divided? What were their portfolios?

A I can generally.

Q Yes.

A So, you know, we typically -- we had five people, and we had to cover basically all policy issues. So we were tiny compared to the State Department, compared to anywhere else. So each member had a range of issues. There was generally one person that did -- well, Africa was kind of split into two people.

Q Okay.

A We had one person that did congressional relations, sort of managing that across the board, sort of, you know.

Q Okay.

A And then budget and management and reform issues. So that was sort of one portfolio.

Africa was broken into two people. Usually one of those individuals also had sort of Asia issues as they came up. And then the Middle East was broken generally into two people. And we sort of divided. It evolved over time. So I can't say it was static.

Q Okay.

A You know, in part because we're so tiny, there's so many

big issues, so we had to sort of adjust depending on the strengths of individuals.

Q And did you receive -- so you have the individuals have their portfolios. Do they also receive input from, say, the bureaus in the State Department that, you know, the particular region that they were focused on? Would the bureau that focused on that region also provide them information or support regarding the issues that may arise?

A Yes. And we had a very close relationship with each part of the State Department, and different staff, you know, had to develop different relationships, depending on what their issues were.

Q You said that there was one person who was in charge of kind of congressional affairs. Was that person static during your time or did that -- did more than one person --

A No. It was [redacted] for most of it. And she left and her successor's -- actually her name is escaping me -- she came on right as I was leaving. It may come back to me later. But [redacted] was there for most of the time.

Q Okay. And then as far as the individuals that had Africa as a part of their portfolio, do you recall who those individuals were?

A So when I say Africa, I'm meaning Sub-Saharan Africa.

Q Okay.

A And [redacted] had part of it. [redacted] -- actually [redacted] is another member. She had part of it. And then [redacted] came on board when both of them left at different times.

And he's largely following Africa.

Q Okay. And so where would -- Libya would have fallen under the portfolio of the Middle East. Is that how --

A Yeah.

Q -- it was divided?

Okay. And who were the individuals that worked on that portfolio?

A So [redacted] covered Libya plus the Maghreb. So the northern tier of Africa and a little bit of the Gulf. [redacted] covered the Middle East piece and the countries around there, Syria, Jordan. And [redacted] covered the Gulf around Iraq, small Gulf states.

Q Can you describe what was your management structure, like as far as the individuals in your office? For example, if an issue that fell within one person's portfolio came up, did they usually discuss with you information prior to providing it to the Ambassador, or were they authorized to discuss, you know, arising topics immediately with the Ambassador?

A So it was -- my answer to that is kind of all of the above depending on the nature of the particular question, the urgency, where I was at the time. You know, we're -- again, we're a very tiny office, so, you know, I had to delegate a lot of responsibility to people. Each of these individuals is fairly seasoned, so, you know, they had a lot of my trust in terms of how they handled issues, and they would engage the Ambassador directly as needed.

Q If they engaged the Ambassador directly, would they -- was there a pattern and practice where they would come back to you and say, "Well, I talked to the Ambassador about, you know, X, and this is what we discussed"?

A Yes.

Q Was that typically the process, or can you describe kind of how that would play out? Is that the normal expected process or --

A Yes.

Q Okay. And generally would they provide that information verbally or was there a write-up following a discussion with the Ambassador?

A It was usually just conversation. I mean, we're all in one office. So they just -- I had an open-door policy.

Q Okay. So you were talking about you weren't involved in drafting, say, remarks, but you usually became involved once it was near the final product.

Were you involved at all -- when remarks were drafted that were going to be presented, say, to the Security Council, were those remarks vetted with, you know, maybe the bureau that -- the State Department bureaus that would have had that particular region that the remarks were regarding or -- describe for us the vetting process. Did it just come to you and then it was sent to the Ambassador or did it go to a broader spectrum of people?

A There would typically be a clearance process for any public remarks by a senior official, certainly, you know, remarks into the

Security Council, whether it's a public or private session, and there were both. And the process, you know, would involve, you know, a range of offices, you know, usually primarily in the State Department. And, you know, that was really the job of my staff plus the International Organizations Bureau at the State Department, which was the primary bureau at State looking at the U.N. to manage and support and, you know, deliver to the Ambassador what she, or if it was one of the others he, needed in a timely manner.

Q Were there instances -- I'm sure in your time there, in your tenure, there were instances where the clearance process included more than just the State Department?

A Yes.

Q And can you describe how that process played out and, for instance, if there were remarks that may have needed to be cleared by another agency or the White House, how was that clearance process?

A Sure. So, yeah, no, there were, you know, a range of times when you got input clearance from the National Security Staff, occasionally from other agencies, depending on the topic. You know, you would use your judgment in terms of who had equities in the process. And, you know, again, that would be run by the staff, you know, typically, you know, from a process standpoint over email to seek input into draft documents.

Q So can you describe for us in your time -- I want to focus now more on the U.S.'s involvement in Libya. So can you kind of walk us through how the U.S. became involved, your understanding of the

U.S.'s support of the U.N. Security Council resolutions, how that process evolved, and the role that you played, if any, in developing that process?

A Okay. So that's a big question.

Q It is.

A It spans a lot of time.

Q Yes.

A I joined in July of 2011. So to a certain degree -- you know, and I wasn't working Libya in my prior job.

Q Okay.

A So, you know, a range of decisions had already been made, actions been taken, prior to me joining.

Q Right.

A So, you know, I think first and foremost in the position as the deputy U.N. person down in Washington, you know, going from July 2011 forward would have been focused on how you -- how the U.S. thinks about the role of the U.N. in this process over the time of thinking through a post-Qadhafi era and then when we actually were there, what does that mean. You know, those are certainly the things that were front and center in my mind.

So the U.N. continued to play a fairly large role over time, particularly on trying to pursue a political track. They have a senior envoy there, or they did, up until not that long ago.

So the question of the role of the U.N. and the kinds of objectives that we as the U.S. thought the U.N. should have was a big part of how

we approached, how we, USUN, approached the question of Libya. You know, there was a range of other discussions that we had because the role of the U.N. was fairly large. It was on the political track, the security track, dealing with militias, disarmament. You know, if you look at the Security Council resolutions, there's a lot in there. So we had to think through what does that really mean.

Q In your role, did you have any insight -- it sounds like you were focused on what the U.S. thought the U.N. should be doing regarding Libya. Did you have any insight or any input into what the U.S. actually was doing in Libya apart from the U.N.?

A When you say the U.S. was doing, what do you mean?

Q Well, as far as the U.S.'s presence in Libya. It began in the early part of 2011, the U.S. sent in a special envoy. In the latter part of 2011, the Tripoli Embassy was reopened. What level of input or insight did you have into the decisions regarding reopening in Libya --

A Sure. So in terms of reopen -- in terms of our presence on the ground.

Q In terms of the presence --

A Okay.

Q -- on the ground, yes.

A Okay. So in terms of the presence on the ground, that really was not something that USUN had a direct or leading role in. That was really a question that was largely considered inside the State Department. You know, I was certainly aware of the nature of the

conversation and the kinds of considerations that went into it, I mean, just in terms of my interaction with the State Department and other officials. But it really was outside of the sort of direct purview of USUN in terms of how we approached the issue.

Q What was your understanding of the U.S.'s goals or interests in a presence in Libya based on your conversations with others?

A Sure. So I would say -- I mean, this was in part because these are views that I shared, because there was large consensus around this, was that we, the United States, needed to focus on trying to pursue in a post-Qadhafi world a political track that sought to ensure and improve security in Libya. And there were certainly large elements or a large interest in governance in terms of trying to help the Libyans put this place back together. I mean, there were sort of large, overarching objectives where, you know, coming back to what I said earlier, we tried to manifest those in the kind of role that we saw the U.N. playing to help support what the U.S. Government and other countries were doing on the ground in the post-Qadhafi environment.

Q When you use the term "political track," I think you said focused on pursuing the political track that sought to improve security, what do you mean by "political track"?

A I mean helping Libyans and different Libyan entities and their leaders find a process and agree on a process where they can start to discuss and eventually resolve a range of issues around political institutions, governance, structure of their political bodies, so that they can eventually move back towards a place where you've got

functioning -- a functioning government for the geographic area of Libya.

Q So it's my understanding that Ambassador Rice met with soon-to-be Ambassador Stevens in the spring of 2012. Do you recall if that meeting took place or if she had any interaction with him during that timeframe?

A I don't have any recollection one way or the other. It's certainly plausible that she did, but I don't recall the specific meeting.

Q Okay. Do you know what Ambassador Rice's view was regarding the U.S. presence in Benghazi? Did she support a continued -- following the reopening of the Tripoli Embassy, did she -- did Ambassador Rice support having a U.S. presence in Benghazi?

A So you're saying we've already opened --

Q Yeah. So this will be the --

A -- our embassy.

Q Right. So this will be the latter part of 2011, Tripoli has been reopened.

A Okay.

Q At that time, Benghazi was -- there was still a presence in Benghazi.

A Yeah.

Q Following the reopening of Tripoli, did you ever have any discussions with Ambassador Rice about her views on whether or not there should be a U.S. presence in Benghazi?

A Sure. So I don't recall any specific conversations around that very pretty narrow question, which to a large degree has a security component to it -- you know, is it safe for our people to be there? And that's really not something that USUN -- this is not our responsibility. Again, that was, you know, an issue for the State Department in terms of making judgments over safety and security of our personnel. I mean, we had -- Susan and I had a range of conversations about Libya, but I don't remember a discrete conversation about whether or not we should retain a presence in Benghazi at that time.

Q And I'm not asking necessarily from a security standpoint. I just wondered if you had a discussion with her about the benefits of having a presence in Benghazi regarding reporting, you know, because this would have occurred prior to the elections in Tripoli -- I'm sorry, in Libya -- and so just wondering if you had a discussion about whether there was -- in her mind, she saw that there was a benefit to having reporting from Tripoli as well as reporting from Benghazi.

A Okay. So I don't -- we never, to my recollection, had a conversation sort of along those lines, sort of the benefits or lack thereof of reporting from Benghazi.

Q Do you know or do you recall whether or not she supported having a presence in Benghazi?

A I don't know. I mean, we really just didn't talk about -- talk about that.

Q So you didn't really discuss what the benefits of receiving

information from individuals located in Benghazi, from a U.S. presence in Benghazi, being able to understand? Because we talked about kind of the political track and improving governance, and Benghazi was a very important piece of Libya. And you don't recall whether or not you discussed with her, being that Benghazi was important to Libya as a whole and you're at the beginning of a formation of a government that's trying to kind of get set up in Libya, her views on Benghazi, whether it was a needed or --

A No. I just don't recall any kind of conversation that sort of sliced the issue that way. I mean, we talked about reporting about Libya. We talked about the prospects for elections in Libya. We talked about, you know, a range of issues of what the U.N. folks were doing. But as it relates to whether or not the reporting was good from Benghazi, it just didn't come up.

Q Okay. So I think we'll shift gears a likely bit here.

BY MR. MISSIKIAN:

Q Mr. [redacted], I just want to circle back --

A Sure.

Q -- and maybe get at few more details.

On the issue of Libya generally, do you recall when that became an issue that you and Secretary Rice were focused on and how that happened?

A Well, again, when I came on in July of 2011, we're sort of -- I came in midstream into this issue, frankly. I mean, there had already been some action in the Security Council prior to that. It

was an issue -- right? -- that was --

Q Okay. So you kind of inherited it. Right?

A So anyone in my position would have had to have spent some portion of his or her time on Libya.

Q Did you have any interaction with the National Security Staff on the issue of Libya?

A I certainly did, because it was an issue that, you know, was -- you know, touched a number of agencies and -- yeah. No. I certainly did.

Q Did you come to understand the reasons behind the U.S. support of the U.N. resolutions or the rebels in Libya? I mean, did you come to get an understanding of the U.S. interest in doing so? And if so, how did you come to that understanding?

A Well, there had been a series of decisions made in terms of the kind of resolution that we wanted to seek -- again, prior to me joining in this position -- in terms of a decision by us to seek U.N. authorization and other language in the Council. So, you know, I certainly was aware, even before I took the job, just knowing from reading the press, you know, what those deliberations were and the decision. And so I inherited sort of a set of decisions, certainly as it relates to the Security Council and what we were seeking from them.

Q How did you get up to speed on the issue? I mean, obviously you came in, it was an issue that was existing. I mean, who did you speak to? What information did you consume? All of those kinds of

things.

A Well, you know, I don't recall the exact process. It's sort of like jumping into a speeding train to a certain degree. I mean, I'm sure I talked to my staff. I spoke with other folks in New York. This is what I would have done. Sort of the logical thing is to start with the immediate team. I had a range of conversations with Ambassador Rice at the time and --

Q Was there anybody in particular at the National Security Staff that you spoke to?

A Not that I recall.

Q Was there anybody there that you recall speaking to on the issue of Libya?

A Well, you know, as a matter of process, there, you know, there were meetings held. And so, you know, my colleague at the deputy level at the NSC was Denis McDonough, as my colleague over at State was, you know, Bill Burns. So, you know, those are two individuals I spoke to on a whole range of issues. I mean, it was, you know, part of my job.

Q Did there come a conversation with Mr. McDonough or anybody else about the U.S. interests in supporting the Libyan revolution?

A I don't recall a specific conversation. I mean, I just -- you know, in the course of business we would see each other regularly, but, no, I don't have any --

Q Did you have any general sense that came out of the conversations that you had on a regular basis?

A That we had interests?

Q Yeah. What were the U.S. interests in supporting the Libyan revolution?

A Well, I would say -- I mean, from my perspective, in terms of the U.S. interests, you know, I would -- I would, you know, define them as, you know, seeking to prevent the slaughter which appeared imminent as, you know, Qadhafi's forces moved west, and to support, you know, what appeared to be a real desire by large numbers in the Libyan people to have different political structure in Libya. You know, that's kind of as I got into the job and, you know, had to think about this more directly, you know, those were two of the main things that animated how I thought about, you know, what we were doing in Libya and how we had to react to events.

Q To your knowledge, were those interests or goals shared by the National Security Staff based on your conversations with Mr. McDonough or anybody else that may have worked with the National Security Staff?

A Yeah. Well, I would say, Craig, that, you know, my own understanding is that there had been decisions made based on, you know, those informed to a large degree on those two interests.

Q Those decisions were made by whom?

A Well, again, those would predate me.

Q Okay. Do you have an understanding as you sit here today?

A Yeah, I would say those -- it would have appeared to have been a general consensus of -- among the President and his team.

Q And your understanding of that general consensus is based on what?

A Well, the fact that we sought certain decisions in the Security Council, certain actions, and sought to mobilize international opinion around a desire.

Q That was a bad question on my part.

Was your understanding of that based on your participating in some of those discussions --

A No.

Q -- or having discussions with any of those individuals who had made the decision, or are you just essentially inferring it from the fact about what happened next, by what happened next?

A Well, I take it from the kinds of actions that we were seeking once I took the job that that flowed from a set of interests.

Q Okay. And you had -- I believe you said that there were a range of times or issues that would have to go to the National Security Staff for vetting or clearance. Could you be a little more specific about what kinds of issues or what times would require you to go to the National Security Staff for clearance or vetting?

A Well, I mean, it's a little hard to be more specific. A lot of it is dependent on the policy. Again, I'm talking even more broadly than Libya right now. You know, there's different processes that are in place, you know, for issues to be discussed, particularly ones where more than one agency has an interest in the topic. You know, there are different meetings that are held at levels in the government.

You know, you mentioned the Deputies Committee. There are meetings below that and meetings above it.

And so there would be conversations that focused on a range of issues. You know, something like a statement probably wouldn't be the topic of a meeting but would be handled in a more informal basis by staff and the sort of relevant staff in the interagency.

So, you know, it really depended on the issue and the nature of the discussion.

Q Okay. Focused just on statements, was there anything formal that you were aware of that required all public statements by senior officials to be vetted by the National Security Staff?

A What do you mean by "formal"? Like a directive?

Q Right. A directive. A memo. Something -- a direction and a policy that you had received in writing that required that.

A Not that I recall, no.

Q Okay. So there was just some things that was understood?

A Well, it was seen as the best interest of the administration to make sure that there was general agreement when a senior official would do or say something. That's relevant not just to the Ambassador to the U.N., but other senior officials in other agencies.

Q All right. Thank you.

A Okay.

BY MS. CLARKE:

Q Okay. So I think we're going to shift our focus now to a more narrow timeframe and just turn our attention to the attacks that

occurred in Benghazi, Libya.

Can you just describe for us when you first learned about the attacks and how you came to know that information?

A So you're taking about -- there were a lot of a attacks in Libya. Are you talking about --

Q Specifically the attacks on the U.S. facility in Benghazi.

A Okay. Okay. So if I recall correctly, I learned about it in the, you know, late afternoon, early evening of that day.

Q "Of that day" being September 11th?

A Correct.

Q And how did you come to learn about it?

A I don't recall specifically, you know, where the information came from.

Q And as you just mentioned, there were other events that occurred in Benghazi, Libya, prior to September 11th. And were you made aware of those events prior to September 11th? So, for instance, there were certainty security incidents that occurred in June and July of 2011.

A Uh-huh.

Q Would you have been made aware of those incidents?

A It would have been very likely that I was. I don't, again, have specific recollections. But as a general matter in a country where there's a lot of focus, there's a U.N. presence, you know, we tried to be oriented so that that kind of information got to us fairly quickly.

Q How would that type of information get to you?

A So we would either -- a number of different ways. We might hear about something from the U.N. directly in New York, and then our team would, you know, our folks up in New York would hear about it and let us know. We might hear about it from colleagues in the State Department. USUN doesn't have anyone outside of New York and Washington. So we're really reliant on, you know, either other arms of our government or open source to learn about, you know, events like that overseas.

Q In your role as deputy, did you have access to finished intel products?

A Yes.

Q And was that access directly -- did you have direct access to it or were you briefed on those products? What was your access? Can you kind of describe what your access was and how you came to that information?

Mr. Evers. And obviously to the extent that you can answer in this setting.

Mr. [redacted]. Yeah. So get into more detail, I assume, this afternoon. But I received it primarily through a daily morning intelligence brief.

BY MS. CLARKE:

Q Okay. And was that briefing, if you can describe in this setting, was that briefing provided by your staff or someone else out of your staff?

A It was provided by an intelligence -- someone from the intelligence community.

Q Was that briefing kind of tailored to the USUN's interests or was that a broad briefing about events that may impact -- that were impacting the areas of, say, for example, for Libya. Would that have just been related to information that would be relevant to the USUN's mission or would that have been a broader detailed briefing?

A Generally speaking, it was tailored to my interests. I was the consumer of the product, you know, the binder that was put together. So, you know, it evolved over time as sort of my priorities shifted.

On the question of Libya, you know, over time I saw a range of intelligence. Again, coming back to the point I made about the kind of role the U.N. had, it touched on security. It touched on political. It touched on a range of issues.

Q When you were made aware of a security incident that occurred in Libya, would that have been a -- would you have been made aware of that through these briefings or would you have been -- you mentioned that you would sometimes hear it from New York, the office in New York, or you might hear it from other State colleagues. Can you kind of give a little more detail about how that information would have been relayed to you? Is this an email that's being passed? Were you receiving emails or updates from, like, the Ops Center? Or how did you come to have that information?

A It really varied. There was no one set way. I mean, I can recall -- without specifics, I can recall, you know, my staff coming

in and saying: Hey, we just heard X, Y, and Z, just wanted you to know. There were instances where information would come over email. It's sort of an all-of-the-above approach. So there was not any one particular conduit.

Q Did you have access to or did you receive information from the DS Command Center or the State Command Center?

A No, not directly.

Q Okay. So if you received that information, it would have been forwarded to you from someone who would have received it directly?

A If I had, yeah.

Q Were you able to receive briefings directly from the DS Command Center or the State Ops Center? Meaning, if you had a question about an event that was occurring and it was brought to your attention, did you have the capability to call or go down to the Ops Center and say: Hey, can you update me on this particular event?

A Yeah. It was always an option to reach out and ask for it. It was always an option.

Q So on the night of the attack, you indicated that you learned about the attack in the late evening. And I think you stated you can't recall specifically how you learned about the attack. Can you kind of walk us through what you did that evening as far as keeping Ambassador Rice updated on the events that were occurring?

A Uh-huh. So if I recall correctly, she was not in Washington, and I don't recall whether she was in New York or not at the time. But [redacted] covered Libya on my staff. Both he and I sought

to gather as much information which, over the course of the evening and into the next day, and for several days after, was fragmentary.

So, you know, I don't recall speaking with Ambassador Rice. I believe I sent one or more emails, as did [redacted], to her. But, again, it was a question of facts. What do we know? What's happened? You know, are there casualties?

Q In gathering the information that you and [redacted] sought to gather for Ambassador Rice, where did you seek the information? You mentioned that you had access to -- the capability of calling or going down to the DS Command Center or Ops Center and asking for updates. Did you in fact do that on the night --

A I didn't.

Q Okay. What did you do, what were the steps that you took to gather the information you provided to Ambassador Rice?

A Honestly, I don't recall specifically.

Q Okay.

A Both [redacted] and I, you know, reached out to folks that we thought might have it. [redacted] was as active, if not more, than me, since Libya was -- you know, it was one of -- you know, that was in his portfolio. But I don't have specific recollections of, you know, who I spoke to or who I reached out to.

Q Okay. So on the night of the attacks, can you describe what you recall about the events that had unfolded on the night of the attack? Just on September 11th, when you became aware of the event, what was your understanding of what occurred?

A I mean, it's difficult for me to put myself in the mindset of what I thought that night --

Q Okay.

A -- to be very honest. But, you know, my recollection is we received word of an attack severe enough that there was potential for loss of life among Americans and that, you know, effectively all of our capabilities are being mobilized to try to protect the Americans. And, you know, this is set in the context, remember, of incidents, protests, attacks at a number of U.S. facilities around -- particularly around the region. So we're already in a heightened state. And then we received this fragmentary information.

Q On the evening of the attacks, did you participate in any interagency calls or any interagency meetings regarding what was occurring?

A That evening?

Q Yes.

A Not that I recall of, no.

Q Okay. So you sought to -- you and Mr. [redacted] sought to gather information regarding the attacks, and you sent some emails to Ambassador Rice to keep her updated, and that's happening the evening of the 11th. Can you walk us through the steps that you took on -- the actions that you took to keep Ambassador Rice updated on the morning of the 12th and throughout that day?

A Yeah. I mean, I don't recall specifics --

Q Right.

A -- in terms of what I might have done when. If I recall correctly, there was action in the Security Council to condemn the attack the next day. So that would have been -- you know, that's something that USUN would have been the lead on in terms of working that through the Security Council. So that would have required engagement with the USUN team, you know, particularly in New York, because they're the ones who are on the front lines of getting something like that through.

Q Did you participate in any interagency meetings regarding the events that had occurred the night before and through the morning of the 12th? Do you recall?

A I assume I did. I mean, something like this would have triggered a desire to have the interagency around a table to share information. But, you know, it's hard for me, you know, in my job as the deputy, just to step out of sort of this particular question for a second, you know, over the course of 3 years I attended hundreds and hundreds of meetings, phone calls. So it's very difficult for me to zero in on a specific one. But that would have been the logical thing to have happened the next day.

Ms. Clarke. Okay. We're getting close to our hour, and I think some of the information or documents that I'd like to show you related to kind of the information that you were receiving are classified. And so I think what we'll do right now is go off the record and we'll turn it over to our colleagues and see what they would like to do, if they would like to proceed in this setting for now.

Mr. Evers. Why don't we take a 5 minute --

Ms. Sawyer. Sure.

Mr. Evers. Do you guys have unclassed questions, or do you want to --

Ms. Sawyer. Yes. We do have some questions for this space, and then we'll have some in the classified session.

Mr. Evers. Does that work?

Mr. Missakian. Sorry. I didn't hear.

Mr. Evers. So we're going to take a 5-minute break. They have some unclassed questions. And then we can talk about how to proceed after that.

Mr. Missakian. Sure.

[Recess.]

Mr. Desai. Let's go back on the record. The time is approximately 11:04.

Mr. [redacted], good morning. To reintroduce myself, I'm Ronak Desai. I'm one of the counsels with the minority staff. I'm joined by my colleagues here today, Heather Sawyer and Daniel Rebnord. And on behalf of the entire minority staff and its members, we want to thank you again for your appearance here today. We also want to thank you for your service to our country.

There's a good chance we might get into some information that we discussed during the last hour. If we do retread some old ground, I apologize. It's just to make sure that we've fully captured your response and that we've gotten the information that we need.

EXAMINATION

BY MR. DESAI:

Q So to begin, just to clarify, one of the conversations you had with my colleague in the last hour was with respect to some of your roles and responsibilities as deputy ambassador. And I think one of the things that was discussed was that with respect to something like the Benghazi attacks, when an event happens and you're trying to apprise Ambassador Rice or Ambassador Power as to what happened, one thing that you would do, I think you said, is some fact collection and gathering to collect information and then pass that up. And one thing that I wanted to clarify is that when you say fact collection, you're not talking about doing, you know, reaching out to folks on the ground and doing first person fact collection and gathering to find out what happened and what folks on the ground are saying and those types of issues. Is that right?

A So, yes, that's right. It's more gathering information available to the U.S. Government. Again, it comes back to the fact that we have a small office in Washington, a presence in New York, and that's it. So we have -- we're reliant on other arms of the U.S. Government to get information.

And just to -- sorry. A small factual point. My title is deputy to the U.N. Ambassador.

Q Right.

A I'm not -- I don't carry the rank of ambassador.

Q Sure.

A Or I didn't at the time.

Q And when you said that you rely on other arms of the U.S. Government, it would be fair for me to think that you're talking about experts who are in fact responsible for doing this kind of fact collection and gathering on the ground and elsewhere, folks in the intelligence community, the FBI, and other similar entities. Is that right?

A Yes.

Q Okay. So you're not an analyst. You're not doing technical assessments of intelligence and things of that kind. Is that right?

A Correct.

Q Okay. Another topic that you discussed with my colleagues --

Mr. Desai. Please.

Ms. Sawyer. Go ahead.

BY MR. DESAI:

Q Another topic that you discussed with my colleagues in the last session, I think they asked you when you first heard about the Benghazi attack that happened on September 11th. And I think they also asked you about some other events and incidents that had taken place that day and maybe in the days preceding the attack.

One of those was an attack against our Embassy in Cairo, Egypt. Is that right?

A Yes. There had been an attack.

Q And do you recall what you learned about what had happened during that attack against our Embassy in Cairo that same day?

A I don't recall.

Q Would you have recalled that there was a protest there, that our walls at the Embassy had been breached, for example, and that protesters had gotten inside the compound in Cairo?

A Yes. That sounds consistent with -- you know, of what I think happened there, and there were incidents in other locations as well.

Q Do you remember where other --

A If memory serves, we had concerns about Khartoum, Tunisia, Egypt, as you mentioned, and then obviously Libya and Benghazi. There may have been others, but those are the ones that come to mind.

Q And it sounds like when these incidents occurred, you mentioned Khartoum, Tunisia, and obviously Egypt and Libya, it appears as if there was a very genuine and sincere concern about American personnel that are in these areas in the region as unrest is erupting across the region. Is that right?

A That's right.

Q Okay. And I think one of the things you also discussed in the last session with my colleagues was that, you know, once incidents occur, for example, there might be deputies meetings. And I think what you had told us that you've sat in a hundred of these --

A Hundreds.

Q Hundreds throughout the course of your tenure. Probably

more phone calls. So in an instance where there is an incident in Cairo or there's other incidences around the world, you said it would be logical for there to be meetings of this nature to discuss with other, I think you called it, equity or stakeholders in the process. Is that right?

A Yes.

Q So meetings that may have occurred during this time period weren't just exclusively limited to Benghazi and what happened there. Is that right?

A That's correct.

Q Okay.

BY MS. SAWYER:

Q Do you recall, as you were hearing about the unrest, do you recall hearing about -- and the protests that were happening throughout the region -- what the potential cause of that unrest and those protests was?

A Well, yes. As a factual matter, we were trying to understand motivations, what is driving this. There was focus on the video that had angered many Muslims, but that was just one potential focus. But, yeah, we were trying to understand why this was happening, in addition to reacting to it to ensure the security and safety of Americans.

Q And in terms of trying to understand the motivation for the unrest, the goal there in terms of understanding the motivation as the events are unfolding, what is the goal? Is it to try to fashion an

appropriate response to help quell the unrest or is it for other reasons than that?

A I would say as a general matter understanding motivation is intended to inform what we do about a particular incident. It inform -- it helps you understand the nature of whether it's, you know, a threat or a challenge. And certainly in the case of concern about the lives of Americans, we wanted to understand, you know, whether this was -- whether what we had seen in particular places might replicate, might continue in those locations, and what kinds of tools would be most appropriate for the government to try to prevent any further attacks or protests or, you know, risk of loss of life.

Q So with those kind of stakes, I would imagine that everyone is doing their best job to get the question as to what the motivation is right as quickly as they can. Is that accurate?

A No, I think that's right. I mean, it's -- no greater sense of urgency than to ensure the lives of, you know, our folks, Americans, overseas, that there's no, my own personal view, no more important role for policymakers in the government is to ensure that when we send folks abroad that they're protected as much as we can.

Q So, again, you would imagine that the folks trying to -- who are charged with the responsibility to uncover as quickly as possible the source of the violence, protests, and unrest would be making their best effort to get it right as quickly as possible?

A Right. That's correct.

Mr. Desai. If I can shift focus here a little bit, Mr. [redacted], I

want to ask you some questions about the preparation that went behind Ambassador Rice's appearances on the Sunday morning talk shows --

Mr. [redacted]. Okay.

Mr. Desai. -- on September the 16th, I believe it was, of 2012. And in the 3-1/2 years since the Benghazi attacks occurred, I'm sure you're aware that there has been a significant amount of scrutiny focused on her appearances on those talk shows which took place about 5 days after the attacks occurred. And there have been some folks, even some Members of Congress, who have accused Ambassador Rice of intentionally misleading the public on what occurred and intentionally conveying inaccurate information about the attacks.

Now, the minority's obviously taken the view that these questions have been addressed in full and they've been addressed exhaustively in places like the House and Senate Permanent Intelligence Committees' bipartisan reports that address this issue. But the issue is still being pursued by some. So as a result, I think it's prudent for us just to ask some questions and gain some clarity on what happened.

So to guide our discussion, I'm going to enter into the record a document.

[[redacted] Exhibit No. 1

Was marked for identification.]

Mr. Desai. And just to identify it for the record, this is an email chain that contains a host of information. Let me identify it first. It has document ID number C05415285. The very top of the document identifies this document from being from September the 14th,

2012.

And why don't we go off the record for just a couple minutes. That way I can give you the opportunity to spend a couple minutes reviewing it and then we can get into it.

[Discussion off the record.]

Mr. Desai. Let's go back on the record.

So as an initial matter, starting on page 1, the subject here is, "PREP CALL with Susan," Saturday at 4 p.m. eastern. And your name appears at the very top left-hand corner of the document, but I do not see your name anywhere in the recipient list of the email.

So have you seen this document before, recall seeing it during your time?

Mr. [redacted]. I recall seeing it. I saw this document after Susan had made her appearances. I learned about the document in the course of the effort to respond to congressional requests for documents. I was not aware of it prior to the -- her appearance and did not see it, you know, as part of the prep process.

BY MS. SAWYER:

Q So you saw this sometime after. Were you involved in the preparation of Ambassador Rice for the Sunday shows?

A I was.

Q Okay. But you had not seen this particular document.

A I did not.

Q Some of the other recipients on that recipient list, the two, and I believe if you look down below, I just want to direct your

attention to page 4. I think it's the same basic group of recipients.

A Okay.

Q Generally speaking, who does that group include? Are there folks from the USUN staff?

A There are -- so on the email on page 4, I recognize one USUN official, [redacted], in the same -- on the top email on page 1 in terms of the recipient list.

BY MS. SAWYER:

Q And then with regard to the other folks, in general, where are those folks?

A So I'm not familiar with all of the names. But there are several names of individuals who work at the White House and some on the National Security Staff.

Q Okay. And were you involved at all in the scheduling of Ms. Rice for the shows, the request that she appear on behalf of the administration on the shows?

A The scheduling of them? No.

Q Yeah, the requests that she appear.

A No.

Q So do you know how that came to be?

A I don't recall specifically. I mean, my job in this prep process was really to focus on the broader substance of issues, policies, events that may come up, and how we explain what we are doing and what we know. So not the mechanic side I was involved in.

Q Okay. And so do you know the initial email on page 4 comes from -- looks like Dag Vega. Do you know who that individual is?

A I don't. I believe he works or did at the time work at the White House, but I don't know him.

Q Okay. And that email appears to include -- well, it says,

"Here are the promos," a description of what each of the shows --

A Right.

Q -- is intending to cover. Does that seem accurate? Is that what that is?

A That seems like an accurate description of the email, yes.

Q And did you have a sense, even though you hadn't seen this document, as to what was going to be covered in the shows that the Ambassador was going to appear on, on that Sunday?

A What I recall is that my own, you know, thinking and approach to it was largely focused on the Middle East; could face a range of topics. And then, you know, again, as I approached it there could have been Africa issues. You know, she covers -- the U.N. Ambassador covers the world. So you have to anticipate a range of topics coming up.

Q So that does certainly seem consistent with a promotional description. So if you just take a look, and I'll have you take a look first at page 5, which the bottom one starts with "FOX News Sunday." The way they are promoting it is, "Anti-U.S. protests are spreading across the Arab world days after a deadly attack on the consulate in Libya. What should the U.S. involvement be in the troubled region." So it does indicate there that it's a potentially broader focus on the Middle East in line with what you anticipated?

A I think that's an accurate description of this, yes.

Q So it wasn't your understanding going into it that the only thing that Ambassador Rice would be asked to speak about was Benghazi, was it?

A It was not my understanding that that was the only issue.

Q And that she might be and likely would be called upon to talk much more broadly about, certainly, the unrest within the region.

A Sure, yeah.

Q And the foreign policy implications of that unrest.

A Correct.

Q So just moving up on the email, I just wanted to ask, I understand you didn't see it until after the fact, but the top line comes from Ben Rhodes to the group of folks. What was Mr. Rhode's position at the time, if you could explain for us.

A I don't recall his exact title. He was effectively, you know, the strategic communications director, the most senior person for strategic communications on the National Security Staff, would be how I would have described his role at the time.

Q And given this was preparation for a number of shows that were happening on Sunday on behalf of someone appearing for the administration, would it have been unusual for Mr. Rhodes to be sending out an email with some guidance on what should be said on those shows?

A You know, I don't work -- my job is not communications, so it's hard for me to speak more generally in terms of how this worked between, you know, any one agency or multiple agencies and the White House in terms of what was done.

What I can say is, to your point earlier, part of the anticipation is that once you have a senior official on camera with a reporter, particularly on Sunday shows, you should expect that any issue could

come up and that you want your official to be prepped with, you know, public points as to how to talk about what, you know, the administration is doing on a range of issues.

So some document like this -- again, I don't know who wrote it -- would be very consistent with the kinds of material that Ambassador Rice would have received, and this would have been one of a number of documents provided to her.

Q So before we leave this exhibit, I just want to direct your attention, and as you have explained it, part of the goal in preparing Ambassador Rice for that Sunday show was to make sure that she was ready to answer a range of questions. So just directing your attention to that first page.

A Uh-huh.

Q And the top line there says, "Goals." And I just want to take a look briefly at those goals.

The first bullet says: "To convey that the United States is doing everything that we can to protect our people and facilities abroad."

That point, is that consistent with what your experience had been during that week? So this is Sunday. This is 5 days after. We have already talked about the fact that not only were there attacks in Benghazi, but the unrest throughout the region. Was that top line kind of factually consistent with what had been --

A Yes, I would say that's factually consistent.

Q And it is the top point, and you have already stressed with us the importance of helping keep personnel safe overseas. Would you

have agreed that that would be an important thing for the Ambassador to be able to convey to the public?

A Yes.

Q Now, the second bullet says, "To underscore that these protests are rooted in an Internet video, and not a broader failure of policy."

With regard to that, did that resonate with, does that kind of factually seem to resonate with what your experience had been that week with regard to what was happening throughout the region?

A Yeah. It's a little hard for me to answer because, you know, I didn't see this until after the fact. So what I can say is that at the time, you know, I wasn't -- on Friday or Saturday, I didn't react to this point because I never saw it then. But what I can say is that there was an intense focus on gathering facts to understand what had happened and our best ability to understand why it had happened. And that was a focus of our -- of the entire government.

And, you know, generally speaking, this point would have been consistent with my overall mindset at the time in terms of the information that was available to the U.S. Government and what the experts and analysts concluded from that limited body of information.

Mr. Desai. I think you had just told us a few minutes ago that it was your understanding that these shows were going to ask Ambassador Rice about topics that went beyond Benghazi and that it was more about the larger policy of the U.S. in the Middle East to questions about what our role was there, what our involvement was there. So given that

was your understanding and that was the case, I understand that you didn't see this document until after her appearances, would that second goal here be consistent with making sure that she can answer a large and broad set of questions regarding policies in the Middle East and U.S. involvement in that general --

Mr. [redacted]. Yes, I think that that analytic conclusion is correct.

Mr. Desai. Okay.

BY MS. SAWYER:

Q Okay. And then I think one last question before we leave this. You know, I have looked through it. We gave you an opportunity to look through it. The only thing that I saw in this document specific to Benghazi was on the second page. It speaks throughout more broadly and it even gets into issues with Iran that has nothing to do with -- well, were not related directly to the other topics. But on that second page, and I'll just direct your attention toward the bottom of page 2 --

A Okay.

Q -- it's in a question format, and I propose -- I suppose they were anticipating a question might be asked, and that question says, "What's your response to the Independent story that says we have intelligence 48 hours in advance of the Benghazi attack that was ignored? Was this an intelligence failure?" That's the question.

A Uh-huh.

Q The text underneath says, quote, "We are not aware of any actionable intelligence indicating that an attack on the U.S. Mission

in Benghazi was planned or imminent. The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the U.S. Embassy in Cairo and evolved into a direct assault against the U.S. consulate, and subsequently its annex." End quote.

Now, I understand you didn't see this document. But at the time did that, when you spoke with Ambassador Rice and helped prepare her, did those subjects come up, whether or not there was actionable intelligence in advance of the attack?

A I don't recall that specific question as part of a conversation with her, certainly, between me and her. I don't recall having that discrete conversation.

Q And do you recall, even setting aside whether you had a discrete conversation with her about it, do you recall whether you had an understanding of whether there had been actionable intelligence in advance of the attack, specifically?

A My recollection of my own impression of what we as the U.S. Government understood what had happened as of, you know, generally the date of this document, so Friday, is consistent with the language in the answer here.

Q Okay. And that would include the second sentence, which says, "The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the U.S. Embassy in Cairo and evolved into a direct assault against the U.S. Consulate and subsequently the annex"?

A That's correct.

Q And did you, when you saw this, you said you saw this document not on the 14th, but some time after, did you have an awareness at all of where that sentence, in particular, and that information came from?

A In this document? I don't. I didn't at the time and I don't.

Q And you don't even sitting here today?

A No.

BY MR. DESAI:

Q So at the time when you were preparing Ambassador Rice for her appearances on the Sunday talk shows, were you aware that around that same period, specifically the Friday before, that the House Permanent Select Committee on Intelligence had requested the intelligence community to formulate unclassified talking points that Members of Congress could use to talk about the Benghazi attacks?

A I became aware of it, yes.

Q And when was that?

A Over the course of, I would say, the Saturday, so the 15th.

Q Right. And you became aware Saturday. So it looks like the request was made from Congress to the intelligence community Friday, and then you became aware the next day.

So if I can enter another document into the record. I will mark this one as exhibit 2.

[Exhibit No. 2

Was marked for identification.]

Mr. Desai. So let's just go off the record for a minute or 2 just to give you the opportunity to review this document.

[Discussion off the record.]

Mr. Desai. Let's go back on the record.

BY MR. DESAI:

Q So this is a document, looking at page 1, it's an email. The top line says it's from [redacted] to yourself and [redacted]. To identify the document for the record, it is C05415286. It carries with it a date of September the 15th.

So if I can just direct your attention to the first page, to the middle portion. You write to [redacted] and [redacted], "I'm going to email Jake on the Libya points [redacted] references below unless either of you are linked into this effort. Please let me know." End quote.

So just to confirm my understanding, these Libya points are the talking points that you and I just discussed a couple of minutes ago. Is that right?

A That's correct.

Q And in this you're conveying to Mr. [redacted] and Ms. [redacted] that you're going to reach out to Jake. That is Jake Sullivan, is that right?

A Yes.

Q And where was he working at the time?

A He was at the State Department, deputy chief of staff.

Q Okay. So you were going to reach out to him regarding these

talking points. [redacted], Ms. [redacted], responds to you saying, "Please do -- I have not reached out."

And if I can direct your attention to the very last page of the document, it says here, I know it's a little bit difficult to read because some of the markings have gotten in the way, but it appears to say, quote, "HPSCI request: Late this week CIA Director Petraeus gave the HPSCI a hot spots briefing and was asked for unclassified talking points that its members could use about incident in Benghazi."

Further down it says, "The first draft apparently seemed unsuitable (based on conversations on the SVTS and afterwards) because they seemed to encourage the reader to infer incorrectly that the CIA had warned about a specific attack on our embassy. On the SVTS, Morell noted that these points were not good and he had taken a heavy editing hand to them." End quote.

So that first sentence here about the request from HPSCI to then CIA Director Petraeus, that seems to confirm our understanding that the request for these talking points originated with the intelligence community. Is that right?

A I think that -- yes, that's right in terms of the readout.

Q Okay. And then later on when it says here that, "On the SVTS, Morell noted that these points were not good and that he had taken a heavy editing hand to them," who is Morell referring to, just for the record?

A That would be Michael Morell, CIA.

Q And what was his position at the time?

A I believe he was the deputy director.

Q Okay. So it appears as if he had then played a fairly significant role in taking the lead in formulating these talking points and then had taken what is referred to as a heavy editing hand to them. Is that right?

A I mean, that's a correct reading of the SVTS.

Q Okay.

A Just to clarify, this is a readout of a SVTS that I did not participate in.

Q And just for the record, what's a SVTS?

A It's a secure video teleconference.

Q Okay. And the one that's being referenced here, when did it take place, if you recall?

A I don't recall specifically. I believe it was 8 a.m. on Saturday based on the subject line on page 1.

Q Okay, and you did not participate in that SVTS?

A I did not.

Q Okay, great.

Ms. Sawyer. And then also just to be clear for the record, you also did not participate in the actual drafting of these particular talking points?

Mr. [redacted]. I had no role in the drafting or revising of the talking points.

Mr. Desai. And no one else in USUN did either?

Mr. [redacted]. That's correct.

Ms. Sawyer. And do you know, or are you aware to the extent either Mr. Sullivan or anyone else had any requests, if any requests, would you have known what they were about the talking points?

Mr. [redacted]. No.

Ms. Sawyer. So you didn't really have any visibility into who made whatever edits to the talking points were made?

Mr. [redacted]. No. I mean, contemporaneous with the process, no. I mean, a lot is in the public sphere now, but contemporaneous with the process, none.

Mr. Desai. I will now enter into the record another document that I'll mark as Exhibit 3.

[[redacted] Exhibit No. 3

Was marked for identification.]

Mr. Desai. And we'll go off the record again for a couple of minutes to give you the opportunity to review it.

[Discussion off the record.]

Mr. Desai. Go back on the record.

BY MR. DESAI:

Q So looking at the top of this document, this is an email from Mr. Sullivan to yourself. It's dated September the 15th, 2012. It carries a document ID number of C05415290. And if just briefly, if I can direct your attention to the bottom of the document. I know there are a lot of redaction markings across this. But at the bottom of the document it appears that michaeljm sends this out to a host of individuals. It says, "Per the discussion at Deputies, here are the

revised TPs for HPSCI. Let me know what you think."

There appears two talking points underneath this. The first one which reads, quote, "The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the U.S. Embassy in Cairo and evolved into a direct assault against the U.S. Consulate and subsequently its annex. There are indications that extremists participated in the violent demonstrations." End quote. Mr. Rhodes then responds and says, "This is good by me."

Moving further up the chain, Mr. Sullivan then sends this, responds and says, "This looks good." He marks two small edits. "1. We call it 'the US mission' or the 'US diplomatic post' because it is not actually a Consulate. And, "2. There is a missing 'of.'" So the second edit appears to be a grammatical one of a missing word.

He then sends this chain to you. He forwards it, and he says, quote, "Check out the below. You and [redacted] should confirm with Ben that Susan can deploy tomorrow." End quote.

So in this document it appears that Mr. Sullivan has forwarded you talking points. Is that right?

A Uh-huh, yes.

Q And when he says, "You and [redacted] should confirm with Ben that Susan can deploy tomorrow," what was your understanding of what he meant there?

A That he meant that we should confirm that these are, indeed, the finalized points for Susan to draw from on the Sunday shows.

Q Very good. And just if I can direct your attention again to the bottom of the document, the first talking point here, which says, again, quote, "The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the U.S. Embassy in Cairo and evolved into a direct assault against the U.S. Consulate and subsequently its annex," end quote. That's the same language that we had seen in the "Goals" and "Top-lines" preparation materials that we looked at in exhibit 1, I believe. It was the second sentence of the third question of the document, if I'm not mistaken. That's the identical language. It appears as if this talking point had been a part of those preparation materials that was sent out on Friday. Is that correct?

A I think that's right. I haven't done a word-by-word comparison, but it certainly seems that that's the case.

Q Okay.

BY MS. SAWYER:

Q And then did you actually then go ahead and reach out to Ben Rhodes to ask him if it was appropriate for Ambassador Rice to use these talking points as parts of the preparation?

A I don't know if I did or if [redacted] did. I don't recall.

Q Do you recall whether there was an answer -- whether you used these talking points when you helped prepare Ambassador Rice for the talk shows?

A Well, they were -- again, I was not with Susan for her appearances. I actually was out of town. So I was neither in

Washington, nor with the Ambassador. This was done remotely. But the final points were provided to her in some form, presumably in written form.

Q Okay. And when you say the final points, you are talking about the points --

A I'm talking about the points --

Q -- that are reflected --

A I believe, yeah, down at the bottom.

Q Okay. And that second point there that we haven't focused on as much says, "This assessment may change as additional information is collected and analyzed and as currently available information continues to be evaluated." That point, that the assessment may change and that the collection and analysis of information is ongoing, was that a point that you discussed with Ambassador Rice as an important point to convey?

A Well, I mean, I don't have an explicit recollection of that. In part, it goes back to the point we were talking about earlier, that we were focused on a broader set of potential questions that she might get from the interviewers. But my recollection is also that when she was asked about this on the shows, she made a point in at least some of her interviews of highlighting the fact that we were still gathering information and that, you know, this is what we know right now and it may change.

Q And was that consistent with what your experience had been that week, that the assessment was still ongoing, that facts were still

being gathered from the best of your understanding --

A Correct.

Q -- that you were not the person responsible for the fact gathering?

A That's right. That was the general premise for a lot of our thinking.

Q And so was it your understanding that what Ambassador Rice was seeking to do was to convey to the American people and the world the best available information at the time?

A Yes, that was her approach and the approach of the government.

Q And with the understanding that that information might, as more facts developed, actually change?

A Correct.

Q And that is kind of the risk if you do go out to speak, understanding there might be very valid reasons to want to inform the public as to what you know, when you know it, even if it might change, but there is a risk that facts could change, is that right?

A You're right, there is a risk and balance that we have to strike.

Q And that the fact that an underlying fact may change is not indicative that there was an effort to mislead the public from the get-go, is that --

A There was no effort to mislead at all.

Q So everything in those talking points was consistent with

what, certainly, your personal belief and the belief of, as far as you understood it, the administration was at the time?

A Yes, it was consistent with what we were -- what, certainly, myself and someone like the Ambassador were being given as consumers, as policymakers of the information that the government, U.S. Government had collected from sources. So folks who provide the information and analyze it make judgments. We have policymakers. And as a policymaker and consumer, this was consistent with what we knew at the time.

Mr. Desai. And I think you just mentioned a couple of minutes ago that you do, in fact, recall Ambassador Rice saying on the various talk shows that this is the information that we have now, but this could change in the future as our assessments that are being provided by the IC and whomever else changes. Do you recall saying that?

Mr. [redacted]. That's correct.

Mr. Desai. Okay, very good. Now, obviously, after her appearances, as I mentioned at the outset of my questioning, a lot of scrutiny was placed on what she said and there was a fairly robust discussion on what her intentions were and whether or not the information and the assessments had in fact changed.

So if I can enter into the record yet another document to help guide our discussion, and we are at exhibit 4, I believe.

[[redacted] Exhibit No. 4

Was marked for identification.]

Ms. Sawyer. Yes.

Mr. Desai. And, again, we will go off the record for a couple of minutes just to give you the opportunity to review the document, which is a little bit longer than the others so far.

[Discussion off the record.]

Mr. Desai. Let's go back on the record.

BY MR. DESAI:

Q So this is a document, I'm looking at the very top of page 1, from [redacted] to [redacted]. She is forwarding it. You appear right underneath that, from yourself to Ambassador Rice. September 28th, 2012. This has a document ID of C05415305.

And I want to start at the bottom of the document, the end of the document, rather, on page 7, and I'm just going to briefly walk you through this just to help guide our discussion.

So it appears that someone, [redacted], forwarded an article from FOXNews.com to a whole slate of individuals. The article has a title, quote, "U.S. officials knew Libya attack was terrorism within 24 hours, sources confirm," end quote.

And effectively this article is alleging that the administration knew that the attack had been motivated by terrorism. And it further appears that this article reflects some of the criticisms that were being leveled against Ambassador Rice about the motivations of the attack and her intent with respect to the accuracy of the information that was being conveyed on the Sunday talk shows. Is that right?

A That's a fair description of it, yes.

Q And who is [redacted], just for the record? Do you recall?

A I don't know who he is.

Q Okay. So moving further up the chain, Robert Cardillo, if I'm pronouncing that correctly, forwards this to a host of folks. And do you know who that is?

A Robert is the senior official working for the DNI.

Q And what's the DNI, just for the record?

A Director of National Intelligence.

Q Okay. And so he is a member of the intelligence community, is that right?

A Yes.

Q And the other individuals on this, if you can identify them, are they also members of the intelligence community, the ones that -- if you can tell either by their email address or by their name?

A Which email are you talking about?

Q From Mr. Cardillo to -- still on the same -- he says, "I am fairly sure the answer is 'no.'"

A Oh, okay.

Q "And I've asked Matt and Nick to lay out on a timeline the evolution of our IC assessments from 12 September on."

A So Matt and Nick at the time were both intelligence officials as well.

Q Do you know with what agencies they were with at the time?

A They were -- I think it generally falls under the DNI, and they were part of the leadership for the National Counterterrorism Center, NCTC.

Q Okay. So we have here senior officials from the intelligence community discussing this and the accusation that's being leveled in the article. So if I can direct your attention to page 5 of the document, the "from" has been redacted from the notes from an @DNI.gov email address and he sends this out, or he or she sends this out to a host of individuals.

Quote, "NCTC has already made great progress in documenting the chronology of what we knew and what we published. My reading of that draft is that we can easily debunk Fox and refute the hits on Susan's statements on Sunday, 16 September. As I read the laydown, her comments were consistent with our intel assessments at the time." End quote.

I think you mentioned Denis McDonough was your counterpart as a deputy at the White House?

A Yes.

Q And this is also going to UCIA.gov, is a Central Intelligence Agency official, is that right?

A Yeah, someone with a UCIA.gov address received this.

Q Okay. And who was John Brennan at this time, if you recall?

A At the time he was a deputy national security advisor on the National Security Council.

Q Okay. So whoever this individual is at the DNI -- I'm sure we can figure it out -- this person seems to be expressly confirming that Ambassador Rice's comments were in fact consistent with the intelligence community's assessment of what had happened at that time.

Is that right?

A I think that's correct.

Q Okay. And then if I can direct your attention to page 2 of the document. So as we move up, it seems as though this goes through various email traffic with respect to how they want to respond. At a certain point it looks as if Ben Rhodes is added to the email chain, and there's some talk about a statement being put out to address this particular accusation.

On page 2, again, someone from NCTC.gov, their name has been redacted, says: We can draft a statement. "I just spoke to Robert and will loop in and Shawn Turner. I expect our statement to make these points: The IC's job is to follow the facts wherever they lead. This was a chaotic situation at the outset; we had more questions than answers as the event unfolded. Our collection has been limited and fragmentary. Our understanding of the attack has evolved as new information has become available. We have taken care to be precise about the facts and about what we knew and did not know. At every opportunity, we have reported these facts based on the developing intelligence."

So does the information that's being conveyed in these particular bullet points reflect your understanding of how this all evolved at the time, that this was evolving and that her comments, in fact, did reflect the IC's assessment at that time?

A Yes, that's a correct characterization.

Q And now I'm going to move to the very first page of the

document. At the bottom of that page there seems to be a draft statement here and, "It includes the following key point about our assessment." Quote, "Our understanding and analysis of the events of September 11 has evolved as new information has become available over the last 17 days. In the immediate aftermath of the attack, there was information that led us to assess that the attack began spontaneously following a protest earlier that day at our embassy in Cairo. As we learned more about the attack, our initial assessment shifted." End quote.

