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BENGHAZI: EXPOSING FAILURE AND RECOGNIZING COURAGE

HEARING

BEFORE THE

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

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CONTENTS

	Page
Hearing held on May 8, 2013	1

WITNESSES

Mr. Mark Thompson, Deputy Coordinator for Operations, Bureau of Counterterrorism and Leader, Foreign Emergency Support Team, U.S. Department of State	
Oral Statement	7
Written Statement	9
Mr. Gregory Hicks,Foreign Service Officer and Former Deputy Chief of Mission/Chargé D'Affairs in Libya, U.S. Department of State	
Oral Statement	10
Written Statement	11
Mr. Eric Nordstrom, Diplomatic Security Officer and Former Regional Security Officer in Libya, U.S. Department of State	
Oral Statement	15
Written Statement	16

APPENDIX

Article from the Washington Post Submitted by Mrs. Carolyn B. Maloney a Member of Congress from the State of New York	114
Department of Defense Press Release Dated May 8, 2013, Submitted by Robin L. Kelly a Member of Congress from the State of Illinois	119
New York Times Article September 12, 2012, Submitted by Gerald E. Connolly a Member of Congress from the State of Virginia	120
Statement for the Record Submitted by Matthew A. Cartwright a Member of Congress from the State of Pennsylvania	125

BENGHAZI: EXPOSING FAILURE AND RECOGNIZING COURAGE

Wednesday, May 8, 2013

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
WASHINGTON, D.C.

The committee met, pursuant to call, at 11:30 a.m., in Room 2154, Rayburn House Office Building, Hon. Darrell E. Issa [chairman of the committee] presiding.

Present: Representatives Issa, Mica, Turner, Duncan, McHenry, Jordan, Chaffetz, Walberg, Lankford, Amash, Gosar, Meehan, DesJarlais, Gowdy, Farenthold, Hastings, Lummis, Woodall, Massie, Collins, Meadows, Bentivolio, DeSantis, Cummings, Maloney, Norton, Tierney, Clay, Lynch, Cooper, Connolly, Speier, Cartwright, Pocan, Duckworth, Kelly, Davis, Welch, Cardenas, Horsford, and Lujan Grisham.

Also Present: Representatives Rohrabacher and Jackson Lee.

Staff Present: Ali Ahmad, Communications Adviser; Alexia Ardolina, Assistant Clerk; Jen Barblan, Counsel; Kurt Bardella, Senior Policy Adviser; Brien A. Beattie, Professional Staff Member; Richard A. Beutel, Senior Counsel; Will L. Boyington, Press Assistant; Molly Boyl, Parliamentarian; Lawrence J. Brady, Staff Director; Joseph A. Brazauskas, Executive Assistant; Ashley H. Callen, Senior Counsel; Caitlin Carroll, Deputy Press Secretary; Sharon Casey, Senior Assistant Clerk; Steve Castor, General Counsel; John Cuaderes, Deputy Staff Director; Brian Daner, Counsel; Carlton Davis, Senior Counsel; Jessica L. Donlon, Senior Counsel; Kate Dunbar, Professional Staff Member; Adam P. Fromm, Director of Member Services and Committee Operations; Linda Good, Chief Clerk; Tyler Grimm, Senior Professional Staff Member; Ryan M. Hambleton, Senior Professional Staff Member; Frederick Hill, Director of Communications and Senior Policy Advisor; Christopher Hixon, Deputy Chief Counsel, Oversight; Mitchell S. Kominsky, Counsel; Jim Lewis, Senior Policy Advisor; Justin LoFranco, Digital Director; Mark D. Marin, Director of Oversight; Kristin L. Nelson, Senior Counsel; John Ohly, Senior Professional Staff Member; Ashok M. Pinto, Chief Counsel, Investigations; Laura L. Rush, Deputy Chief Clerk; Scott Schmidt, Deputy Director of Digital Strategy; Jonathan J. Skladany, Deputy Chief Counsel, Investigations; Rebecca Watkins, Deputy Director of Communications; Kevin Corbin, Minority Professional Staff Member; Susanne Sachsman Grooms, Minority Chief Counsel; Devon Hill, Minority Research Assistant; Jennifer Hoffman, Minority Press Secretary; Carla Hultberg, Minority Chief Clerk; Peter Kenny, Minority Counsel;

Chris Knauer, Minority Senior Investigator; Lucina Lessley, Minority Policy Director; Leah Perry, Minority Chief Oversight Counsel; Dave Rapallo, Minority Staff Director; Rory Sheehan, Minority New Media Press Secretary; and Carlos Uriarte, Minority Counsel.

Chairman ISSA. The hearing will come to order. The Oversight Committee exists to secure two fundamental principles: First, Americans have a right to know that the money Washington takes from them is well spent; and, second, Americans deserve an efficient, effective government that works for them. Our duty on the Oversight and Government Reform Committee is to protect these rights. Our solemn responsibility is to hold government accountable to taxpayers because taxpayers have a right to know what they get from their government. Our obligation is to work tirelessly with citizen watchdogs and whistleblowers to deliver the facts to the American people and bring genuine reform to the Federal bureaucracy.

On September 11, 2012, four Americans were murdered by terrorists. It was the 11th anniversary of the 9/11 terrorist attacks on New York and Washington. Recognizing that the witnesses before us are actual experts on what really happened before, during, and after the Benghazi attacks, I'm not going to recount those events or decisions. These witnesses deserve to be heard on the Benghazi attacks, the flaws in the Accountability Review Board's methodology, process, and conclusion.

Before I introduce these witnesses and explain some of our efforts to learn more about what happened in Benghazi, I want to take a moment to reflect on and to recognize the brave Americans who lost their lives in that attack that day. I also want to note that there are friends and immediate family of those killed or injured that are with us here today. J. Christopher Stevens, U.S. Ambassador to Libya; Sean Patrick Smith, Information Management Specialist; Tyrone Woods, Security Specialist and former Navy SEAL; Glen Doherty, Security Specialist and former Navy SEAL.

Our goal in this investigation is to get answers because their families deserve answers. They were promised answers at the highest level when their bodies came home. The President was there, the Vice President was there, the Secretary of Defense was there, the Secretary of State was there. We want to make certain those promises are kept on behalf of those individuals. We also want to make certain that our government learns the proper lessons from this tragedy so it never happens again and so that the right people are held accountable.

I want those watching this proceeding to know that we've made extensive efforts to engage the administration and to see and hear their facts. The administration, however, has not been cooperative, and unfortunately our minority has mostly sat silent as we've made these requests. Some examples: On February 22nd this committee wrote to Ambassador Pickering and Admiral Mullen who, as required by law, were appointed by Secretary Clinton and cochaired the Accountability Review Board investigation. We asked them to testify about their investigations and findings. They refused, and our minority said nothing. When we asked Ambassador Pickering and Admiral Mullen to speak with us and our committee informally, they again refused, and again there was silence by the minority. When five House committee chairmen wrote the White

House and requested relevant documents about the Benghazi attacks, we were refused. The committee's minority did not join in a similar call for transparency, and I wish they had. On April 29th this committee asked the State Department to make nine current and former officials with relevant information available for this hearing or a separate transcribed interview. The State Department did not even respond, and to date the minority has not made a similar request.