So that again also reflects this idea that as information was coming in, the facts have changed, the assessments were changing as well. Is that right?

A Yes.

Q And this is an idea that I think we explored in one of the earlier exhibits, that was in talking point number two, that the assessments may change as information is changing. Is that right?

A Yes, that's correct.

Q Okay.

Now, at some point as a result it appears that the intelligence community changed their internal assessment of what happened. Is that right?

A Yes.

Q And do you recall when that internal assessment changed and when the IC did that?

A I don't have a specific memory of a date.

Q All right. So the exhibit we just looked at was dated September the 28th, I believe. Is that right?

A Yes.

Q And that seems -- I mean, that appears to be almost 2 weeks after Ambassador Rice first appeared on the Sunday talk shows. Is that correct?

A It was less than 2 weeks.

Q Yeah, about 12 days or so. And you mentioned that you do recall that the IC did, in fact, change their assessment as to what happened. Is that right? You just don't recall when they did that?

A Yeah.

Q Would September 24th sound at all familiar with respect to when they did that? Possible --

A Possibly. What I can say with certainty is, it was sometime after Susan appeared on the shows.

Q Okay. So, Mr. [redacted], at this point I want to shift focus again with the time that I have remaining. I have got about 7 to 10 minutes or so.

BY MS. SAWYER:

Q And before we do that, I just had one other question that you may or may not recall and we can talk about it later in the classified setting.

A Okay.

Q But around the same time as the Ambassador appeared, do you recall hearing that there had been some reports from the field that

there was not a protest in Benghazi prior to the attack on the temporary mission facility?

A We probably should go into this more afterwards, but I do recall hearing about those reports, but it was after the fact, again, those were post her appearance on the shows at some later date. I do recall that.

Q And do you recall hearing whether, when Mr. Morell was initially notified, whether or not that initial notification changed the intelligence community analysts' opinion?

A When Michael was notified of a field report that there was no protest, is that what you're asking?

Q Right. Whether that initial reporting immediately changed his assessment?

A I don't know. That's something that happened within the intelligence community. Again, as a policymaker, I have no insight, no direct role in that.

Q Okay. And you just don't have a recollection as to whether or not you were informed as to whether his initial notification had changed the underlying assessment?

A None.

BY MR. DESAI:

Q So what I'd like to do is ask you about a series of public allegations that have been made with respect to the Benghazi attack. And we understand that the committee is investigating looking into some of these public allegations, and as a result I have to ask you about

every single one of them. But by asking you about these allegations I do not want you to think that either I or any of the members or staff of the minority of the select committee believe that these specific allegations have any merit. And you will see that there's a handful of these allegations.

So the way I would like to proceed is, I will state what the allegation is, and I will ask you whether or not you have any evidence to support the allegation that is being made. And if you don't, we will move on to the next allegation until I'm at the end of my allegation list.

Is that fair?

A Uh-huh.

Q Do you have any questions?

A Nope.

Q Great.

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 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 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," its highest award for false claims. Do you have any evidence that Secretary Clinton personally signed an April 2012 cable denying security resources to Libya?

A No.

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

A No.

Q It has been alleged that Secretary Clinton misrepresented or fabricated intelligence on the risks posed by 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 of State 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 that the U.S. Mission in Benghazi included transferring weapons to Syrian rebels or to other countries. A bipartisan report issued by the House Permanent Select Committee on Intelligence found that, quote, "The CIA was not collecting and

shipping arms from Libya to Syria," end quote, and they found, 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 transfer 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 the appropriateness of that delay. The House Intelligence Committee issued a bipartisan report concluding that the team was not ordered to stand down, but that, instead, there were tactical disagreements on the ground over how quickly to depart.

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

A No.

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

to assist the Special Mission Compound?

A No.

Q A concern has been raised by one individual that in the course of producing documents to the Accountability Review Board damaging documents may have been removed or scrubbed out of that production. Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to the ARB?

A No.

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

A No.

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

A No.

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

Do you have any evidence that CIA Deputy Director 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 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. Military officials have stated that those four individuals were instead ordered to remain in place in Tripoli to

provide security and medical assistance in their current location. A Republican staff report issued by the House Armed Services Committee found that, quote, "There was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi," end quote.

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

A No.

Q It has been alleged that the military failed to deploy assets on the night of the attack that would have saved lives. However, former Republican Congressman Howard "Buck" McKeon, the former chairman of the House Armed Services Committee, conducted a review of the attacks, after which he stated, quote, "Given where the troops were, how quickly the thing all happened, and how quickly it dissipated, we probably couldn't have done more than we did," end quote.

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

A No.

Q Do you have any evidence of 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 With that, I think we're done. We can go off the record.

[Recess.]

Ms. Clarke. We can go back on the record. We are back on the record and the time is 12:49. This is continuing our discussion in an unclassified setting, and when we finish this discussion, we will proceed to a classified setting?

BY MS. CLARKE:

Q Mr. [redacted], I just wanted to follow up with you regarding some of the discussion that we had in the last hour regarding the prep that Ambassador Rice received prior to her appearances on the Sunday talk shows on September 16th, 2012. And I know that you stated that you were not in town that weekend. But I just had a few other questions for you, and so if you can answer them that would be great. If not, I understand.

We took a look at, in the last hour, at exhibit 1.

A Okay.

Q Which was a series of top line points that were being discussed. The subject matter, the subject of that email is "RE: PREP CALL with Susan; Saturday at 4:00 p.m." And I'm not sure if you answered this question the last hour, but did you participate in that phone call?

A I did.

Q Okay. And do you recall who the other participants were?

A I recall some, but not all of them. We had [redacted] on from USUN. And Ben Rhodes was on. [redacted], who was one of my

staff, was on the email -- or on the phone call. There were others. I just -- I don't recall who they were. Those are the ones that I remember.

Q Okay. Do you recall -- so you said Ben Rhodes. Were there any individuals, other than the USUN individual, were there any other people from the State Department that participated in that call?

A There were no State Department people.

Q Do you recall if there were additional individuals from the White House that participated?

A Yes, there were.

Q But you just don't recall their names?

A I don't know who they were.

Mr. Evers. Do not talk over one another.

Mr. [redacted]. I'm sorry.

BY MS. CLARKE:

Q And during that call -- look at exhibit 2. So the call is scheduled for Saturday at 4, which would be the next day, correct, on September 15th?

A Yes.

Q And so exhibits 2 and 3, we looked at those previously, and there was a discussion about the talking points. It appears that on exhibit 3, you received the talking points that were drafted by the intelligence community at around 2:45, so prior to this phone call, correct?

A So you're right on when I received them. I don't recall

when the conference call happened.

Q Okay.

A So it was sometime in the afternoon on Saturday, but I don't know if it was for earlier or later. Schedules shift.

Q Understood. Do you recall during that conference call whether you specifically discussed these talking points?

A I don't recall specifically. The broader focus of the conference call was on the range of topics that were likely to come up. We did briefly discuss the attacks in Benghazi. I recall that. I don't recall specifically that these specific points came up in the prep call. So I'm not saying they didn't, I'm not saying they did. I don't recall.

Q I'm going to mark -- I think we're up to exhibit 5.

[[redacted] Exhibit No. 5

Was marked for identification.]

Ms. Clarke. And we'll just go off the record for a moment while you take time to review this.

[Discussion off the record.]

BY MS. CLARKE:

Q Okay, we can go back on the record.

So I've introduced as exhibit 5, it's an email, which I note that you are not on. This email chain begins with an email from Matthew Olsen. It's dated September 15th, 2012, at 11:15 a.m. And if you look at the first email in this chain and the second email in this chain, they appear to be the same emails that are included in the chain that

you are on, on exhibit 3.

A Well, I was forwarded the email chain.

Q Yes. But on the email chain that you were forwarded, the first two emails, the one from Michael Morell and the one from Ben Rhodes, also appear to be the same ones on exhibit 5?

A Yes.

Q And as I mentioned, you were not on this email, but this email is a response by Michael Olsen regarding the talking points. He says, "Michael -- This looks good to me" -- I'm sorry, it's by Matt Olsen -- he says, "Michael -- This looks good to me." And he goes on and lists talking points that ODNI sent to Representative Ruppersberger yesterday afternoon based on his request.

During your discussion on the 15th, where you talked a little bit about the talking points, do you recall if there was a discussion about these talking points that were sent to Representative Ruppersberger?

A No, I have no recollection of any conversation about this longer set of points.

Q And had you seen these talking points previously?

A Previous to now.

Q Today, yeah.

A I have seen them -- I have seen them previously, but it was after -- it was not during the prep, it was after Susan's appearance on the Sunday shows.

Q And do you recall when in time you saw these talking points?

A I don't. No.

Q Was it close in time or was it later on?

A No, no, close in time -- I define close in time as within a few days of it. It was not within a few days.

Q Within a few weeks?

A Perhaps within a few weeks. I really don't. I mean other than -- you know, it was not something that came out in the immediate aftermath of her appearance.

Q Do you recall how you became aware of these talking points?

A I don't.

Q I think in the previous hour you discussed that you -- I think you mentioned that you were not aware of how Susan Rice, Ambassador Rice became -- was selected or the decision was made for her to do the Sunday shows. Is that correct?

A That's correct.

Q Do you recall when you were notified that she was, when in time were you made aware that she was actually going to appear on the shows?

A My recollection is a little hazy. It would have been no earlier than, you know, like the Friday before. It was relatively short in time between when I understood that she had agreed to do it and Sunday.

Q Okay. And how did you become aware of the fact that she was going to be on the shows? Do you recall?

A I don't recall specifically. I would assume it would have been from another member of the USUN team that advised me that this

is happening.

Q You said that you were not in town that weekend, and so some of the participation that you had in her prep was done remotely, correct?

A Uh-huh.

Q Do you recall, was [redacted] the person who was with Susan Rice when she was appearing on the shows, or what was -- can you describe your knowledge of [redacted] role in the prep?

A So [redacted] position was as communications director in USUN. So she was the senior press comms person for our team, for the Ambassador. She would have had lead responsibility for this set of appearances as she would have for any significant appearance in the press. Was she with the Ambassador that weekend? I don't know. I don't recall. But it was, you know, this was her area of responsibility.

Q Do you know if Ambassador Rice met with Secretary Clinton on the Friday before the talk shows?

A I don't recall.

Q Do you know -- as far as the shows, Ambassador Rice appeared on five shows and they typically air within a short timeframe of each other. Were any of those shows taped the night before, to your knowledge?

A I don't remember. They may well have been, but I don't recall the mechanics of when she did which show.

Q Turning back to exhibit 1, I had another follow-up

question. I think in the last hour you were asked, because your name appears at the top --

A Uh-huh.

Q -- you were asked whether you received this email, and you stated that you did receive it subsequent to the sent date in preparation for gathering docs to be provided to Congress and that during that process you became aware of this email. Do you recall how you became aware of this email?

A I received it from [redacted]. I mean, she was the one -- she was the recipient of the email, so she provided it to me.

Q Okay.

BY MR. MISSAKIAN:

Q Mr. [redacted], I'm just going to ask you some additional follow-up questions?

A Sure.

Q Bear with me. I'm just going to flip through my notes.

A Sure.

Q Going back to the day of September 11th, I think you testified earlier or stated earlier that you heard about the attacks in Benghazi sometime late afternoon, early evening. Is that correct?

A Uh-huh, that's my recollection.

Q Okay. As best as you can recall, had you heard about the protests in Cairo prior to hearing about the attack in Benghazi?

A I believe I had. But, you know, it's a general -- it's a general recognition of sequencing. But I don't have a specific time

on when I learned about that either.

Q Okay. So as you sit here today, you can't in your mind say whether or not you heard about the protest before or after you heard about the attack in Benghazi?

A I'm sorry, repeat.

Q I'm sorry, let me withdraw that and rephrase it. So as you sit here today --

A Yeah.

Q -- can you say whether or not you heard about the protests in Cairo before or after you heard about the attacks in Benghazi?

A I believe my general recognition is learning about the incidents in Cairo first.

Q Okay. What do you recall hearing about the incidents in Cairo?

A That there were protests outside of our Embassy and they appeared to be in some way related to the video which was causing anger throughout the Muslim world. Beyond that, it's hard to recall.

Q Okay, thank you. And focusing again on September 11th, let's just establish this: When did you leave the office on September 11th, if you recall?

A Craig, I don't remember.

Q Okay. Was it early into the morning on September 12th?

A No, it wasn't that late. But it was late in the evening.

Q Okay. Fair enough. And at any time during the time you first heard about the attacks in Benghazi and when you left that night,

did you hear of any information to suggest there was a connection between what had occurred in Cairo and what had occurred in Benghazi?

A No, I don't have any recollection of the two. The focus really was on understanding the facts of what was going on at our facilities in Benghazi.

Q And as you sit here today, can you distinguish the facts you learned about what was going on in Benghazi on September 11th versus what you may have heard later in that week? In other words, I mean, does anything stand out about what you learned the night of the attack versus what you may have learned in the days that followed?

A You know, other than that there was an attack and there were indications that grew stronger over the course of that evening and into the next morning that there were American casualties and likely Americans dead, I mean that's what stands out in my mind, was a growing deepening fear that we had lost Americans.

Q And now kind of expanding the timeframe to go from the night of the attacks through, say, that Saturday, September 15th. At any point during that time did you receive information that suggested there was a connection between the protests in Cairo and the attacks in Benghazi?

A I mean, my recollection is the points say, that were developed, you know, the information that our government had, that was, again, provided certainly to USUN consumers, suggested, you know, some indication of some tie, a tie that was not fully understood but some tie between the two.

Q Okay. Let's do it that way. Let's zero in a little bit. I think you were referring to a statement that appears a couple of times. Let's start with exhibit 1. On page 2, do you have that in front of you?

A Yeah.

Q There's a question down towards the bottom, and I'll read the question. It says, "What's your response to the Independent story that says we have intelligence 48 hours in advance of the Benghazi attack that was ignored? Was this an intelligence failure? "

And then there's a proposed response, and I'll read that into the record as well. "We are not aware of any actionable intelligence indicating that an attack on the U.S. Mission in Benghazi was planned or imminent. The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the U.S. Embassy in Cairo and evolved into a direct assault against the US Consulate and subsequently its annex." And I believe that you stated a couple of times that the information you had at the time was consistent with the statement that I just read.

A Yes.

Q So what I'm trying to do is try to get an idea of exactly what information you had available to you at the time that led you to conclude that that information that you had was consistent with this statement. So as best you can, put yourself back into that timeframe, September 11th through September 15th, and tell us what information you had available to you that was consistent with this statement in

exhibit 1?

A Sure. Okay. So I'll start by saying I don't recall a specific intelligence product, you know, as a classified document that I could point to. I would say that, as I mentioned earlier, you know, I received a daily intelligence book that was a compilation of material both -- you know, of all sorts of intelligence material. And it certainly would have been the case that on Wednesday the 12th, Thursday the 13th, Friday the 14th, my book would have included whatever available intelligence, whether it was finished or unfinished, that would be appropriate for a relatively senior policymaker to receive, would have been included. That's at least what I was hoping for.

But I don't -- I only know what I am able to have access to from the intelligence community. But I can't point to a specific document. I don't recall seeing something on the Wednesday or Thursday that I could pull out other than, you know, I would consume intelligence at least on a daily basis in the morning based on what was available for policymakers.

Q Okay. So other than the intelligence information you may have been receiving, either in your daily briefings or through some other source, was there any other information that was available to you that you can recall that you believe to be consistent with the statement that I read from exhibit 1?

A I don't -- I think the answer to your question, other sorts of information that I can recall that would be underlying for this statement here, I don't recall receiving, you know, whether it was from

the State Department or others, I don't recall specific information. I mean, again, you know, it's hard to underscore as a consumer of this, we are, you know, reliant on knowing and receiving what our intelligence community judged. You know, we are not analysts.

Q Sure. I'm not asking you to pass judgment on the quality of the information. I'm really trying to get at, you stated that the information you had available to you was consistent with the statement in exhibit 1. I just want you to tell me as best you can, as best you can recall, what information you had available at the time that led you to reach that conclusion. It sounds like it's the intelligence information that you were receiving as a consumer of intelligence information.

A That's right.

Q Okay. That's fair.

Now, the conclusion that have drawn, the information you received from the intelligence community at the time was consistent with the statements in exhibit 1, when did you draw that conclusion? For example, you could have drawn it today, when you looked at this statement and you made that conclusion in your mind today. Or you could have drawn that conclusion at some point in the past. When was it?

A I mean, I guess, struggling a little bit with the question, what I would say is, you know, in the moment of time, we would have conversations at a classified level about what's going on. The question is not, is that -- it's really a question of, okay, if at, you know, a fully classified level this is what we know, this box, which

would be in my binder of intel material, it's, okay, what part of that can you say publicly? What part of that can you explain publicly? And that's a task for the intelligence community to decide, okay, based on this all-source assessment, here is what we can extract from that and make it public.

Again, we rely on the intel community to ensure that there are two sides of the same coin. One is classified, one is unclassified. But they're both intended to say the same -- as much of the same thing as possible.

Q I think I understand that, maybe it was just my bad question. But the conclusion you have drawn, that the statement here in exhibit 1 was consistent with the information you had at the time, is that a conclusion you drew for the first time today or did you draw that conclusion prior to today?

A Yeah. I wouldn't call it a conclusion. I'd call it an assumption that the folks who are responsible for providing both the classified judgment and then, based on that classified judgment, the complementary unclassified judgment, are doing their job correctly. So I, you know, assume that it's, you know, one and the same thing but just intended to be handled in different ways because one is classified and one is unclassified.

Q Do you recall there being any difference between the classified material you were receiving and the unclassified statements about the same information that were being made publicly?

A I don't. I don't recall any differences.

Q At any point in time between the night of the attacks and September 15th, do you recall receiving information that there was an actual protest in Benghazi prior to the attacks on the consulate?

A Say that again. There was --

Q Right. During that time period from September 11th to September 15th, 2012, did you receive any information that there was a protest that preceded the attacks on the U.S. facilities in Benghazi?

A I would say that I received analytic material from our intelligence community, whether it was written or verbal I don't recall, but it's reflected again in the talking points which we talked about, that the judgment at the time was that it was a protest that spontaneous -- that, you know, evolved into an attack, that that was the judgment based on the currently available information again. So contemporaneous with that, you know, in that timeframe.

Q Okay. So other than that?

A Just, yeah, I don't have -- like, USUN does not have independent sources, right, as I have said, you know, we rely on the intel community to provide us. So it was not as if I was out trying to corroborate or disprove something that I got from the intelligence community.

Q I understand you weren't out interviewing witnesses, but there might be other sources of information, potentially. For example, you may know people at the State Department still. You may even know people in the NEA department that covers Libya. So it's possible you could have picked up the phone -- I'm not suggesting you

did -- you could have picked up the phone and called somebody in that department to find out what was going on. So there could have been that avenue of information.

A Sure.

Q As opposed to the information you were getting from an intelligence source.

A Uh-huh.

Q So putting aside the intelligence sources for a minute.

A Yeah.

Q Did you have any other information that was coming to you in any form during that time period?

A Yeah, I mean there may well have been reports that I saw, either I received or my team received from various folks at State who were working with the folks, you know, the State Department folks who were working with the State Department people deployed in Libya. There may well have been.

I mean our office as a general matter, I mean we were physically housed in the State Department, a close relationship with State Department colleagues on a whole number of issues. So as a general matter, substantial amount of sharing of information, both what we have with them and what they have with us on any number of issues.

Q As you sit here today, you just can't recall any --

A I don't recall.

Q Sure.

A I mean, you know.

Q In your response to my colleague's questioning, I believe you said, correct me if I'm wrong, that there was some discussion about marshalling all of the U.S. capabilities or mobilizing all of the U.S. capabilities to protect Americans.

A Uh-huh.

Q Now, in your response, were you referring to military capabilities?

A I was speaking more generically. You know, the deep motivation and desire of senior folks is to make sure that we do everything possible to protect Americans.

Q Now, one of my colleagues had asked you a question about the U.S. military response to the attacks in Benghazi, and you testified or stated that you didn't have any information that the Secretary gave a stand-down order or anything like that. Do you have an understanding of any discussions concerning the use of the U.S. military to go into Benghazi?

A No, I don't. I was not involved in any way in any of those discussions.

Q Coming back to the night of September 11th, we have seen an indication that there was a SVTS around 7, 7:30 that night. Do you recall participating in that? And to give you a little bit of context, I think the Secretary of State herself may have participated in that call, if that helps.

A I don't recall, no.

Q This may seem like I'm jumping around a little bit. I'm

just going through my notes.

A That's okay.

Q Back to exhibit 1, I believe you said that [redacted] sent you this document and it looks like you must have printed it out from your account. Is that fair?

A That's right.

Q Did you have a conversation with Ms. [redacted] about the document or about the production to Congress in general?

A The only conversation I recall having with her is calling her up and saying, "Hey, what do you have?" and she forwarded me this document. That's it. It wasn't a substantive conversation.

Q Were you the point person for producing documents to Congress? Is that why it was coming to you? Was she sending it to you? In other words, why were you involved in the production of the document that she had?

A Well, it was -- so, you know, there's a request for material related to this. I don't remember the exact parameters of the request. And I, you know, others in the office, [redacted] and a few others up in New York, were pulling together documents. And I don't remember the exact genesis for why I called her to ask, you know, what relevant documents, I do have a recollection of the phone call.

Q And also, on exhibit 1, I believe you were asked a question about bullet number two under the heading "Goals"?

A Uh-huh.

Q And I'll read it into the record. It says, "To underscore

that these protests are rooted in an Internet video, and not a broader failure of policy."

You were asked some questions that suggested to me that you have an understanding of what Mr. Rhodes meant when he wrote that. Is that true? I mean do you have an understanding of what he was referring to there? And if so, what is that understanding based upon?

A So I think what we talked about was that even though I didn't have this in front of me in the prep process for Susan, our approach to preparing her for the appearance was to anticipate questions that she might get asked in the context not just of the events in Benghazi, but the broader uprising and violence against American facilities we were seeing.

And it's in that context in my mind that when the point that you highlight says "these protests," it's a reference to the larger question and series of incidents that we faced that appeared to be motivated in a number of different cities by this video. That's the basis for saying I have a sense of the thrust of that talking point.

Q And have you ever had a conversation with Mr. Rhodes about his email, or about that bullet, or the talking points in general?

A No.

Q Have you ever had a conversation with Mr. Rhodes about the attacks in Benghazi?

A I don't recall. You know, I may have. But I really don't recall.

Q That's fine. Have you had a conversation with anybody

about the contents of this document?

A No.

Q Going back to the prep session with Susan Rice prior to her appearances on the talk shows, you have been asked some questions about that. I just want to fill out some additional details.

First off, how long did that prep session go?

A It was somewhere between 30 minutes and an hour, would be my general recollection.

Q Okay. And I believe you said that the Benghazi portion of this discussion was very short.

A It was -- yes, it was one part of the discussion. I don't know if I used the words very short. What I would mean to imply is it was certainly not -- it didn't feature prominently, it was one element of the broader conversation we had.

Q Yeah. I think the word you used was "briefly" discussed?

A Yeah. I think briefly is probably more accurate. It was very short.

Q Which surprised me a little bit, because obviously Benghazi was a big part of that week. Did you anticipate that that would be a focus of the talk shows? I mean certainly that was suggested, I think, by some of the promos?

A Yeah, I think we -- again, we thought it was going to be -- it would certainly come up. But, you know, would also remind the broader context. I mean, this is -- we were facing incidents across the region more broadly in the Muslim world. Certainly, the loss of life in

Benghazi as we got the facts made it rise in importance, but we did not anticipate it to be the sole issue that could come up. And, again, our responsibility for a senior official is to have her prepped on everything.

Q And as best you can sitting here today, and I know it's been -- a little time has passed, tell us what was said and who said it during that conversation, whether you can recall generally or specifically.

A I really don't have very many specific recollections. You know, my -- I was not the lead on this call. You know, this is really for -- to prep her for what she says publicly. So I was far more in listening mode, and really it is hard for me to recall, honestly, you know, 3 or 4 years ago.

Q You don't recall anything that was said by anybody?

A You know, did [redacted] speak? Yes.

Q Uh-huh.

A Did Ben speak? Yes. Do I remember exact thrusts of what each of them said? I don't.

Q It doesn't have to be exact. If you recall generally the sense, do you have a sense of what Ben Rhodes said during that call?

A I mean, you know, I would say, you know, what's in this document, exhibit 1, in terms of top-line points, generally, you know, to my recollection, are consistent with kind of the tenor of the call in terms of how we thought we should frame up, you know, we're recommending to Ambassador Rice that she frame up the issues. But I

really don't have -- I just don't recall specifics.

Q Okay. And, again, I don't want you to get hung up on whether you recall exact language or not. I'm really just kind of looking for your best recollection. If it's a general sense of what was said, that's fine. But take us through it a little bit, the mechanics of one of these prep sessions. Does somebody pretend to be an interviewer and ask the Ambassador questions and then she responds? I mean how does that work?

A Sure. So it was generally more of a conversation. And I believe [redacted] in her role as the Ambassador's communications director kicked off the call, you know, but it wasn't a murder board, for example, over a phone call. It was more of a conversation of topics that might come up and, you know, an exchange between Ambassador Rice and folks on the phone. So it wasn't -- it was much more free flowing.

Q Do you recall if any documents were circulated prior to the call?

A I don't.

Q Would that have been typical?

A Would what have been typical?

Q You know, as part of preparing the Ambassador for whatever she was being prepared for --

A Sure.

Q -- would somebody have prepared a document that would be sent to her that she could use as reference material or talking points, as we have seen in exhibit 1, something like that?

A I think the standard process would be for any event for the Ambassador, she'd get some paper briefing material. In this case the material probably consisted largely of unclassified points. Whether it was drawn from previous statements by senior officials or working talking points within the administration on particular issues, this is an example of something, you know, that's along those lines. You know, as a general matter, when dealing with reporters or the press, you know, you typically do things in a question-and-answer format.

So she would have gotten some level of material, but that wouldn't have been the responsibility of me or my office. That's, you know, the communications shop pulls together those things when it's a question of her appearance before the press in any way.

Q Would you have received a copy of those documents?

A It would have varied. In this case, I didn't, in part just because of the geographics of it. I mean I was, you know, not in Washington and not with her.

Q Okay. And I believe you said that the goal at the time as far as Ambassador Rice was concerned was to convey to the American people the best available information known at the time. Is that fair?

A Uh-huh.

Q So her job was not necessarily to, you know, parrot what was in the talking points, whether it be exhibit 1 or the HPSCI talking points, but to convey to the American people the best information that was known at the time. Is that fair?

A Yeah. Yeah, it is.

Q Prior to the talk show appearances by Ambassador Rice, did you have any conversations with Jake Sullivan about the attacks in Benghazi or the fact that Ambassador Rice was going to appear on the talk shows?

A Well, we talked about the email exchanges.

Q Right. I knew there were some email exchanges, but did you have any --

A We had phone conversations.

Q -- face-to-face or phone conversations?

A Between the attack and then Susan going on the shows on Sunday morning?

Q Yes.

A You know, I may well have. I don't recall a specific conversation. So I'm not, again, saying it didn't happen. I certainly don't -- I don't have a discrete memory of one particular phone call or hallway conversation or conversation, you know, sit-down meeting.

Q Okay. Did you have conversation with anybody after the Ambassador appeared on the talk shows about what she had said on those talk shows?

A You want to time bound that? Because if it's unbounded, then sure. I mean it's a pretty large public record of the controversy around what she said. So, yeah, I had conversations, but if you're asking me over a discrete time period it's harder for me.

Q No, my question really wasn't time bound. So who have you

had conversations with about the controversy that followed in the wake of her appearances on the talk shows?

A Oh, I couldn't give you an exhaustive list. I mean talked to Ambassador Rice. Talked to, you know, various people within USUN.

Q Okay. Maybe I can help you to break it down a little bit. Let's start with Ambassador Rice. When was the first time you had a conversation with her about her appearance on the talk shows and the controversy that followed?

A I don't recall. I mean I had multiple, but I don't recall the first conversation.

Q What can you recall about the content of any of those conversations?

A We discussed certainly over the course of conversations ensuring that what she actually said on the shows was consistent with the points that we had been provided by the intelligence community. So that was certainly a topic of conversation. Over the course of time, so I'm not pointing to one particular conversation but over the course of time, as we have talked about in exhibit 4, I spoke with her about the evolution of the intelligence community's assessment as we understood kind of how the IC shifted its judgments. So that was, you know, another major point of conversation.

Q Okay. Moving -- anybody in the State Department that you had a similar conversation with?

A You know, I don't -- again, I don't recall specific conversations. My colleagues in the State Department, the senior

people that I worked with, you know, Jake, the deputy secretary, you know, Bill Burns, Wendy Sherman, I mean these are the people that I worked with on a daily basis on a range of issues. Do I recall discrete conversations with them about Susan's appearance on the talking show? No.

Q That's fair. What do you recall generally about your conversations with Bill Burns or Wendy Sherman, for example?

A I mean it would have been topics along the lines of what I discussed with Susan. Was she accurate based on the material that was provided to us as part of the prep, how do we understand what the IC, how the IC has evolved its judgments over time, you know, and just seeking to ensure -- I mean just talking about that.

Q Would that have been the same conversation with Jake Sullivan? You mentioned you may have had conversations with him as well.

A Could well have been.

Q But, you know, as you sit here today, you just can't recall?

A I just don't recall. I mean I don't -- yeah.

Q What about anybody in the White House or the National Security Staff?

A Again, you know, I probably had conversations about this topic with, you know, Denis McDonough, the deputy national security advisor at the time. I don't recall others, you know, on the NSC staff. But to sort of set it in context, my recollection is those conversations, you know, ones with the NSC officials were, you know,

less than what I'd -- were just less in scope, less in frequency than others with State, within USUN.

Voice. Can we take a second break here?

Mr. Missakian. Sure.

[Recess.]

Mr. Missakian. I don't think I have any additional questions.

Ms. Sawyer. We didn't want to make it overly not worth your time, so we did have just a few additional questions, so we are back on the record.

BY MS. SAWYER:

Q Mr. [redacted], thank you again for your time, and I had a few more questions before we move into the classified phase.

I feel that during the entire day you have worked hard to help us understand the context within which the Benghazi attacks occurred, what was happening that day, that week, even really the week after. It came up again in just this last hour of questions.

So I wanted to share with you, just briefly, a couple of documents. I'm going give you both simultaneously. One, because the top document is just to refresh your recollection as to how the second document came about --

A Okay.

Q Because I know it's been 3-1/2 years, if my math is correct. So what number are we on?

Ms. Clarke. Exhibit 6.

BY MS. SAWYER:

Q Okay. So I'm going to mark for identification purposes

these documents as exhibit 6 and 7.

[[redacted] Exhibit Nos. 6 and 7

Were marked for identification.]

Mr. Evers. Which one is 6? Is that 49?

Mr. Missakian. 6 is 49.

Mr. Evers. Thank you.

BY MS. SAWYER:

Q So before you dive into them, I'm going to give you a couple of minutes to look at them. Just for purposes of identification, the one that we've marked as exhibit 6 bears the identification number SCB0052749, one, two, four-page document. The top email has you as the sender, and it's sent on Wednesday, September 19, and then what I was going to focus on with you is kind of that first email that starts on the bottom of page -- the second to last page also from you.

And then for identification purposes, exhibit 7 bears the identification number SCB0052811. It's a six-page document. I believe, and I'll ask you to confirm that document 7 is the ALDAC referenced in the email chains that are in --

A Okay.

Q -- document 6, but we'll go off the record, and I'll give you a chance to take a look.

[Discussion off of the record.]

Ms. Sawyer. We can go back on the record.

BY MS. SAWYER:

Q So turning your attention just to exhibit 6. I believe

that's the document with Bates -- with the identification number 52749. And the second to last page down at the very bottom, it's an email from you to Jacob Sullivan, who we've talking about earlier today as being at the State Department, and looks like some other folks within, including Mr. Burns, I think whose name --

A He's on there.

Q -- came up. And it has a message below that says, quote, "Following yesterday's meeting on messaging, [redacted] and I talked just now about sending a cable to posts around the world asking ambassadors to go in this week to urge that their, cap, UNGA speeches include a condemnation of violence. We could use the core messages paper that we discussed in yesterday's meeting as the basis for the cable. Thoughts?"

Do you recall, having seen this document, why you -- you suggested that? It seemed to me, as a potential example, you explained to us in the first hour how your shop's role was to find ways in which U.N. could support important U.S. policy objectives. This, to me, seemed an example of that, but I wanted to get your sense of what you were trying to accomplish here.

A I think that's generally right. I mean -- I mean, I'll say I don't -- it's hard for me to recall this specific little activity on the 19th, but the general -- the broader point is, you know, every year, usually the third week in September there's a high level week at the U.N. where heads of State come into New York around the world for UNGA, so in my message, "their UNGA speeches" is a reference to

statements by other heads of State at the U.N. General Assembly, that third week. You know, our President typically goes up for a brief period of time, so it's a big deal, and you have the biggest gathering of heads of State in any given year.

The attack that happened a week prior, we're looking at UNGA happening, you know, probably starting the next Monday, so I can hear the conversation, you know, even though I don't recall it specifically, I can hear myself having a conversation with [redacted] where we talk and what we should -- what can we do, what can USUN and states do to have countries, when they come to New York, and have their heads of State speak, speak out against this kind of violence, and that's the thrust of this effort.

Q And then there's some additional, you know, back and forth up the chain, and this chain ends with you again sending a message. It looks at this point as if, based on your message, my main reaction to the ALDAC. Can you first explain what an ALDAC is?

A Yeah, an ALDAC is -- so the State Department has embassies and posts around the world, and one of the ways that the State Department formally communicates with their post is through a cable, so it's a, you know, formal process where some document -- and this is the example of a cable gets transmitted. An ALDAC is a cable that is sent by the State Department to all diplomatic -- I think it stands for All Diplomatic and Consular posts.

Q Throughout the world?

A Throughout the world. So this -- this message here,

exhibit 7, would have gone, effectively, to every single diplomatic post that we have around the world.

Q So I think you answered one of my questions, which is the second exhibit that I had given you, exhibit 7, is the cable, the ALDAC that came out of this discussion?

A That would seem to be the case, yes.

Q And you, on that second page, are -- it shows, among the many other recipients it went --

A Right.

Q -- throughout the world. On the second page it says, USUN/W: R --

A That's me.

Q So you did also receive this?

A So that's just -- sorry to be bureaucratic about it. That list of people at the top is intended to reflect who cleared on it.

Q Great. So all of those individuals would have seen this, had the opportunity to comment on this, and ultimately --

A In theory, that's the case. And in this one, you know, clearly I read it since, you know, the exhibit 6. I can't speak for every single other person on that clearance line whether they personally read it or they had some staff member read it. I mean, most of these folks here are fairly senior front office people for the different bureaus.

Q Okay. And in that summary on the first page, just to draw your attention to that, it leads with, "The widespread violence across

the Middle East and the Muslim world, directed at U.S. and other diplomatic posts, threatens our ability and the ability of other nations to conduct effective diplomacy, and thus to ensure peaceful relations between nations. The upcoming opening of the United Nations General Assembly in New York is an opportunity for the collective nations of the world to reaffirm their commitment to avoiding violence in response to speech and to the sanctity of diplomatic posts."

So seeing that summary, does that, again, reflect the experience that you had from the day of the attack through the ensuing weeks about the unrest throughout the region?

A Yeah. I mean, that's consistent with -- yes.

Q And the desire here is to help quell ongoing unrest and speak against it?

A Yes. Yes, broadly speaking, and achieving that objective that you just described by urging other countries, other leaders, other governments to join us in speaking out against this kind of violence.

Q And the background references in what's number 3 down there, provides kind of a what's happened to date. It says, "Since September 11, 2012, there have been widespread protests and violence against U.S. and some other diplomatic posts across the Muslim world. The proximate cause of the violence was the release by individuals in the United States of the video trailer for a film that many Muslims find offensive. Diplomatic compounds have been breached in several countries, including Libya, Egypt, Tunisia, and Yemen. In Benghazi, Libya, four U.S. personnel were killed in the violence, including the

U.S. Ambassador to Libya, J. Christopher Stevens."

So there, there's a discussion, in particular, of the video. What was your sense about -- and again, in the context of the unrest, what the desire and need to actually talk about the video was?

A Say that -- what's the question again?

Q My question is, that specifically references that the cause of the unrest throughout the region, the proximate cause, it says, is the video trailer for a film that many Muslims find offensive. Why, in particular, was there a need to talk about and mention the film?

A Well, I think the film featured prominently in discourse around the world in terms of evaluating what had happened outside our facility, what was happening, you know, the protest, the attacks, but also it's a question of -- it's reflected a little further down, freedom of speech, and some governments -- we -- the U.S. Government is fairly confident, would seek to take steps that we weren't prepared to take given our view on the freedom of speech.

So as we -- you know, this cable is intended to try to appeal to as broad a set of governments as possible to join us in how we talk about what's going on, and so the most straightforward way is to take on the issues that we knew would be on their minds, and you know, certainly, at this time, our judgment in terms of the broader dynamics that were driving the broader set of incidents that we were looking at, the video seemed to be relevant as a driver.

Q And so one of the -- is it fair to say one of the interests of the United States certainly would be to not quell free speech. At

the same time, and if you take a look at page 4 in the "Talking Points," the second tickle down -- trickle down says, "The United States Government had absolutely nothing to do with the video that sparked recent protests around the world against U.S. and other diplomatic missions."

Was it your understanding that part of the goal here was also to make clear that to the extent the video had caused anger, that people understood that the United States was not responsible for --

A For the video.

Q -- that video?

A Correct. I don't see the point. I'm sorry.

Q It's on page --

A Still page 3.

Q Flips -- bears the mark number --

A Right.

Q -- down at the bottom, 52814?

A Right, right.

Q And to the extent there was that effort made, was it your understanding that there was a sincere concern that given the risk of ongoing violence, that there was a need to do that to try to distance the U.S. to help protect our people at least?

A Very much so.

Q And there is a reference within this very document to the risk of ongoing protests, right, on page 2, number 4. It's marked "Sensitive But Unclassified"?

A Yes.

Q "Protests are continuing this week, and we anticipate a fresh surge of protests against U.S. and other diplomatic posts this Friday, September 21st." It goes on to mention some additional materials that may be offensive.

So if you could help us explain, both to our members and the American people. I mean, there have been many questions about why did the government continue the talk about a video, and because the focus has always been so narrow on Benghazi or protests, not even just a video, but why did they continue to talk about protests? Why did they continue to talk about this video? This cable seems to be that there's a juggling of very serious concerns about the safety of our personnel overseas, ongoing protests.

Can you just try, as best you can, explain to us so that we can finally explain to Members of Congress and the American people why, in this context, there was the need to talk about this, the protests, and talk about the video in relation to the protests?

A So, you know, in Muslim countries, the Friday morning prayer is the most significant weekly religious event; and often, when there are -- when sentiment is inflamed, you see a spike in violence on Fridays, and this is a reference to the fact that we had ongoing concern about views of the United States which fed, in part, by the video, and that we are coming up on another Friday.

I don't recall specifically the French weekly magazine cartoon, but, you know, reading the paragraph you highlighted, the thought

process is there is yet potentially another incident that could be explosive in Islamic societies as it relates to the United States or to western countries. And there remained, fundamentally, concerns about the security of Americans, particularly in Muslim countries, particularly in embassies where there may have -- where the security of our compound may present, you know, potentially more vulnerability to some kind of protest or other incident.

Q So this cable and discussion of protests and discussion of the video were not an effort to spin a particular political narrative?

A No.

Q Were they an effort to conceal the facts about, in particular, what had happened in Benghazi?

A No.

Q Were they an effort to avoid embarrassment for the administration with regard to what in particular had happened in Benghazi?

A No.

Q Just returning briefly to exhibit 1. That is a document, and that's the document that we started with. My colleague asked you some questions about in their last round. It's also a document that has been called by Judicial Watch, among others, as a smoking gun with regard to supposed evidence that there was a concerted effort to mislead the public about what happened in Benghazi. Do you believe this document is a smoking-gun document that shows that?

A I do not.

Q And why do you not think that this is a smoking gun?

A Well, I know we talked about this previously. Again, reading the document now and when I saw it subsequent to the fact and trying to put myself in the context of September 11, that week leading up to Susan's appearance, it is generally consistent with our approach, our understanding, factual understanding of what had happened, and reflective of the broader questions that were very front and center in policymakers' minds about safety and security of Americans across a large portion of the world.

Q Well, thank you. I think that concludes the questions that we had as follow-up to the last hour, so --

Mr. Missakian. Just a couple of follow-up questions.

BY MR. MISSAKIAN:

Q With regard to exhibit No. 7.

A Yeah.

Q Did you take any part in drafting the cable that is the attachment to exhibit 7?

A I don't recall any drafting part. That would not have been my role.

Q And the top of page 2 it says, "Drafted By."

A Uh-huh.

Q "S/P: JSullivan." Does that mean that Jake Sullivan drafted the cable?

A In theory, yes, it does, but if you were to look at the -- you know, I read through this exhibit 6, it would seem that someone on

his -- you know, his staff drafted it.

Q Okay. Help me out here. What are you looking at on exhibit 6 that would suggest that?

A So [redacted], which I guess this is page 2, bottom half.

Q Yes, I see that.

A [redacted].

Q Uh-huh.

A [redacted] works -- worked at the time for Jake.

Q Did you have any conversations with either Ms. [redacted], with Jake Sullivan, or with anyone else on Jake Sullivan's staff about the content or the purpose behind the statement contained in the cable that is part of exhibit 7?

A You know, I don't recall specific phone calls. I mean, clearly, I suggested the whole process, but I don't have a recollection of then sort of -- you know, a conversation where I went through in nitty gritty detail of, you know, what it should say. Frankly, part of my desire in -- I mean, in why I would send an email like this is the State Department is a very big organization. They've got a lot of people that can draft and clear and develop. You know, I've got a staff of five covering the world, so this would have been something where I, you know, collaborate with State and hopefully piggyback on the fact that they are a much, much larger organization.

Q And you were asked some questions about the motive of the drafter of the cable, and I think you were asked something to the effect

was it the motive of the drafter to draft this cable in a way that would mislead somebody about what had occurred either in Benghazi or in the broader region. And I'm just trying to understand your basis for understanding the motive of the drafter and the reasons why certain statements were put in.

A So I would say that -- I wouldn't say the motive of the drafter. I would say the intent of the cable.

Q Okay. So you understand that distinction?

A Uh-huh.

Q Okay. And the intent of the cable was based on your original email, that suggestion?

A Right.

Q Okay. Thank you.

Ms. Clarke. I think that concludes all of our questions in the unclassified setting. I just have a couple of classified questions. I don't know if it will take long.

Mr. Evers. Can we do a 5-minute break?

Ms. Clarke. Yeah, that's fine.

[Whereupon, at 2:08 p.m., the committee proceeded in closed session.]

1 Ms. Clarke. So we're back on the record. I would note
2 for the record that we are now in a classified setting. We
3 are proceeding at a secret level. The information that we
4 have appears to be at a secret level. The witness, if there
5 is any information that you believe in your testimony would
6 go above that level, notify us of that information.
7 Otherwise, we'll proceed at the secret level.
8 So I just have a couple of documents I wanted to show
9 you that were marked as classified, and these relate to some
10 of the topics that we have talked about today. We're on
11 exhibit 8.
12 [redacted] Exhibit No. 8
13 was marked for identification.]
14 Ms. Clarke. So I'll give you a moment to look at this,
15 and we'll have a discussion about it.
16 And I'm going to go ahead and mark exhibit 9, because
17 I'll have questions about this one as well, that you can take
18 a look at.
19 [[redacted] Exhibit No. 9
20 was marked for identification.]
21 [Discussion off the record.]
22 Ms. Clarke. We can go back on the record.
23 EXAMINATION
24 BY MS. CLARKE:
25 Q So, Mr. [redacted] I've handed you what's been marked

1 exhibit 8, and for the record, it's identified as Doc No.
2 05415302. It's a document that has been marked as
3 "Confidential," and it's from [redacted] to you and other
4 individuals with USUN, and it appears to be summarizing a
5 SVTC that was chaired by Denis McDonough on the 16th. Did
6 you participate in that SVTC?
7 A I don't believe I did. I don't recall it. Again,
8 I was out of town that weekend.
9 Q What I wanted to focus on was near the bottom of
10 the first page. There's a discussion regarding Libya. And
11 the last bullet point states, "Morell is having his analysts
12 consider the disparate views of the field leadership."
13 Do you recall having a discussion with [redacted] about
14 what that bullet point was referring to?
15 A I don't recall a specific conversation. What I do
16 recall -- again, the dates are not precise in my memory -- is
17 that it emerged subsequent -- in subsequent -- over some
18 subsequent period. Certainly it emerged to me in my position
19 at USUN that the CIA was learning -- you know, we were
20 learning from the CIA that there were views of their folks in
21 the field.
22 Again, this is after Susan's appearance, but my approach
23 to that issue was that's an intelligence community issue. We
24 rely on the analysts, CIA and elsewhere, to take all source
25 information and render a judgment. So --

1 Q And do you recall what the disparate views of the
2 field were?
3 A At the time of this email?
4 Q Yes.
5 A I didn't know what they were at the time of the
6 email, other than the fact that there were disparate views.
7 Q Okay. You said that over the course of time,
8 during this timeframe and after Ambassador Rice's appearance
9 on the talk shows, that you began to learn that there were
10 different views. Do you recall what those -- what you
11 learned about the field leadership views regarding what
12 happened in Benghazi?
13 A One of the main issues centered around the question
14 of whether there was a protest outside of our facility in
15 Benghazi, and that in fact was one of the issues that where
16 the set of facts and then the judgments off those facts
17 evolved over time.
18 Q And do you recall specifically what the field, the
19 individuals in field thought about whether or not there was a
20 protest?
21 A You know, it's a little hard for me to
22 disaggregate. Again, a lot has been written, a lot has been
23 in the press on this question of who thought what, when. So
24 it's hard for me to disaggregate kind of what I thought.
25 But, you know, my recollection, my understanding is that part

1 of the issue was that the agency had folks on the ground who
2 felt there was no protest.
3 But, again, as a policymaker and as a consumer, the
4 desire -- you know, our role is to let the intelligence
5 community assemble the facts and render judgments on them.
6 So this was, you know, an emerging set of facts, and there
7 was a great desire by myself and other policymakers to know
8 whether that would change the intelligence community's
9 judgment.
10 Q So I would like to take a look at what has been
11 marked as exhibit 9, and for the record it's Doc No.
12 05415931. And this is a email that you sent to some
13 individuals regarding a SVTC that you participated in --
14 A Uh-huh.
15 Q -- on the 17th. And just -- can you, kind of as
16 background, when you're referring to the NSS SVTC, is that a
17 -- was that the same thing as the Deputies Committee meetings
18 we were talking about earlier. Describe what type of meeting
19 this was, if you can?
20 A Both of these exhibits, 8 and 9, that we're talking
21 about reflect the fact that, as we talked about, we had
22 widespread concerns about both incidents that had occurred
23 and potential incidents that were coming -- potentially
24 coming down the pike at our facilities. So there were
25 relatively frequent meetings convened by the White House that

1 brought a range of stakeholders from the interagency
2 together --
3 Q So were those --
4 A -- to discuss security. I don't recall the total
5 number. But, you know, the reality of today, taking
6 ourselves out of Libya for a second, is we have State
7 Department people, we have DOD people, we have FBI people, we
8 have intelligence community people, there are a range of
9 people at any given post around the world. And in many of
10 these posts there's heavy presence from other agencies, other
11 than the State Department.
12 So, you know, logical that the NSC in its coordinating
13 capacity convenes all of these stakeholders together to talk
14 about what's going on in each of these countries, what's our
15 body of information, and then what are each of the agencies
16 doing to ensure the safety and security of our personnel.
17 So, you know, you had senior people around the table and
18 on the screens. I can't give you a full list. I don't
19 recall it. There were a lot of interested parties. But they
20 were senior people from around the interagency, and we tick
21 through topics like this very frequently.
22 Q So your email, in the body of the email it says
23 "Susan," but I don't see her listed -- her email address
24 listed in the "to" or the "cc" line. And so when you say --
25 A The mechanical process, the way this worked, you

1 know, this is during the week, she's got a tremendous
2 schedule. So the woman I sent it to, [redacted], at
3 the time was the special assistant up in New York. Her job,
4 among others, was to receive information like this, print it
5 out, and, you know, compile it for the Ambassador.
6 Q And so you go on to talk about -- and I'll just you
7 quote. You said, "You should know that Michael Morell told
8 the group that the CIA has reviewed all field reporting from
9 his Stations (Tripoli and Benghazi) in Libya, and the CIA's
10 assessment of the attack on Benghazi is unchanged and
11 consistent with what you said on the shows yesterday. Morell
12 said explicitly that we have no/no indicators of
13 pre-planning. He said that the one new piece of raw
14 reporting that has been published in the last 24 hours about
15 possible foreknowledge of some Libyan officials does not/not
16 change this assessment."
17 A Uh-huh.
18 Q Can you kind of just walk us through that
19 discussion during this particular meeting that was convened
20 by the NSS.
21 A Uh-huh.
22 Q How did -- if you recall, who addressed the issue
23 regarding the CIA's field reporting? It seemed to be a
24 followon from the meeting that occurred the day before where
25 Morell said that he was going to have his analyst consider

1 the disparate needs of the field leadership. Can you just
2 walk us through what you recall about that conversation?
3 A I don't recall much of the conversation. I mean,
4 it comes back to the fact that I sat through hundreds of
5 these. So I really can't say much more than, you know, what
6 my readout reflects.
7 You know -- yeah. On that particular topic, I don't
8 have much more to recall. I mean, we had a sort of standard
9 agenda for this set of meetings, which was to go through all
10 the countries where there were concerns of vulnerabilities,
11 whether it was, you know, physical vulnerabilities of our
12 facilities or larger likelihood of potential protests. And
13 so, you know, both of these are very reflective of the kinds
14 of conversations we were having at the time.
15 But this particular issue of what Michael said about a
16 review, I really -- I don't -- I have really very little
17 recollection.
18 Q Based on what you -- your readout here, it seems
19 that there is some concern from perhaps Ambassador Rice or
20 someone was concerned about what she had said on the shows
21 the day before and whether they were consistent with the
22 intel that the CIA had at the time.
23 Do you recall having a discussion close in time to this
24 email with Ambassador Rice about the developing information
25 that the CIA had regarding whether or not there was a

1 protest?

2 A No, I don't recall. But, you know, it's a very

3 natural thing for her to focus in on. The judgment by any

4 official publicly about drivers for this incident at that

5 time were reliant on intelligence information. So if you

6 have a suggestion on Sunday that things might be shifting, if

7 I were Susan, I'd want to focus in on that as well, to

8 understand, well, are we in a different space on Monday than

9 we were on Saturday or Sunday morning? Very natural for her.

10 That's what I would want to do.

11 Ms. Clarke. I think those are all the questions I have.

12 Ms. Sawyer. What number are we up to?

13 Ms. Clarke. Ten.

14 [redacted] Exhibit No. 10

15 was marked for identification.]

16 EXAMINATION

17 BY MS. SAWYER:

18 Q So, Mr. [redacted] I'm going to show you what we've

19 marked as exhibit 10 for identification purposes. It's a

20 document that bears the identification number C05415807.

21 It's a two-page document. And it's an email chain between

22 you and Ambassador Rice with some other individuals on it. I

23 was going to ask you a couple of questions about that, so

24 I'll give you a moment to take a look.

25 So that document, the first email in the chain starts at

1 the bottom of page 1. It's an email from you. It's
2 addressed to Ambassador Rice and cc'ing some other
3 individuals, looks like, within the USUN staff. Is that
4 correct?
5 A Uh-huh, yes.
6 Q And that one bears the date and time of
7 September 12th at 3:49 p.m. So this would have been the day
8 after the attacks in Benghazi and the unrest and protests in
9 Cairo and elsewhere. Is that --
10 A Yes.
11 Q -- accurate? And do you recall whether this was
12 the first or if there had been other -- this doesn't have a
13 subject line. It's been redacted. But it says in the first
14 line of your email, "Susan -- below are the key points from
15 this afternoon's SVTC." That's S-V-T-C.
16 A Uh-huh.
17 Q Do you recall whether this was the first or if
18 there had been a prior meeting?
19 A I don't recall whether this was the first or the
20 prior.
21 Q But fair to say that this was pretty --
22 A It's pretty fast.
23 Q In the short aftermath of the attack.
24 A Yeah.
25 Q The first, I think, you know, four bullet points

1 there, it references Denis. I assume that's Denis McDonough?
2 A Yes.
3 Q And it sounds like he's giving an update as to the
4 status vis-a-vis Libya. So Tripoli, Benghazi.
5 A Yes.
6 Q And then that last bullet on the page says, "There
7 is real concern about the prospects for further violence,
8 particularly on Friday following the prayers (e.g., the MB in
9 Egypt has called for peaceful protests on Friday). NSS has
10 tasked an NSS/State gameplan for diplomatic outreach between
11 now and then to key countries to urge further statements of
12 calm and security support for our Embassies."
13 We've talked a fair amount about the unrest in the
14 region. Does that reflect the concerns that were being
15 expressed about the broad unrest --
16 A Yes.
17 Q -- and the steps that --
18 A Yes, and the particular concern about Fridays.
19 Q The upcoming Friday. And you explained that
20 earlier, that Fridays were a day of particular concern. It
21 sounds like there was concern on the first Friday following
22 the attack.
23 A Correct.
24 Q And as well on the next Friday.
25 A Correct.

1 Q So it wasn't something that had died down
2 immediately overnight.
3 A That's correct.
4 Q And this was an issue of ongoing concern and
5 ongoing discussion.
6 A That's correct.
7 Q The next page, the very top bullet point says,
8 "State is undertaking a further review on Embassies with
9 heightened risk to consider if further drawdowns are needed."
10 Do you recall the extent -- I think some of the other
11 documents that were just shown to you as exhibits, and we'll
12 return to them, indicate drawdowns, but there were actually
13 drawdowns occurring at embassies other than the embassy in
14 Cairo and in Libya. Is that --
15 A That's correct.
16 Q Now, the third bullet point says, "The IC is
17 working vigorously to gain more information on who attacked,
18 why, and whether there are AQ ties."
19 It's my understanding that "AQ" generally refers to Al
20 Qaeda. Would that have been your --
21 A Correct.
22 Q It goes on to say, "Right now, we still don't know
23 much except for uncorroborated information."
24 So that there, I think, reflects what you have been
25 telling us that the role, responsibility in determining who,

1 why, and whether there were particular ties fell to the
2 intelligence community.
3 A That's correct.
4 Q And as of the 12th, they were fully on that job,
5 and they had asserted that they were on that job.
6 A That's correct.
7 Q And the purpose of meeting in this, as you've
8 explained it, kind of interagency and getting the
9 stakeholders would have been to allow them to brief the other
10 parties as to their best assessments as they were developing?
11 A That would be one purpose for the meetings, yes,
12 from the IC perspective.
13 Q Great. It goes on to say in the next bullet point,
14 "NSS is continuing outreach in the U.S. to religious leaders
15 to encourage more statements disassociating themselves from
16 the anti-Islam videos."
17 What there would have been kind of the goal with regard
18 to outreach within the United States to religious leaders
19 about these videos?
20 A Well, it goes to the broader concern we have, that
21 the videos were inflammatory and that in some parts of the
22 world the United States more generally was being tied
23 directly to the videos, complicit in them, having helped
24 generate them. So the desire was to create voices inside the
25 United States, other than the U.S. Government, that might be

1 viewed as credible in terms of seeking to distance the U.S.
2 as a country from the videos.
3 Q And again, a desire to distance the U.S. and help
4 calm the unrest at base went to the security of our personnel
5 overseas.
6 A That's correct.
7 Q And in that next bullet point it says, "Per
8 standard practice, the FBI has the lead on investigations
9 regarding the deaths of AmCits. That has begun."
10 So do you recall -- it sounds here as if as of the day
11 after it was already clear through the interagency that the
12 FBI would be investigating the attacks.
13 A That's -- yes, that's reflective of that. I mean,
14 this is really far beyond the purview of the USUN, but as
15 participating in interagency meetings you'd hear reports from
16 other agencies as to things that are within their remit.
17 That's clearly within their remit, not ours.
18 Q Sure. And you were relaying that information to
19 Ambassador Rice so that she had the up-to-date information --
20 A Correct.
21 Q -- from the interagency as to where the government
22 stood.
23 A Correct.
24 Q Now, again, briefly, just returning to exhibit 8.
25 A Pardon?

1 Q Just returning to exhibit 8 --
2 A Eight.
3 Q -- for a moment, yes. And that was document with
4 an identification number at the bottom 5415302. It is the
5 summary of a SVTC on September 16th by [redacted]
6 A Yeah.
7 Q I think you've already said that you didn't attend
8 that particular, that [redacted] attended.
9 A I don't believe I did, right.
10 Q And he, similar to the note that you had sent, he's
11 providing a summary to keep both the Ambassador and the team
12 updated on what the interagency is saying about not just
13 Libya, because it's covered, but certainly other unrest in
14 the region. Is that the purpose of this?
15 A That's correct.
16 Q It indicates up at the top the SVTC was chaired by
17 Mr. McDonough, and it indicates a running time of about
18 2 hours and 15 minutes.
19 A Uh-huh.
20 Q So that's -- is that a -- that's a --
21 A That's long.
22 Q Yeah. It seemed to me like a long period of time.
23 A It's a long meeting.
24 Q So this was a pretty exhaustive overview of -- and
25 it indicates right there, the conversation first dealt with

1 countries of primary focus, and it lists one, two, three,
2 four, five, six -- at least seven. At the top of the next
3 page is a little -- seven different countries, Tunisia,
4 Sudan, Egypt, Yemen, Libya, Afghanistan, Pakistan. And there
5 is discussion within about particular steps are being taken.
6 You'll see that in Tunisia there's a drawdown underway.
7 There's also a drawdown under way in Sudan.
8 A Uh-huh.
9 Q There's concerns in Egypt about weapons that might
10 be used to target the Embassy. In Yemen, there's concern
11 because there has been the praising of the killing of the
12 Ambassador and the calling for more attacks on U.S.
13 diplomats. They mention Libya, and they say Tripoli was
14 described as calm. It is there that my colleague asked you
15 about the comment that Morell was having his analysts
16 consider the disparate views of the field leadership.
17 In addition to these countries of primary focus, there
18 is also a mention later, if you look on that second page,
19 page 2, of Lebanon, Jordan, Iraq, and Ethiopia, and it says
20 "were briefly mentioned," as well as these other discussions.
21 So, again, just to make sure that we fully understand,
22 this seems to reflect that there was truly broad, serious
23 unrest in the region, and that was a major concern throughout
24 the interagency.
25 A Yes, that's a correct characterization.

1 Q And on that same exhibit that we were just talking
2 about, exhibit 8, the time stamp is, that Mr. [redacted] seems
3 to send the summary around, is 1:19 in the afternoon. That
4 16th is the day that Ambassador Rice appeared. So in all
5 likelihood, I would imagine this summary did not go out until
6 after she had appeared on the Sunday --
7 A I believe that's correct. I mean, my general
8 recollection is she was done and her interviews had aired by
9 mid-morning on Sunday.
10 Q And the meeting itself, do you happen to recall
11 when this meeting --
12 A I don't know when it occurred. I don't know.
13 Q -- that 2-hour meeting? And do you know whether or
14 not it referenced in there, as my colleague asked you about,
15 about Morell, meaning Deputy CIA Director Michael Morell, as
16 having his analysts consider the disparate views of the field
17 leadership, do you recall whether you had, prior to seeing
18 this at 1:19 or sometime after 1:19, that's when it was sent,
19 whether you had heard that there were disparate views of
20 field leadership?
21 A I have no recollection prior to this email.
22 Q Of having heard --
23 A Of having heard anything about disparate views.
24 Q And then just turning briefly to exhibit 9. Again,
25 it's a Document Identification No. 5415931, and that's the

1 summary that was provided by you, this time on the 17th.
2 A Uh-huh.
3 Q And, you know, that first paragraph indicates that
4 Mr. Morell had said explicitly -- well, that the CIA -- and
5 I'm just looking at the second full sentence.
6 A Okay.
7 Q "You should know that Michael Morell told the
8 group." And it goes on to say, "The CIA's assessment of the
9 attack on Benghazi is unchanged and consistent with what you
10 said on the shows yesterday."
11 So putting those two documents together, and given that
12 it was 3-1/2 years ago, to the best of your recollection, as
13 of the 16th, you were not aware that there was a disparate
14 view from field leadership, and then as of the 17th, the day
15 after, Mr. Morell had informed the interagency that that
16 fact, the disparate view had not changed their assessment as
17 of that point in time?
18 A That's correct.
19 Ms. Sawyer. Okay. If we could just go off the record,
20 just take a second, make sure we don't have anything else for
21 you.
22 [Discussion off the record.]
23 Ms. Sawyer. Okay. We can go back on.
24 So, Mr. [redacted] I think that's the end of the questions that
25 we had for you, you know, barring some additional questions

1 from our colleagues. You know, we thank you for your time and
2 your patience with our questions. We very much appreciate
3 your appearing before the committee voluntarily. So, you
4 know, thank you for that, and, again, as my colleague said at
5 the outset, for your service, longstanding service to the
6 country.
7 Mr. [redacted] Thank you.
8 BY MR. MISSAKIAN:
9 Q Just a few follow-up questions --
10 A Sure.
11 Q -- to exhibit No. 10.
12 A Okay.
13 Q Mr. [redacted] had you reviewed this document prior to
14 today?
15 A I don't think so. I mean, prior to today, meaning
16 any point since I sent it?
17 Q Yes.
18 A I may have seen it once or twice, you know, in the
19 course of pulling together material. I mean, I'm the one
20 that printed it out.
21 Q Okay. It's not something you reviewed to prepare
22 for your interview, for example?
23 A No.
24 Q Now, let's start at the very bottom, the email that
25 you sent on September 12th, 2012, at 3:49 p.m.

1 A Yeah.
2 Q This is meant to be a summary of the SVTC. Is that
3 correct?
4 A Yes.
5 Q Now, having read through your summaries, do you
6 believe it, to the best of your recollection, to be an
7 accurate summary of what was said during that SVTC?
8 A I believe so.
9 Q Okay. As you sit here today, is there anything
10 that you would change or add or correct?
11 A No.
12 Q Now, would it have been your practice to take
13 handwritten notes during the SVTC and then translate them
14 into an email summary like we're looking at here?
15 A Sometimes yes, sometimes no. It really depended.
16 Q Would somebody else have been on the -- I assume
17 this was a video teleconference. Would there have been
18 someone else from your staff participating with you?
19 A Again, sometimes yes, sometimes no. It really
20 depended.
21 Q Do you recall one way or the other whether or not
22 anyone else participated with you on this particular video
23 teleconference?
24 A I don't. I don't recall.
25 Q Now, he statements that you've included in your

1 summary, is it fair to say that some of those could have come
2 from Mr. McDonough or other participants in the call?
3 A Yes. It was intended to be a summary of
4 discussion. It's certainly not intended to -- I didn't make
5 most of these -- you know, these weren't my comments for the
6 most part. This was a summary of discussion.
7 Q As you sit here today, can you recall where any of
8 these specific comments came from?
9 A No. And in fact, you know, I hate to say it, I
10 mean, I don't even recall who was on the screens. I mean, it
11 says here Denis chaired it, which would have been logical,
12 but I couldn't tell you who from the other agencies
13 participated in this one SVTC.
14 Q Okay. Moving up to the email above that. This is
15 an email that you sent also on September 12th, 2012. Now
16 it's 7:21 p.m.
17 A Uh-huh.
18 Q To Susan Rice. I assume the "PC" referred to in
19 there refers to Principals Committee meeting?
20 A Yes, that's correct.
21 Q And I gather that Ms. Rice did not participate in
22 that Principals Committee meeting?
23 A That's right. I mean, I think this is accurate.
24 Presumably, I did in her stead.
25 Q Okay. Is that something -- is that a meeting she

1 would have normally taken part in?

2 A Yes.

3 Q Okay. Do you recall why she didn't take part in

4 this particular meeting?

5 A I don't. I don't know where she was. To be more

6 accurate, I don't recall where she was.

7 Q And, sorry, dropping back down.

8 A Yes.

9 Q Did that meeting, the meeting you're summarizing in

10 the bottom email, was this a standing meeting or was this an

11 ad hoc meeting that was called specially, if you remember?

12 A Just to clarify, when you say standing meeting; you

13 mean something scheduled several days in advance or --

14 Q Right.

15 A My recollection and what I would assume is that

16 this was called, since the discussion was based on the

17 summary focused exclusively on Libya and the incidents in

18 Libya, that this was not standing insofar as it was scheduled

19 days in advance at the White House, or the NSC scheduled it

20 as a result of what had happened on the 11th.

21 Q And how soon after the meeting do you believe you

22 would have summarized it and sent out this email to

23 Ambassador Rice? I see it's sent as 3:49.

24 A Yeah. I think relatively quickly, given the topic.

25 Q Now, going back up to that next email. Beyond what

1 you've said in here, do you recall anything that was said on
2 the subject of the attacks or the perpetrators during the
3 Principals Committee meeting?
4 A I don't.
5 Q Do you recall who participated in that meeting?
6 A I don't.
7 Q There's a sentence here where you say, quote,
8 "There are a few additional pieces of sensitive information
9 that I will convey when I see you tomorrow," end quote. What
10 information were you referring to?
11 A I don't recall.
12 Q If there had been notes taken during that
13 Principals Committee meeting, where would those notes reside?
14 A Great question. They've probably been destroyed
15 as, you know, classified information. You know, I'm no
16 longer in the position. I don't -- so honestly, I don't
17 recall --
18 Q Okay.
19 A -- what would have happened to these particular
20 notes.
21 Q All right. Thank you. I don't have any further
22 questions.
23 BY MS. SAWYER:
24 Q Can I, before we go, just ask you a question,
25 somewhat housekeeping --

1 A Of course.
2 Q -- question on this exhibit that we were just
3 looking at, which is exhibit 10.
4 A Uh-huh.
5 Q These were summaries that you had done. You had
6 marked them originally unclassified. If you just look at
7 that document.
8 A Uh-huh.
9 Q And we were just talking about potential sensitive
10 information. You said, presumably, you take pains, as you're
11 creating these, and particularly if you mark them
12 unclassified, to do your best and make your best judgments
13 not to include classified information? Is that true?
14 A Correct.
15 Q So you certainly, at the time you sent this, would
16 not knowingly or willfully have been including classified
17 information in the summary that you were providing Ambassador
18 Rice?
19 A Correct.
20 Q And there's still a need at times to communicate on
21 -- I've heard the phrase "high side, low side" often -- on
22 the low side to be able to get information to, in this case,
23 your principal as quickly as possible?
24 A Correct.
25 Q Here is an example. You'll see on this document

1 there's a box in the email that my colleague was just asking
2 you about that indicates that someone else had determined
3 that a portion of what you had done they believed to be
4 potentially confidential, and they had marked it. Does that
5 sometimes occur where someone else will review material
6 later, perhaps for FOIA purposes or some other purpose, and
7 come to a different determination than the originator may
8 have made?
9 A Honestly, I don't know. I don't -- I've never been
10 involved in any process like that.
11 Q So you're not aware of kind of how that came to be
12 --
13 A No.
14 Q -- in this particular instance?
15 And this communication that you were sending, this
16 summary that you were trying to provide to update Ms. Rice,
17 this was on an unclassified network?
18 A I believe so, based on the sort of markings of it.
19 Q Okay. And then in terms of -- first of all, I just
20 want to make clear. You are not even certain that you took
21 notes on this particular SVTC or any of these particular
22 SVTCs that we've talked about with you, right?
23 A Correct.
24 Q So you are not even convinced that there were any
25 notes at any point in time. Is that accurate?

1 A Correct.

2 Q And certainly you did not destroy those notes in

3 order to avoid giving them to anyone, they were -- to the

4 extent they even existed, they were destroyed just in the

5 normal course of --

6 A The normal course of business, for no other intent.

7 Ms. Sawyer. Okay. I think that's all that I had as

8 follow-up. And, again, thank you.

9 Ms. Clarke. I just have one question.

10 Mr. [redacted] Okay.

11 BY MS. CLARKE:

12 Q On exhibit 10, I note that the second sentence, it

13 says: There are a few pieces of sensitive information that I

14 will convey when I see you tomorrow. And you're writing to

15 Ambassador Rice. Do you recall if you actually saw

16 Ambassador Rice on Thursday, September 13th?

17 A I don't.

18 Q Do you recall whether you traveled to New York

19 during this timeframe?

20 A I don't recall. I don't believe I did. So it

21 would more likely have been her coming down to Washington.

22 But I don't have a discrete recollection of seeing her on

23 Thursday the 13th.

24 Q And then, for the record, what does -- we've been

25 referring to SVTC. What does S-V-T-C stand for?

1 A So what I think it stands for, secure video
2 teleconference.
3 Q And so secure video teleconference, does that mean
4 that it's a classified teleconference?
5 A Correct.
6 Q And so your summary of the information that was
7 disclosed during that teleconference, you endeavored to try
8 to provide an unclassified summary of a classified meeting.
9 Is that correct?
10 A Correct.
11 Q But the information that was provided that was
12 classified was not something that you classified -- that you,
13 yourself, classified but was relayed to you by another agency
14 or another individual who would have designated it as
15 classified?
16 A Correct.
17 Ms. Clarke. I think those are all the questions I have.
18 Mr. [redacted] we just want to again thank you for your time.
19 I think those are all the questions that we have for today.
20 We appreciate your patience with us. And I thank you again
21 for your service.
22 Mr. [redacted] Okay. Thank you.
23 Mr. Evers. Thank you, everybody.
24 [Whereupon, at 2:55 p.m., the interview was concluded.]
25

1/19/16

Page 77 - 2nd line. Change "No, no, close in time..." to read "No, not close in time."

Page 91 - 4th Answer. Delete "It was very short."

I did not say this, to the best of my recollection. My comment was to clarify that this part of the prep call to discuss Benghazi was discussed "briefly."

[signature] - 1/19/16

EXHIBIT 1

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C05415285 Date: 10/20/2015

C05415285-MOU

Ryu, Rexon Y

From: Rhodes, Benjamin J.
Sent: Friday, September 14, 2012 8:09 PM
To: Vega, Dag; NSC Deputy Press Secretary; Plouffe, David; Pfeiffer, Dan; Carney, Jay; Palmieri, Jennifer; Earnest, Joshua R.; Govashiri, Ferial; Ledbetter, Howli J.; Selak, Dawn; Brundage, Daniel; Pelton, Erin; Alhassani, Mehdi K.
Subject: RE: PREP CALL with Susan: Saturday at 4:00 pm ET

Goals:

- To convey that the United States is doing everything that we can to protect our people and facilities abroad;
- To underscore that these protests are rooted in an Internet video, and not a broader failure of policy;
- To show that we will be resolute in bringing people who harm Americans to justice, and standing steadfast through these protests;
- To reinforce the President and Administration's strength and steadiness in dealing with difficult challenges.

Top-lines:

- Since we began to see protests in response to this Internet video, the President has directed the Administration to take a number of steps. His top priority has been the safety and security of all Americans serving abroad.
- First, we have significantly increased security at our diplomatic posts around the globe, with additional resources from across the government. The safety and security of our personnel is paramount and under constant review.
- Second, we have reached out to governments in the region to make sure they are cooperating closely with us, and meeting their obligations to protect diplomatic facilities as best they can. For instance, we've seen cooperation from Yemen and Egypt cooperate significantly after President Obama called those leaders.
- Third, we've made our views on this video crystal clear. The United States government had nothing to do with it. We reject its message and its contents. We find it disgusting and reprehensible. But there is absolutely no justification at all for responding to this movie with violence. And we are working to make sure that people around the globe hear that message.
- Fourth, we've encouraged leaders around the globe to speak out against the violence, and you've seen very important statements in the Muslim world by people like Prime Minister Erdogan of Turkey, President Morsi of Egypt, and others who have condemned the violence and called for a peaceful response.
- I think that people have come to trust that President Obama provides leadership that is steady and statesmanlike. There are always going to be challenges that emerge around the world, and time and again he's shown that we can meet them.

C05415285 Date: 10/20/2015
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Q: Are you concerned that our relationship with Egypt and other Muslim countries is quickly deteriorating? Is the Arab Spring now about hatred of America? Did President Obama lose the Arab World?

I think we need to step back a bit. The Arab Spring was about people across the region rising up to demand their basic rights. The protests we've seen these last few days were sparked by a disgusting and reprehensible video.

The fact is, this is a time of extraordinary change in the Arab World. But we've been able to build cooperative relationships with these new governments.

You saw that in Libya, where there's been full cooperation with the United States and an outpouring of support for Chris Stevens and the work that he did.

You saw that in Egypt, where President Obama was able to call President Morsi directly, which led to the Egyptians calling for calm and providing much more security at our Embassy.

So this part of the world has been faced with unrest many times in recent decade. But we're going to keep moving forward, and we believe that strong U.S. leadership can lead to a region that is more stable and more responsive to the people.

Q: Have you failed to articulate a policy for dealing with the Arab Spring?

You have heard the President articulate a very consistent set of principles and support for universal rights as the Arab Spring has unfolded. We support the process of nonviolent political and economic change and reform in the region. Of course, that process will look different in different countries.

There are countries where that transition has occurred, like Egypt, Yemen and Tunisia, and we're working to help them consolidate their democracies, deal with security needs, and stabilize their economies.

In other places like Syria that are still in throes of revolution, we have opposed the brutality of the regime and are supporting the aspirations of the people.

While this process unfolds, this President has left no doubt that he will continue to protect our other interests – destroying al Qaeda, bringing our men and women in uniform home from Afghanistan, and strengthening our leadership in the world.

But the Arab Spring is going to take time to play out. This is an enormous change. And that is why we need to stay focused and firm on behalf of our principles, as the President has done.

Q: What's your response to the Independent story that says we have intelligence 48 hours in advance of the Benghazi attack that was ignored? Was this an intelligence failure?

We are not aware of any actionable intelligence indicating that an attack on the U.S. Mission in Benghazi was planned or imminent. The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US Consulate and subsequently its annex.

Q: Can you explain to us again the President's comment about why Egypt was not an ally?

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Egypt is a critical partner of the United States. As you know, the President had an important conversation with President Morsi about the need to protect our embassy and personnel in Cairo, and the need to denounce the violence.

President Morsi expressed his condolences for the tragic loss of American life in Libya and emphasized that Egypt would honor its obligation to ensure the safety of American personnel. The President is very appreciative for the statement President Morsi made and for the actions he's taken to date to secure our Embassy.

This was not an effort to change our relationship with Egypt in any way. We have had a long-standing partnership with Egypt, and have supported their transition to democracy. We are now working to build our relationship with what is obviously a new government.

If Pressed: I'm not here to get into a long exchange about diplomatic terminology. The President has made it clear that Egypt is a close partner of the United States, and that we have expectations that the Egyptian government will meet its obligations to protect our facilities.

Q: Romney's advisor said that these protests wouldn't have happened under President Romney?

Well I'm not here to talk politics. Events abroad are unpredictable. Foreign policy challenges emerge no matter who is President. And I think that people have come to expect steady, statesmanlike leadership from this President on national security, and his response to these protests is no different

Israel / Iran

IRAN

Q: Is there a split between the United States and Israel on redlines? What are the U.S. redlines with Iran?

The President has been clear that he is determined to prevent Iran from acquiring a nuclear weapon and that all options are on the table in pursuit of that goal. We share the same objective as the Israelis, and there is no daylight between us on that matter of stopping Iran from obtaining a nuclear weapon.

The question of when we would consider a resort to military action involves multiple variables and would be shaped by conditions on the ground. We will continue our unprecedented security consultation and cooperation with the Israelis as we move forward.

This President is not going to take military action unless it is absolutely necessary. But I think the Iranians know full well that he is committed to preventing them from obtaining a nuclear weapon.

Q: Did the President rebuff Prime Minister Netanyahu's request for a red line?

The President has always been clear about his red line. He is determined to prevent Iran from acquiring a nuclear weapon and that all options are on the table in pursuit of that goal. We share the same objective as the Israelis, and there is no daylight between us on that matter of stopping Iran from obtaining a nuclear weapon.

Q: Why did the President refuse to meet with Prime Minister Netanyahu at UNGA?

President Obama is in frequent contact with the Prime Minister, as you would expect given his commitment to Israel's security and the range of challenges in the region. And when they need to speak to each other – they do so. We also talk regularly to our Israeli counterparts at all levels of government.

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Just the other day, when reports of tension came up in the press, the President was able to pick up the phone and call the Prime Minister and speak to him for an hour. They agreed on their commitment to prevent Iran from obtaining a nuclear weapon. And they agreed to stay in close contact in the days to com

They did look at whether it would be possible to meet. But the fact is, they're just not going to be in New York at the same time – the President will be there at the beginning of the week, Bibi will be there at the end of the week. So their schedules just don't match up.

If pressed: Did he seek a meeting in Washington?

My understanding is there wasn't a request to meet in Washington. What I know is that they're not in New York at the same time during UNGA. I don't have any other scheduling updates, but I am certain that they'll remain in close contact

---

From: Vega, Dag
Sent: Friday, September 14, 2012 7:11 PM
To: Rhodes, Benjamin J.; Vietor, Tommy; Plouffe, David; Pfeiffer, Dan; Carney, Jay; Palmieri, Jennifer; Earnest, Joshua R.; Govashiri, Ferial; Ledbetter, Howli J.; Selak, Dawn; Brundage, Daniel; [redacted]@state.gov; Alhassani, Mehdi K.
Subject: PREP CALL with Susan: Saturday at 4:00 pm ET

We plan to hold a call on Saturday at 4:00 PM ET to help prepare Susan for her interviews on the Sunday shows. She will appear on all of them.

Here are the numbers:
Phone Number:
Passcode:

Here are the promos.

NBC MEET THE PRESS

Obama's Foreign Policy Test

The race between President Obama and Governor Romney has entered new territory as the deadly attack on a U.S. consulate and the continuing anti-American protests overseas have forced foreign policy back into the spotlight. How does the Obama administration plan to respond? Plus, is the U.S. still a reliable ally to Israel against Iran? U.S. Ambassador to the United Nations Susan Rice will join us.

ABC THIS WEEK

After four Americans were killed Tuesday, including U.S. ambassador to Libya Christopher Stevens, in an assault on the U.S. consulate in Benghazi, questions remain about what sparked the violence – a controversial anti-Islamic film, or a planned attack by Al Qaeda militants? As American embassies throughout the region remain under fire, did the U.S. do enough to prevent attacks in Libya, Egypt, and Yemen? How will the ongoing protests and violence across the region impact U.S. relations and standing in the Middle East?

U.S. Ambassador to the United Nations Susan Rice speaks to ABC News senior White House correspondent Jake Tapper, Sunday on "This Week."

CBS FACE THE NATION

U.S. Ambassador to the U.N. Susan Rice

The latest on what's happening abroad and what it means for the region and the international community with U.S. Ambassador to the United Nations Susan Rice.

C05415285 Date: 10/20/2015
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FOX NEWS SUNDAY

Anti-US protests are spreading across the Arab world days after a deadly attack on the consulate in Libya. What should the US involvement be in the trouble region? Chris Wallace discusses the situation with Susan Rice, the U.S. Ambassador to the U.N.

C05415285 Date: 10/20/2015
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EXHIBIT 2

C05415286.

C05415286 [redacted]

[redacted]

From: [redacted]
Sent: Saturday, September 15, 2012 2:21 PM
To: [redacted]
Subject: Re: SBU/CLOSEHOLD: 0800 SVTS on Movie Protests/Violence

C05415286-MOU

Please do--I have not reached out.

Best,
[redacted]

From [redacted]
Sent: Saturday, September 15, 2012 02:15 PM
To [redacted]
Subject: Re: SBU/CLOSEHOLD: 0800 SVTS on Movie Protests/Violence

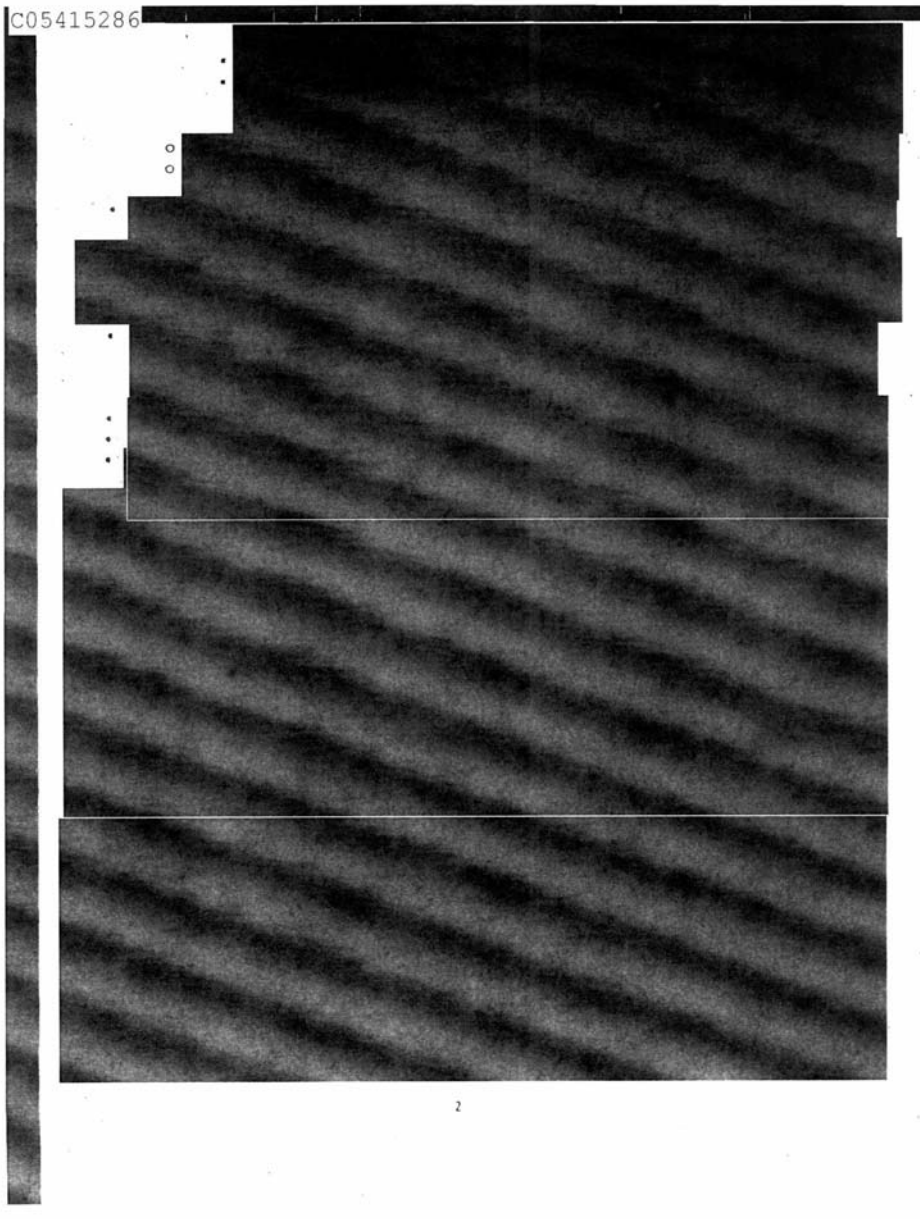
I'm going to email Jake on the libya points [redacted] references below unless either of you are linked in to this effort. Pls let me know.

From: [redacted]
Sent: Saturday, September 15, 2012 01:23 PM
To: Rice, Susan E (USUN) [redacted] DiCarlo, Rosemary A (USUN); [redacted]
Cc: [redacted]
Subject: SBU/CLOSEHOLD: 0800 SVTS on Movie Protests/Violence

[redacted]

C05415286.

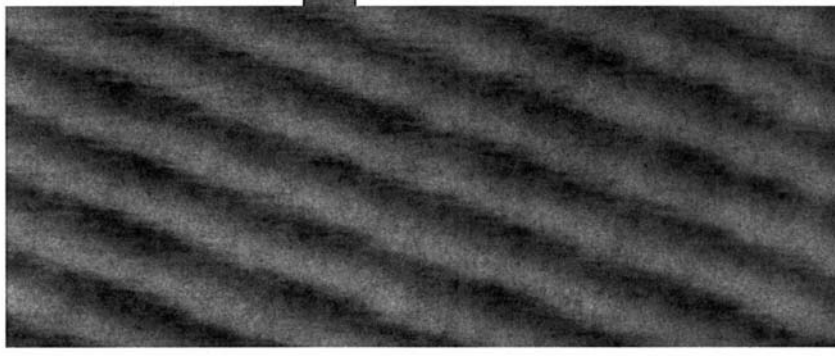
C05415286

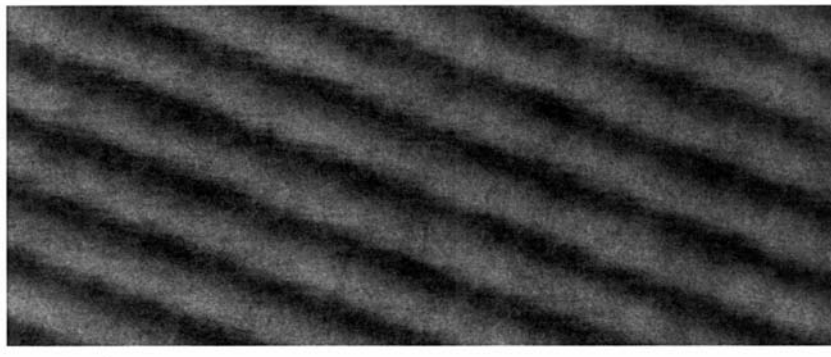


2

C05415286

HPSCI request: Late this week, CIA Director Petraeus gave the HPSCI a "hots spots" briefing and was asked for unclassified talking points that its members could use about incident in Benghazi. (Apparently NCTC Director Matt Olson received a similar committee from a congressional committee.) The first draft apparently seemed unsuitable (based on conversations on the SVTS and afterwards) because they seemed to encourage the reader to infer incorrectly that the CIA had warned about a specific attack on our embassy. On the SVTS, Morell noted that these points were not good and he had taken a heavy editing hand to them. He noted that he would be happy to work with Jake Sullivan and Rhodes to develop appropriate talking points. McDonough, on Rhodes's behalf, deferred to Sullivan. It was agreed that Jake would work closely with the intelligence community (within a small group) to finalize points on Saturday that could be shared with HPSCI. I spoke to Jake immediately after the SVTS and noted that you were doing the Sunday morning shows and would need to be aware of the final posture that these points took. He committed to ensure that we were updated in advance of the Sunday shows. I specifically mentioned [redacted] as the one coordinating your preparations for the shows and also strongly encouraged him to loop in [redacted] during the process.





Let me know if you have any questions.

Thanks,

[redacted]

EXHIBIT 3

(STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
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[redacted]

From: Sullivan, Jacob J
Sent: Saturday, September 15, 2012 2:44 PM
To: [redacted]
Subject: Fw:

Check out the below. You and [redacted] should confirm w Ben that Susan can deploy tomorrow.

----- Original Message -----
From: Sullivan, Jacob J
Sent: Saturday, September 15, 2012 11:26 AM
To: 'Rhodes, Benjamin J.' <[redacted]; [redacted]; Robert.Cardillo [redacted] matt.olsen [redacted]; [redacted] mark.giuliano [redacted] lisa.monaco [redacted]
Cc: [redacted]
Subject: RE: [redacted]

This looks good. Two small edits:

1. We call it "the US mission" or the "US diplomatic post" because it is not actually a Consulate.
2. There is a missing "of" in the third tic.

-----Original Message-----
From: Rhodes, Benjamin J. [mailto:[redacted]
Sent: Saturday, September 15, 2012 11:12 AM
To: '[redacted]; Robert.Cardillo [redacted] matt.olsen [redacted] Sullivan, Jacob J; mark.giuliano [redacted] lisa.monaco [redacted]
Cc: [redacted]
Subject: RE: [redacted]

This is good by me.

-----Original Message-----
From: [redacted]
Sent: Saturday, September 15, 2012 11:08 AM
To: Robert.Cardillo [redacted]; [redacted]; matt.olsen [redacted]; sullivanjj@state.gov; mark.giuliano [redacted]; Rhodes, Benjamin J.; [redacted] lisa.monaco [redacted]
Cc: [redacted]
Subject: [redacted]

Per the discussion at Deputies, here are the revised TPs for HPSCI. Let me know what you think.

--The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US Consulate and subsequently its annex. There are indications that extremists participated in the violent demonstrations.

--This assessment may change as additional information is collected and analyzed and as currently available information continues to be evaluated.

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--The investigation is on-going, and the US Government is working with Libyan authorities to bring to justice those responsible for the deaths US citizens.

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EXHIBIT 4

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
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From: [redacted]
Sent: Friday, September 28, 2012 10:59 AM
To: [redacted]
Subject: FW: IC statement on Benghazi

From: [redacted]
Sent: Friday, September 28, 2012 10:46 AM
To: Rice, Susan E (USUN)
Cc: [redacted]
Subject: FW: IC statement on Benghazi

SBU
This email is UNCLASSIFIED.

From: Rhodes, Benjamin J. [mailto:[redacted]]
Sent: Friday, September 28, 2012 10:43 AM
To: 'matt.olsen[redacted]; McDonough, Denis R.; Robert.Cardillo[redacted]
Cc: Brennan, John O.; [redacted] Shawn.Turner[redacted]
Subject: RE: IC statement on Benghazi

Thank you for working this, as the most important thing is having a public baseline – informed by the facts – that we can all point to. We are well synched up with Shawn Turner as well.

From: matt.olsen[redacted]
Sent: Friday, September 28, 2012 10:40 AM
To: McDonough, Denis R.; Rhodes, Benjamin J.; Robert.Cardillo[redacted]
Cc: Brennan, John O.;[redacted] Shawn.Turner[redacted]state.gov
Subject: IC statement on Benghazi

All – FYI.

We provided a draft statement this morning to Shawn Turner, ODNI/PAO, for further refinement and coordination. It includes the following key point about our assessment:

> Our understanding and analysis of the events of September 11 has evolved as new information has become available over the last 17 days. In the immediate aftermath of the attack, there was information that led us to assess that the attack began spontaneously following the protests earlier that day at our embassy in Cairo. As we learned more about the attack, our initial assessment shifted, and we now assess that the attack was a deliberate and organized assault by extremists. We have also learned more about the affiliations of at least some of the perpetrators, and we assess that some of those involved were linked to groups affiliated with or sympathetic to al-Qa'ida. However, it remains unclear if any group or person exercised overall command and control of the attack, and if extremist group leaders directed their members to participate.

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[redacted]

From: McDonough, Denis R. [mailto: [redacted]]
Sent: Thursday, September 27, 2012 10:09 PM
To: Matthew G. Olsen; Rhodes, Benjamin J.; Robert Cardillo; [redacted]
Cc: Brennan, John O.; Nicholas J Rasmussen; Shawn S Turner; [redacted]state.gov
Subject: RE: FOX News: US officials knew Libya attack was terrorism within 24 hours, sources confirm

Thanks, Matt and team for all the work you are doing.

[redacted]

With appreciation for your continued good work,
Denis.

From: matt.olsen [redacted]
Sent: Thursday, September 27, 2012 8:33 PM
To: Rhodes, Benjamin J.; Robert.Cardillo [redacted] McDonough, Denis R.; [redacted]
Cc: Brennan, John O.; [redacted] Shawn.Turner [redacted] [redacted]state.gov
Subject: RE: FOX News: US officials knew Libya attack was terrorism within 24 hours, sources confirm

Ben –

We can draft an unclassified statement. I just spoke to Robert and will loop in Shawn Turner.

I expect our statement to make these points:

- The IC's job is to follow the facts wherever they lead
- This was a chaotic situation at the outset; we had more questions than answers as the event unfolded
- Our collection has been limited and fragmentary
- Our understanding of the attack has evolved as new information has become available
- We have taken care to be precise about the facts and about what we knew and did not know
- At every opportunity, we have reported these facts based on the developing intelligence

From: Rhodes, Benjamin J. [mailto: [redacted]]
Sent: Thursday, September 27, 2012 8:15 PM
To: Robert Cardillo; McDonough, Denis R.; Matthew G. Olsen; [redacted]
Cc: Brennan, John O.; Nicholas J Rasmussen; Shawn S Turner; [redacted]state.gov'
Subject: Re: FOX News: US officials knew Libya attack was terrorism within 24 hours, sources confirm

[redacted]

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[redacted]

From: Robert.Cardillo [redacted] [mailto [redacted]
Sent: Thursday, September 27, 2012 08:03 PM
To: Rhodes, Benjamin J.; McDonough, Denis R.; matt.olsen [redacted] < [redacted] [redacted]
< [redacted]
Cc: Brennan, John O.; [redacted]; Shawn.Turner [redacted] < [redacted]
[redacted] @state.gov [redacted] @state.gov>
Subject: Re: FOX News: US officials knew Libya attack was terrorism within 24 hours, sources confirm

Ben -- what form do you see this statement taking?

Matt -- either way, pls take lead on drafting the statement.

Robert

From: Rhodes, Benjamin J. [mailto: [redacted]]
Sent: Thursday, September 27, 2012 07:56 PM
To: McDonough, Denis R. < [redacted] >; Robert Cardillo; Matthew G. Olsen; [redacted]
Cc: Brennan, John O. < [redacted] >; Nicholas J Rasmussen; Shawn S Turner; [redacted] @state.gov'
; [redacted] @state.gov>
Subject: RE: FOX News: US officials knew Libya attack was terrorism within 24 hours, sources confirm

[redacted]

From: McDonough, Denis R.
Sent: Thursday, September 27, 2012 7:52 PM
To: McDonough, Denis R.; 'Robert.Cardillo [redacted] 'matt.olsen [redacted] Rhodes, Benjamin J.
Cc: Brennan, John O.; [redacted] 'Shawn.Turner [redacted] ; [redacted] @state.gov'
Subject: RE: FOX News: US officials knew Libya attack was terrorism within 24 hours, sources confirm

+ BEN

I thought he was on my earlier response.

From: McDonough, Denis R.
Sent: Thursday, September 27, 2012 7:49 PM
To: 'Robert.Cardillo [redacted] matt.olsen [redacted]
Cc: Brennan, John O.; [redacted] Shawn.Turner [redacted] [redacted] @state.gov
Subject: RE: FOX News: US officials knew Libya attack was terrorism within 24 hours, sources confirm

[redacted]

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The piece immediately below led ABC World News Tonight today. It is really galling.

http://abcnews.go.com/blogs/politics/2012/09/some-administration-officials-were-concerned-about-initial-white-house-push-blaming-benghazi-attack-on-mob-video/
Sep 27, 2012 6:13pm

Some Administration Officials Were Concerned About Initial White House Push Blaming Benghazi Attack on Mob, Video

Even before Defense Secretary Leon Panetta contradicted the initial story about the attack on the U.S. consulate in Benghazi, Libya, today, Obama administration officials told ABC News they were concerned after the White House began pushing the line that the attack was spontaneous and not the work of terrorists.

Events were too uncertain, and suspicions had been aroused, officials said.

Panetta today said that the attack that killed four Americans on the anniversary of 9/11 was not only carried out by terrorists — it was pre-meditated.

"As we determined the details of what took place there and how that attack took place," Panetta told reporters, "it became clear that there were terrorists who had planned that attack."

The White House first suggested the attack was spontaneous — the result of an anti-Muslim video that incited mobs throughout the region.

"Let's be clear, these protests were in reaction to a video that had spread to the region," White House press secretary Jay Carney said on September 14.

When ABC News pressed Carney on whether that included the Benghazi attack, in which U.S. Ambassador Chris Stevens and three other American men were killed, Carney said, "we certainly don't know. We don't know otherwise. We have no information to suggest that it was a preplanned attack."

On THIS WEEK on September 16, U.S. Ambassador to the United Nations Susan Rice said, "our current best assessment, based on the information that we have at present, is that, in fact, what this began as, it was a spontaneous – not a premeditated – response to what had transpired in Cairo. In Cairo, as you know, a few hours earlier, there was a violent protest that was undertaken in reaction to this very offensive video that was disseminated. We believe that folks in Benghazi, a small number of people came to the embassy to – or to the consulate, rather, to replicate the sort of challenge that was posed in Cairo. And then as that unfolded, it seems to have been hijacked, let us say, by some individual clusters of extremists who came with heavier weapons... And it then evolved from there."

White House officials acknowledge that assessments have changed over time as intelligence has been confirmed, but they insist that no information was given in bad faith and there was no attempt to downplay the attack.

But sources told ABC News that intelligence officials on the ground immediately suspected the attack was not tied to the movie at all. The attackers knew where to get Ambassador Stevens after he'd fled to a so-called safe house half a mile away. That building was hit with insurgent mortars — suggesting the terrorists knew what they were doing.

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As of Thursday afternoon, officials from the Obama administration were not even 100 percent certain that the protest of the anti-Muslim film in Benghazi occurred outside the U.S. diplomatic post.

In a closed-door briefing with top officials, Director of National Intelligence James Clapper described the mortar attack on the safe house as suggesting that the terrorist attack was one of opportunity, not pre-meditation, since the mortars were not used to attack the consulate earlier in the day.

Campaigning in Virginia Beach today, President Obama seemed eager to paint the terrorist threat as waning. "Al Qaeda's on the path to defeat," he said. "Bin Laden is dead."

But the Daily Beast's Eli Lake on Wednesday reported that intelligence officials said "the early information was enough to show that the attack was planned and the work of al Qaeda affiliates operating in Eastern Libya." "There was very good information on this in the first 24 hours," one of the officials told Lake. "These guys have a return address. There are camps of people and a wide variety of things we could do."

It's certainly possible that intelligence officials wouldn't want the terrorists to know that the U.S. knew about them, but that does beg the question as to why White House officials seemed to strongly suggest the attack was merely the work of an unruly mob.

President Obama has repeatedly said the investigation is on to find the killers and bring them to justice. But as first reported by CNN, ABC news has learned that the FBI — which has been dispatched to Libya to take the lead in the investigation — has not even reached Benghazi yet.

This is largely due to safety concerns. Indeed, as of Thursday, senior State Department officials said that the diplomatic presence in Libya – which was already down to emergency-level staffing – would be further reduced.

From: Robert.Cardillo[redacted]
Sent: Thursday, September 27, 2012 7:47 PM
To: matt.olsen[redacted], McDonough, Denis R.[redacted]
Cc: Brennan, John O.; [redacted] Shawn.Turner[redacted]; [redacted]@state.gov
Subject: Re: FOX News: US officials knew Libya attack was terrorism within 24 hours, sources confirm

NCTC has already made great progress in documenting the chronology of what we knew and what we published. My reading of that draft is that we can easily debunk Fox and refute the hits on Susan's statements on Sunday, 16 Sep. As I read the laydown, her comments were consistent with our intel assessment at that time.

My question is, given we have more work to do, do we want/need to get something out soonest -- and if yes what should that something be.

Open to thoughts.

Robert

From: Matthew G. Olsen
Sent: Thursday, September 27, 2012 12:12 PM
To: Robert Cardillo; [redacted] <[redacted]>; [redacted]
Cc: 'John_O._Brennan([redacted]>; Nicholas J Rasmussen

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Subject: RE: FOX News: US officials knew Libya attack was terrorism within 24 hours, sources confirm

All –

As Robert suggests, I think the best way to approach this is to review and memorialize exactly what we were saying from the onset of the attack going forward. We've got a chronological catalog of all finished intelligence on the attack. And we'll put together today a time line summary that sets forth all key points and analytic judgments as they developed from 9/11 through the present.

Nick and I will get started on the time line right away.

-Matt

From: Robert Cardillo
Sent: Thursday, September 27, 2012 11:23 AM
To: '[redacted]; [redacted]
Cc: 'John_O._Brennan[redacted] Matthew G. Olsen; Nicholas J Rasmussen
Subject: Re: FOX News: US officials knew Libya attack was terrorism within 24 hours, sources confirm

I am fairly sure the answer is "no".

And I've asked Matt and Nick to lay out on a timeline the evolution of our IC assessments from 12 September on.

They're on cc so I'll ask when that can be ready.

Robert

From: McDonough, Denis R. [mailto:[redacted]
Sent: Thursday, September 27, 2012 10:57 AM
To: Robert Cardillo;[redacted]
Cc: Brennan, John O. <[redacted]>
Subject: FW: FOX News: US officials knew Libya attack was terrorism within 24 hours, sources confirm

Hey, guys,

[redacted]

From: [redacted]
Sent: Thursday, September 27, 2012 10:15 AM
To: DL-WHO-Press; Alhassani, Mehdi K.; Arguelles, Adam; Barkoff, Kendra; Bartoloni, Kristen; Bates, Andrew J.; Beechem, Stephanie; Bird, Debbie; Borrin, Danielle; Bradsher, Tanya; Buffa, Nikki; Canegallo, Kristie A.; Carney, Jay; Chen, Hillary; Childress, Mark; Cloud, Donald; Cloud, Rosye B.; Compton, Matt; Dean, Laura; Earnest, Joshua R.; Evans, Bess; Favreau, Jon; Finer, Jonathan J.; Gelman, Jeffrey D.; Gottlieb, Mike; Govashiri, Ferial; Hankins, Hannah R.; Hayden, Caitlin; Holzer, Benjamin; Hughes, Caroline; Inouye, Shin; Jenkins, Brad; Kahan, Alex; Keenan, Cody; Kolachalam, Namrata; Lee, Jesse C.; Lepow, Brandon D.; Lundeberg, Greta; McDonough, Denis R.; McKeon, Brian P.; O'Connor, Kyle; Ortiz, Michael; Papas, Nick; Pfeiffer, Dan; Phillips, Macon; Platkin, Alex; Prescott, Jeffrey; Rakestraw, London; Rangel, Antoinette N.; Ratner, Stephen (Intern); Rhodes, Benjamin J.; Richardson, Karen E.; Rodriguez, Miguel; MacFarquhar, Rory; Ruemmler, Kathryn H.; Ruiz, Ria; Sahgal, Rishi R.; Selak, Dawn; Shapiro, Nicholas S.; Sheehy, Kathleen; Smith, Jamie; Szuplat, Terry; Traber, Alexandra; Updegrove, Laura; Velz, Peter; Vietor, Tommy; Vinograd, Samantha; Wozniak, Natalie S.; Zafar, Shaarik; Abizaid, Christine; Bernstein, Jarrod; Berschinski, Rob; Chadda, Nitin; Citrin, Ruth; Lehrich, Matt; Lowry, Keri M.; Matusiak, Ari; Moussavian, Roxana; Parker, Samuel; Power, Samantha J.; Rand, Dafna; Samuels,

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Jonathan D.; Simon, Steven; Smith, Jamie; Withers, Anne; August, Hannah; Avery, Heidi E.; Blake, Randy; Brennan, John O.; Burke, Jordan; Carroll, Bradley; Curtis, Colleen; Espinel, Zulima; Gorsky, Rachel; Haines, Avril; Jones, Corey; Jones, Nate; Maier, Christopher P.; McCullough, Victoria; Plouffe, David; Ricchetti, Steven; Stevens, Clark; Wiktorowicz, Quintan
Subject: FOX News: US officials knew Libya attack was terrorism within 24 hours, sources confirm

http://www.foxnews.com/politics/2012/09/27/us-officials-knew-libya-attack-was-terrorism-within-24-hours-sources-confirm/

US officials knew Libya attack was terrorism within 24 hours, sources confirm

Published September 27, 2012
FoxNews.com

URGENT: U.S. intelligence officials knew from Day One that the assault on the U.S. Consulate in Libya was a terrorist attack and suspected Al Qaeda-tied elements were involved, sources told Fox News -- though it took the administration a week to acknowledge it.

The account conflicts with claims on the Sunday after the attack by U.S. Ambassador to the United Nations Susan Rice that the administration believed the strike was a "spontaneous" event triggered by protests in Egypt over an anti-Islam film.

Sources said the administration internally labeled the attack terrorism from the first day to enable a certain type of policy response, and that officials were looking for one specific suspect.

In addition, sources confirm that FBI agents have not yet arrived in Benghazi in the aftermath of the attack.

Read more: http://www.foxnews.com/politics/2012/09/27/us-officials-knew-libya-attack-was-terrorism-within-24-hours-sources-confirm/#ixzz27gBxysDz

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EXHIBIT 5

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From: Matthew G. Olsen
Date: 09/15/2012 11:15 AM

Subject: [AIN] RE:
To: 'Rhodes, Benjamin J.', MICHAEJM , Robert Cardillo, Alan R Pino, sullivanjj[redacted] mark.giuliano[redacted] jcing[redacted] lisa.monaco[redacted]
Cc: CIA OCA/OPA [redacted] FO, CIA FO

Please respond to "Matthew G. Olsen"

CLASSIFICATION: UNCLASSIFIED

[redacted]

Michael -- This looks good to me.

-Matt

****

These are the points that ONDI leg sent to Ruppersberger yesterday afternoon based on his request:

It's very early, less than 72 hours since the attack. So there is a lot we don't know.

As time progresses, we are learning more, but we still don't have a complete picture of what happened. Fortunately we have the FBI leading the investigation of the attack. Regrettably they have all too much experience in these matters.

At this point, we are not aware of any actionable intelligence that this attack was planned or imminent. The intelligence community is combing through reporting from before and after the attack to determine the full extent of who was involved.

Libya is awash in weapons - unconventional weapons were stored in unsecured locations across the country. Following the revolution, there are still many well-armed militia remaining.

Since the revolution, we have some indicators al-Qa'ida and other groups are seeking to establish a presence in Libya. Remember some senior al-Qa'ida members such as Abu Yahya al-Libi came from Libya.

We are very cautious about drawing any firm conclusions at this point with regard to the identification and motivation of the attackers. The IC is

UNCLASSIFIED

working aggressively to this end, and the FBI will continue its investigation.

Unrest in the Middle East creates a permissive environment for terrorists. In the days and weeks ahead, we need to be especially vigilant in protecting our people.