Mr. Cummings, I would like nothing more than to have you work with me on this investigation. Because we've worked on other areas together, I still hold out hope that one day you will stand with me as this administration doesn't cooperate, when they ignore our inquiries, and when that day comes, together we will be far more effective.

And now for our witnesses. Or should I say our whistleblowers. Mr. Mark Thompson is the Acting Deputy Assistant Secretary in the State Department—State's Department of Bureau of Counterterrorism. Welcome. Mr. Gregory Hicks is a 22-year veteran Foreign Service officer and the former Deputy Chief of Mission for the U. S. Embassy in Libya. After Ambassador Stevens was murdered, Mr. Hicks became the Acting Chief of Mission or, as they say, the charge d'affaires. He was, in fact, in Libya its highest ranking officer, if you will, America's representative in Libya. Mr. Eric Nordstrom is a former—is the former Regional Security Officer in Libya and perhaps the foremost and most knowledgeable person about security requests that were made and denied to the U.S. diplomatic mission in Libya and in Benghazi, ultimately in Benghazi.

Mr. Cummings, we will have from time to time our disagreements, but I know that for all the members of this committee, we understand that these disagreements must be kept on this side of the dais. These brave witnesses deserve this committee's call to testify, these brave whistleblowers are, in fact, what makes this committee's work work. We are the committee that oversees and that led for new whistleblower protections signed by this President. The public has a right to hear their accounts, and we, more than any other committee in the Congress, must respect whistleblowers and work on a bipartisan basis always to protect them, and with that I recognize the ranking member for his opening statement.

Mr. CUMMINGS. Mr. Chairman, I want to thank you for calling this hearing, and I want to be clear, and I've said it over and over again, there's no Member of this Congress, be they Republican or Democrat, who fails to uphold the right of whistleblowers to come forward, and I think it's sad when that accusation is made against any Member of this Congress. And so to the hearing.

I, too, and all of our members, both Republicans and Democrats, were tremendously saddened by the deaths of J. Christopher Stevens, Sean Patrick Smith, Tyrone Woods, and Glen Doherty. They were servants of the public. They, like our whistleblowers, were people who dedicated their lives to making a difference, and they saw the world as bigger than just them. They were the ones that were often unseen, unnoticed, unappreciated, and unapplauded. We've actually seen some of that with regard to public employees in this Congress. But yet and still day after day they went out

there and they did their jobs, and on behalf of this Congress and a grateful Nation, I say thank you.

I am glad the whistleblowers are here, and I will do every single thing in my power to protect the whistleblowers. As a matter of fact, just on May 7, 2013, I sent a letter to John Kerry, and I said in that letter that despite the highly partisan nature of the committee's actions, it nevertheless remains very important, and this is a quote, to me personally to make clear to all government agencies and employees who choose to come forward to Congress that their interests will be protected. For these reasons, I request that the Department remind its employees of their rights with respect to providing information to Congress as well as their responsibilities not to retaliate against individuals who exercise those rights. The Department may already do this as a matter of course, in which case I ask that you provide an update on the status of those efforts.

Whistleblowers are important. They are very important. One of the things that I've said in this meeting room over and over again is that we must be effective and efficient, and one of the major roles of this committee is to make sure that government works properly, and so to all of our witnesses, thank you.

Mr. Hicks, I would like to start by expressing my gratitude for your service and my condolences for your loss. I can only imagine what you went through on the night of the attacks. If I had been in your place, hearing Ambassador Stevens' voice on the phone, and wanting to do everything possible to help him, I would have had the same questions you had: Where's the military? Where are the Special Forces? Where are the fighter jets to rescue my colleagues? These are legitimate questions, and I wanted to know the answers myself.

For example, last week there was a widely publicized news report that a team in Europe called the Commander's In-Extremis Force could have gotten to Benghazi before the second attack. When I heard this claim, I wrote to the Secretary of Defense immediately. Yesterday I received an official response. It says this press report was wrong. The team was too far away, and the logistical requirements were too great. Others have suggested that F–16s stationed at Aviano Air Force Base in Italy could have gotten there in time, but according to General Martin Dempsey, the Chairman of the Joint Chiefs of Staff, who testified before the Senate in February, he said they could not, and this is our highest ranking military member. The fact is that our Nation's top military commanders have already testified repeatedly that they did everything in their power to mobilize and deploy assets as soon as possible, and every independent and bipartisan review has confirmed this fact. We have the best military in the world, but even with all of their technological advances, they could not get there in time.

Mr. Hicks, I know these answers provide no comfort to you or the families of the victims, but this is the testimony Congress has received, and I have seen nothing to make me question the truthfulness of our Nation's military commanders. Our committee has a fundamental obligation to conduct responsible oversight, and that includes carefully examining the information that you and others

provide, but we also have a duty to thoroughly investigate these claims before we make public accusations.

In contrast, what we have seen over the past 2 weeks is a full-scale media campaign that is not designed to investigate what happened in a responsible and bipartisan way but, rather, a launch unfounded—of unfounded accusations to smear public officials.

Let me be clear, I am not questioning the motives of our witnesses. I am questioning the motives of those who want to use their statements for political purposes. Chairman Issa has accused the administration of intentionally withholding military assets which could have helped save lives on the night of the attacks. I say for political reasons, of all the irresponsible allegations leveled over the past 2 weeks, this is the most troubling, and based on what our military commanders have told us, this allegation is simply untrue. Chairman Issa suggested that four military personnel were told to stay in Tripoli rather than board a plane in Benghazi at 6 a.m. the morning after the attacks, supposedly because of the administration's political desire not to have a presence in Benghazi. There is no evidence to support this. As Mr. Hicks told the committee, one plane had already left for Benghazi at 1:15 a.m. that night, and it included a seven-person security team with two military personnel. The decision the next morning to keep four military personnel in place in Tripoli was not made by the White House or the State Department, but by the military chain of command.

There are other allegations. Chairman Issa went on national TV and accused Secretary Clinton of lying to Congress. He said she personally signed a State Department cable authorizing security reductions. We have now seen this cable, and she did not sign it. Her name is printed at the bottom just like tens of thousands of cables sent every year from the Department.

As I close, The Washington Post fact checker called this accusation a whopper—that's their word—and gave it four Pinocchios. Chairman Issa attacked Ambassador Susan Rice for statements she made on Sunday talk shows, claiming the administration, "deliberately misled the American people." The claim has been directly contradicted by our Nation's top intelligence official, General James Clapper. He testified, he has already testified before the Senate that these attacks against Ms. Rice were, "unfair," because, "she was going on what we had given her, and that was our collective best judgment at the time." There have also been allegations that the Accountability Review Board, led by Ambassador Thomas Pickering and Admiral Mike Mullen, failed to examine the role of Ambassador Patrick Kennedy. This accusation is, again, inaccurate according to the board.