-----Original Message-----
From: Rhodes, Benjamin J. [mailto:Benjamin_J._Rhodes
Sent: Saturday, September 15, 2012 11:12 AM
To: MICHAEJM; Robert Cardillo; Alan R Pino; Matthew G. Olsen;
sullivanjj mark.giuliano jcingli
lisa.monaco
Cc: CIA OCA/OPA CIA FO
Subject: RE:

This is good by me.

-----Original Message-----
From: michaejm@ucia.gov [mailto:michaej
Sent: Saturday, September 15, 2012 11:08 AM
To: Robert.Cardillo alanrp matt.olsen
sullivanjj mark.giuliano Rhodes, Benjamin J.;
jcingli lisa.monaco
Cc: CIA OCA/OPA CIA FO
Subject:

Per the discussion at Deputies, here are the revised TPs for HPSCI. Let me know what you think.

--The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US Consulate and subsequently its annex. There are indications that extremists participated in the violent demonstrations.

--This assessment may change as additional information is collected and analyzed and as currently available information continues to be evaluated.

--The investigation is on-going, and the US Government is working with Libyan authorities to bring to justice those responsible for the deaths US citizens.

EXHIBIT 6

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From: [redacted]@state.gov>
Sent: Wednesday, September 19, 2012 4:01 PM
To: [redacted]@state.gov>
Cc: Sullivan, Jacob J <SullivanJJ@state.gov>; [redacted] <[redacted]@state.gov>; [redacted]@state.gov>
Subject: FW: draft ALDAC: UNGA messaging on violence
Attach: 9-19-2012 DRAFT Demarche - Condemnation of Violence v1.docx; Messaging for UNGA v4.docx

---

[redacted] – My main reaction to the ALDAC is to consider adding some of the language from your other draft document on UNGA messaging regarding promoting tolerance and freedom of expression, mindful in particular of the expected push by others to limit expression/criminalize defamation. This them is reflected in the objectives para in the cable so it's primarily augmentation in the main bullet points that is needed.

I thought the UNGA messaging paper on core elements was solid.

+[redacted] on my staff for other thoughts.

Thanks.

This email is UNCLASSIFIED.

From: [redacted]
Sent: Wednesday, September 19, 2012 3:03 PM
To: [redacted]; Mull, Stephen D; [redacted]; Jones, Beth E
Cc: [redacted] Sullivan, Jacob J
Subject: RE: draft ALDAC: UNGA messaging on violence

Colleagues –

This looks good for condemnation of violence. Defer to P and S/P, but would it make sense to also include points on our continued commitment to the Middle East in line with the principles the Secretary has articulated? Understand if it would be too much or would distract from the message.

Perhaps something along the lines of:

1. Principles
    a. Security of our people and missions
    b. Freedom of expression is not freedom to be violent
    c. &c
2. Difficult times, but commitment to the people in the Middle East remains
    a. For our national security
    b. Morally right thing to do
    c. &c
3. Action request

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a. UNGA points demarche
b. Guidance on talking about assistance
   i. Why it remains important – ie. supports those who oppose extremism, &c
   ii. Examples
c. Guidance on talking about security and our posture around the world

Best,
[redacted]

From: [redacted]
Sent: Wednesday, September 19, 2012 2:49 PM
To: [redacted] Mull, Stephen D; [redacted] Jones, Beth E
Cc: [redacted] Sullivan, Jacob J
Subject: RE: draft ALDAC: UNGA messaging on violence

[redacted]–

Two relatively minor edits in the attached (one just a typo), but a broader question as well – the call to "relevant embassies" to take action may confuse posts. Can we either decide to ask all posts to go in with these points, or identify target governments we think will either be receptive to our message and/or need to be pressed on this front or give posts criteria by which they should make the call themselves? Or do we want to target countries who are speaking in proximity to the President?

Thanks,
[redacted]

From: [redacted]
Sent: Wednesday, September 19, 2012 2:24 PM
To: [redacted] Mull, Stephen D; [redacted] Jones, Beth E
Cc: [redacted]
Subject: draft ALDAC: UNGA messaging on violence
Importance: High

All: attached please find a draft ALDAC for your review.

P staff: I am quite late to a 2pm meeting and would very much appreciate your assistance in distributing this asap to appropriate staff in regional bureaus for a quick chop, per Wendy's note below.

Look forward to your comments.

[redacted]
Principal Deputy Director
Office of Policy Planning

From: Sherman, Wendy R
Sent: Wednesday, September 19, 2012 12:23 PM

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To: [redacted]; Sullivan, Jacob J; [redacted]; Jones, Beth E; [redacted]
Burns, William J; Mull, Stephen D
Cc: [redacted]
Subject: RE: UNGA messaging on violence

In my view, we don't need every bureau but could give all of them a very short turn around after which we will proceed if they have not chopped.

From: [redacted]
Sent: Wednesday, September 19, 2012 12:19 PM
To: Sherman, Wendy R; Sullivan, Jacob J; [redacted]; Jones, Beth E; [redacted]
Burns, William J; Mull, Stephen D
Cc: [redacted]
Subject: RE: UNGA messaging on violence

We'll get started on this asap. Please advise whether all regional bureaus need to clear or if 7th floor staff, IO, USUN, and NEA will suffice.

[redacted]
Principal Deputy Director
Office of Policy Planning

From: Sherman, Wendy R
Sent: Wednesday, September 19, 2012 11:15 AM
To: Sullivan, Jacob J; [redacted]; Jones, Beth E; [redacted]; Burns, William J; Mull, Stephen D; [redacted]
Cc: [redacted]
Subject: RE: UNGA messaging on violence

Thanks very much. [redacted], would need a draft today if we want posts to go in tomorrow so enough time to have any effect on speeches and given how many countries will not have regular business on Friday or over weekend. We will get 7th floor clearances quickly.

From: Sullivan, Jacob J
Sent: Wednesday, September 19, 2012 11:12 AM
To: Sherman, Wendy R; [redacted]; Jones, Beth E; [redacted]; Burns, William J; Mull, Stephen D; [redacted]
Subject: RE: UNGA messaging on violence

+[redacted]. That works.

From: Sherman, Wendy R
Sent: Wednesday, September 19, 2012 10:48 AM
To: [redacted]; Sullivan, Jacob J; Jones, Beth E; [redacted]; Burns, William J; Mull, Stephen D
Subject: RE: UNGA messaging on violence

My suggestion is that we draft the cable and see if it works. Jake- sound right? Do you want S/P to try to write?

From: [redacted]
Sent: Wednesday, September 19, 2012 9:55 AM
To: Sullivan, Jacob J; Sherman, Wendy R; Jones, Beth E; [redacted] Burns, William J

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Subject: UNGA messaging on violence

Following yesterday's meeting on messaging, [redacted] and I talked just now about sending a cable to Posts around the world asking Ambassadors to go in this week to urge that their UNGA speeches include a condemnation of violence. We could use the core messages paper that we discussed in yesterday's meeting as the basis for the cable. Thoughts?

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EXHIBIT 7

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From: [redacted]@state.gov>
Sent: Wednesday, September 19, 2012 7:13 PM
To: SWO-Cables <SWO-Cables@state.gov>
Cc: S_SpecialAssistants <S_SpecialAssistants@state.gov>; Mull, Stephen D <MullSD@state.gov>; Sullivan, Jacob J <SullivanJJ@state.gov>; [redacted]@state.gov>; [redacted]@state.gov>; [redacted]@state.gov>; [redacted] <[redacted]@state.gov>
Subject: ALDAC FOR TRANSMISSION: DEMARCHE REQUEST: CONDEMNATION OF VIOLENCE AND ATTACKS AGAINST DIPLOMATIC POSTS AT UNGA
Attach: Demarche - Condemnation of Violence v2 FINAL.doc

Attached please find an immediate ALDAC for transmission from the Secretary to all posts. Please let me know if you have any questions or need additional information. Thank you.

Best,
[redacted]

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[redacted]

From: [redacted]
Sent: Sunday, September 16, 2012 1:19 PM
To: Rice, Susan E (USUN); [redacted] DiCarlo, Rosemary A (USUN); [redacted] (USUN); [redacted]
Cc: [redacted]
Subject: [redacted]

The SVTS was chaired by PDNSA Denis McDonough. It (plus the post-SVTS State discussion) ran about 2:15.

[redacted]

The conversation first dealt with the countries of primary focus:

Tunisia:

- State reported that the drawdown is underway. One chartered flight has already carried personnel and families out. State expressed concern that it may need the recently added DoD personnel for a while. DoD said this is not a problem, though it may at some point need to swap particular personnel out.

Sudan:

- State reported that this drawdown is also underway – the first tranche got out without any difficulty and we expect a second tranche shortly. The NSC asked whether we have reduced staffing sufficiently to be safe. State reported that it had made no further progress on getting permission to send additional Marines to protect the embassy. [redacted]
- The embassy is being protected by a number of different Sudaneese security elements. At the beginning of the SVTS, there was concern about a protest – apparently local imams had called for protests and others had called for the Sudanese to avenge the deaths of 3 protestors. By the end of the discussion, the embassy was reporting calm in Khartoum.
- The military noted that AFRICOM is working on a NEO, but there was no completion date specified.

Egypt:

- State reported that no demonstrations were expected today. The cordon appears to have been expanded around the embassy and the protests yesterday in Alexandria did not impact the consulate.
- We have reason to be worried about the weapons that might be used to target our embassy.
- [redacted]

Yemen:

- State reported that no demonstrations were anticipated today (there was no reference to the protests that were reportedly being planned for Sept. 17th).
- The parliament apparently demanded that all foreign troops leave Yemen (including personnel guarding our embassy). In addition, AQAP praised the killing of Amb. Stevens and called for more attacks on U.S. diplomats. There is also continuing concern about what the Houthis might do.
- Amb. Feierstein is apparently reluctant to drawdown staff at the embassy.
- DoD reported that President Hadi endorsed the increased U.S. marine presence and we are in the process of strengthening our fortifications and communications at the Sheraton.

Libya:

- Tripoli was described as calm.
- PM AbuShaguri's comments on foreign involvement in the Benghazi incident were briefly referenced.
- Morell is having his analysts consider the disparate views of the field leadership.

Afghanistan:

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- State described the situation as tense. It was reported that demonstrations are expected in Kabul and Bagram. A peaceful protest was reported in Herat. Due to a specific concern, Herat is operating on a skeleton staff and chief of mission personnel were moved to a nearby military base for their protection.

Pakistan:

- There are several serious Pakistan-related threats that can be discussed elsewhere. We have apparently sent a strong message to the Pakistanis on this issue.
- In Karachi, a large (5K) protest was dispersed: we understand that one demonstrator was killed, six wounded. There were also a couple injuries to Pakistan security forces. In Lahore, one protest came and went; another will not be able to reach the consulate. There is concern that specific extremist groups will infiltrate and use these protests to foment attacks on diplomatic missions.

oint Staff Vice Chairman, Adm. Winnefeld confirmed to McDonough that he was comfortable with the **ROE** his forces ıave for all of the various deployments related to these events.

ıe also updated the group on efforts to put more **U.S. military forces** closer to where the needs may arise. (Winnefeld :omplimented UAE for their timely and robust cooperation in the midst of all of these deployments.)

ebanon, Jordan, Iraq and Ethiopia were briefly mentioned. [redacted] Nides responded that he is having previously-planned meeting tomorrow on this subject.

ıll-members briefs for the House and Senate are still expected this week – Wednesday or Thursday – led by the ecretary and joined by DNI Clapper, the Vice Chairman and others).

[redacted]

ıt me know if you have any questions.

ıanks,

[redacted]

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EXHIBIT 9

This exhibit was not cleared for public release.

EXHIBIT 10

(STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
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[redacted]

From: Rice, Susan E (USUN)
Sent: Wednesday, September 12, 2012 7:30 PM
To: [redacted]
Subject: Re: [redacted]

Thx

From: [redacted]
Sent: Wednesday, September 12, 2012 07:21 PM
To: Rice, Susan E (USUN)
Subject: [redacted]

Susan – this evening's PC discussion was largely a briefing for Principals by key agencies on what we know about the attacks/perpetrators, what State/CIA have done in response and in preparation for additional possible attacks, DOD deployments/repositioning, and FBI actions.

[redacted]

There are a few additional pieces of sensitive information that I will convey when I see you tomorrow.

[redacted]

This email is UNCLASSIFIED.

From: [redacted]
Sent: Wednesday, September 12, 2012 3:49 PM
To: Rice, Susan E (USUN)
Cc: DiCarlo, Rosemary A (USUN); [redacted] (USUN); [redacted] Singh, Priya (USUN)
Subject: [redacted]

Susan – below are the key points from this afternoon's SVTC.

- Denis opened noting the statements by POTUS, the Secretary and the UNSC, in particular that all statements included both a condemnation of the events as well as the reaffirmation to a commitment to Libya.
- Principals will spend the first 45 minutes of today's meeting on Libya reviewing where we stand, what we know and what we are doing.
- A C-17 with the four bodies, wounded and evacuees has left Tripoli for Ramstein.
- We have bolstered security in Tripoli with additional Marine forces (a "FAST" team). A second FAST team is on standby should it need to be deployed anywhere in the region. Additional DOD assets are prepositioned in theater.
- There is real concern about the prospects for further violence, particularly on Friday following the prayers (e.g., the MB in Egypt has called for peaceful protests on Friday). NSS has tasked an NSS/State gameplan for diplomatic outreach between now and then to key countries to urge further statements of calm and security support for our Embassies.

(STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.)

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

- [redacted]
- State is particularly concerned about Egypt [redacted]
- The IC is working vigorously to gain more information on who attacked, why and whether there are AQ ties. Right now, we still don't know much except for uncorroborated information.
- NSS is continuing outreach in the U.S. to religious leaders to encourage more statements disassociating themselves from the anti-Islam videos.
- Per standard practice, the FBI has the lead on investigations regarding the deaths of AmCits. That has begun.
- The SVTC will reconvene at 0700 on Thursday.

ınd, Pat Kennedy just stopped by to say the aircraft with the bodies will arrive at Andrews at 2pm on Friday (Burns is ccompanying the bodies). We will get more info. **Your schedule permitting, would you like to attend to arrival eremony?**

[redacted]

'his email is UNCLASSIFIED.

(STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.)

INTERVIEW OF CIF COMMANDER

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, AUGUST 26, 2015

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

DANA CHIPMAN, *Chief Counsel*
MAC TOLAR, *Senior Counsel*
HEATHER SAWYER, *Minority Chief Counsel*
PETER KENNY, *Minority Senior Counsel*
SHANNON GREEN, *Minority Counsel*

FOR THE DEPARTMENT OF DEFENSE

WILLIAM HUDSON
Col. NORMAN ALLEN
EDWARD RICHARDS

[redacted]

(U) Mr. Chipman. Okay. Let's go on the record.

(U) Okay. Before we start with any questioning, I'm going to give you a general orientation, and I thought I'd set some context for your appearance before the committee this morning. The Select Committee on Benghazi was established pursuant to congressional resolution in the 113th Congress back in May of 2014, and that resolution was renewed in the 114th Congress, which is now meeting.

(U) The committee was charged to explore the events before, during, and after the attack on Benghazi. And as you may have read before, there have been several congressional committees that have explored various aspects of the issues related to Benghazi.

[redacted]

[redacted]

(U) This is a transcribed interview of Major conducted by the House Select Committee on Benghazi. This interview is being conducted voluntarily as part of the committee's investigation into attacks on U.S. diplomatic facilities in Benghazi, Libya, in September 2012, and related matters pursuant to House Resolution 567 of the 113th Congress and House Resolution 5 of the 114th Congress.

(U) Major could you please state your full name for the record?

(U) Major

(U) Mr. Chipman. On behalf of the committee and Chairman Trey Gowdy, we appreciate your time and your willingness to come in and talk to us today. My name is Dana Chipman, and I'm a counsel on the committee's majority staff, and I'd like to ask everyone else in the room to introduce themselves as well.

(U) Mr. Tolar. I'm Mac Tolar with the majority staff.

[redacted]

(U) Ms. Sawyer. Heather Sawyer with the minority staff.

(U) Ms. Green. Shannon Green, minority staff.

(U) Mr. Kenny. I'm Peter Kenny with the minority staff.

(U) Mr. Richards. Edward Richards with DOD Office of General Counsel.

(U) Mr. Hudson. Bill Hudson with the DOD Office of General Counsel.

(U) Colonel [redacted] Colonel [redacted] from U.S. Special Operations Command.

(U) Mr. Chipman. Thank you. I'd like to go over some of the ground rules and explain how the interview will proceed.

(U) Generally, the way the questioning proceeds is that a member from the majority staff will ask questions first for up to 1 hour, and then the minority staff will have an opportunity to ask questions for an equal period of time, if they so choose.

(U) Questions may only be asked by a member of the committee or designated staff member. I am not aware of any members of the committee, there are 12, who have indicated they will appear today, but they certainly could drop by if they are in town.

(U) We will rotate back and forth, 1 hour per side, until we are out of questions and the interview will then conclude. Unlike a testimony or a deposition in Federal court, in a transcribed interview, the format we are using today, the committee is not bound by the rules of evidence. You or your counsel may raise objections for privilege, subject to review by the chairman of the committee, Chairman Gowdy.

[redacted]

[redacted]

(U) If an objection cannot be resolved in this interview, you can be required to return for a deposition or hearing. Members and staff of the committee, however, are not permitted to raise objections when the other side is asking questions. This session will be conducted at the Top Secret, Sensitive Compartmented Information level under the Alternative Compensatory Control Measures, or ACCM used for [redacted] -protected information. That's a mouthful.

(U) You are welcome to confer with counsel at any time throughout the interview, and if something needs to be clarified, we ask that you make this known.

(U) If you need to discuss anything with counsel, we will go off the record and stop the clock to provide you that opportunity. We will also take a break whenever that's convenient for you. This can be after every hour of questioning, after a couple of rounds, whatever you prefer.

(U) During a round of questioning, if you need anything, a glass of water, use of the facilities, to confer with counsel, please just let us know, and we will go off the record and stop the clock.

(U) As you can see, we have an official reporter transcribing this interview, so we ask that you give verbal responses to all questions, yes and no, as opposed to just nodding your head. I'll ask the reporter to jump in if you do respond nonverbally. Do you understand that?

(U) Major [redacted] Yes.

(U) Mr. Chipman. Also I will try not to talk over you and ask that you try to do the same so that we can get a clear record from our

[redacted]

[redacted]

reporter. I would ask that you answer all questions in the most complete and truthful manner possible. We will take our time and repeat or clarify our questions, if necessary.

(U) If you have any questions or if you do not understand any of our questions, please let us know, and we will give it another try.

(U) If you honestly don't know the answer to a question or do not remember, please indicate that as your response. Give us your best recollection, and if there's things that you do not know or cannot remember, just say so and tell the committee who, to the best of your knowledge, may be able to provide a more complete answer to the question posed.

(U) Do you understand that you have an obligation to answer questions from Congress truthfully?

(U) Major [redacted] Yes.

(U) Mr. Chipman. This also applies to questions posed by congressional staff, those of us here at the table in an interview. Do you understand that?

(U) Major [redacted] Yes.

(U) Mr. Chipman. Witnesses who knowingly provide false testimony could be subject to criminal prosecution for perjury or for making false statements. Do you understand that?

(U) Major [redacted] Yes.

(U) Mr. Chipman. Is there any reason you are unable to provide truthful answers to today's questions?

(U) Major [redacted] No.

[redacted]

[redacted]

(U) Mr. Chipman. Okay. That's the end of my preamble.

(U) Does the minority have anything to add at this point?

(U) Ms. Sawyer. Not at this point. We just thank you, Major [redacted] for appearing before the committee voluntarily. We very much appreciate it, and look forward to hearing your testimony today.

(U) Mr. Chipman. Thank you. The clock now reads 10:15. We'll get started with the first hour of questions.

EXAMINATION

BY MR. CHIPMAN:

(U) Q Major [redacted] if I could, I'd like to start with you professional background. When did you join the Army?

(U) A I joined the Army in 2000, July of 2000.

(U) Q And were you commissioned at that point?

(U) A I was commissioned through the ROTC program at James Madison University.

(U) Q What basic branch did you enter in 2000?

(U) A I entered in infantry.

(U) Q Okay. And how long did you serve as an infantry officer?

(U) A Approximately 3 years.

(U) Q At some point, you transitioned to become a Special Forces officer?

(U) A Correct. I went to selection in the fall of 2003, and then I began training in the spring of 2004.

(U) Q Okay. And then when did you complete the Special

[redacted]

[redacted]

Forces officer course?

(U) A That was in the spring -- late spring of 2005.

(U) Q Can you relate to us the assignments you've had since your completion of SFOC?

(U) A I reported to First Battalion 10th Special Forces Group, Stuttgart, Germany, in November of 2005. I was assigned to that battalion until -- for 5 years, 4 of which were at the battalion, and then 1 year was as a aide-de-camp for the commander of Special Operations Command Europe. And then I left Germany in 2005, and I went to work for another organization down at Fort Bragg for about a year, and then I went to Naval Command and Staff College, the Naval War College up in Newport, Rhode Island.

(U) Q And when did you complete the Naval War College?

(U) A 2012, summer of 2012. And then I reported to First Battalion 10th Special Forces Group in Germany again.

(U) Q Yeah.

(U) A As a commander of C/1-10, as we call it.

(U) Q Okay.

[redacted] A [redacted]

(U) Q So if we could go back, I think you mentioned you left Europe in 2005. Did you mean 2009, 2010?

(U) A I left Europe in 2010 the first time.

(U) Q 2010?

(U) A Correct.

[redacted]

[redacted]

(U) Q So you served from 2006 to 2010?

(U) A End of 2005 until the fall of 2010.

(U) Q Great. And then you returned to First of the 10th Special Forces Group summer of 2012?

(U) A Correct.

(U) Q And at that time you assumed command of Charlie Company?

(U) A Correct.

(U) Q At what point were you promoted to major?

(U) A I was promoted January 1st, 2009.

(U) Q 2009?

(U) A I'm sorry, 2010.

(U) Q But you were then a major when you took command of Charlie Company First of the 10th SFG?

(U) A Correct.

(U) Q Okay. And again, that battalion -- the company and the battalion both are located in Stuttgart, Germany?

(U) A Yes.

(U) Q All right. If you would, please describe for us, we're not as educated on Special Forces capabilities and units, what is the structure of a Special Forces company?

(U) A Special Forces company is comprised of approximately -- not approximately, but six operational detachment alphas, and that is the core tactical unit of a Special Forces, any unit battalion company.

(U) Q What's the size of an operational detachment alpha?

[redacted]

[redacted]

(U) A 12. 12 men.

(U) Q Six of those per company, so 72 of the core Special Forces soldiers comprise an SF company?

(U) A Correct. So there is six of those operational detachment alphas, we call them ODAs if that's okay to use that term. ODA is an acronym. And then there's approximately 15 personnel that work at the company staff level.

(U) Q Okay.

(U) A Sort of organizational admin and operations for that company.

(U) Q So roughly 90 personnel total is the size of a standard SF company?

(U) A Correct.

(U) Q And what was your chain of command when you took command of C/1-10 SFG? What was your reporting structure?

(U) A My reporting structure, I worked -- I was one of three Special Forces companies, and we worked for a battalion commander, a lieutenant colonel who was in command of First Battalion 10th group. And then we were -- our group headquarters, 10th Special Forces Group is back in Fort Carson, Colorado, so we were the only forward deployed -- forward-stationed battalion in the organization, 10th Special Forces Group. And so while we were forward, we had operational control from Special Operations Command Europe. So Special Operations Command Europe did the TSOC, Theater Special Operations Command, for European Command.

[redacted]

[redacted]

(U) Q Okay. And European Command is -- the headquarters is also located in Stuttgart, Germany?

(U) A Correct.

(U) Q When you were the aide-de-camp, who was the TSOC commander for whom you worked?

(U) A At the time, it was Major General Frank J. Kisner. He recently retired as a lieutenant general in the Air Force.

(U) Q And was General Kisner still in command at SOC Euro when you returned to take command of C/1-10?

(U) A No, it was Major General Army Mike Repass.

(U) Q Okay. You mentioned that -- a TSOC structure, Major [redacted] What is a Theater Special Operations Command? What is the role of that command?

(U) A The role of the Theater Special Operations Command is the command and control of Special Operations forces that operate within the European area of responsibility, underneath European Command.

(U) Q And is it a joint command or is it an Army command?

(U) A It is a joint command.

(U) Q So the TSOC commander or the TSOC command actually works under the operational control or direction of the theater commander?

(U) A The EUCOM commander.

(U) Q The EUCOM commander.

(U) A Correct.

(U) Q Okay.

[redacted]

(U) A It's one of the component commands to the European Command.

Q

(U) A That's right.

(U) Q Now, you said departs notification. Is that notification, is that what we refer to as N Hour?

(U) A Correct.

(U) Q And what is the significance of an N Hour?

[redacted]

(U) Q And how -- how long of an alert status would you maintain before rotating? Was it 2 months, 3 months, how often did you swap out half the company for the other half?

[redacted]

(U) A Yes. So our primary role, being that we're forward in -- and their responsibility is to work with partner nation units as well as conducting unilateral operations. So the benefit of having a forward-deployed organization like that is you're already in the area, and being Special Forces, one of our primary roles is to work with other nations' forces. So when we're not -- when we're not on alert status, the other teams are off working with European partners.

[redacted]

[redacted]

[redacted]

(U) A Roughly speaking.

(U) Q And then a slice of the headquarters as well?

(U) A Correct.

[redacted]

(U) A Yes.

(U) Q And where were you physically located on that day?

[redacted]

(U) A It was approximately the first week of September. I believe it was right after Labor Day.

[redacted]

[redacted]

[redacted]

[redacted]

(U) Q Okay. But you were located on an airfield?

(U) A Yes.

(U) A By military aircraft.

(U) Q And what asset is that typically?

(U) A It was C-130.

(U) Q C-130?

(U) A Two C-130s.

(U) A No.

(U) Q Okay. The two vehicles, what are those vehicles?

(U) Q And what's the number of personnel that a Sprinter van could carry?

(U) A Sprinter van can carry at least 12.

(U) A Correct.

(U) Q And so in that case you would then shift from SOCEUR command and control to SOCAF command and control?

[redacted]

(U) A Correct.

(U) Q And had you experienced that shift during your time in command of C/1-10?

(U) A I have not, no.

(U) Q Talk to us about --

(U) A I'm sorry, not prior to the --

(U) Q Not prior to September 11th of 2012. Okay. Now, prior to September 11th, so you took command of Charlie Company when? July of 2012?

(U) A It was -- yes, middle of July 2012.

(U) Q So the events of 9/11 were roughly 2 months or less into your new command?

(U) A Correct, first trip.

[redacted]

(U) A Yes. So I was an ODA commander for two teams, an assault team and a reconnaissance team. That was in 2006 through -- the fall of 2006 through the summer of 2008 I worked for C/1-10.

[redacted]

[redacted]

(U) Q And that was an operational deployment, not a training --

(U) A It was operational.

(U) Q -- or exercise deployment?

(U) Q And again, these were operational deployments.

(U) A These were all operational deployments.

(U) Q This is Libya -- I mean, excuse me, Liberia and to Iraq?

(U) A Afghanistan, Morocco --

(U) Q Afghanistan, Morocco.

(U) A -- Liberia, Iraq, Israel, Romania, so all over Europe.

(U) Q Got it. And --

(U) Q Okay. And what is the Ellipse series of exercises?

(U) A Correct.

(U) Q Okay.

(U) Q People who served there that you knew?

(U) A Correct.

[redacted]

(U) Q And that would have been fall of '11 or spring of '12?

(U) A Correct.

[redacted]

(U) A I'm sorry, it was -- you said fall of '11, '12. That would have been --

(U) Q I'm sorry, fall '10 or spring '11.

(U) A Correct.

(U) Q I apologize.

(U) A Okay. Sorry.

[redacted]

[redacted]

(U) A Yes, sir, the same day.

[redacted]

[redacted]

[redacted]

(U) A You're just always ready. So the previous commander, they were on -- our company was on alert the day before I took command, the day I took command, and every day thereafter.

(U) Q And so then I assume that as you readied to take command from your predecessor C/1-10, there was a left seat, right seat orientation period?

[redacted]

(U) And then everything prior to that is a matter of working with the outgoing commander, incoming commander, standard practice, and then when the new command comes in, we sit down, we do an assessment of the organization by talking to the different leadership, and then we set up training exercises. We set up training exercises once every about 3 months to internally test ourselves.

(U) Q You mentioned that everyone who is going to serve with the CIF has to be trained in some capacity back at Fort Bragg. Is that simply the leadership or all the team members as well?

(U) A Any -- any assaulter, any sniper, and all leadership have to pass what's called the Special Forces -- this acronym is going to be long, but Special Forces Advance Reconnaissance --

(U) Q SFARTAETC.

[redacted]

[redacted]

(U) A SFARTAETC, yes.

(U) Q Okay.

(U) A So that to pass SFARTAETC, it's at Range 37, Fort Bragg, North Carolina, and if you are going to be a sniper, you have to pass SFARTAETC, and then you have to pass Special Forces sniper course, Level 1 certification at Fort Bragg, as well.

(U) Q And I apologize. I cut you off, but if you would try to expand on SFARTAETC so that we have a good record of that acronym.

(U) A SFARTAETC is -- I believe it's 10 weeks long. It's at Fort Bragg, North Carolina. It's run by the Special Warfare Center and school, and it is an advanced urban combat course.

(U) Q And again, what does the acronym, SFARTAETC, stand for?

(U) A Hopefully I won't mess it up, but Special Forces Advanced Reconnaissance Target Acquisition Exploitation Techniques Course.

(U) Q That's outstanding. And again, everyone who is assigned to the CIF has been a graduate or has gone through the SFARTAETC training?

(U) A If you are a Green Beret and you're going to be serving on one of the operation detachment alphas or you're going to be in leadership at the company level.

(U) Q Now, you mentioned that you had engaged in several operational deployments with the ODA in your first tour. In any of those prior evolutions, had you entered the sovereign air space of a hostile nation or a combatant nation, to the best of your knowledge?

[redacted]

[redacted]

Were these all deployments where we had permission to enter the air space of that sovereign country?

(U) A We -- to the best of my knowledge, we always had permission to enter, through the dip notes.

(U) Q You didn't have any prior experience, as far as you know, of entering hostile air space without permission of a sovereign nation?

(U) A I do not have any experience with that.

(U) Q You mentioned briefly CONPLAN 0300. And if you could, please expand on your understanding of what CONPLAN 0300 is and does.

[redacted]

(U) Q And this is a military plan. Is it a concept plan, contingency plan, do you know what it -- I can't recall what CONPLAN stands for.

(U) A I believe it's concept --

(U) Q Concept plan.

[redacted]

(U) A -- operational plan, yes.

(U) Q And that again, and I mean -- I don't mean to imply that you can conduct operations unilaterally, but at least the movement, the positioning is at the direction and control of the combatant commander?

(U) A And the country teams as we're moving through, so it's not just the military, correct.

(U) Q Right. So you would have concurrence from the chief of mission in a given country --

(U) A Always.

[redacted]

(U) Q Now, you mentioned that you -- this was the first time you had shifted operational control to AFRICOM when that shift occurred on or after the events of 9/11.

[redacted]

(U) A Correct. My first tour, everything EUCOM -- EUCOM'S area of responsibility was both Europe and Africa.

(U) Q And Africa?

(U) A Sub-Saharan Africa.

[redacted]

(U) A It was approximately 1 week long.

(U) Q It was 1 week long. So were you then getting ready to redeploy to Stuttgart on 9/11, or can you recall what your end ex was or your end date for your training deployment would have been?

(U) A I literally -- we finished the culminating exercise about 2 o'clock or about 1:00, about 2 o'clock in the morning on September 12th. We were literally drove back up to our staging base, and that's when we found out about the situation going on in Benghazi. So that on September 11th, that afternoon, was the culminating exercise

[redacted]

[redacted]

for our -- for that week.

(U) Q And you say you finished that culminating exercise early in the morning of September 12th. And at about 02 as you were moving back to your, I guess your bed down location --

(U) A Right.

(U) Q -- is when you first learned of the attacks in Benghazi?

(U) A Correct.

(U) Q And were the aircraft -- what was your then -- were you already scheduled for a deployment flight sequence as of the end of that culminating exercise?

(U) A To the best of my knowledge, it was going to be the afternoon of September 12th is when we were going to redeploy, possibly a little bit later, but --

[redacted]

(U) A Yes.

(U) Q And so your understanding of your alert posture during that training exercise was what? What was your response time requirement?

[redacted]

[redacted]

[redacted]

(U) A Correct.

[redacted]

(U) A To the best of any knowledge, I don't recall if the same aircraft that flew us down there were the ones that just stayed there. I didn't see the airfield. We were near it but not within eyesight, so I'm not sure where those aircraft were.

[redacted]

(U) A No.

(U) Q And during this exercise, were you in a daylight training cycle or a reverse cycle training? Were you training largely during the day or at night? You mentioned finishing the culmination exercise at 02.

(U) A It was 24/7 at the time.

(U) Q 24/7. So there was no down time?

(U) A There was no down time.

(U) Q Now, as the 9/11 anniversary window approached, do you recall any discussion about the significance or the, you know, hey, we're back at the 9/11 anniversary, be vigilant, or here's some

[redacted]

[redacted]

additional indicators of threats and warnings?

(U) A Aside from just paying, you know, remembrance to the day as a memorial, there was nothing out of the ordinary in terms of reporting. If I recall correctly, we did hear about some unrest, but we always heard about unrest. So there's nothing significant really about any threat on 9/11, aside from the fact that it was 9/11.

(U) Q The nature of service with a force responsible for North Africa is that unrest is part of the game?

(U) A We just always -- in daily intel reports, we always saw different pockets of it. Sometimes it can escalate more than others. This probably, I believe, is one of those cases, but it wasn't to such an extent that it caused us to refocus our efforts.

(U) Q Now, you again, you were training, you were participating in this Ellipse series exercise on 9/11 itself. And in your time in the Army since 2000, or since 2001, more particularly, do you recall any focus or discussion or particular emphasis on a force protection posture that is assumed in the period before, on, and immediately after 9/11? Is that a significant date in the Army training cycle?

(U) A Any changes in alert posture, in my experience, were never driven by a date. It was driven by an event. So there was no change to, you know, 10th of September versus the 11th of September just because of a date.

(U) Q So you never -- at least on 9/11/12 and in your recollection prior to 9/11/12, you didn't assume an increased alert

[redacted]

[redacted]

posture simply because the anniversary of 9/11 was approaching?

(U) A No, we did not.

(U) Q You adjusted alert posture based upon threat indicators and warnings coming through the intel channels?

[redacted]

(U) Q And in your experience, does intelligence threat reporting typically increase in the period pre-9/11, on 9/11, post-9/11, or do you have any sense that there's anything different about that period from the other 364 days of the year?

(U) A No real difference.

(U) Q And in this particular year, in the 2012, you'd mentioned you recall at least some indicators of unrest. Do you have any specific recollections of what you may have been hearing or learning or alerted to in the window as you were conducting your exercise in Croatia?

(U) A If I recall, I can't recall completely, I remember protests, and that's about it. I remember there was protests in Africa, but there wasn't anything -- we didn't stop our culminating event. We were pretty focused just on that. It might have been in the daily intel report perhaps, but I don't recall completely.

(U) Q Okay. In your time as a Special Forces officer, do you recall specifically, prior to 2012, that you have been engaged in training evolutions that would span the 9/11 anniversary?

(U) A I can't remember. I was deployed -- are you asking if

[redacted]

[redacted]

I was kind of deployed on 9/11 versus --

(U) Q If you ever recall having had a training exercise, a training deployment or an exercise that would have crossed the 9/11 anniversary. And you may not recall. I'm just -- if you --

(U) A I don't recall.

[redacted]

(U) A Yes.

[redacted]

(U) A We had one more --

(U) Q One more back in Stuttgart?

(U) A -- back in Stuttgart as well.

[redacted]

[redacted]

(U) Q Okay. You mentioned that you had ground mobility assets, the two Mercedes Sprinter?

(U) A Call them Sprinter vans.

[redacted]

(U) Q As I reviewed some of the materials to prepare for this interview, I saw a reference to a gunvee, and I don't know what a gunvee is. What is a gunvee?

(U) A A gunvee, I call it a Humvee. It's a tactical all-wheel drive. I don't know if you know what a Humvee is.

(U) Q I do know what a Humvee is.

(U) A It looks like a Humvee. It just has modifications to it, and some people call it a gunvee. It's the exact same thing. There are just modifications to it, and ours had the ability to mount

[redacted]

[redacted]

something on the turret, just like any other Humvee, but then it was more open in the back to fit personnel in a very quick offload/onload fashion.

[redacted]

(U) A No, the gunvees were back at home station.

[redacted]

(U) A Correct.

[redacted]

(U) A 58 is pretty high. I believe it was around 40 or so.

(U) Q Around 40?

(U) A Just with -- ideally, you would have the exact 12 -- you know, 12 men per ODA. That rarely happens for a variety of reasons. So I think our force was about 40 personnel.

(U) Q Okay. And then I -- I had also reviewed something that indicated two of the ODAs were assault teams and one was a sniper team. Is that what you called the reconnaissance team earlier?

(U) A Correct.

(U) Q That's a sniper reconnaissance team?

(U) A Correct.

[redacted]

[redacted]

(U) A Yes.

(U) A That's correct. When we arrived early September, I didn't -- I didn't have any interaction with the pilots, and we're not in eyesight of the airfield, so I didn't know where they were.

(U) A It's tight, but yes, that's just the worse case scenario.

(U) Q That's the worse case scenario. You prefer more?

(U) A Prefer more, yes.

(U) Q You prefer a warm start, if you could?

(U) A Oh, yes, always.

(U) A No, no indication.

(U) A Yes.

(U) A Yes.

(U) Q Okay. I'd like to transition a little bit to the events of that day of 9/11. You'd mentioned you finished your culmination exercise, and it was about 02 on the morning of the 12th, and you were back, I guess, at the airfield and you had just learned of the attack in Benghazi. Tell us what you recall about that initial notification.

(U) A Correct.

(U) Q And were you told that you would be deployed at that time or was this just -- was that the end state of all the information you had right then?

(U) Q And so this was conveyed to -- I suspect you had some sort of command-and-control node at that airfield?

(U) A We did. So for the exercise, Special Operations Command Europe had sent down a part of their staff, so they have a portion of their staff that's on alert and everything as well, and there's an 06 officer who was in charge of the SOCEUR staff co-located with us, more robust communications package. And that's who, for the exercise, that's who we were working with. And in times of crisis, they have the connectivity to SOCEUR. So instead of me having to pick up a phone, I have someone right there that I'm working with.

(U) Q And so by 06, you mean a colonel?

(U) A A colonel in the United States Army.

(U) A Yes.

(U) Q And that individual had contact and was -- more robust communications with EUCOM back at Stuttgart?

(U) A Yes.

(U) A No, not any specifics.

(U) A Correct. We did not make any adjustments.

(U) Q And the fact that there was a protest in Cairo didn't cause you to tighten up or to adjust or modify your alert posture?

(U) A No.

(U) Q Because again, you're not even sure you knew of the protest in Cairo?

(U) A Correct.

(U) Q Was there anyone else --

(U) A I personally didn't. I don't know if somebody else had known, but I personally was not aware of it.

(U) A Correct.

(U) A Correct, I didn't know.

[redacted]

[redacted]

(U) Q And what would be the nature of the capabilities that could be brought to bear in a crisis? Based upon your background and your experience as a Special Forces officer, what other capabilities could be brought to bear in addressing a crisis?

[redacted]

[redacted]

(U) A As commander.

(U) Q -- or for anything else that you know in the DOD inventory?

[redacted]

[redacted]

[redacted]

(U) A I'm not aware, no.

(U) Q FAST alert, okay.

(U) A -- as well.

(U) Q Is it fair to say that the biggest driver in alert posture or in a response capability, the biggest driver in that response

[redacted]

capability timeframe is the availability of aircraft?

(U) A In my opinion, yes.

(U) Q Particularly where aircraft is the only way to transport and you need to transport over a significant distance?

(U) A Correct.

(U) Q And so the availability to meet any sort of alert response timeframe depends on ready access to available aircraft?

(U) A Yes.

[redacted]

(U) Q And again, you're not -- you didn't have specific knowledge of the alert posture of the FAST units that you were generally aware of were in Rota, Spain?

(U) A I did not have any visibility on the FAST platoons, no.

(U) Q And did you have any specific knowledge that there was in fact a MEU present in the Mediterranean during the timeframe of 9/11, 2012?

(U) A No, I did not.

[redacted]

[redacted]

(U) Q You were aware, in your time at EUCOM prior, that a MEU would transit the Mediterranean from time to time en route to the Suez Canal?

(U) A Correct.

(U) Q And what about any experience you may have had with aircraft alert by way of fighters, whether from Aviano, whether from Djibouti, or any other armed aircraft assets in the region?

(U) A I didn't have any knowledge of any fighters.

(U) Q During your time at SOCEUR, either your first tour or this second tour, were you aware of any heightened alert requirement within the region, whether at EUCOM or AFRICOM, for fighter assets?

(U) A Not specifically for fighter assets, no.

(U) Q And you were not present in Europe when the air campaign occurred in Libya to oust Qadhafi, were you?

(U) A I do not think I was, no. I was not involved in that.

(U) Q So again, you didn't have any independent knowledge of the alert posture of the aircraft that were located at Aviano or anywhere else in the region?

(U) A No.

[redacted]

[redacted]

[redacted]

[redacted]

(U) Q And when you say acquaintances, personnel you've known over your career, where were those nodes that you were pulsing, where were you reaching out for information?

(U) A I was pulsing Stuttgart, Germany, I was pulsing Fort Bragg, North Carolina, and I was pulsing the Pentagon.

(U) Q And who at the Pentagon would you have been reaching out to?

(U) A My older brother.

(U) Q And what role was he occupying then at the Pentagon?

(U) A He was in the DDSO.

(U) Q DDSO. And what is the DDSO?

(U) A Deputy Director of Special Operations.

(U) Q And so that's a position within the operations directorate of the Joint Staff?

(U) A A J37, right.

(U) Q J37. So it's a -- it's a directorate within the operations for the Joint Staff or the Joint Chiefs of Staff, J3, the

[redacted]

[redacted]

operations director, and that is a directorate or a cell that responds specifically to Special Operations missions?

(U) A I believe so. I don't -- I've never worked there, but I believe that's what they do, yes.

(U) Q Okay. So you're pulsing J37, DDSO, your brother, you're pulsing Stuttgart, and then you're pulsing Fort Bragg. Were you contacting the [redacted], their joint operations center?

[redacted]

(U) Q And were those calls at the headquarters of Fort Bragg or did you also go out to the unit with which you had trained in the fall and spring of '10 and '11?

[redacted]

(U) Q And your former boss. So were you emailing him directly? Was it mIRC chat? What capability were you trying to reach him on?

[redacted]

(U) A I forgot which one. I was using all of them, so I believe it was email at the time. I forgot, to be honest with you.

(U) A It was -- I don't know if it's actually in the -- that document, but there was a portal that we all worked off of, and I had contact information from that.

(U) Q So you were really -- your role was to try to reach back to the functional portal so you could get increased awareness of what's going on and let them know who you were and where you were?

(U) A Correct. I just wanted to make sure everyone -- everyone had notifications out to the units, and I wanted to make sure I was working with point-to-point personal contacts.

(U) Q Okay. Major we've reached the end of the first hour of questioning, so my time is done, and so I'd like to go off the record at this point, please.

[Recess.]

(U) Mr. Chipman. So we are back on the record, please.

(U) BY MR. CHIPMAN:

(U) Q Major my counterparts on the minority staff have agreed that I can continue with the questioning. They will still have their time to question you, but I will proceed at least for the next hour again, and then we'll assess accordingly where we go from there.

(U) What did you learn as a result of that additional effort you made?

[redacted]

(U) A So, can I say to our MTOE?

(U) Q Sure.

[redacted]

(U) Q Okay. And so by MTOE, what you're referring to is the Modified Table of Organization and Equipment.

(U) A Correct.

[redacted]

(U) A Correct. That sounds right.

[redacted]

(U) A I don't; I'm sorry.

[redacted]

[redacted]

[redacted]

(U) A At that time, there was no -- there was all notification. There was no planning going on. So I'm not sure where --

(U) Q I may not have asked the question very artfully.

[redacted]

(U) So the first step is always make contact with everyone you're working with.

(U) Q It's 0200 on the morning of the 12th and you've just been engaged in an exercise for the last 7 seven days. How would you assess your sleep status or your sleep posture for your unit and capabilities to now transition immediately into a real world

[redacted]

[redacted]

operational deployment?

(U) A We were energized when we found out it was 0300. We were definitely tired, yes.

[redacted]

(U) A No, we did not take that into consideration.

[redacted]

(U) A I don't recall any rest cycle guidance in any planning guidance. You can be alerted at any time, so it is hard to determine a rest cycle off of that.

[redacted]

(U) A No.

(U) Q Okay. Had you been to Libya before?

(U) A I have never been to Libya.

(U) Q And so you are in the process of reconfiguring your kit, repacking, coordinating with the various nodes. Were you informed at any point as you're going through that process that U.S. personnel have moved from one facility in Libya to another, from one facility in Benghazi to another?

[redacted]

[redacted]

(U) A No, I did not. I did not know what was going on in Libya.

(U) Q Tell me what kind of planning you started or what you directed as a result of that initial notification from the SOCEUR liaison or from your own folks, however that notification came to you. Tell me what directions or what tasks you issued to your command.

(U) A So we were on we call it communications black, so no contact with anybody. And everyone was to prepare to deploy, repack, and configure for a real world deployment. So that was my initial guidance.

(U) Communications black is just don't make any phone calls or don't contact anybody outside of the chain of command.

(U) Q So that is an operational security measure, to not inform others outside of the chain of command. Is that correct?

(U) A Correct.

[redacted]

(U) A Crisis action planning. Although. We didn't know -- the tactical planning aspects, we didn't have anything. Just the crisis action plan is what we were working on.

(U) Q And as the night proceeded, at what point did

[redacted]

[redacted]

you -- what would you say the status of the information you had at that point? Were you told you're going to deploy, were you told to prepare to deploy, were you just alerted? What was the nature of the guidance given to you initially, and when did that guidance develop into something else?

(U) A The initial guidance was -- I can't recall if someone said prepare to deploy or you will deploy. The notification we just operate under at all times, if you're notified, we are operating under the premise that we are going to deploy. But no one ever specifically said you would; or with that, we would. And as the situation progressed from initial notification around 02, through the early morning hours and throughout the next day, there were various updates along that timeline.

(U) Q As the night progressed and the morning developed, at what point were you told you will deploy and this is the N Hour? At what point do you recall receiving an N Hour notification? Or, did you receive one?

(U) A I can't recall the official N Hour notification that was set for official purposes. From my purview, when someone told me, that is when I started working off it at the tactical level so that we are prepared.

(U) So, from my recollection, it was in the middle of the night, but I can't recall when the official N Hour was set.

[[redacted] Exhibit No. 1

was marked for identification.]

[redacted]

[redacted]

BY MR. CHIPMAN:

(U) Q And what I would like to do at this point, Major [redacted] I have got a copy of an unclassified timeline that the Department has produced to prior committees before, and I would like you to have a chance to look through this timeline. And it may or may not refresh your recollection.

(U) I have got copies here as well. That's been marked Exhibit 1.

(U) This is a timeline, as I understand it. Did you have any role in compiling or preparing this timeline?

(U) A No.

(U) Q Again, as I understand it, this is a timeline that we have been produced from the Department of Defense that represented an effort to compile events during the relevant period. And that was provided I think first back in the fall of 2012.

(U) And so, Major [redacted] if what I'm looking at -- and I recognize you were not on Eastern Daylight Time in Croatia, were you?

(U) A No.

(U) Q And you were not on Eastern European Time -- or, you may have been on Eastern European Time -- about 6 hours ahead of the East Coast Time. Does that timeframe strike, roughly, your recollection?

(U) A Yes, it does.

(U) Q Okay. So we'll use the two times here. We'll stay away from Zulu Time, if that's okay.

(U) A Perfectly fine.

[redacted]

[redacted]

(U) Q And as I understand it, the event occurred somewhere around 9:42 p.m. Eastern European Time. And, again, as you indicated earlier, you were finishing a training exercise on the evening of September 11th. Was that your earlier statement?

(U) A Yes.

(U) Q So, as best you can recall, you weren't aware of the initial report until roughly 02 on the 12th of September.

(U) A Correct.

(U) Q As I look at Exhibit 1, I would ask you to direct your attention to the place where there are three bulleted points. Point two, if you can read that. Was that the force with which you were associated?

(U) A Yes.

(U) Q `So Exhibit 1 indicates that Secretary Panetta convened a series of meetings in the Pentagon with senior officials, to include the chairman, General Dempsey, and the AFRICOM commander, General Ham. It indicates that Secretary Panetta directed the following actions.

(U) And so you were the EUCOM Special Operations force then training in Central Europe to prepare to deploy to an intermediate staging base in Southern Europe. Does that strike with your own recollection?

(U) A Yes.

(U) Q Were you told in that initial notification, or at some point as the night proceeded and the morning arrived, where you would deploy to, what that intermediate staging base would be?

[redacted]

[redacted]

(U) Q And do you recall any discussion as you were going through the coordination the early morning of the 12th, do you recall any earlier discussion about potentially moving to Suda Bay, Greece?

(U) A I do not recall any talk of Suda Bay, Greece.

(U) Q At your level, at least, that discussion wasn't occurring.

(U) A No.

(U) Q As you were pulsing the various nodes, whether at Fort Bragg, whether at headquarters in Stuttgart, whether at the Pentagon, at any point in the evening or in the early morning and the later morning were you in contact with the American embassy in Tripoli, Libya?

(U) A No, I was not.

(U) Q And did you ever link up with anyone at the State Department compound in Benghazi prior to personnel leaving that facility?

(U) A No.

(U) Q And how about the annex -- what is known as the annex in Benghazi -- did you ever establish communications with the annex?

(U) A No.

(U) Q Did you at C/1-10 SFG, or within your own span of

[redacted]

[redacted]

control, did you have any liaison officers -- or LNOs -- with other commands or units that were giving you additional situational guidance and awareness?

(U) A Not at this time.

(U) Q After you received the initial notification from your parent command, did you forward back to the command any intelligence or information requirements that would enable you to conduct more detailed mission planning?

(U) A Nothing formal. I just asked for more updates as they were available. I did not have any formal requirements.

(U) Q And were you given updates -- periodic updates from AFRICOM -- from the JOC at AFRICOM, known as the Joint Operations Center, during this timeframe?

(U) A We weren't working for AFRICOM at this time. We were still under the operational control of EUCOM.

(U) Q So the situational awareness you were obtaining was being forwarded to you from the EUCOM Joint Operations Center, or JOC?

(U) A Correct.

(U) Q The SOCEUR occupy space within that JOC, or were you also getting separate updates from SOCEUR?

(U) A It was the SOCEUR JOC that I was getting the information from, not the actual EUCOM like FPOC or anything like that. It was a separate billeting that SOCEUR -- because they stood up very quickly their JOC, and we were getting everything from there.

(U) Q And by FPOC, you mean the Focal Point Operations

[redacted]

[redacted]

Center --

(U) A Yes.

(U) Q -- that EUCOM stood up?

(U) As you were getting these additional updates, were you advised at some point that you would be shifted in operational control from EUCOM to AFRICOM?

(U) A We knew it was going to happen. We were just waiting for when. So from my recollection, SOCEUR was going to retain operational control until we were moved to an ISB. Once we arrived at an intermediate staging base and we had extra equipment and the ability to -- our crypto for our communications systems, so our crypto data, we needed separate crypto data and extra vehicles before they were going to shift operational control to AFRICOM.

(U) Q So if we could unpack that a little bit. The idea is that to communicate in a secure fashion you need certain cryptological capabilities and equipment.

[redacted]

[redacted]

[redacted]

(U) A Yes. At the tactical ground level, I can communicate kind of at the operational command and control level via email, but for the units with handheld radios and the tactics, you need the same cryptological fills for whoever -- whichever organization is in charge.

(U) Q So, as I understand, you were still getting updates from SOCEUR -- from the folks at SOCEUR, and you were not aware that U.S. personnel in Benghazi had departed from one facility and consolidated into another during the morning -- late morning -- or late night, early morning of September 12th.

(U) A No. I did not have any situational awareness or updates coming from Benghazi or anywhere in Africa.

(U) Q And did SOCEUR ever convey during that timeframe as you were, again, doing your initial planning, that there were continued intermittent small arms attacks at the second facility as the morning of the 12th unfolded?

(U) A The only thing I learned was that Ambassador Stevens had been killed.

(U) Q At some point during that morning you learned definitively that Ambassador Stevens had been killed.

(U) A Correct.

(U) Q And at that point, how did that shift your mission planning, guidance, or thoughts as to what you should be planning?

(U) A For me, it didn't change anything because we were given the order to prepare to deploy. So we were focused just on that. So

[redacted]

[redacted]

at that time, that is all we were focused on.

(U) Q And at what point -- if you learned on that morning, or later in the morning -- at what point did you learn that there had been a mortar attack in Benghazi? Or did you learn anything about a mortar attack?

(U) A I don't recall learning of any mortar attack early in the morning on September 12th.