And so, Mr. Chairman, if this committee is going to suggest that General Dempsey, General Clapper are all involved in a conspiracy of withholding military assets and then covering it up and if this committee is going to accuse Ambassador Pickering and Admiral Mullen of failing to fully investigate these attacks, the least we can do is have them invited to this hearing today or in a future hearing, and according to our conversation yesterday with regard to Admiral Pickering and Mullen, you have said that you plan to bring them in the future, and I respect—I appreciate that.

Last but not least, let's make it—I want to make it very clear to our witnesses, I respect the witnesses who are here today to offer their testimony. As a lawyer and an officer of the court, I have tremendous respect for evidence, but today's hearing is not the full story. I hope we will eventually hear our military, our intelligence, and our diplomatic officials. Then I hope we can turn to the real work, as the chairman said, of this committee, which is ensuring that the Department implements the recommendations to improve the security of our diplomatic officials serving overseas, those who are so often unseen, unnoticed, unappreciated, and unapplauded.

With that, I yield back.

Chairman ISSA. I thank the gentleman. Fortunately today I'm not the witness. I would now like to invite our witnesses. First, Mr. Mark Thompson, a 20-year career United States Marine, who 2 years before his retirement from the Marine Corps was assigned to the State Department, where he brought his experience in serving in all four Marine divisions and in numerous amphibious forces to the State Department. For 17 years he has used that military experience and his accumulated knowledge of counterterrorism well. He has served and led teams in Baghdad, Iraq, in Latin America, in Southeast Asia, and in Africa. When in 1996 he joined the State Department as a U.S. Marine, he was brought there because of what he knew and what they needed to know. In 1998, when as he retired from the Marine Corps, he was transitioned at their request into civil service and was then assigned to what was then the Office of the Coordinator of Counterterrorism, its successor he serves and runs today. In 2004 he served with the Coalition Provisional Authority; in other words, with our forces in Baghdad. In 2006 he assumed his current position where he advises senior leadership on operational counterterrorism matters and ensures the United States can rapidly respond to global terrorism crises. That is his job. In addition to his responsibilities, he has led the NSC's direct Foreign Emergency Support Team, or FES Team, in support of U.S. chiefs of mission in response to terrorism events, including his expertise was used in that capacity when he was deployed in response to the 1998 East African bombings of our two embassies, the 2000 bombing of the USS Cole, and hostage and recovery efforts in Latin America, Southeast Asia, Africa, and the Middle East. Welcome.

Mr. Gregory Hicks. In more than 22 years in the Foreign Service, Mr. Hicks has served notably in Libya, but also in Afghanistan, in Bahrain, where we first met, in Yemen, in Syria, where we met again, and in The Gambia. Prior to his assignment in Libya, handpicked to be the Deputy Chief of Mission by the now deceased Ambassador Chris Stevens, he also served four tours here in Washington. He was the Deputy Director of the Office of Investment Affairs, Special Assistant to the Under Secretary for Economic Energy and Agricultural Affairs, Trade Policy Negotiator for the Office of the United States Trade Representative, and Country Officer for Vietnam, Oman, and Yemen.

Mr. Hicks played key roles in a number of important historic events with this country and the State Department. Vietnam's accession to the World Trade Organization, the U.S.-Bahrain Free Trade Agreement, the U.S.-Vietnam Bilateral Trade Agreement,

and the renegotiation of U.S. forces based in Oman. Mr. Hicks is the recipient of five meritorious service increases, three individual superior honor awards, three individual meritorious honor awards, and numerous group awards for his service. Thank you.

Mr. NORDSTROM. In his 15 years at the State Department, he has served in Washington, D.C., in Honduras, in Ethiopia, in India, and most recently he was the Regional Security Officer for the U.S. Mission to Libya based out of Tripoli. In that capacity, as RSO in Tripoli from September 2011 to July of 2012, he was the principal security officer advising both Ambassador Cretz and Ambassador Stevens on security and law enforcement matters. Prior to joining the Department of State, Mr. Nordstrom also served in Federal law enforcement at the Department of Treasury.

Welcome to all three of you. Would you please rise, as is pursuant to our rules, and take the oath.

Do you solemnly swear—please raise your right hands. Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?

Please have a seat. Let the record reflect all witnesses answered in the affirmative.

Now I'm going to note that I've read your opening statements, and they're unusually short, so I'm not worried about the 5 minutes, but we are here to hear from you. So take the time you need to tell your story. We will listen, and the ordinary time is 5 minutes. You take a little less, you take a little more. This hearing is about hearing from you on your experience.

Mr. Thompson.

WITNESS STATEMENTS

STATEMENT OF MARK THOMPSON

Mr. THOMPSON. Mr. Chairman, ranking member, members of the committee.

Chairman ISSA. And please pull your microphone a little closer. Thank you.

Mr. THOMPSON. Thank you for this opportunity to tell a story. As the chairman indicated, I came to the Department 16 1/2 years ago as a Marine, transitioned, and have been on the activities that he has already described.

The night that I was involved in this incident I was at my desk at the end of the day when the first reports came in that indicated that we had an attack going on at our diplomatic facility in Benghazi. In that facility we knew we had our ambassador and we had his security personnel. Later when I heard that the situation had evolved to them going to a safe haven and then the fact that we could not find the Ambassador, I alerted my leadership, indicating that we needed to go forward and consider the deployment of the Foreign Emergency Support Team. That particular team is an interagency team. It's been represented as something that the State Department deploys. It does not. The Deputies Committee of the National Security Council deploys that organization. But I wanted that considered. I notified the White House of my idea. They indicated that meetings had already taken place that evening, that had taken FEST out of the menu of options. I called the office

within the State Department that had been represented there, asking them why it had been taken off the table, and was told that it was not the right time and it was not the team that needed to go right then.

Let me explain the team a little more. It is comprised of the leadership from my office, it is comprised of professionals from Special Operations Command, from Diplomatic Security, from the Intelligence Community, from FBI. It is a holistic comprehensive organization that is designed to go forward to embassies, just as we did, as indicated in 1998 in East Africa, as we've done in the other places indicated, the USS Cole and other hostage situations. It is designed to be the glue and the connective tissue that gets all the options on the table for the decision-makers. The decision-makers in my line of work are the Chief of Mission and the authorities back here in Washington that make the decisions of where we send people into harm's way. It doesn't mean it has an irreversibility to it. The other thing that I pointed out was that with the tyranny of distance, at least 8 or 9 hours to get to the middle of the Mediterranean, we needed to act now and not wait. There is sometimes the hesitancy to not deploy because we don't know what's going on. One definition of a crisis is you don't know what's going to happen in 2 hours, so you need to help develop that situation early. We have a robust com suite on the airplane that we are transported on. It is ably flown by my SOCOM colleagues, it is on alert to do just this mission, and it's designed to carry a comprehensive team to a conflict or a crisis and to help the Ambassador and work for the Ambassador and/or the Chief of Mission to handle that crisis and to make sure he or she has the best information possible to make decisions and to make recommendations back to Washington, and those same representatives make their views known back to their parent organizations so that when we do have deputies committees and principals committee meetings at the White House, we have a situation in which everyone is using the most up-to-date information, and so that we can figure out what we have to do security wise, what we have to do intelligence wise, what we have to do with the military, what we have to do diplomatic wise, what we have to do on the public affairs front.

That works for the Chief of Mission, and I can't emphasize that enough. We are not there to subsume any activities. The experts on the team know that the real experts are in the embassy, and they work for the Chief of Mission to do that.

My time is drawing to a close. I'll end there and await your questions.

Chairman ISSA. Thank you.

[Prepared statement of Mr. Thompson follows:]

Statement of Mark I. Thompson

Chairman and members of the Committee. I began my 35 (+) year service to our nation in 1977 when I was commissioned in the Marine Corps after graduating from Buena Vista University with a major in social science and a minor in math.

I started my fleet duties with the Marine Corps as an infantry officer and led platoons and companies aboard Amphibious Ready Groups in northern Europe, Africa and the Middle East, and operationally in the Caribbean. I also served in the Western Pacific for four years. During my military tenure I graduated from Jump School, SCUBA school, Aerial Observer School and survival school, as well as numerous military academic institutions.

In 1996 I was assigned to the Department of State Counterterrorism office. Since then I have served in the Administrations of Presidents Clinton, Bush and Obama, along with six Secretaries of State (Secretaries Christopher, Albright, Powell, Rice, Clinton and Kerry).

In 1997 I was the Department of State lead for the return of Amir Kasi to the United States to stand trial for the murder of CIA employees. In 1998 I was the operations officer on the State-led Foreign Emergency Support Team (FEST) in response to the East Africa bombings. Under Chief of Mission authority, the FEST coordinated the military, law enforcement, security, medical resupply and secure communications for the Ambassador in Nairobi after a truck bomb had destroyed the embassy. That same year I accepted a civil service position upon retirement from the Marine Corps.

In 2000, I deployed to Aden, Yemen with the FEST to perform similar duties in support of the Chief of Mission in response to the bombing of the USS Cole.

In 2001 I led the FEST to Latin America to gain the safe recovery of American and foreign hostages. In 2002 I led the FEST to Asia to gain the safe recovery of American hostages. In 2004 I led in the establishment of an Office of Hostage Affairs in Baghdad, Iraq. That office subsequently leveraged the resources of the country team, military and our international partners to free hostages. In 2006, I led a team to West Africa, which resulted in the release of American and foreign hostages. In 2008 I was selected for the Senior Executive Service, and the following year I led the team on a mission that exceeds the classification of this hearing.

On a daily basis I am responsible for 35 uniquely skilled and dedicated professionals comprised of civil servants, military officers and contractors. It is they and our interagency teammates who deserve full credit. They form a formidable team that coordinates sensitive activities around the world, while standing ready to respond to emergencies such as those involving the FEST. It is my honor to serve with all of them.

I'm prepared to take your questions.

Chairman ISSA. Mr. Hicks.

STATEMENT OF GREGORY HICKS

Mr. HICKS. Thank you, Mr. Chairman.

Chairman ISSA. We really will have to—you're pretty soft spoken—get that a little closer.

Mr. HICKS. Try to get this up here. Thank you, Mr. Chairman, thank you ranking member, thank you members of the committee.

I am a career public servant. Until the aftermath of Benghazi I loved every day of my job. In my 21 years of government service prior to Tripoli, I earned a reputation for being an innovative policymaker who got the job done. I was promoted quickly and received numerous awards. People who worked for me rated my leadership and management skills highly. I have two master's degrees from the University of Michigan in applied economics and modern Near Eastern and North African studies. I have served my country extensively in the Mideast. Besides Libya, I served in Afghanistan, Bahrain, Yemen, Syria, and The Gambia. I speak fluent Arabic. In Bahrain my Shi'a opposition contact gave me advanced warning of impending attacks on our embassy and antigovernment, anti-American demonstrations, allowing us to prepare and avoid injuries to staff. I learned that knowledge of local conditions and strong connections with the local population are as important as the strength and height of walls. One reason I am here is because I have pledged to the Foreign Service as part of my campaign to be State Vice President of the American Foreign Service Association that none of us should ever again experience what we went through in Tripoli and Benghazi on 9/11/2012.

After I arrived in Tripoli as Deputy Chief of Mission on July 31, 2012, I fast became known as the Ambassador's bulldog because of my decisive management style. In the days immediately after the Benghazi attack, the President and Secretary of State praised my performance over the telephone. President Obama wrote Libyan President Magariaf expressing confidence in my abilities. Deputy Secretary Burns and General Ham told me how much they appreciated how I handled the night of the assault and its aftermath. I received written notes of commendation from Under Secretary Wendy Sherman and from Executive Secretary Stephen Mull. Incoming Chargé Larry Pope told me personally that my performance was near heroic.

In February 1991 I swore an oath to uphold and defend the Constitution of the United States. I'm here today to honor that oath. I look forward to answering your questions fully and truthfully. Thank you very much.

Chairman ISSA. Thank you. And I understand that some of those commendations and letters are in your opening statement, and for all the witnesses, all extraneous material or other insertions will be placed in the record on your behalf.

[Prepared statement of Mr. Hicks follows:]

STATEMENT OF GREGORY N. HICKS

Committee on Oversight and Government Reform
Wednesday, May 8, 2013

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United States Department of State

Washington, D.C. 20520

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MRN:	12 WHITE HOUSE WASHINGTON DC 9172588
Date/DTG:	Sep 17, 2012 / 172024Z SEP 12
From:	WHITE HOUSE WASHINGTON DC
Action:	AMEMBASSY TRIPOLI *IMMEDIATE*
Subject:	MESSAGE TO LIBYAN PRESIDENT MOHAMED YUSUF AL MAGARIAF

UNCLAS
QQQQ
SUBJ: MESSAGE TO LIBYAN PRESIDENT MOHAMED YUSUF AL MAGARIAF

EYES ONLY FOR CDA HICKS

1. Charg d'Affaires: Please pass the following message from President Obama to President Magariaf at the earliest opportunity. Signed original to follow.

2. Begin text.

Dear Mr. President:

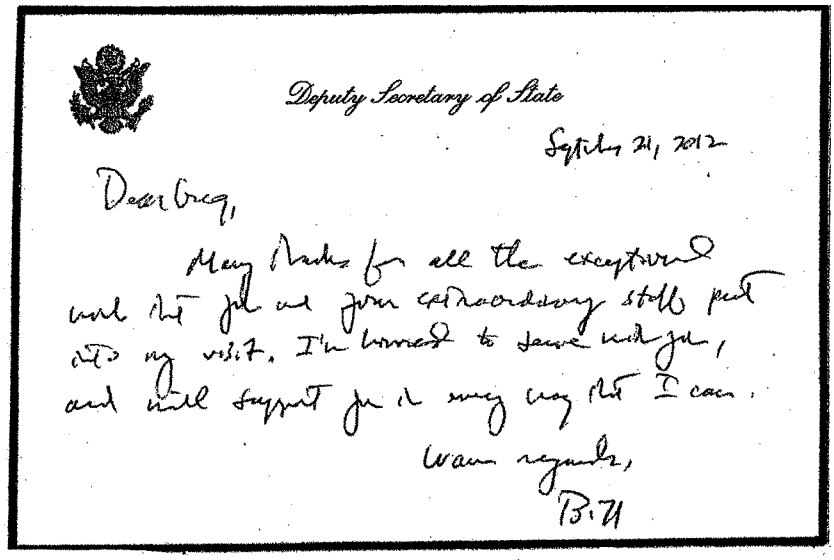
Thank you for responding quickly to the tragic attack against our people in Benghazi. The words of condemnation and condolence offered by you and your government have been deeply appreciated, and I hope you will have the opportunity to express these sentiments directly to the families of the victims in the near future. Your idea of an official congressional delegation expressing condolences would be a welcome gesture.