(U) Q Okay. Were you given access to the Predator feed that we understand was orbiting over Benghazi? Were you given access to that Predator feed at the SOCEUR node with you in Croatia?

(U) A I did not have any ISR feeds, no.

(U) Q Do you know if SOCEUR had that ISR feed?

(U) A I do not know if they did.

(U) Q How were you receiving messages or reports or communications? You mentioned you could email. Did you have other capabilities that you could use? Did you have secure phones with you?

(U) A Yes, we had secure phones both at the Secret level, and then the SOCEUR node that was down there had Top Secret phones.

(U) Q And then were you up on the system [redacted]

[redacted]

[redacted]

(U) A Correct. We did it on the ground and we also can do it in flight.

(U) Q And were you also engaging in chat or messaging at the same time -- not same time chat, but something like a Merc chat capability? Did you have that?

(U) A I can't recall if I was up on Merc chat. I don't believe I was.

(U) A Yes.

(U) Q Do you recall roughly when in the sequence that you learned that?

(U) A In that timeframe, yes.

(U) A I stand corrected. That early in the morning I cannot recall whether or not it was the ISB. To my recollection, we weren't sure still at that time whether we would go straight to a crisis point, wherever that was, or to an ISB.

(U) A Yes.

(U) Q So it is really a question of being able to have an available aircraft to load and a wheels-up time and then a destination given for you to be able to conduct onward planning.

(U) A Yes.

[redacted]

(U) Do you recall -- and, again, this is 3 years later, so I realize that the timing is not good.

[redacted]

(U) Q Why did it transition from a crisis action planning event to a deliberate planning event? What was the nature of what his death generated in terms of your planning sequence?

(U) A From my recollection -- and I wasn't in constant communications about all of that; I just remember hearing that he was killed, and there were no reports of any other missing American citizens or any life, limb, or eyesight threats to American personnel in the original crisis point. Once we heard of that, and then from that point we knew we were going to an ISB, for sure. So there is no longer an in extremis, as we call it, crisis, and personnel are safe, for a matter of speaking, it became a much more deliberate planning cycle.

[redacted]

[redacted]

(U) A It was related to me that there was a fight of some sort going on.

(U) Q In Benghazi, at the annex, the second facility?

(U) A I can't recall where exactly, but I call it the crisis point. That was -- at that time -- that was just Benghazi versus any particular location.

(U) Q Got it. And then, again, you don't recall having ever learned on the morning of the 12th of the mortar attack as you were going through your sequence of planning to move to an ISB.

(U) A I don't recall hearing about the mortar attack --

(U) Q But when you learned --

(U) A -- that early on.

(U) Q Go ahead.

(U) A That early on, I don't recall learning of the mortar attack.

(U) Q `And again, you learned that the Ambassador had been killed. And from that perspective, that shifted from an in extremis or crisis action planning model to a more deliberate planning model?

(U) A For my -- nothing was directed in that sense, but for me, as the commander, it is more deliberate because there was really no more crisis going on if all the Americans were recovered. He was killed -- that is a crisis -- but no one -- everyone was removed from the fight. So from my level of command, we didn't slow down, but I didn't know what else I was supposed to be planning for at that point if there was no longer -- the missing Ambassador was now dead and he

[redacted]

[redacted]

was recovered in a safer location. I was waiting for orders, to be honest with you, from that point forward, outside of deploying. I knew I was going to deploy. Aside from that, the scope of that deployment, in terms of a mission statement, was still unknown.

[redacted]

(U) A It is, yes.

[redacted]

(U) Q Okay.

[redacted]

(U) Q By a MEU, you mean a Marine Expeditionary Unit?

(U) A That's always my default for NEOs, because they are afloat and they are usually very close to the embassies and they have organic air on the ships, from my understanding.

[redacted]

[redacted]

[redacted]

(U) A For us, it would be any and all of the above. Nonpermissive would be definitely within our purview.

(U) Q And semi-permissive could also be within your purview?

(U) A Correct.

[redacted]

(U) A No.

[redacted]

(U) A Nothing official. The wide aperture of possible mission sets, that definitely fell within the scope of what we were thinking about.

(U) Q But, again, you weren't in communication with any nodes in Benghazi, as I recall.

(U) A Correct.

(U) Q And no one at your parent command, whether SOCAF, AFRICOM, no one related to you, "Start planning to assist in a NEO, if necessary," sort of a be prepared to task, support NEO from Benghazi, to the best of your recollection.

(U) A We were still working for SOCEUR, so I still hadn't contacted anyone from AFRICOM or SOCAF. But the term NEO, to the best

[redacted]

[redacted]

of my knowledge, that term did not come up. It was more just my tactical sort of level thoughts.

(U) Q Again, that shift of OPCON, or operational control, was to occur on wheels down at Sigonella or wheels down at the ISB that you were working toward?

[redacted]

(U) That didn't occur until -- that definitely didn't occur while we were in Croatia. SOCEUR had the responsibility of deploying us to the ISB, and they were pushing more of our equipment from Stuttgart, Germany. So that extra ODA that was still back in Germany, we alerted them. Even though they weren't technically on recall, we alerted them to deploy. They packed up from a training mission and came back to Stuttgart and they prepared those two gunvees for deployment.

(U) So everything in Croatia was focused on getting to -- in the early morning hours -- to the ISB. And these shifts in command and control didn't occur until September 13.

(U) Q And you just related a bunch of different steps. And so I just want to go through those, if I can, so I understand the

[redacted]

sequence.

(U) A Correct.

(U) A Correct. And heavy weapons.

(U) Q And heavy weapons.

(U) A Heavier weapons.

[redacted]

(U) A So, in terms of the air, my recollection, I did not -- I was waiting on the aircraft. I wasn't involved in the planning of the aircraft, is the best way to describe it. So I don't recall the N Hour sequence for the air movement. It was -- for us, we packed up very quickly and then we were waiting at the airfield.

(U) Q Okay.

(U) A And my comms -- I packed up my comms and everything. So once we were sitting at the airfield about seven o'clock in the morning on September 12th, I had limited communications with what was going on. I was just waiting for the aircraft to show up.

(U) Q You're a passenger and not an owner of the aircraft.

(U) A Correct. Once we packed up our comms and put them in the truck, we were waiting.

(U) Q Okay. And so to the best of your recollection, you were ready -- your unit was ready as of 07 on the morning of the 12th for onward movement to an ISB, wherever directed.

(U) A Definitely by 07. We were packed up. We had our -- I use 07 just loosely, as I think that is when the Sun came up, but first daybreak on the morning of September 12th we had all of our equipment and we were ready to load an aircraft. So we were just waiting on aircraft.

[redacted]

[redacted]

(U) Q Okay.

(U) A We did have communications, it just wasn't as robust as we had it in our command center upon initial notification.

(U) Q Because the command center had been taken down to prepare for onward movement?

(U) A Correct. We packed it all up. We leave a really small capability just for voice communications.

(U) Q And those communications, again, were coming from SOCEUR back at Stuttgart?

(U) A Correct. And the the SOCEUR colonel -- his team was still there, so they had -- I was pulling information from them. So they had good awareness as to what was going on. But none of us knew -- we weren't aware of the aircraft deploying time. On that set N Hour to move aircraft, I don't recall what that was.

(U) Q Do you recall any efforts to try to coordinate back with SOCEUR headquarters to say, "Hey, is there an N Hour sequence in effect"?

(U) Were you tracking an N Hour sequence of any type or was it more of a deliberate deployment sequence?

(U) A I was tracking -- for me, as a ground assault force, the second I heard what was going on, that was kind of what I was tracking. And we moved as quickly as we could. And once we found out that the crisis was not what it was originally articulated in terms of a U.S. Ambassador or any Am cit missing, and that he was killed and nobody was -- that crisis was no longer occurring as originally

[redacted]

[redacted]

discussed, then it became deliberate.

(U) So, from my perspective, at that point the crisis was no longer ongoing and it was more of a deliberate process. So the N Hour sequence, I hate to use the term irrelevant, but I didn't know what my mission was going to be if there wasn't a crisis that we were prone to look at.

[redacted]

(U) A No, I did not do that.

(U) Q And SOCEUR was orchestrating or coordinating the arrival of aircraft to deploy you to your onward ISB?

(U) A Correct.

(U) Q Were you given any mission planning guidance as you were awaiting the arrival of aircraft -- the upload of the aircraft -- were you given any mission tasks or any commander's intent about what options you should be considering in preparing to execute?

(U) A No.

[redacted]

(U) A No.

[redacted]

(U) A We do.

(U) Q Okay. At what point do you recall knowing that the aircraft would be available at the airfield for upload? Was that something you knew in advance or did you hear a bird had set down and a ramp came down and you were directed, "Hey, load up." Did you have a sense of a deliberate sequence for your outload?

(U) A No. We knew we were waiting on the aircraft. I did not know a hard time for when they were supposed to arrive.

(U) A Once the aircraft landed and we identified they were the right aircraft, again, about an hour, just to make sure everything gets loaded on properly before you could take off.

[redacted]

(U) A Not at that time, I did not receive one. It all was verbal.

(U) Q Verbal.

(U) A A verbal order is an order. So that is what we went off of.

(U) Q So your actions essentially were being directed by what we call VOCO, or verbal order of the commanding officer?

(U) A Correct.

(U) Q And that is all you need for authority to execute.

(U) A Correct.

[redacted]

(U) A It was the afternoon of September 12th, because when we landed -- I think it was a couple-hour flight; maybe 2, 3 hours, I believe. I say the afternoon because when we landed, it was dusk when we arrived.

[redacted]

(U) A That is accurate, yes. Dusk in Europe at that latitude is about accurate.

(U) A Find somebody from the base that knew where we were supposed to stage our equipment. So a base representative came out to the aircraft. I explained we were there on an emergency and we needed a hangar for our equipment and then a space large enough to accommodate about a hundred people or so. And to be as discreet as possible with everything.

(U) Q Your additional ODA that you had requested from Stuttgart.

(U) A They arrived before we did, with those two gunvees.

(U) Q With those two gunvees. And so did they help stage your forces, direct you where you needed to offload your equipment?

(U) A Yes. They had gotten there before us and they knew exactly what was supposed to happen as well. So when we arrived, they were there as well.

(U) A Correct.

(U) Q And then did you perform the reception staging onward integration -- the RSOI -- for that command?

(U) A As best we could. We put our stuff in a hangar and we stood there when they arrived and shook their hands. And that is about it. We had a room identified for them to set up a JOC.

(U) A I have no recollection of any knowledge of crew rest.

(U) A I was not, no.

(U) A No.

(U) A I don't recall that.

[redacted]

[redacted]

(U) A Yes.

(U) Q And what is your assessment? Why do you conclude that?

(U) A It is the closest point of a U.S. installation to that area of Africa, and anywhere else. So that is why.

[redacted]

(U) A Yes.

(U) Q Is it a better location than Suda Bay, or the equal?

(U) A I don't know the distance, but I think Suda Bay is a little further from Libya than -- Libya and Benghazi -- than Sigonella.

[redacted]

(U) A Yes.

[redacted]

(U) A Definitely. Yes.

[redacted]

(U) A Not operationally. Just in passing. We rested overnight there once.

[redacted]

(U) A Yes.

(U) A From my understanding, from my perspective, outside of any known crisis point, yes, that is a good staging area.

(U) A For the North African coast, yes.

(U) A We were prepared to load an aircraft in a couple of hours of first learning of the incident. I keep saying 02. So around 02, within a couple hours of that, we were ready to board.

(U) Q So if we go back to Exhibit 1, that second page where

[redacted]

the bullet that talked about 2:39 ordered by Secretary Panetta, at some point after 2:39 a.m. Eastern European Time, and a couple hours at least after that, you would have been prepared to move onward to wherever.

(U) A Yes.

(U) Q So 05 would have been -- 0500 would have been, in your assessment, a time when your unit was prepared to move onward to an ISB, give or take an hour.

[redacted]

(U) So yes, I mean 3 hours, if we're using that. You're saying 02.

(U) Q Three hours you say, more or less?

(U) A Three-hour timeframe; yes, that would have been sufficient for us.

(U) Q He who controls the keys also has a vote, right?

(U) A Yeah. We would've gotten the key.

[redacted]

(U) You've got your basic load of ammunition, which is

[redacted]

[redacted]

configured in bulk, I suppose, on an aircraft. So you don't necessarily have readily accessible ammunition. Or, do have you a combat load that you could deploy with as well?

(U) A We have a combat load -- unit basic load -- that includes everything from antitank rockets to nine-millimeter pistol ammunition and grenades. It is a bit of a speculative question to think about to fight through a situation. It would have to depend on the situation, because it would do nothing to take injuries to get to the point -- cause more injuries in order to get to the point where you're trying to provide help.

[redacted]

(U) Q It's a fair answer. And I think that in your role as commander, you were always responsible for balancing risk versus reward. Is that one of your duties and responsibilities as a commander?

(U) A Correct.

(U) Q So your assessment and what you've just related to the committee was that it is a difficult question because while you would want to fight your way in, there is inherent risk in that approach.

[redacted]

[redacted]

(U) A Correct. I guess a better way of putting it is having a higher risk -- accepting an extremely high risk to your force could ultimately prevent you from accomplishing your mission. So you have to balance it. Those are tactical considerations that vary for any operation. So we can go very many paths with that.

[redacted]

(U) Q Now, what do you mean by counterterrorism focused? How does that differ from crisis action planning?

(U) A Deliberate counterterrorism focus. So there was no longer a missing American citizen. To my recollection, there wasn't

[redacted]

[redacted]

a facility or equipment or piece of anything that needed to be recovered. So it was the mission. Though I never read one, or I don't recall if there was ever one, the focus I guess was more of deliberate counterterrorism operation, that being develop the aftermath of that crisis and produce concepts of the operation for the future associated with a response to what had happened in Benghazi; a counterterrorism response to what had happened in Benghazi.

(U) Q So when you mean a counterterrorism response, what you're talking about is you were involved in efforts -- planning efforts that would guide or help formulate the U.S. response, if directed. If DOD were directed to form some sort of response, you were engaged in that planning as to what you would do to forward a counterterrorism response to the crisis in Benghazi.

(U) A That, along with being prepared for unrest -- responding to continued unrest.

(U) Q So did you develop plans, concepts of operations, or CONOPS to deal with other NEO situations in Tunisia or Sana'a or other embassies?

[redacted]

[redacted]

(U) A So on September 13th -- to the best of my recollection, September 13th, in the afternoon, was when I saw some of the formal written orders that you referred to started coming through. We started receiving those. They were written. It just took a while for our comms to get them. And it directed that we now are TACON to SOCAF operational control.

(U) A Correct.

(U) Q And the overall operational control of the AFRICOM theater commander.

(U) A Correct.

[redacted]

(U) A Yes.

(U) Q And your specific task within that sequence was to do what?

[redacted]

(U) Q Okay. I see I've reached the end of my second hour, so if we could go off the record, please, and take a break and get a drink of water, confer with counsel, hit the head.

[Recess at 12:30 p.m.]

[redacted]

[redacted]

BY MR. CHIPMAN:

(U) Q Back on the record.

[redacted]

(U) A Yes.

(U) Q To the embassy there?

(U) A Yes.

(U) Q And you assisted in reinforcing their defensive posture?

(U) A Yes.

[redacted]

[redacted]

(U) Q You mentioned also that, initially, you were directed to plan target development for a follow-on counterterrorism effort. What is target development? What does that consist of?

(U) A Collection of information using a variety of intelligence collection platforms, be it signals intelligence, human intelligence, a vast array of all types of intelligence to determine and find locations that can be attributed to supporting what occurred in Benghazi.

[redacted]

(U) Q This was target development designed to, perhaps,

[redacted]

[redacted]

execute missions against terrorist training camps or other outposts --

(U) A Yes.

(U) Q -- in Libya?

(U) A Yes.

(U) Q And that's the kind of target development efforts in which you were participating?

[redacted]

(U) Q Okay. And did any of those missions ultimately get ordered to be executed --

(U) A No --

[redacted]

(U) A Correct.

(U) Q Again, your operational deployments were to Tunis, to Khartoum, and to Djibouti?

(U) A To Djibouti. So we didn't actually go to Khartoum. We just went to Djibouti.

(U) Q Okay.

(U) A We never actually went to the embassy in Khartoum.

[redacted]

[redacted]

[redacted]

[redacted]

(U) Q So you had access to their birds, but you didn't have your own organic lift capability that had been brought --

(U) A Correct.

(U) Q -- from Stuttgart?

(U) A No, nothing. No rotary wing --

(U) Q Okay.

(U) A -- outside of the [redacted]

[redacted]

(U) A To the best of my knowledge, that flight was feasible, but it was at a reduction in personnel and equipment --

(U) Q Okay.

(U) A -- due to fuel constraints.

[redacted]

[redacted]

[redacted]

(U) A It is if it's a semi or a non-permissive environment.

(U) A Not during my experience, but it has in the past in terms of assisting with noncombatant evacuation operations.

(U) Q Okay. So I was left uncertain --

(U) A Correct.

(U) Q It is a routine link-up with the at which you would exchange the requisite fills?

(U) A Correct.

(U) A A couple of hours. I believe it was about 2 to 3 hours, I think.

(U) A I think it was earlier than that, so the flight might have been longer.

(U) Q Okay.

(U) A I just can't remember the exact time.

[redacted]

(U) A It was about that. Between waiting -- we were co-located near the airfield, and then we moved over there. So, in terms of us being packed up, it was about that.

(U) Q During those 9 hours, give or take, what activities were you engaged in?

(U) A We were just waiting.

(U) Q Okay.

(U) A So we were reconfiguring some of our equipment just to be lighter. We left some equipment that was just focused on the training exercise. We were separating that. I was speaking with the SOCEUR colonel that was there, assisting their efforts to deploy because they were told to deploy as well. So it was second nature for us to pack up and move quickly, and we were helping them do the same.

[redacted]

(U) Q Again, from your level, you couldn't influence that timeline?

(U) A No.

[redacted]

[redacted]

(U) Q You are a consumer of aircraft and not a generator?

(U) A Correct. Yeah.

(U) Q All right. Former Secretary Panetta made a comment at some point along the way in the aftermath of Benghazi that the basic principle here is you don't deploy forces into harm's way without knowing what's going on, without having some realtime information about what's taking place; and as a result of not having that kind of information, the commander on the ground or in that area -- General Ham, General Dempsey, and I -- felt very strongly that we could not put forces at risk in that situation.

(U) Do you agree with former Secretary Panetta's observation?

(U) A Yes.

[redacted]

(U) A It is.

(U) Q Like that situation that may have presented at Benghazi before the recovery of the Ambassador?

(U) A Yes.

[redacted]

(U) A I can't really comment on that because, once I'm

[redacted]

[redacted]

notified of a mission, we all want to execute, but the greater context to it we're not really privy towards. So what I don't want to do is also rush to our deaths, if that makes sense, you know, because then you're causing more of a problem.

(U) So the difficult part of -- the burden of command is always to not do something. The decision not to execute is much more difficult than the decision to execute, and that is based on risk versus gain; and so my purview of risk versus gain at that time was, you know, someone's -- there's a missing American, so we all want to go assist. The motivation is there -- you know, that's inherent -- but if that changes, you know, and there's other people looking at it from another perspective, you know, we're ready to do it, but that doesn't necessarily mean -- it's not my call to go do it or not; and I can't really agree or disagree with, you know, things that I'm not -- conversations that I'm -- awareness and information that I'm not privy to.

(U) Q Your concern as a commander is rushing to failure if you are directed to go into a situation where you don't have an adequate understanding of the enemy situation, friendly capabilities, the environment on the ground. Is that a fair observation?

(U) A Yes. A crisis is inherently going to be risky, and that's -- you take ownership of that, and you accept that risk, but you also -- in order to be successful and, say, recover a hostage or recover something very dangerous to the United States or whatever the case may be -- in order to be successful, you really need to balance

[redacted]

[redacted]

how you position yourself to be in a position of advantage to make that happen. Sometimes that requires patience and a little bit of time to let the situation develop because, otherwise, you're rushing. You could rush to failure as we said earlier.

(U) Q Okay.

(U) A Yeah.

[redacted]

(U) What's your sense about that commentary, that critique, by those who have raised that issue?

(U) A Can we scope it in time?

(U) Q Sure.

[redacted]

[redacted]

[redacted]

(U) And I'm not sure who would ever make that decision to cancel all of that because there was unrest somewhere else when, I hate to say, there seems to be unrest everywhere all the time, so -- but prepositioning for an emergency, in my honest opinion, is almost like guesswork. If you always try to preposition for an emergency, what you're positioning might not be capable of doing what you want it to do because they don't have time to train and be prepared if that -- it's kind of the only way I can answer it is -- I'm trying to provide an answer without speculation.

(U) Q I appreciate that. And it's not speculation. It's simply trying to get your assessment --

(U) A Yeah.

(U) Q -- as someone who has been moving to the sound of guns for a dozen years. It's trying to get your sense of how you would approach the calculus here and what inputs would influence you.

(U) A I'll tell you we're always willing to risk our lives, but the burden of the commanders at any level is to tailor that with ultimate mission success, and it always doesn't necessarily match up

[redacted]

[redacted]

with, you know, other people's perspectives on it, I guess.

[redacted]

(U) A Yes, because the ambassador was already -- for lack of a better word -- recovered.

[redacted]

(U) A We never went to Yemen, but to Khartoum, Tunis. It was from my -- given the tyranny of distance problem, as we like to call it in Africa, that was the best place we could stage from, a U.S. installation.

(U) Mr. Chipman. Okay. Let's go off the record.

(Discussion held off the record)

(Recess taken 1:02 p.m. to 1:10 p.m.)

BY MS. SAWYER:

(U) Q Back on the record.

(U) Major [redacted] thank you again for your time today, and we really do appreciate your testimony. We think, you know, what we have heard today is very helpful. We are very hopeful that it will help the committee certainly understand how events unfolded on the night of 9/11/2012, and that, ultimately, will help us put to rest and explain

[redacted]

[redacted]

to the American public, you know, what happened that night; so we thank you very much.

(U) I wanted to return briefly to a couple of issues and then, hopefully, conclude the committee's questioning for the day.

[redacted]

(U) So, first of all, was this the unrest that you were referring to?

(U) A Yes. Just looking off that timeline, that un-class one -- so -- yeah, with the incident starting at the facility in Benghazi. So that's where I went to when I said that earlier --

(U) Q So you were talking about --

(U) A -- or not the incident in Benghazi, but everything that led up to that, the unrest. I don't know when the unrest started, to be honest with you, but that's what I was referring to.

(U) Q You indicated that, if decisions triggered off of unrest, which you reluctantly and, I think, unfortunately, had to acknowledge occurs pretty much every day -- if decisions triggered off of unrest that it would be -- I think the word you used was

[redacted]

"guesswork" -- and that it would be then possible that, one, you wouldn't be able to engage in very important -- I think you have indicated -- number one training priorities. Was that accurate?

(U) A That's from my perspective from being at the end of the whip, you know, being on alert status. If you are on 1-hour alert or something like that, you can't do anything but sit there with your equipment. So that's my perspective.

(U) And, specifically for Benghazi, my perspective was -- the culminating event for me was a very important exercise and for Special Operations Command Europe. So it was a big deal to not complete that exercise. Now, if there was an emergency that rendered or justified canceling it, that's very, very easy, and everyone understands. It's just hard for me, personally, at my level, to understand if that decision had been made really early in the process.

(U) I can tell you now in 2015 -- and probably right after Benghazi -- with the new normal construct, that all shifted. So one of the lessons learned was of, hey, let's assume -- let's start some -- let's prepare or start more of a warm start based off of unrest, because we can see how quickly unrest could lead to something more catastrophic. So it's definitely a lesson learned, but, you know, so --

(U) Q Yes. And you had noted something I did want to get to in terms of -- I think you had said -- you used the term "tyranny of distance" when you were talking to my colleague.

(U) First of all, with regard to Africa, could you just explain

[redacted]

to us kind of what that term means and the significance of that?

(U) A So a lot of people that deploy to Africa or work on AFRICOM -- work for AFRICOM -- use the term "tyranny of distance" because it takes so long to move what could seemingly look like smaller distances. And there's not a robust network of airfields and staging points that there are, say, in a more developed area of the world, like Europe. So Europe is a much smaller area, and there's many developed airfields, fueling sites. Whereas, when you have Africa, it's, relatively speaking, much more undeveloped and exponentially times larger; so you are limited in your ability to move around with fuel, with time. And so we call it the "tyranny of distance" because it's hard to get from point A to point B, and it takes a while.

(U) Q In terms of the lessons learned and the kind of forward looking, can you tie it back into that and tell us, to the best of your knowledge, kind of what has changed to also both address the tyranny of distance issue and also address the concerns about unrest potentially quickly unraveling into something that's not just a protest but violence activity?

[redacted]

[redacted]

[redacted]

[redacted]

(U) A Correct. The 1 October 2012 date is just the formal date for them to be fully operational capable.

(U) Q Now, one of the things that you made very clear and, I think, said repeatedly was, from the moment you were notified as you came off the training exercise -- well, first of all, just to be perfectly clear -- and I think you did state this -- the fact that you were engaged in a training exercise did not impact in a negative way your ability to be ready in the time anticipated --

(U) A No.

(U) Q -- for your force?

(U) A No, it was not.

(U) Q So, from the moment that you were first notified as the commander of that force, you said, at one point, We did not slow down in our preparations to be ready to deploy. You said, We moved as quickly as we could. And then you had indicated initially that you believed you were at the airfield. You said it was sunrise, and you said at approximately 7 a.m. It sounded like you thought it could be as early as 5 a.m. that morning.

(U) A We were about a 5- to 10-minute bus ride away from the actual tarmac at the airfield. So I remember having our equipment packed up at that location, and then, when we actually got buses and movement over to that airfield and we got our ammunition, I think it was about 7:00 in the morning. It was definitely in the early morning hours.

[redacted]

[redacted]

(U) Q And that would have been the time that you would be ready to load a plane, to get all of the equipment onto a plane, to then deploy to wherever you were being ordered to deploy?

(U) A Yes. So, within a couple of hours of when I first -- when we first realized what was going on, the initial notification around 02 in the morning. Within a couple hours -- I think we talked about 3 hours -- we were physically prepared with all of our equipment packed in our vehicles so we could drive them on, and it was just a matter of, you know, a 10-minute drive to get to the airfield and load an airplane, but I --

(U) Q You had indicated a few times that it would take about an hour to load all of the equipment and get the airplanes ready to actually go, wheels up.

(U) A Yes. When the airplanes stop and they put their ramps down, it's about an hour just with us loading our equipment, and they go through their procedures and so on and so forth.

(U) Q So, if you're at the airfield and waiting at 0700, 0800 is the time that you think "wheels up" with an aircraft there, ready to be loaded? That would have been a reasonable time to be wheels up?

(U) A All based on the airplanes. So, if the aircraft are there, we can -- we can load them in an hour.

(U) Q So an hour from the time you were on the tarmac?

(U) A Correct.

(U) Q So, if it's approximately 7 a.m., 8 a.m. is the time you can be wheels up? If it's approximately 6 a.m., then 7 a.m. --

[redacted]

[redacted]

(U) A 7 a.m., exactly.

(U) Q -- is the time that you could be wheels up?

(U) A Correct.

(U) Q Just redirecting your attention to Exhibit 1 that my colleague and you had discussed in the prior rounds, which is the timeline, as my colleague indicated, had been provided to Congress in November of 2012 from the Department of Defense, available to prior congressional investigations as well as made available to us in the course of our investigation -- I am just looking at that timeline and directing your attention to the time that we were talking about where you are on the tarmac, ready to load a plane, getting a plane loaded within that hour.

(U) So, at 6:05 a.m. -- this is on page 2, under Wednesday, September 12th, 2012. It indicates at 6:05 a.m.: "AFRICOM orders a C-17 aircraft in Germany to prepare to deploy to Libya to evacuate Americans."

(U) Now, you had indicated you didn't have kind of moment-by-moment updates about the events on the ground in Libya. Would you have expected the individuals who were then ultimately authorizing and ordering you to deploy forward to have had that information as they were making decisions about where you would move and when you would move?

(U) A Yes, I would think that they would -- people would have that information, yes.

[redacted]

[redacted]

(U) A We would if it was -- if they were -- if the embassy looked like it was going to be overrun or if it was a very -- a very dire circumstance. We always use the term "in extremis." So, in that situation we can assist with that because we can be additional security for the embassy.

(U) Now, when we talk about a non-evacuation operation, it's also much more broad in scope because we could be talking about all Americans that work with the U.S. Embassy in their various locations and various -- you know, their home residences and stuff like that.

(U) Q Okay. And the time that we had been talking about -- I just want to direct your attention to the time immediately prior to that 6.

(U) It says: "5:15 a.m. The second facility in Benghazi comes

[redacted]

under mortar and rocket propelled grenade fire."

(U) At the time that that happens, if you were on the tarmac at 7:00, it's potentially 2 hours after that has occurred.

(U) A So the best case scenario for us would have been, you know, we got back at 2:00 in the morning, roughly. There is no way we could have been there at that time. With the notification coming at 2 o'clock in the morning, even if the airplanes had shown up, I don't know how -- you know, the airplanes would have had to -- we would have had to have boarded airplanes at -- I don't even know. It was probably impossible.

[redacted]

(U) Q Even by 6 a.m., to the extent that -- and you said, certainly, if it was still an in extremis situation -- and presumably the folks determining and authorizing and ordering you to deploy

[redacted]

[redacted]

forward are assessing whether at that point in time it is still an in extremis or not -- you could have assisted; but given the timeline we have just discussed -- 6:05 a.m. -- would it have been possible for you to have been there to potentially assist with any evacuation that was ongoing? You will see that, at 7:40 a.m., "the first wave of American personnel depart Benghazi for Tripoli."

(U) A No, not with the notification coming at 2:00 in the morning. No.

(U) Q Then it indicates on the timeline that at 10 a.m., "the second wave of Americans, including the fallen, depart Benghazi for Tripoli via airplane."

(U) So, as of 10 a.m. -- and I don't know if you had that situational awareness --

(U) A No.

(U) Q -- everyone was out of Benghazi.

(U) A Not to this extent, we did not have that situational awareness.

(U) What we knew was, earlier than this time -- sometime in the early morning hours of September 12th -- we found out that Ambassador Stevens was killed, and there were no more missing American citizens, and they were being moved to a safe location. So we knew that well before 10 a.m.

(U) Q Did you also know that information before the airplane actually did arrive for you to start loading onto the airplane?

(U) A Yes.

[redacted]

[redacted]

(U) Q And, at that point in time, I think you did and were very clear that in your mind -- and this was not talking about the decision-making above you -- that, at that point, it did move from an in extremis to a nonemergency planning mode --

(U) A Yes, once they --

(U) Q -- at the point in time that you had been notified that the Ambassador was deceased and the personnel had been removed.

[redacted]

(U) So everything takes a more deliberate fashion because now -- I associate "deliberate" also with time. When you have more time to make decisions, you have more time to prepare, and that was very apparent just because we found out; we packed up very quickly; and we moved to the airfield; and then we -- the emergency, so to speak, was already over so why -- there was no reason to rush from that point on.

(U) Q And again --

(U) A That's my context to it, sitting here.

(U) Q Sure. Again, it did not impact your tasking that night and getting ready and making sure, as soon as the decision was made about what was now appropriate based on the unfolding events in realtime, you would be ready to go?

[redacted]

[redacted]

(U) A Yeah, everything for me was very clear. There was an incident; there was a crisis; pack up; and wherever that plane -- if that plane -- once it takes off, it can land anywhere, and we'll still execute our mission. So it wasn't as important for me. What was important for me was make sure that my force was prepared to execute its mission wherever we landed. I just happened to want to know where it was. But it didn't really matter because we were going to plan the same thing -- to be prepared -- no matter what could happen.

(U) Q We did spend a little time earlier in the day also talking about the command and control and when you shifted from EUCOM to AFRICOM.

(U) Did any of those decisions about when that command and control shifted in any way slow you down in terms of your deployment and readiness to deploy -- getting ready to deploy -- on the night of 9/12/2012?

(U) A No.

(U) Q And did it have any practical effect on your ability to carry out your mission?

(U) A No. I say that because we were waiting on a mission, so we were kind of waiting to find out what it was we were going to do. So if there was -- if it took a little bit of time to change command and control, that's okay, because we were all trying to develop what we were going to do next.

(U) Q Just give us one second.

(U) I'm just going to shift gears a little bit and ask you some

[redacted]

[redacted]

questions that are more broad -- allegations that have been made in the course of the 3-1/2 years since the attacks.

(U) As you are likely aware -- and I think it was referenced earlier today -- this is now the eighth congressional investigation into the Benghazi attacks and the response both that night and the response over time since. I think all of the members of the committee are very committed to making sure that we, once and for all, put any of the concerns and investigate and look under every rock so that we make sure that, once and for all, we put questions to rest.

(U) There has been, of course, a lot of speculation and a lot of opinions about what happened, but there is only a limited universe of people who actually has firsthand knowledge and information, and a number of those folks have already testified. In fact, a number of folks who would have that kind of knowledge from the military community already have testified, and that certainly includes Secretary of Defense Leon Panetta, Chairman of the Joint Chiefs Mike Mullen, and General Martin Dempsey, Vice Admiral Charles Leidig, and Rear Admiral Richard Lanhold, to name just a few. The former AFRICOM commander, General Carter Ham, has appeared, I believe, six times -- twice since his retirement. We now also have the benefit of your testimony, which, as I said before, we do appreciate.

(U) I am going to ask you about some of these public allegations. Again, I would ask, if you have firsthand or actual knowledge of any of them, to just please let me know, and we will explore that. Again, there are about a dozen of these, so I would just ask for your patience

[redacted]

[redacted]

in getting through them; but the importance again, as I have said, is I just have to make sure that we put to rest, once and for all, the public allegations because it is our understanding that, even where they may have been asked and answered, there is still an intent to investigate them, so we are just trying to cover all bases here.

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

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

(U) A No.

(U) 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?

(U) A No.

(U) 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, this allegation has continued.

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

[redacted]

[redacted]

(U) A No.

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

(U) A No.

(U) 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.

(U) 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?

(U) A No.

(U) 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 "the CIA was not collecting and shipping arms from Libya to Syria" and that they found "no support" for this allegation.

(U) 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?

(U) A No.

(U) Q Do you have any evidence that the U.S. facilities in Benghazi were being used to facilitate weapons transfers from Libya

[redacted]

[redacted]

to Syria or to any other foreign country?

(U) A No.

(U) 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, instead, there were tactical disagreements on the ground over how quickly to depart.

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

(U) A No.

(U) 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 an improper reason behind the temporary delay of the CIA security personnel who departed the annex to assist the Special Mission Compound?

(U) A No.

(U) 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.

(U) Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were

[redacted]

[redacted]

provided to the ARB?

(U) A No.

(U) 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?

(U) A No.

(U) Q Let me ask these questions also for documents that were provided to Congress.

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

(U) A No.

(U) 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 faithfully performed our duties in accordance with the highest standards of objectivity and nonpartisanship.

(U) 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.

(U) Q Do you have any evidence that CIA Deputy Director Mike Morell altered the talking points provided to Congress for political

[redacted]

[redacted]

reasons?

(U) A No.

(U) 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.

(U) Do you have any evidence that Ambassador Rice intentionally misrepresented facts about the Benghazi attacks on the Sunday talk shows?

(U) A No.

(U) 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.

(U) 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?

(U) A No.

(U) Q It has been alleged that a team of four military personnel at Embassy Tripoli on the night of the attacks, who was considering flying on the second plane to Benghazi, was 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

[redacted]

[redacted]

sought to join the fight in Benghazi.

(U) 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?

(U) A No.

(U) Q Then, lastly, it has been alleged that the military failed to deploy assets on the night of the attacks that would have saved lives. Former Republican Congressman Howard "Buck" McKeon, the former chair of the House Armed Services Committee, conducted a review of the attacks, after which he stated: "Given where the troops were, how quickly the thing all happened, and how quickly it dissipated, we probably couldn't have done more than we did."

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

(U) A No.

(U) 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?

(U) A No.

(U) Ms. Sawyer. Again, Major [redacted] thank you for your time. We do appreciate your explanation, your willingness to appear voluntarily, and answer all of our questions. We also truly appreciate it. On behalf of the Democratic members -- I think all of the members

[redacted]

[redacted]

of the committee and, certainly, the staff -- we also appreciate very much your service to the country. It is very important, and we do respect and appreciate it very much.

(U) Major [redacted] Thank you.

(U) Mr. Chipman. I would like to thank you, on behalf of Chairman Gowdy, for your personal willingness to appear, but also for the efforts of the U.S. Special Operations Command to enable your appearance and the coordination and support of the Office of the Secretary of Defense in furnishing you to the committee this morning. So I thank all of you.

(U) Ms. Sawyer. That's it.

[Whereupon, at 1:43 p.m., the interview was adjourned.]

[redacted]

EXHIBIT 1

Timeline of Department of Defense Actions on September 11-12, 2012
All times are Eastern Daylight Time (EDT, Washington, DC)
and Eastern European Time (EET, Benghazi)

Tuesday, September 11, 2012
EDT // EET

~3:42 pm // 9:42 pm	The incident starts at the facility in Benghazi.
3:59 pm // 9:59 pm	An unarmed, unmanned, surveillance aircraft is directed to reposition overhead the Benghazi facility.
4:32 pm // 10:32pm	The National Military Command Center at the Pentagon, after receiving initial reports of the incident from the State Department, notifies the Office of the Secretary of Defense and the Joint Staff. The information is quickly passed to Secretary Panetta and General Dempsey.
5:00 pm // 11:00pm	Secretary Panetta and General Dempsey attend a previously scheduled meeting with the President at the White House. The leaders discuss potential responses to the emerging situation.
5:10 pm // 11:10 pm	The diverted surveillance aircraft arrives on station over the Benghazi facility.
~5:30 pm // 11:30 pm	All surviving American personnel have departed the facility.
6:00-8:00 pm // 12:00-2:00 am	Secretary Panetta convenes a series of meetings in the Pentagon with senior officials including General Dempsey and General Ham. They discuss additional response options for Benghazi and for the potential outbreak of further violence throughout the region, particularly in Tunis, Tripoli, Cairo, and Sana'a. During these meetings, Secretary Panetta directs (provides verbal authorization) the following actions: 1) A Fleet Antiterrorism Security Team (FAST) platoon, stationed in Rota, Spain, to prepare to deploy to Benghazi, and a second FAST platoon, also stationed in Rota, Spain, to prepare to deploy to the Embassy in Tripoli. 2) A EUCOM special operations force, which is training in Central Europe, to prepare to deploy to an intermediate staging base in southern Europe. 3) A special operations force based in the United States to prepare to deploy to an intermediate staging base in southern Europe. During this period, actions are verbally conveyed from the Pentagon to the affected Combatant Commands in order to expedite movement of forces upon receipt of formal authorization.
~6:30 pm // 12:30 am	A six-man security team from U.S. Embassy Tripoli, including two DoD personnel, departs for Benghazi.

~7:30 pm // 1:30 am	The American security team from Tripoli lands in Benghazi.
~8:30pm // 2:30 am	The National Military Command Center conducts a Benghazi Conference Call with representatives from AFRICOM, EUCOM, CENTCOM, TRANSCOM, SOCOM, and the four services.
8:39pm // 2:39 am	As ordered by Secretary Panetta, the National Military Command Center transmits formal authorization for the two FAST platoons, and associated equipment, to prepare to deploy and for the EUCOM special operations force, and associated equipment, to move to an intermediate staging base in southern Europe.
8:53pm // 2:53 am	As ordered by Secretary Panetta, the National Military Command Center transmits formal authorization to deploy a special operations force, and associated equipment, from the United States to an intermediate staging base in southern Europe.
~11:00 pm // 5:00 am	A second, unmanned, unarmed surveillance aircraft is directed to relieve the initial asset still over Benghazi.
~11:15 pm // 5:15 am	The second facility in Benghazi comes under mortar and rocket propelled grenade fire.

Wednesday, September 12, 2012

12:05 am // 6:05am	AFRICOM orders a C-17 aircraft in Germany to prepare to deploy to Libya to evacuate Americans.
~1:40 am // 7:40 am	The first wave of American personnel depart Benghazi for Tripoli via airplane.
~4:00 am // 10:00 am	The second wave of Americans, including the fallen, depart Benghazi for Tripoli via airplane.
8:15 am // 2:15 pm	The C-17 departs Germany en route Tripoli to evacuate Americans.
1:17 pm // 7:17 pm	The C-17 departs Tripoli en route Ramstein, Germany with the American personnel and the remains of Ambassador Stevens, Sean Smith, Tyrone Woods, and Glen Doherty.
1:57 pm // 7:57 pm	The EUCOM special operations force, and associated equipment, arrives at an intermediate staging base in southern Europe.
2:56 pm // 8:56 pm	The FAST platoon, and associated equipment, arrives in Tripoli.
3:28 pm // 9:28 pm	The special operations force deployed from the United States, and associated equipment, arrives at an intermediate staging base in southern Europe.
4:19 pm // 10:19 pm	The C-17 arrives in Ramstein, Germany.

INTERVIEW OF CONTRACTING OFFICER

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, AUGUST 27, 2015

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

CRAIG MISSAKIAN, *Deputy Chief Counsel*
MARK GRIDER, *Deputy General Counsel*
SARA BARRINEAU, *Investigator*
HEATHER SAWYER, *Minority Chief Counsel*
RONAK DESAI, *Minority Counsel*

FOR THE U.S. DEPARTMENT OF STATE

AUSTIN EVERS, *Senior Advisor*

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

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 attack 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.

Ms. [redacted], can you please state your full name for the record.

Ms. [redacted]. [redacted].

Mr. Grider. On behalf of the committee, we appreciate your time and willingness to come here today. My name is Mark Grider. I'm one of the lawyers on the committee. And I'm going to take a few moments to go around the room and let everyone introduce themselves.

Mr. Missakian. I'm Craig Missakian. I'm one of the lawyers on the majority 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.

Mr. Evers. Austin Evers, State Department.

Mr. Grider. Okay. I'd like to go over some ground rules and explain how the interview will proceed. Generally, the way the questions proceed 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 so choose.

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 at that time.

Unlike testimony or a deposition in Federal Court, the committee format is not bound by the rules of evidence. The witness or 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 objections when the other side is asking questions.

This session is to begin as unclassified. Any questions that call for a classified answer, please let me know, and we'll reserve that answer until we move into a classified setting. In preparing for your interview, I don't believe any of my questions will go into classified information based on the documents that I've reviewed. But if you feel it does, please refer to counsel and we'll handle it accordingly.

You're welcome to confer with counsel at any time throughout the interview, but if something needs to be clarified, we ask the witness, we ask that you make that known to me. If you need to discuss anything with counsel, we'll go off the record and stop the clock to provide you an opportunity to do so.

We'll also take a break whenever it's convenient for you. This can be after every hour of questioning, after a couple of rounds, or whatever you prefer. During a round of questioning, if you need

anything, a glass of water or need to use the facilities or to confer with counsel, please just let us know, we'll go off the record, stop the clock, because our goal is to make this process as comfortable for you as possible.

As you can see, an official reporter is taking down everything you say to make a written record. So we ask that you give verbal responses to all questions, yes and no, as opposed to nods of the head. I'm going to ask the reporter to please feel free to jump in, in case you respond nonverbally. Do you understand that?

Ms. [redacted]. Yes.

Mr. Grider. Okay. Also, we'll try not to talk over each other so it's easier to get a clear record. And I need to work on that. So I'll just slow down, ask the question, and allow you to complete your thoughts. We'll take our time to repeat or clarify any questions that you need clarifying. And if you have any questions or don't understand any of our questions, please let us know and we'll be more than happy to clarify or repeat questions for you.

If you honestly don't remember an answer or don't know an answer to a question or don't remember, it's best not to guess. Please give us your best recollection. And if there's things you don't know or you cannot remember, just say so, and please inform us who, to the best of your knowledge, may be able to provide a more complete answer to the question.

Do you understand that you have an obligation to answer questions from Congress truthfully?

Ms. [redacted]. Yes.

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

Ms. [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?

Ms. [redacted]. Yes.

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

Ms. [redacted]. No.

Mr. Grider. Okay. That's the end of my preamble. Does the minority have anything to say?

Ms. Sawyer. No. Except for we look forward to hearing from you and very much appreciate your agreement to appear voluntarily.

Mr. Grider. Okay. Let's go off the record real quick.

[Discussion off the record.]

EXAMINATION

BY MR. GRIDER:

Q I'm going to ask you again to please state your name for the record.

A [redacted].

Q Okay. Is Ms. [redacted], is that okay?

A That's fine.

Q Okay. Thank you.

Just for background purposes, can you just sort of give us your educational and professional background, I guess starting maybe a few years prior to before you joined the State Department?

A Okay. If you want me to start with education background, I've got a bachelor's degree in chemistry and physics. I have a master's degree in environmental engineering. That's education.

I have worked in private industry in Federal contracting and in the Federal Government as a contracting officer. I've worked for the Treasury Department, the Department of Homeland Security, and the State Department.

Q When did you start with the State Department?

A I started with the State Department in 2004, March.

Q And can you tell me what that position was?

A I was the departmental competition advocate.

Q So let's back up. I'm a little bit familiar with State, but I know there's a lot of offices. Can you tell me where, is that in the acquisition and management or where exactly, what, you know, in the broader scheme, where does that fit?

A Within the State Department, that was in the Office of the Procurement Executive under the A Bureau.

Q And the A Bureau is the --

A Administration.

Q Right. So that was in 2004?

A Correct.

Q And can you walk me through from 2004 until 2011 and 2012?

A I with the Office of the Procurement Executive until May of 2012, serving as the departmental competition advocate and all the other duties as assigned. In May of 2012, I moved within the A Bureau to the Acquisitions Branch, AQM, supporting Diplomatic Security and the Local Guard Program.

Q So in this prior Office of Procurement, before you got into Acquisition and Diplomatic Security and local programs, were you working on contracting issues in that position?

A Yes.

Q Okay.

A It was at the policy level.

Q Okay. So let's focus our attention on sort of the May 2012 time period when you transferred into Acquisitions, Diplomatic Security, and working on the local programs, can you explain that to me? What is that role? Was it Libya specific or --

A When I joined AQM, I was supporting the Local Guard Program. I was assigned a portfolio of what they call posts. Benghazi was one of several local guard contracts that were in my -- was in my portfolio.

Q Okay. Approximately how many were in your portfolio?

A Eight contracts.

Q So you had eight contracts. Does that represent eight different locations?

A That's correct. It represents eight different contracts.

Q Eight different contracts. Right. But I guess my -- could you have two contracts for one location?

A No.

Q Okay.

A But you could have one contract that would have an embassy and a consulate.

Q Okay. So, if you recall, what were the other -- so you had Benghazi. Do you recall the other ones?

A We've had musical portfolios. So I have to think that one through for a minute.

Q Were they in the Middle East?

A Benghazi was the only one in the Middle East. I had stuff in the Western Hemisphere, including Mexico City, European posts, some other Africa posts.

Q Okay. So let's focus on the Benghazi Local Guard Program. What was your -- can you explain what does that mean, what was the Local Guard Program?

A The Local Guard Program is the contract piece of the security and safety of the embassies. Under Diplomatic Security, you either have personal services agreements, which I don't get involved in because those are employee-employer relationships between the State Department and the guards. I got involved with the contract piece, where we award a contract to a contractor and the contractor hires the employees who are the guards.

Q So as I reviewed some of the background information, there were a number of names that came up that I -- that may have been in that office. So can you just sort of give us the general organization

of that office that you were in? Who you reported up to, were there people, you know, that were, that you supervised? So can you sort of give us sort of a --

A Okay. I did not supervise anyone.

Q Okay. Okay.

A We were -- AQM and the group that I work with is embedded with our internal customer, Diplomatic Security, Overseas Protective Operations, OPO.

Q Okay.

A So we all sat in the Diplomatic Security building on the same floor, you know, very close in proximity.

Q Okay.

A So some of the people I worked with in AQM during that timeframe, let's see --

Q [redacted]?

A [redacted] is with Diplomatic Security.

Q Okay. What about [redacted]?

A [redacted] is Diplomatic Security.

Q Okay. And then [redacted]?

A [redacted] was one of my colleagues in Acquisitions, AQM.

Q Okay. And so when you say [redacted] was Diplomatic Security, what was his role in Diplomatic Security?

A He is what they call under OPO a desk officer. He is a civil servant. And he's of a technical perspective. So he helps with the program from a technical perspective.

Q You mentioned A. What about M? How does Management, is that somehow connected?

A Yes.

Q Okay. Please explain that to us.

A A reports up to M.

Q Okay. And who was the head of Administration during your time period, if you recall?

A Of A?

Q Yes.

A I believe Barr is still of the A. I mean, that's far up the chain. I do not interact --

Q I understand.

How were assignments -- so you said -- you mentioned you had eight contracts. How were those assignments assigned to you? Were you able to choose them? Or when you came in, they said all right, we're going to give you Benghazi? Or how did they sort of hand out the different contracts and assignments?

A When I came in there wasn't an official supervisor. So there was a lot of kind of chaos. But when I first got there, it was like here's your portfolio.

Q Okay. And who gave you your portfolio?

A Well, I had a direct supervisor. I either got it from [redacted] or I got it from [redacted], who was not my supervisor but he had been there and was a senior-level person.

Q Right. Okay. It's my understanding the general

procurement process from initiation to closeout -- and I'm new to this, I don't have your level of expertise, but let me just sort of see, I sort of have, like, six main buckets developing and I welcome you to sort of clarify this. Like pre-award actions; number 2, solicitation process; 3, evaluation process; 4, contract award; 5, post-award actions; and, 6, contract closeout. Am I missing, are there any big ticket items? Because we're going to walk through, I'm just trying to give you an outline of just some of those issues when we dealt with Benghazi. Is that sort of the outline? Or is something missing there?

A No, those are the major areas.

Q Okay. Okay. Very good.

One question, just to go back. Is there a warrant, did you have a warrant level?

A Yes.

Q Can you explain to us for those, what a warrant level is?

A A contracting officer warrant is the authority to bind the Federal Government. So they grant that in writing by issuing a contracting officer warrant. And under that warrant, it tells you how much you can buy on behalf of the Federal Government.

Q And if you don't mind, what was your warrant level?

A At that time, it was $25 million.

Q Okay. So would that be considered a senior --

A Yes.

Q -- or journeyman? Is that senior?

A Yes.

Q Okay. So you had senior level, senior warrant level. Okay.

A Uh-huh.

Q Okay, let's turn our attention to sort of the Benghazi contract.

A Okay.

Q Are you familiar with the term high threat post?

A Yes.

Q Okay. What's your understanding of a high threat post?

A Well, which context of high threat? Because, again, there are several definitions of it. There's stuff that's, you know, how State Department and DS classify high threat posts. And how they do that, I don't know. I just know that it ends up a list, which posts are high threat and which posts are not.

Q Okay. So you're aware that there's a list?

A Uh-huh.

Q And so when you came in May of 2012, to your knowledge, was Benghazi considered a high threat post?

A You know, I do not know.

Q And do you know if high threat post, if there's a location that's designated a high threat post, does that have any impact on your decisionmaking with respect to contracts, is it sort of a different type of thought process or calculus?

A For awarding the contract, no. For the specifications, maybe. But I don't write the specifications. The technical people

write the specifications. Now, the State Department has special authority so we can do some contract awards using a cost technical tradeoff versus low price technically acceptable under high threat post.

Q Very good. Okay. Good. I was going to ask you. I appreciate you bringing that up. So can we just -- can you explain to us sort of the LPTA, the low price technically acceptable, what does that mean?

A Under contracting, that means when you get proposals they are evaluated. If the proposals are technically acceptable, then whoever has the lowest price wins the contract.

Q Okay. And you're familiar with the term best value?

A Yes.

Q And can you just explain that?

A Okay. Well, LPTA is a form of best value. But I think you're referring to cost technical tradeoff.

Q Okay. Okay. Good.

A And cost technical tradeoff means we will pay a little bit more for a higher technically evaluated proposal.

Q Good. Okay. So at the timeframe that you were working on the Benghazi contract in May of 2012, do you know, was LPTA applied to that or was the cost technical tradeoff applied?

A It was LPTA. They did not have authority to use any other methodology until later.

Q Okay. Do you know when that --

A That was -- that occurred in the next -- I think they got the authority under the NDAA in the next fiscal year. Or it could have been -- it may not have been in the NDAA, it's someplace else, that they got a pilot authority. But it was a year later.

Q And I'm just trying to get some definitions out of the way here. So can you explain just sole source? How does that -- can you explain what sole source is with respect to contracting in Benghazi?

A With respect to contracting --

Q Sole source contracting.

A Sole source contracting means instead of competing and letting all contractors come to the table or all offerors who are interested in competing come to the table and submit an offer, you're just going to one company.

Q Okay.

A Or maybe sometimes you're limiting competition. There's different authorities you have.

Q Okay. So based on reviewing the Benghazi file when you -- the contract -- at that time it was LPTA. Do you know if it was sole source? Was sole source used?

A Based on my review of the contract, no, it was a competitively awarded contract.

Q Okay. So it was competitively awarded. And do you know how many companies competed for it?

A Well, I didn't award the contract. So some of this, the pre-award stuff that you're asking me about would be better to ask the

people who were involved with that.