I am also pleased that you have taken swift action to identify and apprehend the perpetrators of this outrageous attack. As we discussed, there can be no place for this type of extremism in a new Libya, and your decisive action now will be critical toward ensuring your country's future security and stability. The United States is a partner with you in this regard. Ensuring the security of our personnel in Libya will also be essential for our future work together to support Libya's democratic transition. We count on your full cooperation in the investigation.

Charg d'Affaires Greg Hicks and his entire team have my full confidence, and I know they will be working closely with your government in the coming days.

Sincerely,
Barack Obama

End text.
Minimize considered.



Deputy Secretary of State

September 21, 2012

Dear Greg,

Many thanks for all the exceptional work that you and your extraordinary staff put into my visit. I'm honored to serve with you, and will support you in every way that I can.

Warm regards,

Bill

Deputy Secretary of State
William J. Burns
Letter of Appreciation for Gregory Hicks
9/21/12

Dear Greg,

Many thanks for all the exceptional work that you and your extraordinary staff put into my visit. I'm honored to serve with you, and will support you in every way that I can.

Warm Regards,

Bill

Hicks, Gregory N

From:	Sherman, Wendy R
Sent:	Tuesday, September 18, 2012 1:18 PM
To:	Hicks, Gregory N
Cc:	Jones, Beth E; Dibble, Elizabeth L; Lakhdhir, Kamala S; Escrogima, Ana A
Importance:	High
Follow Up Flag:	Follow up
Flag Status:	Flagged

Dear Greg,

I wanted to take a moment to thank you and the team in Mission Libya for your resolve and extraordinary commitment to duty this past week. Words can only begin to express our sorrow at the death of four close colleagues last week during the attack in Benghazi. I have tremendous respect and admiration for everyone's commitment to doing the hard work needed to press forward: to secure our people and facilities, to continue engagement with the Libyan government and people, and to answer what I know must be an extraordinary volume of requests and instructions from Washington. And everyone one in Mission Libya must do so under the weight of profound grief. We are all in your debt.

As we work through the monitoring group and frequent video conferences to help decide how best to secure missions around the region and around the world, I wanted to acknowledge and appreciate how uniquely difficult this period is for Mission Libya. Please know for all the Americans who remain, who were evacuated on short notice, and for all our locally engaged staff whom we know are grieving alongside us, that you have my sincere appreciation, as well as the gratitude of the Secretary and President, and everyone in the State family and throughout the government, for the work you and your team are continuing to do in the aftermath of the attack.

Please do not hesitate to call or write me if you need anything or if I, or anyone in the government, can be helpful to you in any way.

In deepest sympathy and gratitude,

Wendy

Chairman ISSA. Mr. Nordstrom.

STATEMENT OF ERIC NORDSTROM

Mr. NORDSTROM. Good morning, Chairman Issa, Ranking Member Cummings, and other distinguished members of the committee. For the benefit of the new committee members, my name is Eric Nordstrom, and I currently serve as the Supervisory Special Agent with the U.S. Department of State's Bureau of Diplomatic Security. Since September 2012 I have been enrolled in long-term language training in preparation for my next assignment. As Chairman Issa noted, I served in Federal law enforcement since January 1996, first as a Customs Inspector before joining the U.S. Department of State. I've served in domestic and overseas postings, including Washington, D.C., Honduras, Ethiopia, India, and most recently the Regional Security Officer at the U.S. Embassy in Tripoli. All of those assignments have been assignments in which I've faced the threat of criminal or terrorist attacks. I held the last position as RSO from September 21, 2011, until July 26, 2012. As the Regional Security Officer, or RSO, at the U. S. Embassy in Tripoli, I served as the principal security adviser to U.S. Ambassadors Eugene Cretz and Chris Stevens on security and law enforcement matters.

I want to thank the committee again for the opportunity to appear to provide further testimony in support of your inquiry into the tragic events of September 11, 2012. I would also like to thank the committee for your continued efforts in investigating all the details and all the decisions related to the attack on our diplomatic facility. Specifically, the committee's labors to uncover what happened prior, during, and after the attack matter. It matters to me personally, and it matters to my colleagues—to my colleagues at Department of State. It matters to the American public for whom we serve, and most importantly it matters to the friends and family of Ambassador Stevens, Sean Smith, Glen Doherty, and Tyrone Woods, who were murdered on September 11, 2012.

In addition to my testimony before this committee in October of 2012 I also met with the FBI, Senate Homeland Security and Governmental Affairs Committee, the Department's Accountability Review Board, and I've discussed my experiences with all of them. I'm proud of the work that our team accomplished in Libya under extraordinarily difficult circumstances. The protection of our Nation's diplomats, our embassies and consulates, and the work produced there is deserving of the time that this committee, other congressional committees, and the Accountability Review Board and no doubt future review efforts will invest in making sure we get this process right.

Thank you, Mr. Chairman, and members of the committee for the opportunity to appear before you today. I stand ready to answer any questions that you might have.

Chairman ISSA. Thank you.

[Prepared statement of Mr. Nordstrom follows:]

Good morning Chairman Issa, Ranking Member Cummings, and other distinguished members of the committee.

For the benefit of new committee members, my name is Eric Nordstrom and I currently serve as a Supervisory Special Agent with the U.S. Department of State's Bureau of Diplomatic Security. Since September 2012, I have been enrolled in long-term language training in preparation for my next assignment. I have served in federal law enforcement since January 1996, first as a Customs Inspector, before joining the Department of State, Bureau of Diplomatic Security in April 1998. I have served in domestic and overseas postings including Washington, DC, Honduras, Ethiopia, India, and most recently as the Regional Security Officer at the U.S. Embassy in Tripoli, Libya. I held this position from September 21, 2011 until July 26, 2012.

As the Regional Security Officer, or "RSO," at the U.S. Embassy in Tripoli, I served as the principal security advisor to U.S. Ambassadors Gene Cretz and Chris Stevens on security and law enforcement matters.

I thank the committee for the opportunity to appear before you again and provide further testimony in support of your inquiry into the tragic events of September 11, 2012. I would also like to thank the committee for your continued efforts investigating all the details and decisions related to the attack on our diplomatic facilities.

In addition to my testimony before this committee in October 2012, I also met with the FBI, Senate Homeland Security and Governmental Affairs Committee, and the State Department's Accountability Review Board and discussed my experiences in Libya.

I'd like to comment generally on the Department's Accountability Review Board (ARB) report and recommendations. At this time, I have not been provided the opportunity to review the classified portion of the ARB report and therefore my comments are limited to the unclassified and publically available ARB report. I found the ARB process that I was involved in to be professional and the unclassified recommendations reasonable and positive. However, it is not what is contained within the report that I take exception to but what is left unexamined. Specifically, I'm concerned with the ARB's decision to focus its attention at the Assistant Secretary level and below, where the ARB felt that "the decision-making in

fact takes place." [1] Based on my personal knowledge of the situation in Libya prior to the attack, I received and reviewed several documents, which included planning documents for operations in both Tripoli and Benghazi, drafted and approved at the Under Secretary of Management level or above. These decisions included the type and quantity of physical security upgrades to be implemented; types and locations of properties to be leased for the facilities in Benghazi and Tripoli; approval of occupancy of facilities that did not meet required Overseas Security Policy Board (OSPB) standards and provisions of Secure Embassy Construction and Counterterrorism Act of 1999 (SECCA) [2] ; approval for the usage of commercial aircraft into and out of Libya in lieu of a Department of State aircraft; approval of all visitors, temporary duty (TDY), and permanent staff at post, as well decisions on all funding and resource needs.

SECCA establishes statutory security requirements for U.S. diplomatic facilities involving collocation and setback. Under SECCA, the State Department, in selecting a site for any new U.S. diplomatic facility abroad, ***must*** collocate all U.S. Government personnel at the post on the site. Each newly acquired U.S. diplomatic facility must be placed not less than 100 feet from the perimeter of the property. New U.S. chancery/consulate buildings, solely or substantially occupied by the U.S. Government, ***must*** meet collocation and 100-foot setback statutory requirements; otherwise, waivers to the statutory requirements ***must*** be granted by the Secretary of State. Furthermore, in accordance with 12 FAM 315.5, the Secretary {of State} must notify the appropriate congressional committees in writing of any waiver with respect to a chancery or consulate building and the reasons for the determination, not less than 15 days prior to implementing a statutory collocation or setback waiver. [3]

All U.S. diplomatic facilities must also meet Overseas Security Policy Board (OSPB) security standards, which are based upon the threat level of

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[1] Press Briefing on ARB Report; ARB Chair Ambassador Thomas Pickering, December 19, 2012, http://www.state.gov/r/pa/prs/ps/2012/12/202282.htm

[2] Secure Embassy Construction and Counterterrorism Act of 1999; **http://www.gpo.gov/fdsys/pkg/BILLS-106s679is/pdf/BILLS-106s679is.pdf22**
Also, 22 USC § 4865 - Security requirements for United States diplomatic facilities

[3] U.S. Department of State Foreign Affairs Manual Volume 12 - Diplomatic Security, 12 FAM 315.5 Congressional Notification and Report Requirements
http://www.state.gov/documents/organization/88382.pdf

the post. The OSPB security standards are comprehensive physical, technical, and procedural requirements that are based on threat ratings for the affected post. These standards establish minimum levels for a wide variety of security programs at post including: Armored Vehicles; Design and Construction of Controlled Access Areas; Physical Security; Special Protective Equipment; Local Guards, Residential, and Emergency Plans, and Technical Countermeasures designed to counter human intelligence and technical threats. [4]

The OSPB standards for each post, and therefore the resources needed to comply with the standards, are based in turn on an evaluation of threats for the affected post, called the Security Environment Threat List (SETL). The list is mentioned in 22 U.S.C. § 4865, "Security requirements for United States diplomatic facilities," which requires that such a list "shall contain a section that addresses potential acts of international terrorism against United States diplomatic facilities based on threat identification criteria that emphasize the threat of transnational terrorism and include the local security environment, host government support, and other relevant factors such as cultural realities. Such plan shall be reviewed and updated every six months." [5] Based on the SETL, DS, in consultation with other agencies, assigns threat levels to each post.

According to the Government Accountability Office (GAO), six threat categories inform the SETL: international terrorism, indigenous terrorism, political violence, crime, human intelligence, and technical threat. A rating is then assigned for each category, on a four-level scale.

•Critical: grave impact on American diplomats

•High: serious impact on American diplomats

•Medium: moderate impact on American diplomats

•Low: minor impact on American diplomats

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[4] U.S. Department of State Foreign Affairs Manual Volume 12 - Diplomatic Security, 12 FAM 314 OSPB SECURITY STANDARDS http://www.state.gov/documents/organization/88382.pdf

[5] Congressional Research Service, Securing U.S. Diplomatic Facilities and Personnel Abroad: Background and Policy Issues, November 25, 2012, http://www.fas.org/sgp/crs/row/R42834.pdf

The protective measures for each post are dictated by the post's overall threat level.[6] At the time of the Benghazi attack, only a small number of the 264 overseas diplomatic posts were rated either HIGH or CRITICAL in threat categories related to political violence, terrorism, and crime. Our posts in Benghazi and Tripoli were among those posts and the only two facilities that met no OSPB or SECCA standards. Furthermore, Benghazi and Tripoli were not located in a country where the Department of State could count on effective support or response from the host nation -- a fact that was clearly and repeatedly reported to policy makers in Washington, DC.

The SECCA requirements, OSPB standards, and SETL ratings are the critical foundation for all RSOs and Posts on which security measures are evaluated and deficiencies identified.

No waivers of SECCA requirements or exceptions to the required OSPB standards were prepared for either the Tripoli or Benghazi compounds. More importantly, senior decision makers in the Department, including the U/S for Management, determined that funding would not be provided in order to bring the facilities into compliance with the aforementioned standards. Neither SECCA nor OSPB allows for blanket waivers or exceptions simply due to the temporary nature of the facilities. Furthermore, SECCA waiver requirements for buildings solely occupied by the U.S. government overseas ***must*** be approved by the Secretary of State and cannot be delegated. Since there is no SECCA waiver on file, the obvious question for both the Committee and the ARB is if the Secretary of State did not waive these requirements, who did so by ordering occupancy of the facilities in Benghazi and Tripoli?

In early February 2012, as part of discussions about occupancy of newly acquired buildings in Tripoli, I advised relevant officials in Tripoli and Washington, DC that I did not and would not support occupancy of the buildings until required OSPB security upgrades had been completed. I was told by Diplomatic Security (DS) and Overseas Building Operations (OBO) officials that the U/S for Management had authorized occupancy of the buildings "as is". Specifically, the responding official stated via email, "*It is*

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[6] U.S. Government Accountability Office, State Department: Diplomatic Security's Recent Growth Warrants Strategic Review, GAO-10-156, December 7, 2009, pp. 7-8, http://www.gao.gov/assets/300/298354.html.

my understanding that M {U/S for Management} agreed to your current compound being set up and occupied, condition as is". On February 8, 2013, I responded to OBO and DS officials in Washington, DC requesting confirmation of this decision and specifically asking, "***Is anything in writing, if so, I'd like a copy for post so we have it handy for the ARB?***"[7] I discussed and reviewed these same areas of concern during my meetings with the ARB, Senate and House Committees, and FBI.