Q Right. And who was?

A That would be [redacted], [redacted], [redacted], as far as the acquisition people go.

Q So to your knowledge, you don't recall if it was -- you know it wasn't sole source, but you're not sure how many potential bidders --

A Okay. The offers that I do know about, there were two.

Q Okay.

A Were there more? I don't know.

Q Okay. So what offers do you know about?

A Torres and Blue Mountain Group, whatever you want to call them, loosely.

The Reporter. Could you repeat the first one?

Ms. [redacted]. Torres Advanced Enterprise Solutions.

BY MR. GRIDER:

Q You said the second was Blue Mountain Group?

A Yes.

Q Okay. When you reviewed the file, were you able to discover why Blue Mountain Group was chosen versus Torres?

A Again, you'd have to talk to the people who actually looked at that. I didn't find enough to really figure out what happened.

Q Okay. So when the file came to you, the company that you were working and evaluating was Blue Mountain Group, is that correct?

A I wasn't evaluating. I was working with Blue Mountain. They already had the contract and were performing it.

Q Okay. We may come back to this. And I say once again, I'm a novice. I'm a novice. So a lot of this is just, you know, really just trying to sort of unpack and having a better understanding of the contracting process. So I understand some of my questions aren't like, you know, I'm not a journeyman or anything like that. I understand you're, like, why is he asking me this? But we're just trying to sort of get clarity on what happened. I appreciate you working with me on this.

Okay, let's turn to what we call the security rings in Benghazi. It's my understanding that you had Diplomatic Security, RSOs, on the ground. Are you familiar with RSOs?

A Yes.

Q And then local guard force February 17. Are you familiar with them?

A Local guard force? Benghazi -- or, excuse me -- the Blue Mountain Group guard force, yes.

Q Host nation. Are you familiar with February 17?

A 17, no.

Q Never?

A Huh-uh.

Q Okay. So you didn't work with anything with respect to, you know, the Feb 17, if there was a host nation security?

A No. I worked with the contract guard force.

Q Okay. And I'm going to pull on your State experience. If someone was working with host nation security, what group in the State

Department would be handling, like, the February 17th or host nation security? It's not Acquisitions and Management.

A It would be -- it wouldn't be Acquisitions and Management. I mean, my guess, because I'm not the expert in this --

Q I understand.

A -- would be somebody in Diplomatic Security. But which group, I don't know.

Q Okay. Perfect. Thank you.

So in your experience, with respect to Blue Mountain Group, had you heard of that type of contracting group before? Were you familiar with Blue Mountain Group prior to taking over the contract?

A Prior to taking over that contract, I had not heard of Blue Mountain Group.

Q Okay. When you took the contract, did anyone -- obviously they gave you the file -- did anyone sort of give you a background sort of update or briefing on sort of what was going on prior to you coming in? Did you sit down and discuss with any of the people that initiated the contract?

A Some of the people were around. Did I get a briefing? No. If I had questions, I could go ask them.

Q Sure. So did you do that?

A Yeah, there was a few times I asked questions. But, you know, just going through the file or what was there. But, you know, did I get a briefing? No. They had their own portfolio and were running in other directions at the time.

Q Okay. Okay. Very good. If someone was trying to vet contractors, the vetting of contractors, can you explain that process, how that works at State?

A I can talk to it for the contracts. Under the contract terms and conditions there's usually a clause in section H that says: Contractor, here's the information you give and you give it to the COR, the contracting officer's representative, who is usually the ARSO on the ground. And you say: Here's your paperwork. They take the paperwork. They do their stuff with it. Every post is a little bit different on how they do it. But they take their paperwork. They process it. They do background name checks. If they go verify where they live, they do whatever they need to do. Then they go back to the contractor and say: Okay, the employee that you nominated has been approved or disapproved.

Q And would that be put into the file, the vetting, that vetting process? Would that enter the file once it's completed?

A Which file?

Q The contracting file. So there's a contracting file for --

A It would be at the post. It wouldn't necessarily be incorporated into the contract. And I would not necessarily have that information in Washington.

Q Okay. Okay. So if the vetting process was completed, it would be, if there was a document, it would be more at post than being --

A Correct.

Q -- something that you would have.

A Correct.

Q So to your knowledge, do you know if the Blue Mountain Group was vetted or not?

A To the best of my knowledge, they were. But I was relying on the contracting officer's representative to do their job and to do the vetting.

Q And what's the basis of that conclusion, to the best of your knowledge they were?

A The guards were coming to work every day and they were performing work there. Again, you'd have to talk to whoever the COR is at the point. But I can't imagine that they would want them to be working if they weren't approved.

Q Okay. Okay. But there wasn't a physical document that you saw, it was just based on sort of observation of the process going --

A Right.

Q -- and therefore you assumed that they had been vetted, is that correct?

A Correct.

Q Some of these may be outside of the scope of your knowledge but I'm going to ask them and you can let me know. Were you aware that BMG may have been released from two contracts in Tripoli, were you aware of that?

A No.

Q When you took over the contract, can you just -- the Benghazi contract, when I say the contract, I'm referring to

that -- what was your observation of sort of the procurement status or what was your -- I mean, was it in good shape? Was it needing some work? What was your general observation?

A Well, this was a contract that was slapped together in a hurry. So it was not in the best of shape.

Q And can you explain, what do you mean by slapped together in a hurry?

A The contracting process that you talked about all the way to get to award usually takes 18 months.

Q Yes.

A You know, that's the general timeframe we tell people. We need 18 months.

Q Correct.

A Okay. This was solicited in January.

Q Yes.

A And contract performance started on March 1st.

Q That's what I'm asking. So was this sort of outside of -- to your knowledge, based on your training -- was it sort of outside the normal contracts that had been put together as far as the timing?

A The timeframe was unusual, okay, but is it unheard of? No. No security services is not an option. So sometimes you do the best you can with the time you got available.

Q Right. Right. But standard is 18 months. In this instance, it was approximately 3 to 4 months solicited and gone through

that entire process?

A Correct.

Q Okay. Do you know when they brought you in on the contract, did they need your expertise and help? Or do you think it was just a function of somebody needed to cover this contract?

A The contract was up and running at the time that I had it. So did they really need help? No. It was already off and running. And they had processes and everything already established.

Q Okay.

A So, you know, did they need my help? Yes, no, but yes and no. They just needed contract administration and oversight at the time.

Q All right. I'm going to show you a document, government's exhibit 1.

[[redacted] Exhibit No. 1 was marked for identification.]

Mr. Grider. We'll give you some time.

Mr. Evers. Do you want to go off the record?

Mr. Grider. Yes. Sure. Let's go off the record.

[Discussion off the record.]

Mr. Grider. Let's go back on the record.

BY MR. GRIDER:

Q All right. I'd like to direct your attention to page 2. Let me read the document. It's document number C as in Charlie, 05528550. And we'll work through, back up. But on page 2, we have

the from, from [redacted], sent on Monday, September 10th, 2012, at 3:37 p.m., to [redacted] and [redacted]. You state: Oh, happy day, [redacted], I have a bushel of lemons. I'm trying to figure out how to make something good out of this. Pardon me, I'm whining. Now down to business.

And then you go into the letter from the law firm. Can you explain, number one, you know, what was your -- what was sort of your, you know, your understanding, you said bushel of lemons, what was your understanding of what was going on at that time?

A Again, I was trying to problem solve here and got the letter from the attorney and trying to figure out, you know, who really -- and there were a lot of different entities going on and trying to figure out who was related to the contract and who wasn't and whether they really had a justification for what they were doing or not.

Q And did you ever come to that, did you ever sort of straighten that out of who was related to the contract and who wasn't?

A To some extent, yes and no and yes or no. There was never a clear -- there were way too many parties and it was way too confusing.

Q Okay. So your observation of the contract, there were a number of parties and somewhat confusing?

A Yes.

Q Okay. All right. All right. So let's try to -- let's try to walk through some of the parties. I'm aware of some of the parties. You had Blue Mountain Group UK?

A Yes.

Q And can you walk me through some of the other parties that you remember that were party to the contracts?

A Well, really there were -- what I was trying to figure out -- and I'm going to use an analogy to make it a little bit easier, okay -- there appeared to be two parties that came together as a joint venture who we awarded the contract to. Now, in Federal contracting, we can either contract with the two parties. So if you say these two parties come together, we have Blue Mountain Group and then we have somebody in Libya who had a license under Blue Mountain Group. Okay? They were 50/50 partners.

Now, I don't know, it was never clear to me whether these two parties, and I'll call them, like, parents, if they came together and had a child and we awarded the contract to the child and the two parents were in control of the child, or if we actually -- and you can in Federal contracting award to the two parties, like the two individuals together at the same time.

Q And so in your expertise, were you ever able to figure out what actually -- was it awarded to two parties or was it awarded to one and they --

A What I concluded -- and then you've got to also understand, we have system limitations, like, we have a system that writes a contract, and it has a limitation, it will not let me use two parties, it will only let me do one. Okay? So when we talk about this, there's a couple different things that you might be looking at. In looking at, if you look at the SF-33, which is the contract award, it may only

have one name, but the intent was we award it to two parties, not a child. So we have, like, a mom and a dad.

Q Right.

A In the analogy.

Q Sure.

Are you familiar with, going back to the parties, are you familiar with Torres?

A Torres Advanced Enterprise Solutions, yes.

Q And then what about XPAND?

A XPAND I did not know anything until September of 2012.

Q Okay. So tell us what did you learn in September of 2012 about XPAND.

A XPAND -- Blue Mountain UK sent the -- it was basically a dissolution of their joint venture agreement and it identified XPAND. That was the first time I had seen XPAND.

Q Okay. And then did you ever, after the dissolution, did you ever work with XPAND or did they --

A No.

Q Okay. So what happened after the dissolution?

A We got the dissolution agreement in late I think it was August of 2012. And then shortly after that, then the Jordanian lawyer sent the thing, the letter saying -- claiming that Blue Mountain UK had not lived up to the terms of the dissolution.

Q And then what happened after that letter came?

A After that letter came, these emails that you see from this

exhibit --

Q Correct.

A -- was some of the issues that were going on.

Q Did you ever resolve -- did you all ever resolve the issue?

A The last thing was that [redacted] was going to send the attorney an email. So that was September 10th.

Q Right. Okay. So prior to September 11th there were several questions about the joint venture, the dissolution, and the parties involved in the contract. Is that correct?

A Yes. I mean there was a dispute between the two parties. That's not the same as the contract that was between the State Department and this Blue Mountain UK. That issue was something else.

Q Correct.

A That was between those two parties.

Q Right. But the two parties that were executing the contract were having a dispute, correct?

A Yes.

Q Prior to September 11th?

A Yes.

Q And prior to September 11th, they had sent letters to you or to Acquisitions to try to resolve this dispute that was occurring. Is that correct?

A They were trying to get us to resolve it for them.

Q Right.

A But under privity of contracts, it's not my problem.

Q On page 1, [redacted] states, as you stated early, on September 10th, 2012, you know, what UK has to say about the lawyer's letter. And then the next day, the attack occurred.

A Yes.

Q Can you explain to me what happened, from your perspective dealing with the contract, you know, during the attack?

A During the attack?

Q Yes.

A You mean on September 11th and into September 12th?

Q Correct.

A The guards were, you know, on duty. And then, you know, something, the attack happened. That is an excusable delay for the contractor under the terms of the contract.

Q Okay. An excusable delay. So at what point did the contractors, did you pick back up working with Blue Mountain Group after the attack?

A What do you mean by working with Blue Mountain Group after the attack?

Q So during the attack, were you in contact with Blue Mountain Group on those days, September 11th and September 12th?

A On September 11th, Blue Mountain sent me an email saying: I'm aware of the attack. And that was kind of my red flag of: Huh? Except that on September 11th, there were other attacks going on around the world other than that. Then on September 12th, we were trying to contact Blue Mountain Group and their people and get data, you know,

what they know, information, whatever was going on.

Q That's correct. So who were you reaching out to, to try to get information and data?

A Nigel Thomas.

Q And can you tell me who Nigel Thomas is?

A He is the owner of Blue Mountain UK, or managing director, something along those lines.

Q And were you able to get in contact with him September 12th?

A Yes. He was providing information on how to get ahold of the project manager so that Diplomatic Security could talk to the project manager and find out what he knew.

Q And to your knowledge, who was the project manager at that time?

A It was [redacted] -- his name escapes me right now.

Q [redacted], by any chance?

A Yes.

Q And did you have an occasion to talk to [redacted]?

A We got ahold -- we, myself, Diplomatic Security, and a whole a lot of people called him on his cell phone on September 12th when he was at the airport. I believe he was in Dubai or someplace like that.

Q And what, if anything, did he communicate to you?

A Diplomatic Security debriefed him. They debriefed him.

Q Okay. So DS debriefed him. Were you on that call during the --

A I was there.

Q Okay. Were you on the call?

A Yes. I was on the call with him. I sat and listened.

Q Okay. We may come back to this. But let me just sort of -- it's my understanding that the eight contracts that you had, did you have any contracting oversight or insight into Tripoli and the contracting process in Tripoli?

A Tripoli was not a local guard contract. It was a personal services agreement.

Q Can you explain the difference between a local guard contract and a personal service agreement?

A PSC or PSA is an employee-employer relationship between the State Department and the guards.

Q Right.

A A contract is the contract between the State Department and a contractor. And the contractor's employees are the guards.

Q And to your knowledge, was PSA ever considered with respect to -- using PSAs with respect to Benghazi as far as the guards?

A At the time of award or at the time we were having disputes about the security license?

Q Very good. At the time of the award, to your knowledge.

A I would not know.

Q You don't know?

A I do not know.

Q So then at the time you took over the contract -- we'll get

to the attack -- was it ever considered, was PSA ever considered?

A At the time I took over the contract, no.

Q Okay. And then after the attack was the use of a PSA ever considered?

A After the attack?

Q Correct.

A Well, not really, no.

Q So there were never any discussions about PSAs?

A There were discussions about PSA prior to the attack because we were having these issues that are on exhibit 1.

Q Correct.

A So we needed -- you know, no security service is not an option. We had to have belts and suspenders. We had to have a plan B if plan A failed.

Q Correct. So prior to the attack, PSAs were being discussed due to the issues of the contract?

A Due to what -- again, we're just talking belts and suspenders to make sure that if this failed, that we have a backup plan.

Mr. Grider. Okay. Very good. Thank you.

Can we go off the record for 1 second?

[Discussion off the record.]

Mr. Grider. Let's go back on the record.

And I would like to introduce to you exhibit 2, document number C as in Charlie, 05408680.

[[redacted] Exhibit No. 2

Was marked for identification.]

BY MR. GRIDER:

Q I just want to direct your attention to sort of the last full paragraph on the page that states: "Benghazi guards -- M has decreed that we should proceed with PSAs for the local guards. DS disagrees, saying that it's too difficult to manage a PSA program with RSOs rotating every month and the short-term viability of Benghazi. PSA could be written as a limited term appointment. M staff wants us to make sure that PSA is not the way forward." And then it says: "DS wants to push ahead with guard contract vice PSAs using one of two contractors operating in Libya."

Just for the record, that email is from [redacted] on Monday, January 9th, 2012, at 12:21 p.m. I understand that this discussion predates you. But I'm just -- in your review of the file and in having questions and discussions about PSAs you mentioned prior to the attack that there were discussions about PSAs in light of the joint venture and dissolution. Was this discussion, did anyone ever bring a discussion, you know, this type of discussion was ever brought to your attention that PSAs had been considered back in January of 2012?

A No.

Q Okay. So today is the first time that, after reading this document, that you found that there were actual discussions in January of 2012 about PSAs versus doing sort of a guard services contract. Is that correct?

A Yes.

Q Based on your experience of working at State, could you, if you can, could you understand, can you sort of maybe explain to us why there may have been a disagreement between PSAs and guard service contracts in general, if you know? Are there pros and cons of both?

A There are pros and cons to both. How they make the decision, that's, again, I don't write the technical specs and I don't make the final decisions on whether it should be one way or the other.

Q Right. So I understand you don't write the technical aspects. But in light of taking over the contract and realizing that there was a dissolution going on in between the two contracting entities, PSAs were being considered. Why was PSAs being considered as opposed to just doing another contract? Why would that be brought to the table, as opposed to let's just do another contract similar to what we have done?

A We actually talked about another contract too and PSAs. So we were exploring all the opportunities that could go on. But if there was a failure with the one contractor, contractually I still have to address the one contract because we're still bound to the one contract. And until we get to the point where we've either terminated the contract or we've had a mutual agreement that we're walking away from it in a contract modification, I can't even go down the path of awarding a new contract.

Q Right.

A And in the meantime, no security services is not an option.

Q Absolutely. Absolutely. So you mentioned there were

discussions about possible other, you know, maybe having another contract come in. You mentioned that.

A Possible, yes. But you also have to factor in how long did they need the services, how long was that place going to be open.

Q And did you ask that question?

A Those were the type of questions I asked them.

Q Right. And what were the responses that you received?

A No responses. No answers. I asked the questions. They were never -- we never fully explored it or had the opportunity.

Q Thank you. So as you were evaluating the contract and trying to determine other options, based on sort of the confusion in this current contract, you considered PSAs, correct?

A Yes.

Q You considered bringing in another outside, you know, getting another contractor in, correct?

A Yes.

Q And then you asked questions about essentially how long we were going to be in Benghazi. Is that correct?

A Yes. I asked how long they might need the services.

Q Yes. So who did you ask that question to?

A Those were discussions I had with Diplomatic Security, people would be such as [redacted], [redacted].

Q And during this time that you were considering different options and you were attempting to gather facts so you can make a decision of how to remedy things, when you asked the question of how

long or what's going on or how long they would need the services, you never had that answer or --

A That's correct.

Q That's correct.

In your review of the contract, do you familiarize yourself with sort of, like, potential impediments or requirements that Libya or a different country may put on the State Department in sort of placing guards in?

A After contract award I would not consider that. When you're doing solicitation planning, those are some of the questions that you would go through and ask.

Q Okay. Good. Good. And so when you were doing your consideration in light of this dissolution happening prior to the attack, would you say that you were thinking through sort of a, you know, would I have to do a potential solicitation? Or what would be the term, if for some reason you terminated and you got new contractors, would you start all over on the solicitation or what would you do?

A Most of the time -- well, most of these local guard contracts, for the most part, are very similar. But every one of them is a little bit different. So the overall structure is the same. Most of the terms and conditions are the same. So section H of the contract is pretty much uniform.

Q Right. So do you recall if there was any Libyan law or requirements about the contractors being armed or unarmed?

A I don't recall. I know this contract was unarmed.

Q All right. And did ever look into why they were unarmed?

A Not really.

Q Not really? Okay.

A Unarmed -- okay. That falls into a whole class under licenses.

Q Okay.

A And you've seen the emails. So you've seen where I was asking a lot of questions about licenses. If you add weapons to the factor, there's usually other licenses that are needed. Sometimes you need licenses down to the individual guards if they carry weapons, worldwide. You know, it just depends on each country. So those are a lot of questions that we would have to go back and ask. But, again, I inherited the contract after it was awarded. So a lot of those questions, you know, predate me. And I don't know what they --

Q What they asked or not asked, you don't know?

A I don't know.

Q Okay. But, generally, when you're walking through the contracting process, the person that's doing the award should ask those questions about the law, armed and unarmed?

A They should. But this is a complex program. It takes a long time to learn enough. And believe me, in May of 2012 I was not sophisticated enough to know to ask some of those questions. Since then, I've got the battle scars.

Q Okay. I'm at my 4-minute mark. I'll ask one more and then we'll take a break.

I'm just generally thinking as the contracting officer you may have reviewed the file in 2012, so you may remember this, you may not. Are you familiar with life services, the life services contract?

A Only superficially.

Q Okay. In what context do you recall the life services contract?

A I know more about it in, like, Afghanistan and Iraq and stuff because they do stuff there. And it's run by a different division within AQM and awarded differently.

Q Okay. Do you recall if there was a life services contract prior to bringing in Blue Mountain Group?

A I don't know the details of it. I believe there was, but I'm not an expert in that arena. And it would not be in the contract file.

Mr. Grider. Okay. All right. I can stop there.

[Recess.]

BY MR. GRIDER:

Q Let's go back on the record, please.

Thank you, Ms. [redacted]. I've handed you government exhibit -- excuse me -- exhibit 3, and Bates Numbers 50625, 50626, and 50627.

And before we get to this article, I just want to recap on some of the discussions that we had.

Earlier you had talked about whether it be a dispute between the parties, Blue Mountain UK, we'll call it Blue Mountain Libya.

A Okay.

Q To your knowledge, or in the role that you sat in in working on the contract, if there were performance issues with respect to the contract, would that have been brought to your attention?

A Yes.

Q How?

A The technical people, the ARSO, who was on the ground, would contact the diplomatic security, would have been either the COR, who was [redacted] at the time, and/or [redacted]. And I worked on the same floor, very closely with both [redacted] and [redacted], so they would have raised it to my attention.

Q And did they ever bring any performance issues to your attention?

A No.

Q Were you aware that there may have been salary disputes with respect to the workers?

A No.

Q No. Would you know if someone had been hired or fired based -- under the contract?

A No, except for the key personnel in the contract, and that would be the project manager.

Q So if there were performance issues and they fired the key personnel, you would have knowledge of that?

A Yes.

Q But if there were performance issues and with respect to the workers or the individuals that were actually guarding and they fired someone, would you know about that?

A No.

Q So the only way you would know about it is that -- if someone had communicated to you in the ARSO, [redacted] or something to that, would have had to come and tell you about what happened with respect to sort of lower-level performance issues or workers at the compound; is that correct?

A Yes.

Q So there could have been performance issues at the low-level compound that was never brought to your attention or you just didn't know about?

A Yes.

Q So people could have been fired that you didn't even know about?

A Yes.

Q People could have been sleeping on the job and you wouldn't know about that; is that correct?

A Yes.

Q Okay. So you had certain levels of visibility with respect to performance on the contract, but you didn't have all levels of visibility with respect to performance on the contract; is that correct?

A Yes.

Q Okay. Let's turn to exhibit 3, please. I'm just going to read the first section, and then we can -- this is an article published on October 2nd, 2012, Fox News, states: "State Department stayed out of contractors' dispute over consulate security, letters show."

I'm just going to read just a brief section. "The letters pertain to a dispute between Blue Mountain Libya, the security license holder in Libya, and its operations partner, Blue Mountain UK, which trained and provided the local guards. A source with knowledge of two State Department meetings, one in June and July" -- "and a second in July, told Fox News that Blue Mountain Libya felt the security provided by the UK partner was substandard, and the situation was unworkable. But according to the source, when the Libyans tried to bring in a third party, an American contractor, to improve security, a State Department contract officer declined to get involved."

And there's a quote here, "The U.S. Government is not required to mediate any disagreements between two parties of the Blue Mountain Libya partnership, contracting officer [redacted] wrote on July 10th to Blue Mountain Libya adding that to date, the contract performance is satisfactory."

Then it says, "Asked about the letter Tuesday, State Department spokeswoman Victoria Nuland said, 'The Department's investigation likely would address the issue.'"

So I just want to walk through and make sure the facts are accurate. I think we already covered some of this. So I think we talked about, you know, the letters with respect to the dispute between Blue Mountain Libya, which they're stating is the security license holder in Libya, and Blue Mountain UK. So we talked about the different parties.

A Uh-huh. Yes.

Q And so are these parties accurate with respect to the parties of the contract?

A Yes. We talked earlier about it was Blue Mountain UK and a local partner who held the security license.

Q That's correct. Okay.

The article discusses that there is an individual that's stated that the substandard -- that the work was substandard and the situation was unworkable. And the Libyans tried to bring in a third party, an American contractor, to improve security.

Just based on your time with the contract, do you ever recall the

Libyans trying to bring in a third party, an American contractor?

A Yes, I do.

Q Okay. Could you tell us about that, please?

A I was -- several people within HUM were contacted by a company named Cohort International claiming to represent the local partner.

Q In? I'm sorry, represent the local partner in?

A In Libya -- the Blue Mountain partnership. UK, Blue Mountain.

Q Go ahead.

A It's hard to -- we need to kind of make sure we have a clear understanding of how do we define the different parties.

Q Yes.

A Because you've got Blue Mountain UK.

Q That's correct.

A You've got a local Libyan partner who -- you know, I don't know if you want to call them the Blue Mountain Libya, and then you've got Cohort, which is a different entity.

Q Yes. Okay. Thank you for that clarification.

No, it's very -- this contract is very complex, and I appreciate the good work that you did handling it.

So Cohort International, when they -- they reached out, who did they reach out to?

A If I recall correctly, they reached out to [redacted], and he forwarded the contact information to me. They may have reached out

to [redacted].

Q And refresh our recollection of who [redacted] is again?

A [redacted] was involved in the -- was working in acquisitions at the time of the contract award and was involved with the contract award to Blue Mountain Libya, Blue Mountain UK.

Q Right. And you also said, based on your recollection, that Cohort may have reached out to [redacted] or [redacted]; is that correct?

A Yes.

Q Did they ever reach out to you?

A Since I was managing the contract at that point, that -- any contact was then turned over to me to deal with.

Q So did you -- who at Cohort International were you dealing with, if you recall?

A I don't remember his name off the top of my head.

Q Do you recall the level? Was it --

A He was somebody who worked at Cohort. It was -- no, I don't remember. More like a salesman, you know, business development type.

Q Okay. And just based on your review or discussions with Cohort, where were they based?

A That's a good question. They appeared to be an American company and had operations, or claimed on their Web site to have operations in Dubai or someplace like that, and then they also had work in -- I even want to say Afghanistan or it could have been Baghdad.

Q Okay. So when you dealt with Cohort, you stated that they

were claiming to represent, we'll call it, Blue Mountain Libya; is that correct?

A That's correct.

Q So what were they communicating to you on why they felt like they needed to come in? Why were they calling you? What was the substance?

A They contacted me because they wanted to have a meeting, face-to-face meeting, with us.

Q About what?

A About the Blue Mountain -- or the contract in Benghazi was the request at the beginning.

Q So did you ever have a meeting with them?

A We did have a meeting.

Q Okay. And based on that meeting, what issues were brought up about a contract in Benghazi?

A During that meeting what they said is, we're Cohort. We're going to kick the Blue Mountain UK off the team, and we're going to take over contract performance.

Q So did they discuss contract performance?

A No, not to the best of my recollection.

Q But they stated they were going to take over contract performance; is that correct?

A Yes. They were claiming that their intent was, we're going to take over the contract for Blue Mountain UK.

Q Okay. And who was at that meeting?

A The meeting was attended by myself, [redacted], [redacted] [redacted], [redacted], and then one representative from Cohort, and I don't think there was anybody else -- and myself. I don't think there was anybody else.

Q Do you recall approximately when that meeting took place?

A It was at the end of June.

Q So with respect to this article, it says June and July, is that accurate?

A Yeah.

Q Okay. During the meeting, were performance issues ever raised?

A Not that I remember.

Q So Cohort -- I guess -- well, let me back up. Does this happen -- is this type of -- you know, once the State Department's has a contract and it's done, do other companies still come in, say, hey, we had like to take over this contract? Does that occur?

A That is highly unusual.

Q Okay. All right. So the --

A Highly unusual.

Q Okay. So once the contract is done, for another company to come in and petition the State Department and say, we want to take over this contract --

A That's correct.

Q -- highly unusual?

A Highly unusual.

Q Very good.

Why in this instance, in your opinion, did that happen?

A I have no idea why this other company decided they were going to try and take over, their ultimate motive for doing that.

Q But during the meeting, they would have communicated -- I mean, if they are doing a sale, they would have communicated why we are here; why we think there's a gap, and why we think we can steal it if it's a sales, right?

A It wasn't a sales pitch. It was, we represent this local guy, and we're going to take over.

Q Okay. Very good. So they weren't requesting. They're saying, we're doing it?

A Yeah.

Q And they also mentioned take over, I think you said, contract performance?

A Well, again, they were going to kick off one of the partners to the contract.

Q So anything else in that meeting that was discussed with respect to performance or the kicking off of one of the partners?

A It was primarily focused on that. The only thing I ever -- the other thing I remember from this guy was he was bragging about something that they were doing in, I believe it was, Afghanistan. That I sat there and thought, I'm glad -- he's just bragging, because to me it sounds like they were trafficking arms.

Q Okay. Very nice.

A And I was like, I -- you know, it's not my problem.

Q You mentioned that it's highly unusual to have someone come in and attempt to take over the contract. Is it standard for State to at least occupy or have a meeting with someone wanting to do this or demanding that they're doing this?

A Okay. Well, first of all, what they demanded or what -- this was highly unusual. I made the Cohort at least establish their bona fides, you know, that they actually represented somebody that was a party to the contract.

Q And how did you do that?

A I requested from him that they establish one. So they gave me a letter that was signed by the local partner.

Q And do you recall who signed that letter?

A It was an Arabic name, and the name matched the name on the license.

Q So prior to setting up the meeting, you wanted to check and see if they were legitimate; is that correct?

A Yes.

Q And so in doing that, you requested that they get some verification with the Libya individual that they were representing?

A Yes.

Q And so you asked -- did you ask for anything, or did they -- they offered up a letter?

A I said, before I have the meeting, you must give me your bona fides. They offered up this letter that was signed by this -- a

guy from Blue Mountain Libya. And like I said, the name matched the name on the license.

Q And so once you received that letter -- did you have the authority to have that meeting yourself, or was that a discussion with other individuals in the office?

A I wasn't going to that meeting myself. I wanted my team, the whole team, to participate with this.

Q I guess my question is, in meeting with someone, could you have met with them -- did you have the authority -- well, you're, you know, senior level. So you could have -- you have the authority to make the decision, could Cohort come in and meet or not meet; is that correct?

A Yes.

Q Okay. And so once they establish and they sent you that letter, that was enough for you to go ahead and set up a meeting with Cohort; is that correct?

A Yes.

Q Okay. Any other information that they gave you that helped you to sort of make that decision about sitting down with Cohort?

A Not really, no. I went to their Web site and looked at who Cohort was and who the key players are.

Q At that time in June, were you aware that there were some levels of dispute between the two companies, or at that time in June, were things peaceful?

A It was all beginning to bubble up about the same time --

Q Okay.

A -- these disputes.

Q So the disputes were happening between the two parties, Cohort reaches out to you and says, we represent one of these parties; here's a letter. And you said, based on the dispute, based on the verification, you said, yes, we'll meet with you?

A Yes.

Q Okay. After that meeting, what decisions did you make or meet with your team on evaluating whether Cohort was going to somehow enter into the contract, or what was your process?

A During the meeting, I explained to Cohort, under government contracting with this joint party, these two parties are jointly and severally liable for contract performance. If a new team member -- again, remember we talked a little bit ago about two parents; we're going to kick one parent off the team, and we are going to replace it with another parent, a new parent; we are going to have to have a contract modification, and we call it a novation. We're going to take one team member off and put the other team member on. This was complicated because it was a 50-50 joint venture.

Q Let me just pause on that. Once reviewing the file, did you understand why it was a 50-50 joint venture, or was that something new to you?

A 50-50 joint ventures are -- I've had one bad experience with that before in private industry. And the problem is when it's 50-50, neither party can actually get rid of the other party without mutual

agreement. If you have a majority holder, the majority can then kick the minority off.

Q So once you receive the file, did you ever turn around and asked [redacted], or people that were initiating this contract, why did you do a joint venture or --

A By the time the contract's awarded, it's already water under the bridge.

Q Right.

A They are not going to change it.

Q Absolutely. But going forward, if you were going to terminate the contract, would you have done another joint venture?

A We award contracts to joint venture parties --

Q Absolutely.

A -- every day, so that's not unusual.

Q Okay.

A Based on my one bad experience and now two bad experiences with 50-50 joint ventures, I'm the only one with institutional knowledge enough to say, hey, wait a minute, these 50-50 joint ventures aren't such a good idea.

Q All right. Very good.

And at what point -- today is 2015. In 2012, was that -- did you sort of form that opinion as well, that these 50-50 joint ventures are not necessarily a good idea?

A Like I said, in private industry, I had one bad experience with a 50-50 joint venture. Okay? Because of these issues --

Q Sure.

A -- so when you get to disputes, it's hard to resolve the dispute.

Q I guess my question is, today you would inform individuals about the joint venture and say, hey, we've had a bad experience, let's pause.

During 2012 when you were sort of working on this contract, did you ever communicate that to other individuals about should we do this again, or --

A Okay. Well, as I said, this contract was already awarded, so you can't undo it.

Q I understand.

A If I received a proposal today that had a 50-50 joint venture before awarding it, I would have negotiations, and I would ask the parties about how they're going to settle their disputes.

Q Okay. Very good.

A Because this is an issue.

Q Okay. Very good. So let's just wrap up this -- the quote here, "The U.S. Government is not required to mediate any disagreements between the two parties of the Blue Mountain Libya partnership," and Libya adding that -- stated, "Adding that to date, 'contract performance is satisfactory.'"

Do you recall, was that an email, or was that your perspective at the time?

A That quote is from a letter I wrote.

Q Okay.

A And, yes, I validated that with State Department. You were asking about the performance issues. Before I wrote that, I validated that with [redacted], then [redacted], and asked them to ask the post, is contract performance satisfactory, making sure that when we wrote -- when I wrote the letter, that it was accurate.

Q And contract performance, there's multiple layers with respect to contract performance; is that correct?

A Yes.

Q So, you know, a guard could be doing something that it's not doing, but theoretically, overall, that doesn't mean the contract performance is poor?

A That's correct.

Q Is there sort of a -- is there a standard with respect to contract performance, because in your view, based on your statement, performance was satisfactory. There may have been -- there may have been some other views on their -- you know, that the performance was unsatisfactory. Could there be a difference of opinion?

A Again, it's a subjective thing, so different people could have a different opinion.

Q Okay. All right. So contract performance can be a subjective thing; is that correct?

A Yes.

Q Are you familiar with the World Protective Services contract or --

A Somewhat.

Q I know I didn't get it right. Could you explain to me the World -- I'm familiar with it, but can you explain to me what World Protective Services contract? Is that correct?

A It's got an acronym, the WPS contract.

Q Okay. Yes.

A It's an IDIQ contract where they award task orders for security services in places like -- in high-threat areas such as Iraq, Afghanistan.

Q Would Libya fall into that?

A I don't know the contract well enough to tell you if it would fall under the definition of that contract or not.

Q So WPS, WPS, to my understanding is prevetted contractors so that in these high-threat areas, they can go and choose from these section of contractors. Is that sort of a layman's --

A Sort of a layman's, yes.

Q Thank you. I appreciate your technical expertise, and I welcome you clarifying it. Is that --

A Yes. Again, I don't manage those contracts, so I don't know the ins and outs of them.

Q I understand.

So when [redacted] -- you weren't there, but when [redacted] was initiating the contract, and the WPS -- if he was allowed to go to WPS, the WPS, he could have -- not suggesting he didn't, because [redacted] is not here -- he could have gone to a prevetted contractor out of the

WPS to use?

A You'd have to talk to him about that.

Q [redacted].

A I don't have the expertise about that.

Q Very good.

Now, you mentioned the term, the contract was quickly put together, or, you know --

A Yes.

Q Normally it takes approximately 18 months --

A Yes.

Q -- this one was probably sort of 3 months.

Did you ever understand -- I understand it was already done, but did you ever get an understanding of why it was done so quickly? What was the -- what was the urgency?

A I don't have a real sense of what the urgency was other than, you know, no security services is not an option.

Q Right.

A They needed services.

Q Right. But were there not -- so it wasn't that there were no services there --

A I don't know.

Q You don't know?

A I have no idea.

Q Correct. So you don't know if there were -- there were no services there prior to BMG. So if there were services there prior

to BMG, and they did a 3-month contract, would you have -- would you understand why a 3-month -- you know, putting together a normal process takes 18 months versus 3 months?

A And, again, I wasn't there, so I don't know what the urgency was, and I don't know what the decision-making process was.

Q Very good.

Mr. Grider. Can we go off the record for a second?

[Discussion off the record.]

[Recess.]

Mr. Desai. Let's go back on the record. The time is approximately 12:40 p.m.

Ms. [redacted], good afternoon. Allow me to introduce myself. I'm Ronak Desai. I am one of the counsels with the minority staff of the select committee. I'm joined here today by my colleague Ms. Sawyer. And on behalf of the entire minority staff and its members, we want to thank you for your appearance here today. We also want to thank you for your service to our country.

There is a good chance we may go over some information that we covered in the last hour. If we do and we retread old ground, I want to apologize. It is just to make sure that we have gotten the information that we need for the record and that we have fully captured the full extent of your response.

EXAMINATION

BY MR. DESAI:

Q So, just to get started, in the last hour, my colleague showed you exhibit No. 3, and if I could just redirect your attention to that. And that was this Fox News article that mentions you on page 2, and if I can again just go over it.

The first paragraph of the article, it says, quote, "Letters obtained exclusively by Fox News appear to show the State Department refused to get involved when the company tasked with protecting the

U.S. consulate in Benghazi, Libya, raised security concerns, the latest indication that warning signs may have been ignored in the lead-up to last month's terror attack," end quote.

And the next paragraph states, "The letters pertain to a dispute between Blue Mountain Libya, the security license holder in Libya, and its operations partner, Blue Mountain UK, which trained and provided the local guards."

So, as an initial matter, the first paragraph here says "letters obtained exclusively by Fox News." And do you have any idea how Fox News got the letters that are being referenced in this article?

A No.

Q And you weren't the source of providing these letters to Fox News; is that right?

A No.

Q Okay.

So the article goes on, it cites these two letters --

Ms. Sawyer. And, on that point, they used as the basis of a pretty sweeping allegation these letters that they say they have in their possession. Would you agree with that characterization? They used the letters to say that warning signs may have been ignored in the lead-up to the attack?

Ms. [redacted]. It's a general characterization, yes.

Ms. Sawyer. It's more than a characterization. They actually accuse someone in the State Department, potentially you, of ignoring warning signs. Is that not a fair reading of what they are saying?

Ms. [redacted]. That's a fair reading.

BY MR. DESAI:

Q Right. So they used these letters, it appears, that appear to show that the State Department refused to get involved.

And then, again, it says in the second paragraph, "The letters pertain to a dispute between Blue Mountain Libya, the security license holder in Libya, and its operations partner, Blue Mountain UK, which trained and provided the guards."

So it looks like we are in the June or July 2012 timeframe; is that right?

A Yes.

Q Okay.

So, going to the next, let's see, middle of the page, page 2, it says, "The July 10 exchange and the apparent warning that set it off are sure to be examined closely as both the State Department and Congress begin to scrutinize what may have gone wrong in the weeks and months preceding the attack, in which the U.S. Ambassador and three other Americans were killed," end quote.

So then here it references a July 10 exchange; is that right?

A Yes.

Q And I know in the last hour you discussed with my colleagues some correspondence that was ongoing between yourself and others as well as folks from Cohort International. So I think in the June 2012 timeframe you said you had corresponded with these individuals who were purporting to represent the local Libyan partners; is that right?

A Yes.

Q And then you had gone to effectively ensure their, I think you said, bona fides, to make sure they were, in fact, who they were purporting themselves to be?

A Yes.

Q Okay.

And then that correspondence comes, and then we have this reference to a July 10 exchange.

So what I would like to do, Ms. [redacted], is provide you with two exhibits, the first which I will mark as exhibit 4, and the second I will mark as exhibit 5.

[[redacted] Exhibit No. 4

Was marked for identification.]

[[redacted] Exhibit No. 5

Was marked for identification.]

Mr. Desai. So why don't we go off the record for a couple of minutes. I will give you the opportunity to review both of these, and then we can come back on and discuss them.

Ms. [redacted]. Yes.

[Recess.]

Mr. Desai. Let's go back on the record.

BY MR. DESAI:

Q So the first document that I have handed to you that I have marked as exhibit 4, just to identify the document for the record, it has document ID number C05409645. At the very top of the document,

we see the Blue Mountain Libya letterhead; directly underneath that, your name, to which it is addressed to, and then the address. We have what appears to be a date, "BML 7/2012," with subject, "Program Management Change," followed by an identifying marker of some sort, "US Mission Benghazi Local Guard Contract."

Ms. [redacted], is this document familiar to you?

A Yes.

Q And is this the document that you and my colleague in the last hour may have referenced with respect to a correspondence from the local Libyan partner to you informing you of certain changes to the joint ventureship partner?

A Yes.

Q So if I could turn to the contents of the document, and I'm going to characterize this, and please jump in if I'm characterizing it inaccurately, but it appears that this representative from Blue Mountain Libya is informing you of certain changes to the joint ventureship partner. He says that "as of July 15, 2012, Blue Mountain Libya will be installing" -- the name has been redacted -- "as Program Manager on the US Mission contract in Benghazi." He goes on to characterize this individual's performance.

At the bottom of that first paragraph, quote, "The transition will be seamless and coordinated directly with the RSO in Benghazi," end quote.

At the bottom of this page, he lists what he calls an additional change. "Please direct future payments for contract SAQ to the account

listed below." There is some bank information here, with the bank account based in Tripoli, Libya. The information has been redacted.

Moving on to this --

BY MS. SAWYER:

Q And just as an initial question before we leave that page, in that first paragraph, the name is redacted. You had discussed in the last hour contact with Cohort and an individual from Cohort.

A Uh-huh.

Q Is that individual associated with -- the person referenced in this letter associated with Cohort?

A Until I received this letter, unless it was on the Web site, the individual referenced here, [redacted], was not the person we met with from Cohort International. They are two different individuals.

Q And what was Cohort's relationship to this exchange?

A You can't tell, other than they said that Blue Mountain was going to put [redacted] in as the project manager.

Q And did you come to learn at some point in time that [redacted] was associated with Cohort?

A Yes. And I don't recall exactly when, but he was -- or if he was actually identified on the Cohort Web site when Cohort came on in the June-July timeframe.

Q So the entity, Cohort, that had asked for the meeting with you, also one of their associates, employees, someone associated with them, was also then being proposed as a new contract manager -- I think program manager on the contract.

A Yes.

BY MR. DESAI:

Q Moving to page 2, if I can focus your attention there, the first paragraph on page 2 appears to explain why certain changes were being requested. It looks like he claims in order to comply with Libyan law.

And then this last paragraph here on page 2, again, directing your attention to maybe the third sentence or the third line of paragraph 2, quote, "The changes being implemented are in the best interest of the U.S. State Department, and Blue Mountain Libya will continually review operations and practices to maintain best performance," end quote.

And then, at the bottom of the document, we have a signature here. The name of the individual has been redacted, and then "Chairman" appears below that.

So, just based on this first document and, again, going back to the claims that are being made in the Fox News article in exhibit 3, there doesn't appear to be, at least in this letter, any claims of contract performance or any concerns surrounding safety or security of the services that Blue Mountain was providing; is that correct?

A That's correct.

Q And, on the contrary, what the individual who wrote this letter to you is stating is that, despite the requested changes, operations are still going to continue as they were and that, in fact, this is supposed to be better for the State Department and what their

objectives are with respect to the services being provided. Is that right?

A Yes.

Q Okay.

Now, if I can turn your attention to exhibit No. 5 --

BY MS. SAWYER:

Q And just before we leave this, again, you know, there is a discussion of maintaining best performance. So certainly they were not coming in claiming that there had been a failure to perform at a high level in terms of the underlying security support they were providing.

A That's correct.

Q And so, to the extent Fox News -- and I will just redirect your attention to exhibit 3 again -- in that first paragraph, appears to have relied upon this letter exchange, in a manner that they say individuals, quote, "raised security concerns," do you believe that's accurate based on both your experience in terms of being in the meetings, hearing this, and also the letter and what it represents?

A Well, assuming that they are using these letters, is it an accurate representation? No, not in my opinion.

Q And was it accurate even in accord with your experience, what you were experiencing in the meeting? Were they raising security concerns and claiming that there had been a failure on their part -- because they were in the joint venture -- to perform at the highest level in terms of the underlying security?

A They never made any such claims.

BY MR. DESAI:

Q So if I can again redirect your attention now to the second document I handed to you, exhibit 5. And I will identify this document for the record. It carries with it document identification number C05409368.

At the very top of the document, on the upper right-hand corner, the document is dated July 10, 2012. It's addressed to an individual whose name has been redacted, but it appears that he is from Blue Mountain Libya on the second line.

And on the second page of the document, it looks as if it says, "Sincerely," and then your name, "Contracting Officer." Is that right?

A Yes.

Q Okay. So, again, this appears to be the response that you sent in reply to the letter that we just examined; is that right?

A Yes.

Q Okay.

And if I could direct your attention to the second paragraph of the first page of the document, quote, "Contract performance under contract," with a name, or the number rather, "commenced on March 1, 2012. Through June 2012, Blue Mountain Libya's contract performance is acceptable," end quote. And that's the sentence you wrote in that paragraph; is that right?

A Yes.

Q You echo this sentiment again on the second page of the document. In the second-to-last paragraph you write, starting in the third sentence it looks like, quote, "To date, contract performance is satisfactory," end quote. Is that right?

A Yes.

Ms. Sawyer. You know, the very next sentence goes on to say, "If in the unlikely event that contract performance is compromised, both parties are accountable."

So it appears to me that you are absolutely pointing out to the parties that if there is indeed any problem with performance they will be accountable for that. Is that not what you were informing them?

Ms. [redacted]. Yes.

Ms. Sawyer. So if indeed security had been compromised, you would have taken steps to address that?

Ms. [redacted]. Yes.

BY MR. DESAI:

Q So, moving your attention to the fourth paragraph on the first page. And you convey some information here, at least in the top portion, that you conveyed to my colleague in the last session: that this was a joint ventureship; there were two parties that comprised that joint venture; each had a 50-percent stake in that JV; and that any changes that were going to be made, there needed to be consent by both parties before they could move forward. Is that right?

A Yes.

Q Now, going to the rest of paragraph 4, it appears as if

you're indicating that the individual that they have proposed to become project manager, the new project manager, is a subcontractor. And, in this paragraph, you write that subcontracting is prohibited expressly by the contract that they ventured into with the State Department. Is that right?

A Yes.

Q And you are also telling them that the CV that you received of this individual and his alleged qualifications, that it looks like, from what you understand, that these could have been embellished and that this individual has had past performance issues with the State Department and contracts he has had in the past, as well. Is that right?

A That is correct.

Q So, if I have understood correctly, even if they both agree to a change and they then come to you or they come to the State Department, it doesn't necessarily mean that you are going to accept the change. Is that right?

A That is correct.

Q On the contrary, it looks as if, you know, security and safety continue to be of paramount concern for you insofar as you are even assessing and evaluating the qualifications of this individual and his efficacy and performance in past performance of contracts. Is that right?

A That's correct.

Q And had you had any belief that there could be an impact

on safety and security by making the proposed changes, that would have been addressed, correct?

A That is correct.

Q And you would have had tools or certain measures that you could have taken to address any issues that could have arisen as a result of contract performance. Is that right?

A Yes.

Q And what would those tools or measures have been, if you are able to tell me?

A You start at the lowest level. You try a deficiency letter. You do requests, corrective action plans. If it gets bad enough, you write notices, and if it's even worse than that, you terminate.

Q Okay.

So, again, my reading of paragraph 4 and the document overall is that, once again, you know, contract performance with respect to safety and security and the services that are being provided by Blue Mountain at our mission in Benghazi was paramount, that this was something that you were monitoring very closely and tracking very closely. Is that right?

A Yes.

Q And I think what you just told me is, had there been any issues, those would have been addressed through a full scope of measures that would have addressed those issues. Is that right?

A Yes.

BY MS. SAWYER:

Q So, before we leave this, can I just ask you a couple questions?

This article comes out by Fox News in October of 2012, early October, a month after the attacks. It, in essence, accuses, quote, "a State Department contract officer declined to get involved," end quote, and links that declination of involvement to potentially ignoring security attacks at the consulate that's been attacked and has resulted in the loss of American lives. And it specifically identifies you by name in this article.

A Yes.

Q Can you just share with the committee how that made you feel?

A It made me angry. It was not a good time. I got lots of phone calls at home. And, again, it made me feel like they didn't take the facts into consideration and that they were lying, so to speak.

Q And they were lying based upon what they kind of applauded themselves as letters of State obtained exclusively by them, letters that had your name on them. Is that not accurate?

A Yes.

BY MR. DESAI:

Q And we have looked at those letters, assuming these are in fact the ones that they are referencing, and there is nothing in either exhibit 4 or exhibit 5 which actually claims to say what Fox News is purporting they claim to say. Is that right?

A That's correct.

Q And, in fact, on the contrary, where in both letters no

issues of safety or security were raised in exhibit 4. Is that right?

A That's correct.

Q And, in exhibit 5, what you have here is, you know, your very single-handed focus on safety and security and informing the Libyan partner of the joint venture that any changes, even if there is consent, are going to be carefully assessed by the State Department, by yourself, to make sure they don't impact safety and security of the mission there. Is that right?

A That's correct.

Ms. Sawyer. So, Ms. [redacted], I do hope that, if nothing else from your appearance today, that we can help correct the public record on your involvement here and what you did actually, in fact, do to assure and, quite frankly, show your willingness to get involved when required to assure the security on the ground in Benghazi.

Ms. [redacted]. Thank you.

BY MR. DESAI:

Q Moving on to a slightly related topic, is one on contract performance. And I know you and my colleague, in the last hour, talked about contract performance and what that could possibly entail. I know he asked you some questions about the subjectivity of contract performance and whatnot, and I just wanted to ask a couple of followup questions with respect to that.

The first one being, you weren't on the ground, obviously, in Benghazi at any point to see what was happening at the mission with respect to Blue Mountain or the Local Guard Force; is that right?

A That's correct.

Q So, as a result, you are necessarily relying on others who have the responsibility, authority, and visibility to do all those things to report to you of whether or not the contract is being performed and fulfilled as per the terms of the contract. Is that right?

A That's correct.

Q And, ostensibly, that would be -- I think you told my colleague in the last session Diplomatic Security would have the authority, visibility, and responsibility to be monitoring these things and reporting back to you and others to ensure that the contract is being performed as it should be. Is that right?

A That's correct.

Q Now, I know my colleague in the last hour brought up some examples -- for example, if there was a guard that was sleeping on the job or a guard who has been fired, let's say, for lack of performance or for some other reason. And these things happen, ostensibly; is that right?

A Yes.

Q Okay.

Now, at any point, were you aware if, you know, Diplomatic Security ever came to you and said, hey, we have a problem with this individual guard because he is sleeping on the job, or we are having a problem with this guard for not performing, and we have asked the contractor to fire him or her but the contractor won't do that and we are having problems, were you ever made aware of anything like that

during your time monitoring this and being involved with this contract?

A No.

Q Okay.

You would have heard of any instance where anyone at DS or anybody else on the ground or anyone else at the State Department, you would have been made aware or become cognizant of if there were overall performance issues with the contract with respect to providing security at the mission. Is that right?

A Yes.

Q And during your time when you became responsible for this contract and it was a part of your portfolio, was there ever an instance where anybody at any point came to you and said, Ms. [redacted], we are having a problem with the overall contract performance as it relates to safety and security by Blue Mountain in Benghazi?

A There was never an incident like that.

Q Okay.

Ms. Sawyer. And, again, just to loop it back to what we just discussed, presuming they had come to you, you would have indeed had the tools to address the actual nonperformance overall of the critical security functions that the Blue Mountain Group was providing.

Ms. [redacted]. Yes.

BY MR. DESAI:

Q Another question I wanted to ask you -- and, again, we talked about this in the last session -- was that the contract that was put into effect -- and I know this was put into effect before your

time -- that it was done in a compressed way. I think it was an accelerated timeframe, and it wasn't a normal process.

That being the case, I want to ask you effectively the same question. Despite the fact that this contract was put together in this compressed timeframe of 3 or 4 months or whatever it was, at any point were you aware or did you become aware or did you learn that the fact that it was put together in an accelerated way impacted the overall contract performance with respect to safety and security in Benghazi?

A I am aware of no such compromise.

Q Okay.

Ms. [redacted], if I can redirect your focus to exhibit 1 that my colleague showed to you in the last session.

Now, again, we have spent a lot of time talking about contract performance and your assessment of whether or not the dispute between the two partners had impacted contract performance. And I think you told us that it did not impact contract performance, which is why it was up to them to ultimately resolve. And it appears that this is a sentiment that you reflect here again.

So if I can direct your focus to page 3 of the document, the top half, about three paragraphs down, you write, quote, "The contract performance is thus far satisfactory, and there are no problems with the guard force. We have monitored the guard force to ensure that the guards are paid and that there are no issues on the ground. The issue is that the two parties who got together during the solicitation no longer want to work together," end quote.

This letter goes to a Mr. [redacted], who I believe you said was in the State Department Legal Advisor's office; is that correct?

A That's correct.

Q At the very top of the document, it appears that he agrees with your overall perspective and assessment. Three lines down, in the middle of that top page, page 1, he says, "[redacted]" end quote.

So, again, he is echoing what you have said, is this is an internal dispute, but the second we feel as if contract performance is being impacted by this dispute, at that point we will take action. Is that right?

A That's correct.

Q And I think you told my colleague in the last session that your assertion here with respect to contract performance being unimpacted, you validated that; is that right?

A Yes.

Q And can you just tell us how you validated that and the steps you took for that validation?