I'm certain that senior policymakers are aware of these requirements and their importance. To wit, on February 14, 2013, U/S for Management highlighted the importance of the SECCA and OSPB security measures in thwarting attacks on diplomatic facilities during his testimony at a Hearing on Embassy Security before the House Appropriations Committee, Subcommittee On State/Foreign Operations. In his testimony, the U/S for Management noted that attacks similar to Benghazi's took place against our Embassies in September 2012 in Cairo, Sana'a, Tunis, and Khartoum, yet resulted in only property damage versus loss of life.

"Last September, we also saw violent attacks on our embassies in Cairo, Sana'a, Tunis, and Khartoum, as well as large protests outside many other posts where thousands of our diplomats serve. Our posts in Cairo and Sana'a were completed during the Inman building phase between 1986 and 1998, while Embassy Tunis was completed in November 2002 and Embassy Khartoum in March 2010, both post-SECCA.

***All of these facilities ably withstood attack**. The perimeter walls and controlled entrances provided time for our staff to reach safety inside the buildings and for the host government to respond.*

*While the perimeters were penetrated resulting in property damage, **the physical security countermeasures at these facilities prevented any loss of life**.*

A compound security upgrade project in Sana'a, which constructed a new entrance hard line with reinforced doors and windows, and a forced

[7] Email from Eric Nordstrom to James Bacigalupo, Regional Director DS/IP/NEA, et al., February 8, 2012, 7:44 a.m., Subject: FW: Tripoli – Occupancy of Compound IV

entry and ballistic resistant door and window replacement project in Tunis had just been completed prior to the attacks." [8]

For the ARB to ignore the role senior Department leadership played before, during, and after the 11 September attack sends a clear message to all State Department employees. The ARB's failure to review the decisions of the U/S for Management and other senior leaders, who made critical decisions regarding all aspects of operations in Tripoli, to include occupancy of facilities, which did not meet the aforementioned SECCA and OSPB requirements, is inexplicable. All of these decisions were integral to understanding how the events of September 11, 2012 unfolded.

Among the Department of State's most important responsibilities are the assistance of U.S. citizens overseas and the protection of U.S. Department of State personnel and facilities abroad. However, the Department has not provided either Consular Affairs or Diplomatic Security, sufficient stature within the Department's organizational structure. According to the ARB, Senate and House reports, several of the security resource requests, in particular staffing requests, were 'lost' within the Department's domestic bureaucracy. Senior Department officials, including former Secretary Clinton, assert that these requests were not raised to the Deputy Secretary or her level for resolution or support. The Diplomatic Security Deputy Assistant Security (DAS) for International Programs testified that the response cable to Posts July 09, 2012 staffing request was "lost in the shuffle" and a November 2011 funding and resource request related to Libya and routed to the Undersecretary for Management (U/S for M) for decision was similarly not acted on.

In recognition of the importance of security at overseas diplomatic posts after the 1998 East Africa Bombings, the Department moved overseas Regional Security Officers (RSOs) out from the direct reporting relationship to the Management Officer and created a direct reporting relationship to the Ambassador via the Deputy Chief of Mission. Likewise, heads of Consular sections overseas report to the Ambassador via the Deputy Chief of Mission. However, the State Department has failed to make the same chain of command shift within its own organizational chart. The Bureaus of

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[8] Testimony of U/S for Management Patrick Kennedy before the House Appropriations Subcommittee On State/Foreign Operations, Hearing on Embassy Security, February 14, 2013

Diplomatic Security and Consular Affairs, despite the gravity of their respective missions after both 9/11 attacks, remain under the umbrella of the U/S for Management. In my opinion, there is a better way.

Reorganization and an elevation of the leadership of the Bureaus of Diplomatic Security and Consular Affairs to respective Under Secretary of State levels would send a strong signal on the importance of these two core Department functions. Such reorganization could provide a more direct line of communication to the Secretary of State, and thereby increase accountability within these Bureaus. Alternatively, the Secretary of State has a number of offices and bureaus with a ***direct*** reporting relationship, including: Bureaus of Intelligence and Research (INR) and Legislative Affairs (H); Office of the Legal Adviser (L); Office of Inspector General (OIG); Office of Policy Planning Staff (S/P); Office of the Chief of Protocol (S/CPR); Office of Civil Rights (S/OCR); Office of Global Women's Issues (S/GWI); Office of the Global AIDS Coordinator (S/GAC); as well as Special Envoys and Special Representatives. [9] Under the current structure, there are also six Under Secretaries of State, who report to Secretary of State via two Deputy Secretaries of State. The six Undersecretaries are as follows: Under Secretary for Political Affairs (P); Under Secretary for Economic Growth, Energy and Environment (E); Under Secretary for Arms Control and International Security Affairs (T); Under Secretary for Public Diplomacy and Public Affairs (R); Under Secretary for Management (M); Under Secretary for Civilian Security, Democracy and Human Rights (J). Currently, both Diplomatic Security and Consular Affairs report to the Secretary of State via the U/S for Management and then to Deputy Secretary of State, adding an extra layer of management between the senior official within the Bureau of Diplomatic Security, the Assistant Secretary for Diplomatic Security, and the Secretary of State. It is remarkable to me that eleven Bureaus or Offices report to and vie for the attention of the U/S of Management, compared to the next largest, the Under Secretaries of Political

[9] Department of State Organization Chart, http://www.state.gov/documents/organization/187423.pdf

Affairs (P) and Civilian Security, Democracy and Human Rights (J), both of whom supervise only seven bureaus. [10]

Senior Department officials regularly state that the Department must operate in high-threat locations like Iraq, Afghanistan, Yemen, Sudan, Libya, Pakistan, and Somalia and that such work will increasingly be without the benefit of deployed U.S. military support. While Department employees are told that they may spend multiple tours in hardship and unaccompanied postings as part of the Department's new 'expeditionary' diplomacy designed to meet the challenges of the 21st century, the Department has not made the appropriate organizational and cultural changes to keep pace with the work expected of its employees. Former Secretary Clinton stated in her December 18, 2012 ARB report cover letter to Senate Foreign Relations Committee Chair, Senator John Kerry, in referring to the employees of the State Department, "Every one of them is my responsibility, and I will do everything in my power to keep them safe. I have no higher priority." [11] Elevating the position and role of the Bureau of Diplomatic Security within the Department of State organization will show the seriousness of this priority.

I'm proud of the work that our team accomplished in Libya under extraordinarily difficult circumstances. The protection of our nation's diplomats, our embassies and consulates, and the work produced there is deserving of the time that this Committee, other Congressional Committees, the Accountability Review Board, and no doubt future review efforts invest in making sure we get the process correct.

Thank you Mr. Chairman, and Members of the Committee, for the opportunity to appear before you today. I stand ready to answer any questions you might have.

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[10] Department of State Organization Chart, http://www.state.gov/documents/organization/187423.pdf

[11] Secretary Hillary Clinton ARB Cover Letter to Senate Foreign Affairs Committee Chair, John Kerry, dated 18 December 2013. http://www.state.gov/documents/organization/202447.pdf

Chairman ISSA. I'll now recognize myself for a quick round of questioning.