A I would validate with the Diplomatic Security contact points -- [redacted], [redacted]. And they would then turn around and communicate with the Assistant Regional Security Officer who was in charge on the ground at the time.

Q Okay. So these gentlemen, they are interlocutors or individuals on the ground in Benghazi who are in charge of security; is that right?

A Yes.

Q And they were the ones providing information that ultimately leads to validation that there has been no contract performance; is that correct?

A That's correct.

Q Very good. And --

Ms. Sawyer. No contract performance problems.

BY MR. DESAI:

Q No contract performance problems, to be clear, that there were no issues with contract performance that could impact safety or security.

A That's correct.

Q And then, very quickly, again, refocusing your attention back to page 3 -- and I know you looked at some text there. I'm going to bring you back up to the middle of the page. You write here again, quote, "Based upon the letter we received today, DS is now taking action to convert this requirement to PSA. However, this will take some time to do so," end quote.

And, again, you had some of this discussion with my colleague in the last hour. The letter that you're referencing here, what letter is that? Is that the letter with respect to the termination agreement or the Jordanian law firm that informed you that there had been some

breach of the termination agreement, or settlement agreement rather?

A This was the Jordanian law firm saying that the dispute -- or that they had breached the joint venture termination agreement.

Q Okay.

So, if I read this correctly, what we are seeing here is that, based upon this letter that you got and the fact that the dispute is ongoing and that you had mentioned to me a few minutes ago that safety and security are paramount, the option of converting these guards through the PSA program is what is being floated here. Is that right?

A Yes.

Q Okay.

BY MS. SAWYER:

Q So, at that point in time, certainly, again, the underlying concern is about a, kind of, inter-partnership dispute, bickering amongst the parties, as it were?

A Yes.

Q The concern, even at that point in time, is not still the performance of the underlying and critical security functions; is that accurate?

A Yes.

Q But, even given that, it's clear from this exchange or it seems from this exchange that you are well aware of it, you are monitoring it, you and others are exploring all of the possible options, including potentially converting to a PSA. Is that accurate?

A That's right.

Q It also indicates that you are willing to consider another entity. I think on the front page of that exhibit, your email on September 10, the day before the attacks, 6:00 p.m. --

A Uh-huh.

Q -- indicates a willingness. And I think we have talked about Torres, in that second paragraph.

A Yes.

Q You are certainly also willing to consider the viability of moving to a different contracting entity; is that not --

A That's correct.

Q And you raise there that, though you are willing and this will be explored, the same kind of issues that are coming up with this contractor could come up, as well. Is that not accurate?

A That's correct.

Q So, in weighing all the possible options, you did weigh into them the fact that things might not necessarily get better in terms of this, kind of, ongoing administrative bickering amongst a contracting entity, correct?

A That's correct.

Q And, again, the issue wasn't whether or not the safety and security of personnel on the ground, our people on the ground, was being compromised because of that bickering. Is that accurate?

A That's correct.

Mr. Desai. So I think my colleague will have some questions, as well.

Ms. Sawyer. Yeah, I just had a couple of questions, shifting gears a little bit.

BY MS. SAWYER:

Q You know, I think we started the day talking a bit about some of the core contracting requirements. I think there was a reference to "LPTA." You had explained what that acronym meant at the time, but I have forgotten it. So could you explain that again?

A Lowest price, technically acceptable.

Q And that core contracting requirement is a requirement of law at the time that the contract was awarded in Benghazi; is that accurate?

A That's correct.

Q And that particular core contracting requirement, as well as many others, are actually set and determined by Congress by law; is that accurate?

A That's correct.

Q And you had then indicated that, with regard to that particular requirement, after Benghazi, sometime after, I think you referenced the NDAA -- and I assume that referred to one of the National Defense Authorization Acts -- had altered that requirement in some manner after Benghazi. So, again, Congress altered one of the core requirements in --

A That's correct.

Q So both limits and flexibility that the State Department may have in terms of how it bids contracts and awards contracts, those

core requirements are set by the Congress. Is that accurate?

A Under this program, yes.

Q And do you know -- there was a reference to "WPS," World Protective Services. Do you know how, with regard to an LPTA requirement at the time relevant here, which would have been January-February-March 2012, how that would have interacted with an LPTA requirement?

A I'm not sure I understand your question.

Q And it may not make sense as a question.

There was a reference to World Protective Services as potentially an entity that would have been pre-vetted that would have been available. I don't know if that's even accurate as a factual matter, but to the extent it is, that they are a contracting entity -- I'm not familiar with them, but I'm just curious about if there is any interaction between an entity like that and a requirement like an LPTA requirement, whether you have to get a waiver of the LPTA if they are not the LPTA.

A No. The Worldwide Protective Services is a separate State Department contract. And they are contract vehicles. It's a different, a very different ball game in how those are done, and the authorities that they use are different. So I can't -- you know, again, I wasn't there at the time, so I don't know what discussions occurred.

Q One of the other issues that came up early in the interview was the issue of vetting under the contract, vetting of the actual guards who were performing security functions at the temporary mission

in Benghazi.

You had indicated, I believe, that the contract had a clause that would require vetting by the contractor. Did I understand that correctly?

A That's correct.

Q And that that vetting would then be passed along to the security experts on the ground -- the DS agents, the RSO. Is that accurate?

A That's accurate.

Q And that they would then have both the responsibility and authority to approve or disapprove of a particular hire. Is that accurate?

A That's correct.

Q Did any of the DS agents ever -- would you ever have overruled or, as a factual matter, did you ever overrule a decision that was made about a particular hire and say to DS, "Regardless of your opinion on this individual, you must hire them"?

A I have never overruled them on the hiring or the approval of the guards.

Q And did any of the DS agents in Benghazi during the term that you were involved in performance under the contract ever come to you and say that they had asked for someone not to be hired but that request had not been honored by the contractor, the Blue Mountain Group?

A No.

Q And if that had been the case, would you have been able to

address that as part of a performance issue under the contract?

A Yes.

Q And, presumably, had any of these concerns been raised to you -- you have told us you did have the tools, as a factual matter -- would you have been willing to exercise those tools?

A Yes.

Q And I presume that is because you take safety and security of our personnel seriously.

A Yes, I do.

Q Just one clarification question, I think. There was a discussion about some of the options that were being explored in light of the ongoing bickering among the joint venture partners. And you had indicated you were trying to get a sense of how long those type of services might be needed in Benghazi because of the presence in Benghazi, and you had not yet gotten an answer.

Do you recall the timeframe of that discussion? Was that contemporaneous with the discussion around the 10th of September? Was it earlier?

A I don't really -- again, it was all during that entire timeframe. I can't tell you exactly when these kinds of discussions started popping up.

Q And, after the attacks, I presume you didn't get an answer, because, as far as I know, we have not had a presence in Benghazi as a matter of -- a diplomatic presence since the attacks.

A That's correct.

Q And did you get a sense that there was an intentional or purposeful effort to evade that question that you had asked?

A No.

Q Did you ever get the sense that any of the colleagues that you were working with -- Mr. [redacted], Mr. [redacted], who we have talked about your role -- had ever shown a disregard for security on the ground of our personnel in Benghazi?

A No. They never showed a disregard.

Q Like, what was your sense of how seriously they took that consideration?

A They took it very seriously. They were always available, just about 24 hours, 7 days a week, when issues were coming up and questions, and very responsively. They took it very seriously.

BY MR. DESAI:

Q Ms. [redacted], I'm going to shift focus here once again, hopefully for the last time. I'm going to ask you a series of questions about a number of public allegations that have been made related to the attack. We understand that the committee is investigating these allegations, and, therefore, we have to ask everyone that we interview about them.

It's the minority's view that these allegations have been asked and answered, but, again, because other members of the committee may be still looking into them, we ask everyone about these allegations.

You will see that there are several of them, and the way I'd like to proceed is I will tell you what the allegation is and then I will

ask you whether or not you have any evidence to support the allegation that's being made. So the focus here, again, is whether you have any evidence to support the allegation being made. If you don't have any evidence to support the allegation being made, I will just go to the next allegation until we have run out of allegations to ask you about.

Do you have any questions before we begin?

A No.

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

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

A No.

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

A No.

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

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

A No.

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

A No.

Q It has been alleged that Secretary Clinton misrepresented or fabricated intelligence on the 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, quote, "the CIA was not collecting and shipping arms from Libya to Syria," end quote, and they found, quote, "no support for this allegation," end quote.

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

A No.

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 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 bipartisan finding that there was no stand-down order to CIA personnel?

A No.

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

A No.

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

Do you have any evidence that anyone at the State Department

removed or scrubbed damaging documents from the materials that were provided to the ARB?

A No.

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

A No.

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

A No.

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

Do you have any evidence that CIA Deputy Director Michael 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 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. Military officials have stated that those four individuals were instead ordered to remain in place in Tripoli to provide security and medical assistance in their current location.

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

Do you have any evidence to contradict the conclusion of the House

Armed Services Committee that there was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi?

A No.

Q It has been alleged that the military failed to deploy assets on the night of the attack that would have saved lives. However, former Republican Congressman Howard "Buck" McKeon, the former chairman of the House Armed Services Committee, conducted a review of the attacks, after which he stated, quote, "Given where the troops were, how quickly the thing all happened, and how quickly it dissipated, we probably couldn't have done more than we did," end quote.

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.

Mr. Desai. That's all from us right now. Thank you so much. We can go off the record.

[Recess.]

Mr. Grider. Ms. [redacted], once again, thank you for your time and coming to the committee and answering our questions, our broad and specific questions about the contracting process prior to 9/11, the

attack on Benghazi.

One thing I just want to point out, that my colleague had brought up the Fox News article and sort of that general insinuation. I want to just clear it up for the record, on behalf of the committee, we value and we commend your service to the State Department and what you have done. And there was no -- just to be clear, there was no connection on our part to state that you didn't care about the safety and security. Quite the opposite, based on my review, is that you came into a contract that had a lot of issues going on, and you put your head down and sort of figured it out in order to make things better for the people over there.

So I just want to state that. I mean, we do appreciate your service and appreciate your diligence to dig in. And there was no way -- you know, the article was the article. Our clarity was getting the facts. And so I just want you to know that we do appreciate your service and your good work.

Ms. [redacted]. Thank you.

Ms. Sawyer. And while we are on the record, then, I do think it would be helpful if you guys would agree -- I mean, I think it's pretty clear, based on what we have seen in those letters and what we have heard today, that we do owe a debt to this witness to clear up the public record on that. So --

Mr. Grider. Can we go off the record?

Ms. Sawyer. -- can we get your assurance of that?

Mr. Grider. Can we go off the record, please?

[Discussion off the record.]

Mr. Grider. Back on the record.

So you understand my point that we appreciate you coming today and appreciate the hard work that you have done?

Ms. [redacted]. Yes.

Mr. Grider. Okay. Thank you.

BY MR. GRIDER:

Q Okay. So let's -- prior counsel had asked the question about the WPS contract, and you had responded, "Not under this program." You had mentioned that.

I just wanted to clarify what types of different -- when you say "this program," what program are you referring to?

A "This program" meaning the local guard program.

Q Okay. And are there other types of programs other than the local guard program?

A Yes.

Q Okay. And what are some of those other types?

A The high-threat program. I mean, there's all kinds of different programs within the Department of State. Consular Affair has programs. State DS has other programs.

Q So when you are talking about security guards, is there a high-threat program that relates to security guards?

A They have the high threat, the WPS program.

Q Okay. So the high-threat program connects up to the WPS program; is that correct?

A Okay, now we are back to that definition of what's high-threat and what's not, and so you have to be -- let's be careful with what we are referring to here.

Q Sure.

A There's the Worldwide Protective Services program, WPS. That's the "P" in WPS. Local guard program, that's the "P" in program.

Q Okay. And so the Benghazi contract was a local guard program.

A Yes.

Q It was not a high-threat program; is that correct?

A That's correct.

Q Okay.

Just for the range of security, just so we have clarity -- I understand that you were not over in Benghazi. Where, to your knowledge, where were the guards located? Do you know? If you know.

A I don't have specifics on exactly, physically, where they were at. In general, they would be on the perimeter and sometimes in some of the controlled access areas.

Q Okay. So, essentially, these guards were more perimeter guards; is that your understanding?

A More or less, yes.

Q Okay.

And, in handling the contract, I just want to be clear, and you may have answered this, did you ever engage with Libya or the Government in any way?

A With the Government of Libya?

Q Yes.

A No.

Q So, in handling the contract, you just would have been working within State Department and the people that bid, Blue Mountain Group. Is that correct?

A That's correct.

Q Okay.

With respect to payments of, you know, payments of the contract, were there ever any issues with respect to any payments, who do you pay, and the payments getting to the contractors, the different contractors?

A The payments -- I'm not sure I understand your question.

Q So, once someone bids for the contract --

A Correct.

Q -- all right, do you pay them?

A After they perform the services and we accept the services, yes.

Q So, under your watch, were there any payments? Were you in charge of payments to Blue Mountain Group?

A Am I in charge? That's --

Q I understand.

A Again, there's a separate -- there's a foreign affairs handbook, the FAM and the FAH. There is a separation of duties. I contract; somebody else is in charge of payments.

Q Right. So the other person that's in charge of payments, would they contact you with respect to performance and, "We're going to go ahead and pay the salary or pay the contractor"?

A Shall we talk about process?

Q Yes. That would be great.

A Okay. The contractor performs the services. Okay. At the end of the month, they would prepare an invoice. They would submit their invoice to basically where we tell them to on the financial management side and the contracting officer representative.

And so, at that point, the COR is responsible for saying, yes, the goods and services were performed and delivered --

Q Okay.

A -- who would then contact the financial people, who then make the payment.

Q Okay. So, just to be clear, who was the COR that would be contacting the financial people?

A Under this contract --

Q Yes.

A -- it was [redacted].

Q [redacted]. And so, based on that, were you ever involved in that process or not?

A Not. There was, again, separation of duties.

Q Okay. That's all I want to know. Thank you.

You mentioned you were considering different options when the dissolution was happening -- PSAs, bringing in another contractor.

Was there ever any discussions about arming the guards?

A Arming the guards?

Q Yes.

A Again, that's not -- that's not a solution for if you're going to do a contract or if you're going to do a PSA. Again, that's a different issue.

Q Right. I understand that. I'm just asking, were there any discussions about arming guards? If you terminated the contract --

A Uh-huh.

Q -- and you were bringing someone new in, were there any discussions about that?

A Again, that would be developing specifications. I wouldn't necessarily be part of that conversation --

Q Okay.

A -- at that point.

Q Okay. That's what I'm asking. So, okay, thank you.

After the attack, how did you end the contract with Blue Mountain?

A How did we end the contract? The contract was under a -- it was under an excusable delay, and I don't remember if we actually issued a stop-work order or not. But the contract actually -- the period of performance just expired.

Q Okay. And do you know that date?

A It was February 28th of 2013.

Q And I realize [redacted] may know this. Did you finish paying for the contract?

A We paid through February 28th.

Q Okay. And who did you pay?

A The original -- whoever was set up, and I believe that was the U.K. entity.

Q So you paid the U.K. entity.

During your timeframe, were there ever any questions raised by Blue Mountain Libya or Blue Mountain UK about receiving payments?

A Besides the letter -- this letter?

Q Correct.

A Yes. I mean, yes, it was raised.

Q And so that was --

A So that was when the issues with paying for -- this was raised at that time, yes.

Q And that's government exhibit 4.

A Four.

Q You mentioned earlier that your experience in the private sector as well as your experience on this joint venture and this contract and how it has sort of been -- you would maybe counsel doing things differently in the future.

A Correct.

Q So, going forward, would you agree that if we are entering a high-threat post you would recommend using a thorough due diligence with respect to contractor security?

A Yes. I would recommend a due diligence on any kind of -- where safety and security of the U.S. Mission is at stake.

Q And what would be your recommendation, going forward, when you are dealing with a high-threat post versus the cost-technical tradeoff versus the LBTA? Is there any --

A There is a whole decision process that people need to go through and look at the factors of why you would do one versus the other.

Q If you were doing an LPTA, is there a limit on the amount of bidders that you can have under LPTA?

A No.

Q So you could have five bids, or you could have two; is that correct?

A It's all into -- it's up to the contractors, who is interested.

Q We are coming to a close here. I just want to get clarity on, sort of, the contracting process going forward. I understand that this was a 3-month process, but I just want to have a clear understanding.

I understand that [redacted] more than likely was the one doing these, taking these steps. But I want to be clear that, if the contract, if this contract in Benghazi had been, you know, terminated, would you have to start the whole solicitation process all over? Or what would you have done?

A Again, there's a lot of speculation in what you're saying. If you need a new contract, then you are going to have to write a new contract. How do you do it? Again, under circumstances, it would vary.

Q So if you are writing a new contract --

A Uh-huh.

Q -- you would, first and foremost, identify the need of the contract. You may not, but you would have someone on your team identify the need.

A Correct.

Q And then someone, whether it be you or someone on another team, would define the requirements; is that correct?

A Correct.

Q Now, would there be an acquisition team? Are you familiar with that?

A Yes. Are you talking the capital "Acquisition," capital A "Acquisition" or little A "acquisition"?

Q Okay, well, so let's start with the little A "acquisition." Can you explain that to me?

A Again, little A would be something more less informal, you know. And it might be a smaller team, and it might be just, like, two people. But those are very simple acquisitions for --

Q Right. I'm sorry. Go ahead.

A Go ahead.

Q So, with respect to security, an acquisition team -- would an acquisition team go over and review or meet with bidders, in a general sense?

A Okay, at what point in the acquisition? If you are developing specifications, it might not be so -- it doesn't look like

fair and open competition and that you treat everybody fairly if you're starting to meet with contractors or potential offerors --

Q Right.

A -- when you're developing your specifications.

Q Right. So sometime in the contract process, do acquisition teams meet with the bidders?

A It's not uncommon.

Q Okay.

A Sometimes.

Q And, to your knowledge, was there ever an acquisition team on this contract?

A Yes, there was.

Q And, to your knowledge, did the acquisition team ever go over to Libya or Benghazi to meet with --

A I wouldn't know what they did. Again, you would have to talk to them.

Q So you're not sure if they actually met with the two competing bids?

A If they would meet with the two offerors?

Q Yes.

A That would be highly unusual under the local guard program.

Q Okay.

And walking through, just walking through the process, the normal process, the State Department or the acquisition team would be doing market research, as well; is that correct?

A Yes.

Q Okay. And, to your knowledge, with respect to this contract with Blue Mountain Group, was market research done?

A I wouldn't know.

Q Okay.

Are there occasions that -- has there ever been an opportunity where acquisitions have piggybacked off other security contracts? So if a security contractor is protecting something in the north of a country, can you piggyback off that contract or does that need to be a brand-new contract if you need security in the south?

A It depends on the terms and conditions for the contract in the north.

Q Okay.

A If it's included in, you could.

Q Very good.

So, with respect to Tripoli, were you ever aware of how they were securing or were there contractors there in Tripoli?

A You mean a local guard contract?

Q That's correct.

A It would -- as I stated, it was a Personal Services Agreement, or PSC, personal services.

Q Do you recall if there was a justification and approval in the file, a J&A?

A A J&A for?

Q In the contract file, for the Benghazi -- for the local

guard force.

A I understand, but, under Federal contracting, there's lots of different J&As that contracting officers have to do. So I'm asking you --

Q No, I understand.

A -- for what.

Q Well, a justification and approval -- was there ever a justification and approval for Blue Mountain Group or the hiring of Blue Mountain Group?

A In the contracting process and the way that State Department is set up, there are procedures and reviews. So if you are looking for reviews of a solicitation, reviews of the contract award, and the documentation that goes into that, yes, there's stuff that's there and were conducted.

Q Okay. Thank you.

When reviewing the file and in your discussions, did you ever come across a company named Aegis?

A Aegis was the partner with Torres, I believe. That was their partner. Or maybe not. I don't know. Aegis -- now I'm confused. That could have been on the high-threat side. "Aegis" or "Aegis"?

Q "Aegis." A-e-g-i-s.

A Yeah. I mean, I can't recall.

Q So, during your time period in managing the contract, did you ever talk to Aegis or do you recall talking to Aegis?

A No, I didn't talk to Aegis.

Q Do you recall if they were in some way involved with the Blue Mountain Group?

A They were not involved with the Blue Mountain Group.

Let's see. No, but they're referenced here with Torres. I just don't recall.

Mr. Evers. The witness is pointing out a sentence on the middle email on exhibit 1 about the local provider for Torres. And I don't know to the extent that her musings were caught on the record, but that's what I think she was trying to find.

Ms. [redacted]. Yes, I was looking for exhibit 1, and I have to -- it's right here. It's my email dated September 10, 2012, at 6:00 p.m. In the second paragraph, in the second sentence, I was talking about, I talked to Torres, and they stated that they're going to go back to their local provider and see if their agreement is still valid or not.

And it could have been that that was the -- the local provider, I think, if I recall correctly, may have been Aegis.

Mr. Grider. Okay. Thank you.

BY MR. GRIDER:

Q During the evaluation process, do you normally look at a company's track record?

A Under normal circumstances, yes.

Q And to your knowledge, in reviewing the file, do you know if Blue Mountain Group's track record providing security services to State was ever done or evaluated?

A I have no personal knowledge whether they did it or did not.

Q Okay. Thank you. Based on your review of the file, do you know if there was a waiver of the source selection criteria?

A I do not recall off the top of my head.

Q Okay. And if you recall, do you know what the evaluation criteria was used to rate the proposals and what was the weight of the factors? For instance, you know, price, technical, licensings, or past performance?

A Again, by law, they had to award using low price technically acceptable. So there's no weighting factors.

Q Okay. Very good. Thank you. Just on general review, oftentimes there's a risk assessment done. Are you familiar with risk assessments in the contract --

A Yes.

Q To your knowledge, was there ever a risk assessment done

on the Blue Mountain contract?

A I don't know.

Q So you don't recall?

A I don't recall if one was done or not.

Q You may have mentioned this name, [redacted]. Are you familiar with him?

A I am familiar with [redacted], yes.

Q Yes. And who is he?

A He is an employee of Diplomatic Security, and at the time, was a desk officer in OPO.

Q Was he here in the United States, to your knowledge?

A Yes.

Q And these things you may not recall, but just based on your review of the file, was there ever a quality assurance plan established between the Blue Mountain Group and the State Department?

A A quality assurance plan?

Q Yes.

A You mean like exhibit C of the contract? Because that is called a quality assurance plan.

Q Right. So there was, based on the contract, exhibit C, there was a quality --

A I believe that contract had an exhibit C, yes.

Q Okay. Good. After the attacks, were you ever contacted by the Department of State press to gather talking points or gather information about the contract?

A After the attacks, I was contacted through numerous avenues and requested, you know, provided data to them.

Q And do you recall, do you recall which office you were dealing with?

A I primarily have to deal with my chain of command which was through the A bureau. So most of the requests came in through my chain of command. And I would then respond back through that. And then they would disseminate it.

Q And did you ever give -- was it -- were you answering questions? Or did you ever give documents from the file to individuals?

A I pulled lots of documents and provided lots and lots of documents.

Q So you provided documents to the people requesting information about the contract process?

A Right.

Mr. Grider. All right. Once again, that's all the questions that I have. Minority may have some follow-up. I'm not sure. But we want to thank you again for your time. And thank you for you were service.

Ms. [redacted]. Thank you.

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

[Discussion off the record.]

Ms. Sawyer. Back on the record for a moment briefly.

BY MS. SAWYER:

Q Ms. [redacted], thanks again for your time. Just a couple of quick questions to wrap us up. You were just asked some questions about being asked to, about supplying information with regard to the contract at the Local Guard Program in Benghazi. Did you ever refuse to provide information when it was requested of you?

A No.

Q Were you ever asked to withhold information?

A No.

Q Were you ever asked not to be completely honest in your assessment when asked questions about the status of the contract, the performance of the security functions under that contract, or anything else related to your role and responsibility in administering or overseeing the contract for the local guard program in Benghazi?

A No.

Ms. Sawyer. I think that's all I have for you. Again, we appreciate your time. And from our perspective, hopefully you'll get a good lunch.

Mr. Evers. Take care, everybody.

[Whereupon, at 1:58 p.m., the interview was concluded.]

EXHIBIT 1

C05528550

[redacted]

From: [redacted]
Sent: Monday, September 10, 2012 6:07 PM
To:
Cc: [redacted]
Subject: RE: SAQMMA12C0092 US Mission Benghazi

[redacted]

[redacted]
Assistant Legal Adviser
Buildings and Acquisitions
Tel. 703-516-1543
FAX 703-516-1547

From: [redacted]
Sent: Monday, September 10, 2012 6:00 PM
To: [redacted]
Cc:
Subject: RE: SAQMMA12C0092 US Mission Benghazi

[redacted]

From [redacted]
Sent: Monday, September 10, 2012 5:52 PM
To: [redacted]
Cc:
Subject: RE: SAQMMA12C0092 US Mission Benghazi

[redacted]

[redacted]

C05528550

Assistant Legal Adviser
Buildings and Acquisitions
Tel. 703-516-1543
FAX 703-516-1547

From: [redacted]
Sent: Monday, September 10, 2012 5:43 PM
To: [redacted]
Cc: [redacted]
Subject: RE: SAQMMA12C0092 US Mission Benghazi

See my answers below in red.

From: [redacted]
Sent: Monday, September 10, 2012 4:32 PM
To: [redacted]
Cc: [redacted]
Subject: RE: SAQMMA12C0092 US Mission Benghazi

[redacted]

Oh joy, joy, happy, happy.

From: [redacted]
Sent: Monday, September 10, 2012 3:37 PM
To: [redacted]
Cc: [redacted]
Subject: FW: SAQMMA12C0092 US Mission Benghazi

Oh Happy Monday [redacted]

I have a bushel of lemons, and I am trying to figure out how to make something good out of this. Pardon me, I am whining—now down to business.

[redacted]

C05528550 [redacted]

[redacted]

Best Regards,
[redacted]

From: [redacted]
Sent: Monday, September 10, 2012 9:58 AM
To [redacted]
Subject: FW: SAQMMA12C0092 US Mission Benghazi

[redacted] Have you shared this with L/BA? I am sure you are aware that any response or contact with outside attorney's is coordinated through L/BA. Thanks. [redacted]

From [redacted]
Sent: Monday, September 10, 2012 8:55 AM
To [redacted]
Subject: FW: SAQMMA12C0092 US Mission Benghazi

Great! (or not so great)

From: Zaid Nabulsi [mailto:zaid@nabulsilaw.com]
Sent: Sunday, September 09, 2012 1:35 PM
To [redacted]
Cc: [redacted] @bluemountaingroup.co.uk; [redacted] @bluemountaingroup.co.uk; [redacted] Freyja.Handy@laytons.com; Leaf, Barney; Nabulsi & Associates
Subject: Re: SAQMMA12C0092 US Mission Benghazi

C05528550

Please see the attached.

Regards,

Zaid Nabulsi
Partner

Mailing Adress: P.O. Box 35116 | Amman 11180 Jordan |
Courier Address: 14 Hussein Bin Ali St. | Riyadh Center | 3rd Circle | 6th floor
Tel: +962 6 465 4411 | Fax: +962 6 465 7555 | Cell: [redacted]
www.nabulsilaw.com

NABULSI & ASSOCIATES
COUNSELLORS & ATTORNEYS AT LAW

EXHIBIT 2

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

From: [redacted]
To: Libya Management Issues; [redacted]
Subject: notes from the Tripoli Conference call 1/9
Date: Monday, January 09, 2012 12:23:21 PM

- FMO – [redacted] will be coming in Feb. Cash situation – looks like they may be able to replenish cash locally rather than carry it in as in the past.
- Facilities – Contractor who was put on hold over the holidays will start next week with the survey. Landlord is willing to take care of maintenance issues once he gets paid. If landlord can't take care of his obligations, we can notify in writing and then take care of needed repairs and deduct from upcoming rent if necessary.
- IRM – SMART is up and running, and post is able to send cables. Doing some fine-tuning and adding people to roles and distribution of cables. Will be a week before Tripoli can send cables. DCM wants to go on minimize status.
- GSO - Access to WebPass/RPA database? [redacted] is working to getting us up and running. Problems with servers in Tripoli. Will send info by email until it's up and running. Meetings with landlords have been very good and they are pushing to get the payment issue cleared up and getting the next tranche of request for lease payments to be sent. Vehicles – having trouble with getting vehicles repaired. Suburbans may be too difficult to repair. No one will touch a Ford at post either. No mail – would have to bring in parts by surface. Post will discuss internally and get back to EX and DS with concrete response. Vehicles are all brand new.
- HRO – need to figure out how to process PCS on WebPass for sending the SF-50s. Will start processing medical claims for local staff soon. Confirmed the process with Charleston this weekend and hope to have it up and running this week.
- RSO – hosting the FBI from Cairo, at post until Tuesday/Wednesday. Met with Min of Justice, Foreign Affairs, Interior. Interested in reactivating ATA program, also asked for specifics on FBI training. Working on legacy cases, will have many follow up meetings. Incident on Sunday – French businessman was assassinated. Erroneously reported in the press as a diplomat. Private businessman with a shady background – possibly drug related. Doesn't appear to be targeted because he was a Westerner. ACS case – AmCit walking from Spain to Jerusalem was detained west of Tripoli. Backpacker with no support. Libyans planning to ask her to leave. Currently on a bus to Benghazi.

- Benghazi guards – M has decreed that we should proceed with PSAs for the local guards. DS disagrees, saying that it is too difficult to manage a PSA program with RSOs rotating every month and the short term viability of Benghazi. PSA could be written as a limited term appointment. M staff wants us to make sure that PSA is not the way forward. DS wants to push ahead with a guard contract vice PSAs using one of two contractors operating in Libya. Contract will be ready in the next day or so, hope to have a contract in place and operational by Feb 1. Need time to put the proposal out and into the contractor's hands before we can guarantee timing. PSA wouldn't be any faster than the contract due to the paperwork required, need to start at the beginning of a pay period, need for a medical

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
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REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

clearance, English testing, etc. Want to get this as efficiently and expediently as possible. Need to get this done asap. All agreed that EX will seek an interim solution to cover the guards until a DS contract can be up and running around Feb 1, perhaps to be covered under the new LSC temporarily.

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

This email is UNCLASSIFIED.

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

EXHIBIT 3

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CNN - Pelosi blasts GOP calls for State Department probe

Posted byCNN's Ashley Killough

(CNN) – House Minority Leader Nancy Pelosi blasted House Republicans Tuesday for requesting a hearing next week on the State Department's handling of last month's deadly consulate attack in Libya.

With Congress in recess for the campaign season, Pelosi argued on CNN's "The Situation Room with Wolf Blitzer" that if the GOP wants to look into the Libya issue, they should return for votes on other pending legislation, as well."We're supposed to be in session this week, but they've canceled it rather than passing a middle income tax cut, passing a jobs bill, passing the Violence Against Women Act, passing the farm bill–any of those things," Pelosi said. "But yet they have time to say we want information, when they know it's premature."

Asked if she was suggesting the hearing was called for political purposes, Pelosi replied: "One might suspect that."

Earlier Tuesday, GOP Reps. Darrell Issa and Jason Chaffetz sent a letter to Secretary of State Hillary Clinton, demanding answers to questions about the violence in Libya that killed the U.S. ambassador and three other Americans. The congressmen argued the State Department had ample warning signs and could have prevented the tragedy using heightened security.

Issa is chairman of the House Oversight and Government Reform committee, and Chaffetz oversees the national security subcommittee. Chaffetz is also a top surrogate for the Romney campaign.

Pelosi, however, argued it was too soon to demand conclusive answers, as investigations in Benghazi are still under way.

"I think it's important to note that Congress does have a right to know, but the secretary and the Department of State have to have the information," Pelosi said on CNN. "How can you ask the secretary to come before the information is known?"

She added House Republicans had shot down "$300 million" in funds for the State Department, including "funding for security."

Pressed on whether she was implying the U.S. didn't have enough money to protect American diplomats in Libya, Pelosi said, "No."

"What I'm saying in Congress has the right of oversight, but it also has the power of the purse," she said. "Nobody's going to know by next week, but we have to have a full investigation and accountability for it but we also have to look to ourselves in terms of that funding question."

– CNN's Deirdre Walsh and Gregory Wallace contributed to this report.

Fox News - State Department stayed out of contractors' dispute over consulate security, letters show

By Catherine Herridge

Published October 02, 2012

| FoxNews.com

Letters obtained exclusively by Fox News appear to show the State Department refused to get involved when the company tasked with protecting the U.S. Consulate in Benghazi, Libya, raised security concerns, the latest indication that warning signs may have been ignored in the lead-up to last month's terror attack.

The letters pertain to a dispute between Blue Mountain Libya, the security license holder in Libya, and its operations partner Blue Mountain UK, which trained and provided the local guards.

A source with knowledge of two State Department meetings -- one in June and a second in July -- told Fox News that Blue Mountain Libya felt the security provided by the UK partner was "substandard and the situation was unworkable."

But according to the source, when the Libyans tried to bring in a third party -- an American contractor -- to improve security, a State Department contract officer declined to get involved.

"The U.S. government is not required to mediate any disagreements between the two parties of the Blue Mountain Libya partnership," contracting officer Jan Visintainer wrote on July 10 to Blue Mountain Libya, adding that to date "contract performance is satisfactory."

Asked about that letter Tuesday, State Department spokeswoman Victoria Nuland said the department's investigation likely would address the issue.

"Presumably, those kinds of questions will have to be looked at in the context of the work that we're doing," she said.

A representative with Blue Mountain UK has not yet responded to a request by Fox News for comment.

The July 10 exchange and the apparent warning that set it off are sure to be examined closely as both the State Department and Congress begin to scrutinize what may have gone wrong in the weeks and months preceding the attack, in which the U.S. ambassador and three other Americans were killed.

The House Oversight and Government Reform Committee plans to hold a hearing Oct. 10 on security in the region before the attack. Two members of that committee, Chairman Darrell Issa, R-Calif., and Rep. Jason

Chaffetz, R-Utah, fired off a letter Tuesday to Secretary of State Hillary Clinton asking a string of security-related questions.

They detailed attacks and other security incidents in Benghazi starting in April and asked the State Department what measures it took to address the threat. Further, they claimed officials have told the committee of "repeated requests" for additional security that were turned down.

"Based on information provided to the committee by individuals with direct knowledge of events in Libya, the attack that claimed the ambassador's life was the latest in a long line of attacks on Western diplomats and officials in Libya in the months leading up to September 11, 2012," they wrote. "In addition, multiple U.S. federal government officials have confirmed to the committee that, prior to the September 11 attack, the U.S. mission in Libya made repeated requests for increased security in Benghazi. The mission in Libya, however, was denied these resources by officials in Washington."

A State Department spokeswoman said Tuesday that Clinton plans to respond to the lawmakers' questions.

The letter to Clinton alleges 13 incidents that showed the deteriorating security situation on the ground -- one of which included workers with Blue Mountain. Weeks before the attack, the letter said, Libyan

guards employed by the Blue Mountain Group were urged by their family members to quit over rumors "of an impending attack."

The letter included other incidents, which have been well documented, including the June attack on a convoy carrying the British ambassador. And it said "assailants" put an explosive device at the gate of the U.S. Consulate in early June, blowing a hole in the security perimeter.

The State Department, meanwhile, has stood by U.S. Ambassador to the U.N. Susan Rice in the face of criticism and calls for her resignation. Rice came under fire for claiming repeatedly the Sunday after the attack that it was a "spontaneous" reaction to protests over an anti-Islam film. The administration now acknowledges the assault was a coordinated terror attack.

Read more: http://www.foxnews.com/politics/2012/10/02/letters-show-state-stayed-out-dispute-over-security-concerns-at-libya-consulate/print#ixzz28BWEUDIO

USAT - Obama aides mum on Libya security complaints

USA Today

October 2. 2012 - The Obama administration is saying little about new claims that U.S. diplomats in Libya made repeated requests for more security before the Sept. 11 attack in Benghazi that killed ambassador Christopher Stevens and three other Americans.

"I'm not going to get into a situation under review by the State Department and the FBI," said White House spokesman Jay Carney.
State Department spokesperson Victoria Nuland said Secretary of State Hillary Rodham Clinton will respond to a letter from two Republican House members citing requests for more security in the months ahead of the attack.
"We want to get to the bottom of precisely what happened and learn any lessons that we need to learn from it," Nuland said. "We're taking this very, very seriously."
The two House members -- Reps. Darrell Issa and Jason Chaffetz -- said in a letter to Clinton that information about previous security requests came from individuals with direct knowledge of events in Libya."
Issa and Chaffetz also made reference to the administration's changing views about the source of the attack, now generally attributed to terrorists that may include al Qaeda.
"It was clearly never, as administration officials once insisted, the result of a popular protest" over an anti-Islam film, wrote Issa and Chaffetz.
The lawmaker said they are planning an Oct. 10 hearing on the Benghazi attack.
Clinton addressed the issue last month: "Let me assure you that our security in Benghazi included a unit of host government security forces, as well as a local guard force of the kind that we rely on in many places around the world."
The Associated Press reported that the Issa/Chaffetz letter listed a dozen instance of questionable security in Benghazi before the Sept. 11 attack:
"-- Just weeks before the attacks, the unarmed Libyan guards at the consulate, employed by British contractor Blue Mountain Group, were warned by family members to quit their jobs because there were rumors of an impending attack.

-- In April, a gun battle erupted about two miles from the consulate between an unidentified armed group and forces loyal to the transitional government. Also in April, two Libyans fired from a contractor providing security at the consulate threw a small explosive device over the consulate fence. There were no casualties.
-- In June, a posting on a Facebook page mentioned Stevens' early morning runs around Tripoli along with members of his security detail. The page contained a threat against Stevens and a stock photo of him. Stevens stopped the runs for about a week, but then resumed.
-- Also in June, assailants placed an explosive device on a gate of the U.S. consulate, which blew a hole in the security perimeter. That month, there was a daylight attack on a two-car convoy carrying the British ambassador to Libya."

FP - The Libya Surprise

Foreign Policy
Why what happened in Benghazi is actually great for America.
BY TOM MALINOWSKI | OCTOBER 2, 2012

Two months into Libya's revolution in April 2011, I visited Benghazi and the other liberated cities in the country's east. It was Libya's hour of greatest idealism and highest hope. The rebels were promising to build a society grounded in human rights and respect for law. In town after town, walls were painted with slogans of revolutionary moderation: "We reject extremism" and "We want a country of institutions." Everyone who wasn't rushing to fight on the front lines seemed to be starting a newspaper or radio station or volunteer group, eager to connect to the world from which Muammar al-Qaddafi had isolated them and grateful to the mostly Western countries that helped them in their moment of need.

I met Ambassador Chris Stevens then, in his makeshift diplomatic mission in a Benghazi hotel. He had recently arrived as America's envoy to the rebel authorities in the east and was pressing them, as I was, to treat prisoners well and to start building judicial institutions. We shared a laugh about what seemed America's biggest image problem in Benghazi at the time: French and Italian flags outnumbered American ones in the central square during Friday prayers. The explanation: Libyans had to make the flags by hand, and simple European tricolors were easier to reproduce than all those stars and stripes.

But Stevens knew Libya too well to assume that the rebels were all Jeffersonian democrats or that the militias fighting Qaddafi would easily give up their guns and power when the dictator was gone. He believed, however, that something special still had a chance to emerge from Libya's revolutionary chaos: that having suffered 40 years of Qaddafi's Green Book ideology, Libyans would be wary of extremists and ideologues of all stripes; that having awakened, Libya's civil society would not let anyone, neither a dictator nor armed gangs, intimidate it again; that having received the right measure of international help -- enough to win their friendship, but not so much as to deny them ownership of their revolution -- Libyans would develop a healthy relationship with the West, neither overly dependent nor reflexively hostile.

At first, Stevens's murder in Benghazi seemed to call these hopes into question. Many Americans naturally wondered whether support for the Arab Spring yielded any benefits for the United States, or just more rage. It seemed inevitable that the State Department would restrict its diplomats behind even more walls and steel -- though Stevens died not while engaging with Libyans in the cultural center he

had come to Benghazi to open, but behind the walls of a diplomatic compound and the steel of a "safe" room.

Terrorists can strike anywhere. But it is how governments and societies react that determines whether terrorism succeeds or fails. And Libyans' reaction to the tragedy vindicated what Stevens believed the country is and could become. Could anyone, whether a cynic or optimist about the region, have dreamed of a better response to an attack on a diplomatic mission on Arab soil than what happened after the violence in Benghazi -- tens of thousands of people marching on the headquarters of the law-defying militias suspected of complicity in the assault (and of multiple other killings over the past several months) to run them out of town, while holding signs paying tribute to the fallen ambassador?

It was not just Libya's political elite who were angry and ashamed about what happened. The morning I learned of Stevens's death, I emailed an influential Islamist leader in eastern Libya, fearing that he would be more agitated by the anti-Mohammed video than the killings we thought (wrongly it seems) it had precipitated: "You can't imagine how sad we are," he immediately replied. "Clearly, [Stevens] was a citizen of a country that has helped us to be liberated from one of the most bloody regimes; and before all that, he was our guest who we were supposed to protect. We will do all we can to make clear that a killing is a killing no matter what the motives were."

Libya's highest religious leader, the grand mufti, issued a fatwa against the killers, linking them to militants who have been attacking Libya's Sufi shrines in recent weeks. Libya's offshoot of the Muslim Brotherhood was the first political party to denounce the attacks. Even a political party led by former members of the Libyan Islamic Fighting Group -- men who have plenty of reasons to be angry at the United States, especially because the CIA tortured them and rendered them to Qaddafi's prisons during George W. Bush's administration -- joined the condemnation and said the party accepted completely the U.S. government's assurance that it had nothing to do with the infamous Internet film.

Consider how differently Libyans might have responded had the international community not come to their aid last year. Militant groups with links to al Qaeda would probably have gained adherents among Libyans feeling bloodied by their government and abandoned by the West. These militants would have been just as eager to attack American targets on the anniversary of the 9/11 attacks, but the United States would have had far fewer Libyan friends, as well as a less cooperative partner in the Libyan government, to help meet the threat.

As it is, the country where Barack Obama's administration made its most unequivocal stand on behalf of an Arab Spring uprising is the country whose citizens came together most marvelously in opposition to the embassy and consulate attacks and in solidarity with the victims. Where America's support for democratic change and human rights has been more measured, so has the popular reaction to the recent attacks.

Egypt is a case in point. The official and popular responses to the breaching of the U.S. Embassy compound was, initially, far more ambiguous than in Libya. But so, in the minds of many Egyptians, has been U.S. support for their democratic aspirations.

Obama did, of course, tell President Hosni Mubarak that he had to go during the Tahrir Square uprising last year and, at crucial moments since, has pressed Egyptian leaders to embrace change. He has not yet, however, managed to convince a majority of Egyptians that Washington was unequivocally on their side. In large part, this is because of the 30-year legacy of U.S. support for Mubarak that Obama inherited. It is also because the fall of Egypt's dictator did not mean the immediate end of its military dictatorship, and because the administration has continued to balance its support for change in Egypt against its relationship with the country's abusive armed forces.

In my view, Obama's finest hour in Egypt came this June, when he said the ruling Supreme Council of the Armed Forces should respect the results of Egypt's presidential election and let the Muslim Brotherhood candidate, Mohamed Morsy, take office. But this pressure did not come when the eyes of the world were upon Tahrir Square. It was exercised largely behind the scenes. And many of Egypt's revolutionaries were themselves of two minds about letting the Brotherhood take power. Obama's principled stand probably helped him three months later, when he persuaded Morsy and the Brotherhood to condemn the embassy attacks more vigorously after their initial silence. But it was not enough -- not yet -- to overcome decades of popular Egyptian mistrust of the United States.

In Yemen, the United States ultimately helped ease the long-serving dictator, Ali Abdullah Saleh, out of office and is providing significant aid for the economy and the transition process. There is still resentment, however, over U.S. support for Saleh in the first months of the uprising, over U.S.-backed deals that gave Saleh immunity and allowed his relatives to keep top security posts, and over drone strikes. Supporting democracy and development may be a priority for Washington in Yemen, but Yemenis know that it is not the top priority. This may explain why, when mobs breached the walls of the U.S. Embassy in Sanaa, many Yemeni citizens reacted with a degree of anger and shame, but not the universal revulsion -- or spontaneous popular rising against the perpetrators -- that we saw in Libya. And it may be why Yemen's parliament condemned the violence but voted against allowing U.S. Marines to reinforce the embassy compound.

In Bahrain, too, Washington has straddled the fence between demanding political reform and staying on good terms with an authoritarian monarchy that hosts a U.S. naval base. Many members of Bahrain's mostly Shiite opposition are frustrated with the United States for not opposing the Bahraini government's repression more strongly; from time to time, young protesters chant anti-American slogans. But opposition leaders and activists still desperately want American help. On the Friday after the embassy riots elsewhere in the region, they urged their followers not to demonstrate against the United States. In other words, it is faith -- fragile and perhaps temporary -- in the possibility of a more principled American policy that protects U.S. interests in Bahrain from the anger of its Shiite street.

Yet America's partnership with Bahrain's government has not stopped hard-line members of the country's ruling family from fomenting anti-American hatred among their Sunni supporters. The only demonstrators waving the al Qaeda flag outside the U.S. Embassy in Bahrain last month were backers of the monarchy. If there is a threat to the thousands of American personnel stationed in Bahrain, it is more likely to come from supporters of America's authoritarian "friends" on the island than from the opposition, as U.S. military officers on the island privately acknowledge.

What lessons should the Obama administration draw from all this?

First, recent events have reinforced, not weakened, the rationale for supporting political change in the Arab world. No sober-minded proponent of such a policy believed it would prevent every act of terrorism or resolve every source of tension between the United States and the region. The point was to deny extremists the argument that the United States supports oppressive regimes and to gradually win America more allies among the people of Arab countries against al Qaeda and extremism. It was also to create space for the political reformers and civil society activists whom the Mubaraks and Qaddafis (not to mention the House of Saud) suppressed, allowing them to serve as a counterweight to those on the violent fringe. So far, the more consistently this policy has been applied, the more these effects have been seen.

Second, the United States naturally cannot do everywhere in the Middle East what it did in Libya. The solidarity Libyans feel with the countries that supported them, as well as their consequent rejection of terrorism, is not by itself a sufficient argument for military intervention in Syria or elsewhere. But people liberating themselves from dictatorship in the Arab world will be more likely to help those, and listen to those, who help them (and vice versa). Entanglement in the troubles arising from the Arab Spring is not a dangerous thing for the United States if it is principled and aligns Washington with people struggling for their dignity and human rights.

Certainly, this is no time to lurch to the opposite extreme -- to start seeing the region in terms of threats, not opportunities, to pull out the diplomats and send in the drones. It is sad that the only questions Congress is asking the administration now about Libya concern the attack on U.S. diplomats and whether someone can be blamed for not anticipating it or beefing up security enough. Congress should be demanding to know how the administration plans to continue the fallen diplomats' mission. How will it help the legitimate Libyan authorities rein in the militias responsible for the lawlessness in the country, as the vast majority of Libyans want?

Third, though the United States will continue to juggle multiple interests in the Middle East, a revolutionary moment is not a time for nuance. If you want to win the respect and trust of people in the region, as Obama set out to do in his famous speech in Cairo, and one day those people risk prison and death to challenge their authoritarian regimes, then on that day you must be clearly, unequivocally on their side, or they are not going to hear you.

A final thought: Obama didn't make or break the Arab Spring. But the Arab Spring is Obama's first-term foreign-policy legacy. This is not what realists in the administration expected. But the democratic upheaval in the Middle East is the only major global development in the last four years that is shifting the course of history and that the United States has been able to affect for better or for worse.

Nothing else compares. The Middle East peace process is stalled (all the more reason for the administration to be seen addressing other sources of tension between the United States and the Arab world). Afghanistan and Iraq have preoccupied the administration, but those are old commitments being wound down, not positive efforts to build something new. The "Asia pivot" may be a wise adjustment in priorities, but it has not yet produced significant achievements. The win the

administration most often cites, the democratic opening in Myanmar, is hopeful, but has nothing to do with the U.S. decision to focus more on the Pacific. It happened because Myanmar was never part of America's geopolitical calculus in Asia -- it was the only country in the world toward which successive presidents, including Obama, pursued a policy devoted overwhelmingly to the pursuit of human rights.

The embassy attacks are not the beginning of the end of the Arab Spring or of America's engagement with it. They may mark the end of the beginning. We all know now, as Secretary of State Hillary Clinton said when it all started, that the authoritarian foundations of the region are "sinking into the sand" and that from Morocco to Iran, people will seize every chance to bury them deeper. But the hardest challenges lie ahead: ending the atrocities in Syria and stabilizing the country after Bashar al-Assad is gone, brokering political reforms in a dangerously divided Bahrain, consolidating democracy in Egypt, building a state from the ground up in Libya.

Experts will tell Obama that the United States has limited influence over all these developments. I hope he will tell them that he pays his experts to help him use that limited influence as creatively and effectively as possible. If he is reelected, I hope he will own his legacy and double down on the effort to make it a successful one.

Tom Malinowski is Washington director of Human Rights Watch.

WP - Libyans say few questions being asked about attack

Washington Post
Tuesday, October 2, 7:37 PM
By Michael Birnbaum and Anne Gearan

BENGHAZI, Libya — Three weeks after the attack that killed four Americans in this city, the investigation of its causes remains in its initial stages, with just a handful of suspects detained, the crime scenes minimally secured and Walid Faraj waiting for a phone call from someone, anyone, asking him what he saw on the night he was injured while protecting the U.S. mission.

Faraj, a member of the militia that local officials tasked with securing Americans in Benghazi, said he saw the attack nearly from start to finish. But neither American nor Libyan investigators have paid him a visit, even as he fears that the perpetrators know who he is.

In Washington, a leading House Republican challenged on Tuesday the administration’s version of events on the chaotic night of Sept. 11, suggesting that the attack was planned and that congressional investigators have been told that requests for increased security at the U.S. diplomatic outpost had been turned down.

In a letter to Secretary of State Hillary Rodham Clinton, Rep. Darrell Issa (Calif.) listed incidents dating to April that he said created a pattern of threats.

Some of the incidents had been disclosed earlier, but others appeared to be new revelations. In one case, he said, Libyans working as private security guards at the U.S. compound were warned by family

members in the weeks before the assault to quit their jobs because of rumors of an impending attack. He did not specify where the information originated.

“These events indicated a clear pattern of security threats that could only be reasonably interpreted to justify increased security for U.S. personnel and facilities in Benghazi,” Issa and Rep. Jason Chaffetz (R-Utah) wrote to Clinton.

Clinton assured Issa in a reply released by the State Department that the department would “work collaboratively with you to achieve the result we both want: a full and accurate accounting of the events and a path forward to prevent them from happening again.”

She said the department’s investigation will begin this week.

Meanwhile, an FBI team flown into Libya remains in Tripoli, hundreds of miles from Benghazi. A Libyan official involved in the inquiry said Tuesday that he was aware of only three suspects in custody. Meanwhile, members of the militant group suspected of playing a primary role in the attack have gone underground, apparently taking their weapons with them.

Faraj said he wondered whether anyone was trying to find out what happened the evening that U.S. Ambassador J. Christopher Stevens was killed along with three other Americans.

“Since that day, nobody has called, nobody cared,” said Faraj, 28, who lost a tooth in the attack and whose legs are peppered with small wounds from the firefight. “How is it the Americans didn’t anticipate anything?”

Witnesses are scattered across Benghazi, a port town where the uprising that toppled Libyan leader Moammar Gaddafi began. But many witnesses say they haven’t heard from investigators.

The U.S. and Libyan governments have not finalized a deal to allow American investigators to collaborate with Libyans in Benghazi, said Libyan Deputy Foreign Minister Mohammed Abdel Aziz following a meeting in Tripoli with Elizabeth Jones, the U.S. assistant secretary of state for Near Eastern affairs, Reuters reported.

“We are getting ready for the FBI team to go to Benghazi and meet with our team and start joint investigations together and also visit the site,” he said.

Jones talked to Libyans about ensuring “that we are collaborating, that we are being transparent, that we are sharing information,” State Department spokeswoman Victoria Nuland said on Tuesday.

Meanwhile, the U.S. mission remained deserted on Tuesday, with no guards posted at its front or rear entrances. Although its gates are now locked, the crime scene was unsecured for several days after the assault, allowing looters and others to cart away evidence.

A top prosecutor in Benghazi who is on a committee investigating the incidents said on Tuesday that only three suspects have been detained in Benghazi in connection with the attack.

“We are still collecting evidence,” said Salah Adam, the prosecutor. “You can’t arrest anybody unless you have evidence.” He said the investigation probably will take months.

In Washington, Issa and Chaffetz asked Clinton to detail any requests from the U.S. Embassy in Tripoli for more security for U.S. installations. Their letter asks her to say by Monday whether the State Department knew about the incidents and what it did to respond. Nuland said Clinton intends to fully cooperate with the request and with a hearing slated for Oct. 10.

Nuland would not say whether there had been requests for more security, citing the State Department's investigation.

"I think it's fair to say that we are still working through what we have in this building in terms of documentation, in terms of information about what we knew, who knew it, when they knew it, and that's part of the process that we have to go through," she said.

The State Department's five-member investigating team has not yet met, Nuland said. The department said nearly two weeks ago that the inquiry will be led by retired diplomat Thomas Pickering. Clinton told Issa on Tuesday that retired Adm. Mike Mullen, a former chairman of the Joint Chiefs of Staff, is also among the investigators.

Gearan reported from Washington.

Reuters - REFILE-U.S. had early indications Libya attack tied to organized militants

Reuters
Tuesday, October 02, 2012 8:13 PM EDT

(Changes "officials" to "report" in paragraph 15)

* White House emphasized role of anti-Muslim film

* Republican lawmakers question administration's use of intelligence

* Libya violence now an issue in presidential campaign

By Mark Hosenball and Tabassum Zakaria

WASHINGTON Oct 2 (Reuters) - Within hours of last month's attacks on U.S. diplomatic facilities in Benghazi, Libya, President Barack Obama's administration received about a dozen intelligence reports suggesting militants connected to al Qaeda were involved, three government sources said.

Despite these reports, in public statements and private meetings, top U.S. officials spent nearly two weeks highlighting intelligence suggesting that the attacks were spontaneous protests against an anti-Muslim film, while playing down the involvement of organized militant groups.

It was not until last Friday that Director of National Intelligence James Clapper's office issued an unusual public statement, which described how the picture that intelligence agencies presented to U.S.

policymakers had "evolved" into an acknowledgement that the attacks were "deliberate and organized" and "carried out by extremists."

The existence of the early reports appears to raise fresh questions about the Obama administration's public messaging about the attack as it seeks to fend off Republican charges that the White House failed to prevent a terrorist strike that left a U.S. ambassador and three others dead.

"What we're seeing now is the picture starting to develop that it wasn't a problem with the intelligence that was given, it's what they did with the intelligence that they were given," Representative Mike Rogers, chairman of the House of Representatives Intelligence Committee, said in an interview on Tuesday.

"This picture is still a little fuzzy but it is starting to come into focus and it appears that there were, very early on, some indications that there was jihadist participation in the event," he said.

The Obama administration has strongly defended its public accounts of what happened in Benghazi, and said its understanding has evolved as additional information came in.

"At every step of the way, the administration has based its public statements on the best assessments that were provided by the intelligence community. As the intelligence community learned more information, they updated Congress and the American people on it," said White House spokesman Jay Carney.

Some officials said U.S. spy agencies tried to avoid drawing premature conclusions about how the violence began and who organized it.

"Unless you have very good reports that strongly suggest who was behind the attack for sure, it is prudent to be careful, because placing emphasis publicly, even tentatively, on any one group or groups too soon can lead everyone down the wrong path," said one official, who spoke on condition of anonymity.

Republicans have sought to make the shifting stories told by administration officials about the attack, and inadequate security precautions at the U.S. diplomatic site in Libya, a major issue in the presidential campaign leading up to the Nov. 6 election.

Two House Republicans said they would hold Congress' first hearing on the matter on Oct. 10.

CIA TALKING POINTS

The stream of intelligence flowing into Washington within hours of the Benghazi attacks contained data from communications intercepts and U.S. informants, which were then fashioned into polished initial assessments for policymakers.

Officials familiar with them said they contained evidence that members of a militant faction, Ansar al-Sharia, as well as al Qaeda in the Islamic Maghreb, or AQIM, were involved in the assaults.

The report did not allege the attacks were a reaction to the anti-Muslim film, but acknowledged it was possible that the attackers sought to use an outbreak of violence in Cairo over the film, which insulted the Prophet Mohammad, as a pretext for attacks.

One official said initial reporting suggested militants had begun planning attacks on U.S. targets in Benghazi before Sept. 11, but may well have decided to use the protests as a pretext for moving forward that day.

Reuters reported on Sept. 12, citing U.S. government officials, that the attacks may have been planned and organized in advance, and that members of Ansar al-Sharia and AQIM may have been involved.

Yet on Sept. 15, administration officials, relying upon what they said was other information from intelligence agencies, circulated to members of Congress a set of talking points prepared by the CIA that purported to summarize what U.S. intelligence knew.

The talking points said: "The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the U.S. embassy in Cairo and evolved into a direct assault against the U.S. diplomatic post in Benghazi and subsequently its annex."

The document then noted that "There are indications that extremists participated in the violent demonstrations." It contained no further elaboration.

The talking points reflected information that White House officials and Congress were given in closed-door intelligence briefings in the days immediately after the attacks. In one such session, CIA director David Petraeus used lines which paralleled the talking points.

"It seems increasingly clear that the briefings provided to Congress and the public about the Benghazi attack were at best incomplete and at worst misleading," Senator Saxby Chambliss, the Republican vice chair of the Senate Intelligence Committee, told Reuters.

"Within hours of the attack, intelligence assessments highlighted the role of al Qaeda-affiliated terrorists, but the administration focused instead on a video that appears to have had little, if anything, to do with the violence in Benghazi," Chambliss said.

Susan Rice, the U.S. ambassador to the United Nations, also appeared to use information contained in the talking points on Sunday Sept. 16 when she made five appearances on TV talk shows.

On CBS' "Face the Nation," Rice said the Benghazi attacks were triggered by a "hateful video," which prompted a "spontaneous protest" that "spun from there into something more violent." Regarding militants, she said only that it was "clear that there were extremist elements that joined in and escalated the violence."

Congressman Peter King, a New York Republican, has urged Rice to resign over the issue, a call the State Department has rejected.

A ROLE FOR ANTI-MUSLIM FILM?

The Daily Beast website reported last week that in the hours after the attack, U.S. intelligence agencies monitored communications between members of Ansar al-Sharia and AQIM. Ansar al-Sharia operatives "bragged" about their attack on the U.S. diplomatic mission and acted as if they were "subordinate" to AQIM, it quoted a U.S. official as saying.

It now appears questionable that the anti-Muslim film, which sparked a violent protest against the U.S. Embassy in Cairo earlier on Sept. 11, played a significant role in the Benghazi attack. Some U.S. officials have not foreclosed that possibility.

But Rogers, the House Intelligence Committee chairman, said he had never seen intelligence reporting to support such an assertion.

"I haven't seen anything that shows that the intelligence community said on the day of, or the immediate day following, that this was a spontaneous event," he said.

(Additional reporting by Susan Cornwell. Editing by Warren Strobel and Christopher Wilson)

Reuters - U.S. officials sought more security before Libya attack – lawmakers

Reuters
Tuesday, October 2, 2012 7:32 PM EDT
By Susan Cornwell and Tabassum Zakaria

* Congressional hearing set for Oct. 10

* Clinton sends letter pledging cooperation

* Retired ambassador Pickering to head probe panel

* No details of security requests provided

(Adds Clinton letter, paragraphs 4, 8-12)

WASHINGTON, Oct 2 (Reuters) - U.S. officials in Washington denied repeated requests from Americans in Libya for more security at the U.S. mission in Benghazi before last month's attack that killed four Americans there, two Republican lawmakers said on Tuesday.

U.S. Representatives Darrell Issa and Jason Chaffetz wrote a letter to Secretary of State Hillary Clinton demanding details of the requests for more security - which they said were made amid numerous attacks on Westerners in Libya in recent months.

They said the House of Representatives Oversight and Government Reform Committee will hold an Oct. 10 hearing on the security situation leading up to the Benghazi attack on Sept. 11.

Clinton responded later on Tuesday with a letter to the lawmakers saying the State Department would collaborate with the committee.

Issa heads the panel and Chaffetz oversees its subcommittee on national security, homeland defense, and foreign operations.

"Multiple U.S. federal government officials have confirmed to the committee that, prior to the September 11 attack, the U.S. mission in Libya made repeated requests for increased security in Benghazi," Issa and Chaffetz wrote.

"The mission in Libya, however, was denied these resources by officials in Washington," the Republican lawmakers said. Their letter did not include details of the reported requests.

"I appreciate that you and your committee are deeply interested in finding out what happened leading up to and during the attacks in Benghazi, and are looking for ways to prevent it from happening again," Clinton said in her letter. "I share that commitment."

She did not address any of the lawmakers' claims in her response.

Clinton said the State Department had named an "accountability review board" to investigate the Benghazi attack, headed by retired U.S. diplomat Thomas Pickering.

She said the panel would share its findings with lawmakers and urged them to hold off on drawing conclusions until they had seen the State Department's report.

She said the board would start its work this week and other members would include Michael Mullen, former chairman of the U.S. Joint Chiefs of Staff.

Separately, four U.S. officials have told Reuters they were aware that in the months before the Benghazi attack, some U.S. personnel in Libya had sent complaints to the State Department expressing concern about security at U.S. diplomatic facilities in Benghazi, particularly the compound where Ambassador Christopher Stevens was killed.

Two of those officials said their understanding was that the department did not act on the complaints before the attack in Benghazi.

'DELIBERATE AND ORGANIZED'

Debate over whether the Obama administration was caught unprepared by an assault by militant groups has become U.S. election-year fodder.

Republicans have criticized initial statements by administration officials, including U.S. Ambassador to the United Nations Susan Rice, who suggested the attacks were precipitated by anger over an anti-Muslim online video.

Last Friday the top U.S. intelligence authority declared it believed this was a "deliberate and organized terrorist attack."

Stevens died of smoke inhalation when he was trapped alone inside the burning building in Benghazi, Libya's second city and the seat of last year's Feb. 17 revolt against Muammar Gaddafi.

Another diplomat, Sean Smith, also died at the compound. Two U.S. security personnel were killed later when another U.S. diplomatic compound to which some personnel retreated came under mortar attack.

Issa and Chaffetz said the violence was the "latest in a long line of attacks on Western diplomats and officials in Libya in the months leading up to" the assault.

Unarmed Libyan guards employed at the U.S. Benghazi mission were warned by their family members to quit their jobs in the weeks before the assault, "because there were rumors in the community of an impending attack," they said.

Back in April, two Libyans who had been fired from a contractor providing unarmed security for the Benghazi mission threw a small homemade bomb over the mission's fence, the letter said. No one was hurt and the suspects were arrested but not prosecuted.

Stevens had also faced threats in Tripoli, according to the letter.

It said he often took an early-morning run around the Libyan capital with his security detail, but that in June, "a posting on a pro-Gaddafi Facebook page trumpeted these runs and directed a threat against Ambassador Stevens along with a stock photo of him."

Stevens stopped the runs for about a week, but then resumed them, the letter added.

(Additional reporting by Arshad Mohammed; Editing by Warren Strobel and Xavier Briand)

IBN - House Wants Answers On Benghazi Threats Before Attack

International Business News
October 02 2012 4:43 PM
BY Laura Matthews

An investigation by a House committee into the deadly attacks in Benghazi, Libya, on Sept. 11, found 13 instances of alarming events in the months before the attack that killed four Americans, prompting diplomats to make repeated requests for heightened security.

Those incidents were outlined in a letter to Secretary of State Hillary Clinton [1] on Tuesday, with a request that the State Department reveal whether or not it was aware of these attacks and explain what steps were taken to beef up security.

The committee wants a response from Clinton by Oct. 8 and a hearing on the issue two days later.

The letter, written by Republican Reps. Darrell Issa of California, chairman of the House Oversight and Government Reform Committee, and Jason Chaffetz of Utah, stated that the earliest attack happened as early as April.

Many of the incidents explained in the letter are not directly related to the U.S. diplomatic presence in the eastern Libyan city, but one that was especially cause for concern took place in June, when Ambassador Chris Stevens -- who later died in the Sept. 11 attack -- was forced to stop his morning run for about a week after a post on a pro-Moammar Gadhafi Facebook page broadcast the location of the run and made a threat against him, according to the letter.

“Put together, these events indicate a clear pattern of security threats that could only be reasonably interpreted to justify increased security for U.S. personnel and facilities in Benghazi,” the letter read.

The lawmakers didn’t reveal who their sources for the investigation were, but said they are people who have direct knowledge of the events.

“Based on information provided to the committee by individuals with direct knowledge of events in Libya, the attack that claimed the Ambassador’s life was the latest in a long line of attacks on Western diplomats and officials in Libya in the months leading up to September 11, 2012,” the letter read, adding that repeated requests were made for more security but were denied. The attack “was clearly never, as administration officials once insisted, the result of a popular protest.”

However, Clinton has said on multiple occasions that the Libya attack was an act of terrorism. She also said that al Qaeda affiliates may have been involved. An investigation into the attacks, by the Obama administration, is still under way.

Meanwhile, Libya and the United States have yet to agree how to cooperate in a probe of the Benghazi attack, a senior Libyan official told Reuters Tuesday.

So far, FBI agents have conducted interviews in Tripoli but have yet to go to Benghazi.

Deputy Foreign Minister Mohammed Abdel Aziz said the prosecutor general had given only verbal approval for a joint investigation.

"We are getting ready for the FBI team to go to Benghazi and meet with our team and start joint investigations together and also visit the site," he said.

"The FBI team is now in Tripoli. There are others who will come maybe soon to join the team ... Hopefully in the coming days we will reach an agreement as to how the (U.S.) team will work with the Libyan team ... We are now in the context of (awaiting) written permission."

Abdel Aziz spoke after meeting U.S. Assistant Secretary of State for Near Eastern Affairs Elizabeth Jones in Tripoli. "It is the right of the United States to be involved, exchange information and investigate what happened in Benghazi," he said.

State Department spokeswoman Victoria Nuland sidestepped the question of whether an agreement had been reached with Libya, but said: "We have a commitment from the Libyan government to work together. There has been cooperation at the political level. There has to now be cooperation at the investigative level."

While on his diplomatic mission, Stevens -- an Arabic speaker with long experience in the Muslim world -- was reportedly worried about the security threats in Benghazi, the rising Islamic extremism in the region, and being on al Qaeda's hit list, according to CNN.

WT - Pentagon eyed Al Qaeda early as attacker on U.S. Consulate

The Washington Times
Tuesday, October 2, 2012 8:24 PM EDT
By Rowan Scarborough

The day after the terrorist attack on the U.S. Consulate in Benghazi, Libya, military intelligence was spreading the word inside the Pentagon that an al Qaeda-linked group was likely responsible.

A source familiar with intelligence reporting told The Washington Times that the Libyan militant group Ansar al-Sharia was singled out as the likely principal planner and executor of the attack that killed U.S. Ambassador J. Christopher Stevens and three other Americans on Sept. 11.

U.S. Special Operations Command quickly dispatched its troops to the region, but not into Libya directly, to stand by in case Ansar al-Sharia launched more attacks on Americans or took hostages.

The early assessment that Ansar al-Sharia likely carried out the attack is at odds with the Obama administration's repeated claims in the days after the bloodshed that the raid was a spontaneous protest against a video clip of a U.S.-produced movie that disparages Islam's Prophet Muhammad.

Five days after the attack, U.S. Ambassador to the United Nations Susan Rice said on CBS' "Face the Nation," "We do not have information at present that leads us to conclude that this was premeditated or preplanned."

The source said some people in military intelligence thought otherwise: that Ansar al-Sharia was involved, that al Qaeda leaders were calling for attacks on the West and that the assault occurred on the anniversary of the Sept. 11, 2001, terrorist attacks added up to a well-armed, planned operation. The attackers unleashed rocket-propelled grenades and mortars.

The source asked not to be named or quoted directly.

A spokesman for the Pentagon's Defense Intelligence Agency referred questions to the Office of the Director of National Intelligence, which did not return calls.

The revelation was made as two House Republican leaders called for an investigation into the Benghazi attack, citing information that the State Department had refused several requests from diplomats in Libya for more security in Benghazi before the fatal assault.

Reps. Darrell E. Issa, California Republican and chairman of the House Oversight and Government Reform Committee, and Jason Chaffetz, Utah Republican and chairman of the national security subcommittee, said in a letter Tuesday to Secretary of State Hillary Rodham Clinton: "Multiple U.S. federal government officials have confirmed that, prior to the Sept. 11 attack, the U.S. mission in Libya

made repeated requests for increased security in Benghazi. The mission in Libya, however, was denied these resources by officials in Washington."

The Issa-Chaffetz letter lists 13 security-related incidents in Benghazi, several of which were previously unreported, during the six months before the attack. The congressmen said they would hold a hearing Oct. 10.

The administration's version of events in Benghazi has shifted significantly, it says, because it gained more information in the days after the assault on the consulate.

Director of National Intelligence James Clapper issued a statement Friday explaining why the accounts changed.

"In the immediate aftermath, there was information that led us to assess that the attack began spontaneously following protests earlier that day at our embassy in Cairo," he said. "As we learned more about the attack, we revised our initial assessment to reflect new information indicating that it was a deliberate and organized terrorist attack carried out by extremists.

"It remains unclear if any group or person exercised overall command and control of the attack, and if extremist group leaders directed their members to participate," Mr. Clapper said. "However, we do assess that some of those involved were linked to groups affiliated with, or sympathetic to al Qaeda."

Last week, before Mr. Clapper released his statement, Army Gen. Martin E. Dempsey, chairman of the Joint Chiefs of Staff, said he knew of no warning from the Defense Intelligence Agency that an attack was being planned.

"There was a thread of intelligence reporting that groups in the environment in eastern Libya were seeking to coalesce, but there wasn't anything specific and certainly not a specific threat to the consulate that I'm aware of," Gen. Dempsey told reporters.

Added Defense Secretary Leon E. Panetta: "A group of terrorists obviously conducted that attack on the consulate and against our individuals. What terrorists were involved, I think, still remains to be determined by the investigation. But it clearly was a group of terrorists who conducted that attack against that facility."

In the days after the attack, several news outlets mentioned the possible involvement of the jihadist group Ansar al-Sharia, which said it did not take part in the assault. Its leader, Mohammad Ali al-Zahawi, said in a rare interview with the BBC said that his group is not affiliated with al Qaeda but approves of its methods.

Meanwhile, The Washington Post reported Monday that the White House has held secret meetings in recent months to examine the threat posed by al-Qaeda's franchise in North Africa and to consider for the first time whether to prepare for unilateral strikes.

Citing U.S. officials, The Post said the meetings occurred in the months before the Benghazi attack and reflect concern that al Qaeda in the Islamic Maghreb has become more dangerous since seizing territory in Mali and acquiring weapons from post-revolution Libya.

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Read more: Pentagon eyed Al Qaeda early as attacker on U.S. Consulate - Washington Times
http://www.washingtontimes.com/news/2012/oct/2/pentagon-eyed-al-qaeda-early-as-libyan-attacker-on/print/#ixzz28C12DPnY
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CNN - U.S. gathers information about possible targets in Libya

CNN
October 2nd, 2012 07:07 PM EDT
By Barbara Starr

U.S. intelligence and the Pentagon have begun assembling preliminary information about potential targets and militant personnel in Libya that could be struck if President Barack Obama ordered such action.

A senior U.S. official, who declined to be identified because of the sensitive nature of the information, confirmed details to CNN, noting the United States would likely seek cooperation from Libya before launching any military strike.

Some of the details were first reported by the New York Times.

The stepped up effort is in response to the September 11 attack on the U.S. consulate in Benghazi that killed Ambassador Christopher Stevens and three other Americans.

U.S. intelligence has said it believes the attack was "a deliberate and organized terrorist assault carried out by extremists" affiliated or sympathetic with al Qaeda.

CNN reported previously that U.S. drones have been collecting intelligence in eastern Libya for weeks, and that American intelligence agencies are eavesdropping and intercepting suspected insurgent communications.

The official offered repeated caution about the effort. While he acknowledged that "options are being teed up," he said "don't think that a final list of who was involved is solid."

He said any early list of targets or personnel is part of standard target planning and is "highly pre-decisional," noting that the president would have to decide whether to launch a strike.

The official repeatedly noted the standard job of the intelligence community and the military is to prepare options for the president if he asks for them, which he has not.

The current effort involves assembling so-called "target packages." A target package includes the intelligence matched to a specific site earmarked for a potential strike.

It also includes intelligence justifying a potential strike against any enemy personnel being targeted and a specific calculation on how civilian casualties would be avoided.

The Hill - Issa to probe Libya attack in hearing

The Hill
By Julian Pecquet - 10/02/12 08:35 PM ET

Congressional Republicans' top inquisitor, Rep. Darrell Issa (R-Calif.), on Tuesday jumped into the bitter fight over last month's attack in Benghazi, calling for a hearing on allegations of lax security at the U.S. Consulate there.

In a letter to Secretary of State Hillary Clinton, Reps. Issa and Jason Chaffetz (R-Utah) asked that she address whistleblower reports of previously undisclosed threats and attacks against the consulate and Ambassador Christopher Stevens, who was killed along with three other Americans on Sept. 11.

The letter requests that she answer questions about security at the consulate and puts her on notice that Issa's powerful Oversight panel is planning a hearing on the security situation for next Wednesday.

"Based on information provided to the committee by individuals with direct knowledge of events in Libya, the attack that claimed the ambassador's life was the latest in a long line of attacks on Western diplomats and officials in Libya in the months leading up to Sept. 11, 2012," Issa and Chaffetz wrote. "It was clearly never, as administration officials once insisted, the result of a popular protest."

The lawmakers said the consulate asked for more security to deal with the growing threat but was turned down by the administration.

"In addition, multiple U.S. federal government officials have confirmed to the committee that, prior to the Sept. 11 attack, the U.S. mission in Libya made repeated requests for increased security in Benghazi. The mission in Libya, however, was denied these resources by officials in Washington," the lawmakers said.

The State Department sought to defuse the situation Tuesday by vowing to "cooperate fully" with Issa's probe.

The White House declined to get involved, with spokesman Jay Carney telling reporters traveling with the president in Nevada that he was "not going to get into a situation under review by the State Department and the FBI."

Clinton, in her response to the lawmakers, "will make absolutely clear the desire of this department, her personal desire to cooperate closely with the committee and with all members of Congress, both in their document requests, in their requests for witnesses for their hearing, because we share the same goal: We want to get to the bottom of precisely what happened and learn any lessons that we need to learn from it," said spokeswoman Victoria Nuland.

“We’re taking this very, very seriously,” she said.

Issa’s involvement all but guarantees further headaches for the Obama administration, which is already reeling from attacks by Senate Republicans after it backpedaled on its original public assessment of the assault. After initially claiming the attack was a spontaneous response to an American-made anti-Islam video, the administration finally called it a “deliberate and organized terrorist attack” on Friday.

Issa’s Committee on Oversight and Government Reform is one of the most powerful in Congress, being the lone House panel with the power to investigate any issues it wants and to compel depositions by subpoena. The chairman has used his perch to file suit against Attorney General Eric Holder over the botched Fast and Furious “gun-walking” operation and to accuse the administration of hiding the true cost of its healthcare reform law.

Mitt Romney, who is expected to deliver a foreign-policy address in the coming weeks, has also sought to capitalize on the events in Libya and elsewhere in the Middle East to chip away at Obama’s lead on national security. A Bloomberg News poll conducted after the Benghazi attack found that Romney had overtaken Obama on “being tough on terrorism,” 48-42 percent.

Prior to this week, Clinton had successfully short-circuited the Republican-controlled House soon after the Benghazi attack by refusing the House Foreign Affairs Committee’s request for a classified briefing and opting instead to address the entire Congress. That appearance didn’t satisfy the Republican chairmen of committees with jurisdiction over national security, who banded together last week in a letter to President Obama requesting a briefing to address “the intelligence leading up to the attack, the security posture of our embassy, the role former Guantánamo Bay detainees may have played, as well as the way forward in Libya and, indeed, the region.”

The letter from Issa and Chaffetz for the first time reveals an April 6 attack against the consulate in which two former security guards threw homemade improvised explosives over the building’s fence. It also says militants made no secret of their intention to target Americans in Libya.

These include a warning on Facebook that a May 22 rocket-propelled grenade attack against the Red Cross offices in Benghazi would be followed by a “message for the Americans disturbing the skies over Derna” and a separate threat the following month against Stevens based on his morning run routine in the streets of Tripoli, complete with a stock photo of the late ambassador.

Stevens resumed his exercise routine a week later, the letter says, prompting questions about whether the State Department allowed him too much leeway because of his familiarity with the country and his desire to be seen as accessible. Nuland said Tuesday the security protocols were the State Department›s responsibility.

“Ambassadors don’t call the local security posture,” Nuland said. “It’s worked out with Washington, with the post. It’s not something you can do yourself.”

CBS/AP - GOP says White House ignored Libya warnings

CBS/AP/
October 2, 2012, 9:24 PM

WASHINGTON Despite two explosions and dozens of other security threats, U.S. officials in Washington turned down repeated pleas from American diplomats in Libya to increase security at the U.S. Consulate in Benghazi where the U.S. ambassador was killed, Republican leaders of a House committee said Tuesday.

In a letter to Secretary of State Hillary Rodham Clinton, Chairman Darrell Issa and Rep. Jason Chaffetz of the Oversight and Government Reform Committee said their information came from "individuals with direct knowledge of events in Libya."

Issa, R-Calif., and Chaffetz, R-Utah, said the attack three weeks ago in Benghazi that killed Ambassador Chris Stevens and three other Americans was the latest in a long line of attacks on Western diplomats and officials in Libya in the months before the 11th anniversary of the Sept. 11 terror attacks on the U.S.

There was allegedly even a direct threat on Facebook, the Daily Beast reports. In June, militants associated with the late dictator Muammar Qaddafi allegedly posted a threat referencing Amassador Stevens' jogging route, even posting a picture of him.

Intense questioning over the White House's handling of the situation in Libya has gained a lot of traction in Republican circles recently, perhaps as a late election-season broadside.

On Sunday on "Face the Nation", former House Speaker Newt Gingrich suggested the ambassador was without security on 9/11, and that was a terrible mistake. (There was a small security detail in Benghazi during the attack. It was overrun.)

Sen. John McCain, R-Ariz., the top Republican on the Senate Armed Services Committee, said recently the handling of the situation was "unbelievable." GOP vice presidential nominee Paul Ryan called the incident "part of a bigger story of the unraveling of (the Obama administration's) agenda all over the world."

In the most recent push back against the Obama administration's actions in Libya, the House committee's letter listed 13 incidents in all that should have given the White House concern, but Chaffetz said in an interview there were more than 50. Two of them involved explosive devices: a June 6 blast that blew a hole in the security perimeter. The explosion was described to the committee as "big enough for 40 men to go through"; and an April 6 incident where two Libyans who were fired by a security contactor threw a small explosive device over the consulate fence.

"A number of people felt helpless in pushing back" against the decision not to increase security and "were pleading with them to reconsider," Chaffetz said. He added that frustrated whistle-blowers were so upset with the decision that they were anxious to speak with the committee.

White House widens covert war in North Africa
Paul Ryan attacks Obama over Libya: "Not just an isolated incident"
Hundreds of Libyans hand over their weapons

The lawmakers said they plan a hearing on Oct. 10. They asked Clinton whether the State Department was aware of the previous incidents, and whether the level of security that was provided to the U.S. mission met the security threat, and how the department responded to requests for more protection.

The State Department has declined to answer questions about whether extra security was sought by officials in Benghazi ahead of the attack.

Clinton responded in a letter to Issa on Tuesday that she has established an accountability review board that will determine "whether our security systems and procedures in Benghazi were adequate, whether those systems and procedures were properly implemented, and any lessons learned that may be relevant to our work around the world."

She asked the committee to withhold any final conclusions about the Benghazi attack until the committee can review the findings of the board. The panel is led by retired State Department official Thomas Pickering and includes retired Adm. Mike Mullen, former chairman of the Joint Chiefs of Staff.

Clinton also pledged to address the specific questions raised in the committee's letter in addition to document requests.

Referring to the Benghazi attack, the letter said, "It was clearly never, as administration officials once insisted, the result of a popular protest."

In the days immediately after the attack, the Obama administration said it believed it was a spontaneous reaction to an anti-Islamic video circulating on the Internet. Since then, Defense Secretary Leon Panetta and White House press secretary Jay Carney have called the incident a terrorist attack. President Barack Obama has not used those precise words, though he has referred to the attack in the context of "acts of terror."

U.S. and Libyan investigators still aren't working together three weeks after the attack. State Department spokeswoman Victoria Nuland said Tuesday the U.S. wants maximum transparency, collaboration and cooperation. She said the U.S. and Libya were partnering well politically, but there now has to be cooperation at the investigative level.

Clinton discussed security on Sept. 18, when asked whether measures were appropriate.

"Let me assure you that our security in Benghazi included a unit of host government security forces, as well as a local guard force of the kind that we rely on in many places around the world," she said.

"In addition to the security outside the compound, we relied on a wall and a robust security presence inside the compound," she said. "And with all of our missions overseas, in advance of Sept. 11, as is done every year, we did an evaluation on threat streams."

Clinton also said the Office of the Director of National Intelligence "has said we had no actionable intelligence that an attack on our post in Benghazi was planned or imminent."

She added that diplomats "engage in dangerous work, and it's the nature of diplomacy in fragile societies and conflict zones to be aware of the necessity for security but to also continue the important diplomatic work that has to go on.

"There is risk inherent in what we do and what these brave men and women representing the United States are up against every single day," Clinton said, "and we do our very best to limit that risk by

ensuring that our security protocols reflect the environments in which diplomats work and the threats that they are presented with."

Chaffetz said in an interview that if the Benghazi security was typical of the protection in other dangerous places, "that's frightening." He said Benghazi is "one of the most awful and volatile areas on the planet. A reduction in the security profile doesn't seem consistent with the threat that was on the ground. That's why we have whistleblowers anxious to speak with us."

Among the incidents cited in the Issa-Chaffetz letter to Clinton:

Just weeks before the attacks, the unarmed Libyan guards at the consulate, employed by British contractor Blue Mountain Group, were warned by family members to quit their jobs because there were rumors of an impending attack.
In April, a gun battle erupted about two miles from the consulate between an unidentified armed group and forces loyal to the transitional government.
In June, a posting on a Facebook page mentioned Stevens' early morning runs around Tripoli along with members of his security detail. The page contained a threat against Stevens and a stock photo of him. Stevens stopped the runs for about a week, but then resumed.

LAT - U.S. gathering data on suspects in consulate attack in Libya

Los Angeles Times
Tuesday, 10:01 PM EDT, October 2, 2012
By David S. Cloud and Ken Dilanian,

Intelligence agencies are assembling dossiers in what officials describe as a first step toward bringing the killers of four Americans in Libya to justice.

WASHINGTON — The Pentagon, CIA and other U.S. intelligence agencies are assembling dossiers on suspects in the assault on the U.S. Consulate in eastern Libya that killed the U.S. ambassador and three other Americans, a first step toward fulfilling President Obama's vow to bring the killers to justice, U.S. officials said.

The Pentagon's Joint Special Operations Command and intelligence agencies "are starting to look at people who might have been involved and starting to tee up options," a U.S. official said.

The so-called target packages summarize the intelligence that links individuals to the Sept. 11 armed attack on the U.S. diplomatic mission and annex in Benghazi, two Defense officials said.

Although the United States is flying surveillance drones over eastern Libya, no decision has been made to launch drone missile strikes or take other military action against any of the individuals, said the officials, who would not be quoted by name speaking about sensitive intelligence matters.

"We don't have the full picture yet on precisely who was involved, and so a complete nominating list [of targets] is not possible to put together," the U.S. official said.

It remains unclear how much direct control Al Qaeda's local affiliate in Libya had in the attack, the official said.

Libya's fledgling government is opposed to a U.S. airstrike or military raid, complicating any White House decision, the official said.

The Obama administration could decide to share intelligence with the government in Tripoli and help it take action against those responsible for the attacks. Experts say Libyan security forces could not fulfill that role without U.S. assistance.

"There could be a decision at some point to share" intelligence, the official said.

A U.S. special operations raid, like the Navy SEAL assault that killed Osama bin Laden in Pakistan in May 2011, is highly unlikely before the Nov. 6 election, officials said.

Target packages include details of a suspect's location, movements, family and associates. In the counter-terrorism context, target packages are typically put together with help from the CIA, and they generally are used to kill or capture a suspect, officials said.

Rick "Ozzie" Nelson, a former Special Operations planner, said U.S. agencies have been focused on Libya since the armed uprising that overthrew and killed Moammar Kadafi last year.

"Now the hard part is, you may have a list of 50 potential bad guys," said Nelson, who directs the homeland security and counter-terrorism program at the Center for Strategic and International Studies, a nonpartisan think tank in Washington. "Who of the 50 do I really think is behind this, and then, what do I want to do about them?"

Any use of U.S. military force in Libya could cause a strong anti-U.S. backlash, said Barak Barfi, a research fellow at the liberal New America Foundation who spent six months in Libya last year.

"They really like us now in Libya," he said, citing the pro-American crowds that overran the headquarters of Ansar al Sharia, a militia whose members are believed to have been involved in the Benghazi attacks.

"If the U.S. can do something secretly, that's one thing," Barfi said. "But if you put U.S. troops on the ground or start engaging in drone strikes, it will create a popular backlash that will erode all the goodwill created in the last six months."

The attack killed U.S. Ambassador J. Christopher Stevens, an embassy information specialist and two former Navy SEALs. An FBI team sent to investigate the attacks has yet to reach Benghazi because U.S. and Libyan officials believe the city is too dangerous for them to operate.

The planning comes as the Obama administration finds itself under increasing criticism from Republicans for its handling of the Libya attack and its aftermath.

Rep. Darrell Issa (R-Vista), who chairs the House Committee on Oversight and Government Reform, sent Secretary of State Hillary Rodham Clinton a letter Tuesday detailing what he said were security incidents that preceded the attack, asking whether the State Department had been aware of them, whether requests had been made by for additional protection and what steps were taken.

In a reply, Clinton promised to answer the questions "as expeditiously as possible."

After first suggesting that the attack followed a spontaneous protest of an anti-Islamic video, U.S. officials now say it was a terrorist attack carried out by local extremists who were in touch with members of Al Qaeda.

NYT - Complicity in Duplicity?

New York Times
Published: Tuesday, October 2, 2012 10:26 PM EDT
By MAUREEN DOWD

A woman named Rice in a top administration job, ambitious to move up to secretary of state, hitting the Sunday talk shows to aggressively promote a Middle East narrative that's good for the president but destined to crumble under scrutiny.

Accusations that intelligence on Al Qaeda links in the Middle East was cherry-picked by American officials to create a convenient reality.

A national security apparatus that becomes enmeshed with the political image-making machine.

Sound familiar?

Last time it was Condoleezza Rice helping her war-obsessed bosses spin their deceptive web, as they recklessly tried to re-engineer the Middle East. This time it was Susan Rice offering a noncredible yarn as the Obama team desperately tries to figure out the Middle East.

W.'s administration played up Al Qaeda ties, exploiting 9/11 to invade Iraq, which the neocons had wanted to do all along. The Obama administration sidestepped Al Qaeda ties in the case of the Libyan attack to perpetuate the narrative that the president had decimated Al Qaeda when Osama bin Laden was killed, and to preclude allegations that they were asleep at the switch on the anniversary of 9/11. Better to blame it all on a spontaneous protest to an anti-Islam video on YouTube.

It's remarkable that President Obama, who came to power abhorring the manipulative and duplicitous tactics of the Bush crowd, should now be vulnerable to similar charges.

You know you're in trouble when Donald Rumsfeld is the voice of reason. "The idea of sending a United Nations ambassador for the United States out to market and peddle and spin a story that has, within a matter of hours, demonstrated to be not accurate, I think is inexcusable," the former defense secretary told Fox News on Tuesday. "I can't imagine."

His imagination fails him even though he, his pal Dick Cheney and his ward W. sent then-Secretary of State Colin Powell to the U.N. to market a story that fell apart one invasion later. Rumsfeld said that if the Obama administration's critics are right, that perhaps officials were "bureaucratic and unwilling to respond promptly to a threat report." Like when W. was unwilling to respond promptly to that threat report screaming "Bin Laden Determined to Strike in U.S."?

There was something off-kilter about the tragic saga of Christopher Stevens from the beginning. Even for a highly regarded ambassador with a dash of Lawrence of Arabia's empathy and mistaken sense of invulnerability, Stevens was obviously too lightly guarded in a region roiling with threats and hatred; he was in a susceptible complex without enough armed security and basic emergency equipment. Even afterward, the place was so unprotected that a CNN staffer could walk in and pick up Stevens's private diary, which reflected the ambassador's fear about never-ending attacks and being on an Al Qaeda hit list.

There were, after all, Al Qaeda sympathizers among the rebels who overthrew Muammar el-Qaddafi with American help.

House Republicans will hold a hearing next week and have asked Secretary of State Hillary Clinton to explain why the consulate was not better defended given, as Representative Darrell Issa noted in a letter, the "long line of attacks on Western diplomats and officials in Libya in the months leading up to September 11, 2012."

Susan Rice's tumble is part of a disturbing pattern of rushing to pump up the president on national security, which seems particularly stupid because it's so unnecessary.

Last year, the White House had to backtrack from the overwrought initial contentions of John Brennan, a deputy national security adviser, who said Bin Laden died after resisting in a firefight and that he was "hiding behind women who were put in front of him as a shield."

Now that one of the members of the Navy SEAL team, Matt Bissonette, has written a book, there are contradictory accounts, one by a Democratic White House dying to sound tough, and one by an eyewitness. Bissonette wrote that the lead commando shot an unarmed Bin Laden in the head when he peered out of his bedroom door and they shot his convulsing body again inside the bedroom. In the administration's version, the shot in the stairwell missed.

Just so, in an overzealous effort to burnish a president who did not need burnishing — especially against foreign policy bumbler Mitt Romney and foreign policy novice Paul Ryan — they have gotten tangled in contradictory accounts about Benghazi. The administration had benefited from the impression that it had diminished Al Qaeda, even though the public no doubt appreciates that it was never going to be so simple. But, as Romney learned when he prematurely rushed to the microphone to take advantage of the crisis and mangled his facts, there is a cost to letting the political spin cycle dictate how you discuss national security.

The U.S. military is preparing to retaliate for the Libyan attack. But, even if Stevens is avenged, will the president get the credit he deserves if his acolytes have left the impression that they're willing to rewrite the story for political advantage?

Reuters - U.S. Had Early Indications Libya Attack Tied to Organized Militants

By REUTERS
Tuesday, October 2, 2012
By Mark Hosenball and Tabassum Zakaria

WASHINGTON (Reuters) - Within hours of last month's attacks on U.S. diplomatic facilities in Benghazi, Libya, President Barack Obama's administration received about a dozen intelligence reports suggesting militants connected to al Qaeda were involved, three government sources said.

Despite these reports, in public statements and private meetings, top U.S. officials spent nearly two weeks highlighting intelligence suggesting that the attacks were spontaneous protests against an anti-Muslim film, while playing down the involvement of organized militant groups.

It was not until last Friday that Director of National Intelligence James Clapper's office issued an unusual public statement, which described how the picture that intelligence agencies presented to U.S. policymakers had "evolved" into an acknowledgement that the attacks were "deliberate and organized" and "carried out by extremists."

The existence of the early reports appears to raise fresh questions about the Obama administration's public messaging about the attack as it seeks to fend off Republican charges that the White House failed to prevent a terrorist strike that left a U.S. ambassador and three others dead.

"What we're seeing now is the picture starting to develop that it wasn't a problem with the intelligence that was given, it's what they did with the intelligence that they were given," Representative Mike Rogers, chairman of the House of Representatives Intelligence Committee, said in an interview on Tuesday.

"This picture is still a little fuzzy but it is starting to come into focus and it appears that there were, very early on, some indications that there was jihadist participation in the event," he said.

The Obama administration has strongly defended its public accounts of what happened in Benghazi, and said its understanding has evolved as additional information came in.

"At every step of the way, the administration has based its public statements on the best assessments that were provided by the intelligence community. As the intelligence community learned more information, they updated Congress and the American people on it," said White House spokesman Jay Carney.

Some officials said U.S. spy agencies tried to avoid drawing premature conclusions about how the violence began and who organized it.

"Unless you have very good reports that strongly suggest who was behind the attack for sure, it is prudent to be careful, because placing emphasis publicly, even tentatively, on any one group or groups too soon can lead everyone down the wrong path," said one official, who spoke on condition of anonymity.

Republicans have sought to make the shifting stories told by administration officials about the attack, and inadequate security precautions at the U.S. diplomatic site in Libya, a major issue in the presidential campaign leading up to the November 6 election.

Two House Republicans said they would hold Congress' first hearing on the matter on October 10.

CIA TALKING POINTS

The stream of intelligence flowing into Washington within hours of the Benghazi attacks contained data from communications intercepts and U.S. informants, which were then fashioned into polished initial assessments for policymakers.

Officials familiar with them said they contained evidence that members of a militant faction, Ansar al-Sharia, as well as al Qaeda in the Islamic Maghreb, or AQIM, were involved in the assaults.

The report did not allege the attacks were a reaction to the anti-Muslim film, but acknowledged it was possible that the attackers sought to use an outbreak of violence in Cairo over the film, which insulted the Prophet Mohammad, as a pretext for attacks.

One official said initial reporting suggested militants had begun planning attacks on U.S. targets in Benghazi before September 11, but may well have decided to use the protests as a pretext for moving forward that day.

Reuters reported on September 12, citing U.S. government officials, that the attacks may have been planned and organized in advance, and that members of Ansar al-Sharia and AQIM may have been involved.

Yet on September 15, administration officials, relying upon what they said was other information from intelligence agencies, circulated to members of Congress a set of talking points prepared by the CIA that purported to summarize what U.S. intelligence knew.

The talking points said: "The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the U.S. embassy in Cairo and evolved into a direct assault against the U.S. diplomatic post in Benghazi and subsequently its annex."

The document then noted that "There are indications that extremists participated in the violent demonstrations." It contained no further elaboration.

The talking points reflected information that White House officials and Congress were given in closed-door intelligence briefings in the days immediately after the attacks. In one such session, CIA director David Petraeus used lines which paralleled the talking points.

"It seems increasingly clear that the briefings provided to Congress and the public about the Benghazi attack were at best incomplete and at worst misleading," Senator Saxby Chambliss, the Republican vice chair of the Senate Intelligence Committee, told Reuters.

"Within hours of the attack, intelligence assessments highlighted the role of al Qaeda-affiliated terrorists, but the administration focused instead on a video that appears to have had little, if anything, to do with the violence in Benghazi," Chambliss said.

Susan Rice, the U.S. ambassador to the United Nations, also appeared to use information contained in the talking points on Sunday September 16 when she made five appearances on TV talk shows.

On CBS' "Face the Nation," Rice said the Benghazi attacks were triggered by a "hateful video," which prompted a "spontaneous protest" that "spun from there into something more violent." Regarding militants, she said only that it was "clear that there were extremist elements that joined in and escalated the violence."

Congressman Peter King, a New York Republican, has urged Rice to resign over the issue, a call the State Department has rejected.

A ROLE FOR ANTI-MUSLIM FILM?

The Daily Beast website reported last week that in the hours after the attack, U.S. intelligence agencies monitored communications between members of Ansar al-Sharia and AQIM. Ansar al-Sharia operatives "bragged" about their attack on the U.S. diplomatic mission and acted as if they were "subordinate" to AQIM, it quoted a U.S. official as saying.

It now appears questionable that the anti-Muslim film, which sparked a violent protest against the U.S. Embassy in Cairo earlier on September 11, played a significant role in the Benghazi attack. Some U.S. officials have not foreclosed that possibility.

But Rogers, the House Intelligence Committee chairman, said he had never seen intelligence reporting to support such an assertion.

"I haven't seen anything that shows that the intelligence community said on the day of, or the immediate day following, that this was a spontaneous event," he said.

(Additional reporting by Susan Cornwell. Editing by Warren Strobel and Christopher Wilson)

October 2, 2012

NYT - Inquiry Cites Flaws in Counterterrorism Offices

Tuesday, October 2, 2012
By JAMES RISEN

¶ WASHINGTON — One of the nation's biggest domestic counterterrorism programs has failed to provide virtually any useful intelligence, according to Congressional investigators.

¶ Their scathing report, to be released Wednesday, looked at problems in regional intelligence-gathering offices known as "fusion centers" that are financed by the Department of Homeland Security and created jointly with state and local law enforcement agencies.

¶ The report found that the centers "forwarded intelligence of uneven quality — oftentimes shoddy, rarely timely, sometimes endangering citizens' civil liberties and Privacy Act protections, occasionally taken from already published public sources, and more often than not unrelated to terrorism."

¶ The investigators reviewed 610 reports produced by the centers over 13 months in 2009 and 2010. Of these, the report said, 188 were never published for use within the Homeland Security Department or other intelligence agencies. Hundreds of draft reports sat for months, awaiting review by homeland security officials, making much of their information obsolete. And some of the reports appeared to be based on previously published information or facts that had on long since been reported through the Federal Bureau of Investigation.

¶ The Congressional investigators also found that the reports were often derided by homeland security analysts who reviewed the work. "I see nothing to be gained by releasing this report," one analyst wrote repeatedly on several draft reports.

¶ "This report does not provide the who, what, when, where, how," another official complained about a document.

¶ The investigators also discovered that federal officials cannot account for as much as $1.4 billion in taxpayer money earmarked for fusion centers and that some of the centers listed on paper by the Homeland Security Department do not even exist.

¶ The report also lays out problems in protecting citizens' privacy as the centers gathered and disseminated intelligence.

¶ The Department of Homeland Security provided only one week of training to officials assigned to sift through tips and uncorroborated information about American citizens that came into their offices.

¶ In a 2009 e-mail discovered by the Senate investigators, one department official warned that the fusion centers were collecting information on Americans "without proper vetting," and were "improperly reporting this information through homeland information reporting channels."

¶ More broadly, the flaws uncovered by the Senate's Permanent Subcommittee on Investigations raise questions about the role of the Department of Homeland Security in the nation's fight against terrorism, and whether the department can ever live up to its original purpose of "connecting the dots" to prevent another surprise like the Sept. 11 attacks.

¶ The report on the dysfunctional nature of the fusion centers makes clear that in the decade since the department was created, Homeland Security has not carved out a clear counterterror mission that does not overlap with those of other agencies.

¶ Top officials of the Homeland Security Department have known about the problems for years, but hid an internal department report on the program's flaws from Congress while continuing to tell lawmakers and the public that the fusion centers were highly valuable and that they formed the centerpiece of Homeland Security's counter-terrorism efforts. A 2010 internal assessment by the department discovered, for instance, that four of its claimed 72 fusion centers did not exist, even as department officials kept using the 72 figure publicly with Congress.

¶ Homeland Security officials disputed the findings of the Senate investigators. Matthew Chandler, a department spokesman, said the Senate report "is out of date, inaccurate and misleading." He said the investigators "refused to review relevant data, including important intelligence information pertinent to their findings."

¶ When it was created, the Department of Homeland Security was supposed to function as a central clearinghouse for terrorism-related intelligence, to solve what was supposed to be one of the big problems identified in the government's failure to prevent 9/11 — a lack of intelligence sharing between the F.B.I., the Central Intelligence Agency and other agencies.

¶ But almost immediately, the George W. Bush administration created other organizations to do much the same thing. Today, the central clearinghouse is the National Counterterrorism Center, part of the Office of the Director of National Intelligence.

¶ Department officials soon began angling to find something else to do. They hit on the idea of taking charge of intelligence sharing between the federal government and state and local law enforcement agencies, and by 2006, fusion centers were being set up across the country.

¶ However, state and local law enforcement agencies already were working with the F.B.I. in regional counterterror units called Joint Terrorism Task Forces, which were responsible for handling terrorism-related criminal cases. The fusion centers quickly became a black hole for taxpayer money, the Senate investigators found. The fusion centers were run by state and local officials, but were funded through grants to states from the Federal Emergency Management Agency with little oversight. That made it easy for state and local officials to divert the federal money earmarked for the centers to other things, including sport utility vehicles and dozens of flat-screen televisions for use by state and local agencies.

¶ The dysfunction of the centers could sometimes have bizarre and comic results. Last November, for example, an Illinois center reported that Russian hackers had broken into the computer system of a local water district in Springfield and sent computer commands that triggered a water pump to burn out. But it turned out that a repair technician had remotely accessed the water district's computer system while he was on vacation in Russia.

¶ Sometimes the fusion center's mistakes were more serious. In the wake of the January 2011 shootings in Tucson that killed six and wounded others, including Representative Gabrielle Giffords, an Arizona center issued a report filled with inaccurate information about the gunman's alleged connections to an anti-Semitic and antigovernment group.

¶ "Homeland Security is probably the most ineffective agency in the government besides Social Security," said Senator Tom Coburn, Republican of Oklahoma and the ranking minority member on the investigative subcommittee that published the report. The fusion centers, he added, "are not accomplishing anything in terms of counterterrorism."

EXHIBIT 4

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

Blue Mountain Libya Market A Wasi Street, Mitrusha, Janzur, Tripoli, Libya
t +218 21 7100352 e info@bluemountainlibya.com w www.bluemountainlibya.com

Blue Mountain Group Bedfordshire, Cornwall, Wales, SAT/SAT1 Uniquekinetom
t +44 1267 271167 e info@bluemountaingroup.co.uk w www.bluemountaingroup.co.uk

[redacted]

US Department of State
1801 North Lynn Street
Rosslyn, VA 22091

Ref: BML 7/2012

Subject: Re: Program Management Change SAQMMA12C0092 US Mission Benghazi Local Guard Contact

Dear Sir,

Please be advised as of July 15, 2012 Blue Mountain Libya will be installing [redacted] as Program Manager on the US Mission contract in Benghazi. [redacted] is highly experienced and has an extensive career with the US State Department and private industry in security management and operations (CV attached). The transition will be seamless and coordinated directly with the RSO in Benghazi. Blue Mountain Libyan personnel will be briefed prior to transition and all operations will continue as normal and planned.

As an additional change please direct future payments for contract SAQ to the account listed below:

[redacted]

Siyahi Branch

Tripoli

Libya

Account Name: Blue Mountain for safety & security.

Account Number: [redacted]

SWIFT BIC: [redacted]

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.

This change is imperative to comply with Libyan Government requirements for Local National payroll, payroll taxes and fees to be paid in country prior to expropriating funds. This is in the interest of Libyan Government compliance and general best business practice to ensure uninterrupted operations by not falling out of compliance with Libyan policy and law.

Blue Mountain Libya has the safety of all US Mission personnel as its priority and will continually strive to ensure that best management and operations practices are implemented. The changes being implemented are in the best interest of the US State Department and Blue Mountain Libya will continually review operations and practices to maintain best performance. Please feel free to contact me at anytime to answer any questions or provide additional information.

Regards,

[redacted]
Chairman

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

EXHIBIT 5

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

United States Department of State

Washington, D.C. 20520

July 10, 2012

[redacted]
Blue Mountain Libya
Al Waast Street
Mshashta
Janzour
Libyan Arab Jamahiriya

DELIVERED VIA EMAIL

Subject: Blue Mountain Libya's Proposed Program Management Changes

Dear [redacted]:

Thank you for your letter which was emailed to me on July 3, 2012. In your letter, you proposed making some changes to the program management of the Benghazi local guard contract. You requested two changes to the contract. The first proposed change is to change the program manager and the second is to change where the payments are directed.

Contact performance under contract SAQMMA12C0092 commenced on March 1, 2012. Through June 2012, Blue Mountain Libya's contract performance is acceptable. There is now less than eight months remaining on this contract.

This one-year contract was awarded to a 50/50 partnership. This partnership makes both parties jointly and severally liable for contract performance. Both parties brought necessary assets to the partnership that was required for contract award. Neither party alone was capable of performing this contract without the other party. Since neither party is a majority holder of this contract, no changes can be made to the contract terms and conditions without mutual agreement of the 50/50 partnership. Under the terms of the contract, the US Government is not required to mediate any disagreements between the two parties of the Blue Mountain Libya partnership.

Both parties of the 50/50 partnership must agree to change key personnel under the contract. Please note that the contract terms and conditions preclude subcontracting. Thus, all key personnel must be a direct hire of one of the two parties of the partnership. The CV that you presented appears the individual is proposed as a subcontractor. Subcontracting key personnel is not acceptable to the Department of State. Even if [redacted] is a direct hire of one of the partners, I am aware of contract performance issues associated with [redacted] performance on other State Department contracts. This past performance information as well as the CV that was described to me as embellished leads me to wonder if [redacted] is the best candidate if any change is truly necessary.

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

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

To the best of my knowledge, at the time of contract award the payment mechanisms in the contract were compliant with Libyan Government laws and policy. I understand local and national laws can and do evolve and change; however, the terms and conditions of the contract put the responsibility on Blue Mountain Libya to comply with the local and national laws. At the moment, this is a matter that you must resolve with your 50/50 partner.

If the 50/50 partnership wants to propose any changes to this contract, the US Government will consider the request when it is demonstrated that both parties agree to the proposed changes. If and when the US Government agrees with the proposed changes to the contract, a written contract modification is then prepared by the US Government. Until such time as a written modification is issued and signed by a warranted Contracting Officer, the terms and conditions of the contract remain unchanged.

Both parties of the 50/50 partnership are and were needed to enable this contract award and performance. As previously stated, both parties are jointly and severally liable for contract performance. To date, contract performance is satisfactory. If in the unlikely event that contract performance is compromised, both parties are accountable. This can and will be reflected in past performance evaluations for both parties. Please note that poor past performance evaluations do impact contractor's prospects for future US Government contract awards.

Given that this contract has less than eight months of performance remaining, I believe it is in the best interests of both of the 50/50 partners to resolve their differences and successfully complete this contract.

Sincerely,

[redacted]
Contracting Officer

Cc: [redacted]

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.