Mr. Thompson, you went through a process of things that you observed and how you tried to activate your team. Did you do so because you had an initial view of whether this was a terrorist attack or something else? And please be brief. I want to use my time.

Mr. THOMPSON. Yes.

Chairman ISSA. Okay, thank you. Mr. Hicks, as the principal officer and, you know, once the Ambassador had been murdered, the highest ranking officer on September 11th from the moment that you unexpectedly became the Chargé, America has heard many accounts of what happened. We've never heard accounts from a single person who was in Libya that night. You will be the first person who observed it. In your own words, take as much time as you want, please take us through the day of September 11th from whatever time you want to begin through when you first heard from Ambassador Stevens and through the hours and days immediately following that, if you would, so we can have an understanding for the first time from somebody who was there.

Mr. HICKS. Thank you, Mr. Chairman. As I remember September 11, 2012, it was a routine day at our embassy, and until we saw the news about Cairo, and I remember sending a text message to Ambassador Stevens saying, Chris, are you aware of what's going on in Cairo? And he said, No. So I told him that the embassy, in another text, that the embassy had been stormed and they were trying to tear down our flag. And he said, Thanks very much. And, you know, then I went on with business.

Closed the day, and I went back to my villa and was relaxing watching a television show that I particularly like, and at 9:45 p.m.—and all times will be Libyan times, there is a 6-hour time difference—the RSO John Martinec ran into my villa yelling Greg, Greg, the consulate's under attack, and I stood up and reached for my phone because I had an inkling or a thought that perhaps the Ambassador had tried to call me to relay the same message, and I found two missed calls on the phone, one from the Ambassador's phone and one from a phone number I didn't recognize, and I punched the phone number I didn't recognize, and I got the Ambassador on the other end, and he said, Greg, we're under attack. And I was walking out of the villa on my way to the tactical operations center because I knew we would all have to gather there to mobilize or try to mobilize a response, and it was also a bad cell phone night in Tripoli, connections were weak, and I said, Okay, and the line cut.

As I walked to the tactical operations center, I tried to reach back on both of the numbers, the unknown number and the Ambassador's personal number, and got no response. When I got to the tactical operations center, I told people that the Ambassador, that I had just talked to the Ambassador and what he said. At the time John Martinec was on the phone with Alec Henderson in Benghazi, the RSO there, and I asked one of our DS agents who, what number did I reach Ambassador Stevens on, and he said, oh, that's Scott Wickland's telephone. Scott Wickland was Ambassador Stevens' agent in charge, his personal escort for that night, and was with him in the villa during the attack.

So I asked—when John Martinec got off the telephone, I asked him what was going on, and he said that the consulate had been breached and there were at least 20 hostile individuals armed in the compound at the time. So I next called the annex chief to ask him if he was in touch with the Benghazi annex to activate our emergency response plan.

Chairman ISSA. Please explain the annex chief so that people that don't know as much would understand that. No, go ahead, please.

Mr. HICKS. Okay, thank you. And he said that he had been in touch with the annex in Benghazi, and they said they were mobilizing a response team there to go to the—to our facility and provide reinforcements and to repel the attack.

With that knowledge, I called the operations center at the State Department at approximately 10 p.m. to report the attack and what we were doing to respond to it. The next thing I did was to begin calling the senior officials in the government of Libya that I knew at the time, and so I dialed first President Magarief's chief of staff and reported the attack and asked for immediate assistance from the government of Libya to assist our folks in Benghazi. I followed that up with a call to the Prime Minister's chief of staff to make the same request, and then to the MFA Americas director. MFA is Ministry of Foreign Affairs.

The defense attache was at the same time calling the leadership of Libya's military with the same purpose, to ask them for assistance. Once that was done, I called again to Washington to report that these actions had been commenced. Over the night we, over that night that is basically how our team operated. I was talking to the government of Libya, reporting to the State Department through the operations center, and also staying in touch with the annex chief about what was going on.

Let me step back one minute if I could and say that I also discussed with the annex chief about mobilizing a Tripoli response team, and we agreed that we would move forward with a, chartering a plane from Tripoli to fly a response team to Benghazi to provide additional reinforcements.

The defense attache was also reporting through his chain of command back to AFRICOM and to the Joint Staff here in Washington about what was going on in the country. David McFarland, our Political Section Chief, had just returned from Benghazi where he had been our principal officer for the previous 10 days, and so he jumped into this picture by reaching out to his contacts in Benghazi and trying to get them at the local level there to respond to the attack, and he also was in touch with our local employee there as well.

Excuse me if I check my notes here, it's so long. The attack unfolded in four phases or the night unfolded in four phases. The first phase was the attack on our consulate. This story is well known, I think. The Benghazi response—the consulate was invaded, the Villa C where the Ambassador and Sean Smith and Scott Wickland were hiding in the safe area, was set on fire. The attackers also went into another, went into another building. They were unable to enter the tactical operations center in Benghazi because of improvements to that facility that had been made. They—Scott at-

tempted to lead the Ambassador and Sean Smith out of the burning building. He managed to make it out. He tried repeatedly to go back in to try to rescue Sean and the Ambassador but had to stop due to exposure to smoke.

The response team from the annex in Benghazi, six individuals, drove the attackers out of our compound and secured it temporarily. There have been estimates as high as 60 attackers were in the compound at one particular time. There were repeated attempts by all of the RSOs and by the response team from the annex to go into the burning building and recover or try to save Sean and the Ambassador. They found Sean's body and pulled it out, but he was no longer responsive. They did not find the Ambassador.

I spoke with a medical officer, one of our medical officers after the attack, and the heroism of these individuals in repeatedly going into a petroleum-based fire cannot be understated. Petroleum, according to our regional medical officer, petroleum-based fires emit enormous amounts of cyanide gas. He told me that one full breath of that would incapacitate and kill a person if exposed to it.

The second—it was noticed that a second wave of attackers was coming to attack the facility, and our teams evacuated five RSOs and Sean Smith in one vehicle which suffered heavy fire, but they managed to break through and get to the annex, and then the annex team also withdrew from the facility, and the second wave of attackers took it over.

After the second phase of the evening occurs, the timing is about 11:30 or so, the second phase commences after the teams have returned to the annex, and they suffer for about an hour and a half probing attacks from terrorists. They are able to repulse them, and then they desist at about 1:30 in the morning. The Tripoli response team departs at about midnight and arrives at about 1:15 in Benghazi.

If I may step back again to Tripoli and what's going on there at this point. At about 10:45 or 11:00 we confer, and I asked the defense attache who had been talking with AFRICOM and with the Joint Staff, is anything coming? Will they be sending us any help? Is there something out there? And he answered that the nearest help was in Aviano, and the nearest—where there were fighter planes, and he said that it would take 2 to 3 hours for them to get on site, but that there also were no tankers available for them to refuel. And I said Thank you very much, and we went on with our work.

Phase 3 began with news that the Ambassador's body has been recovered, and David McFarland, if I recall correctly, is the individual who began to receive that news from his contacts in Benghazi, and we began to hear also that the Ambassador has been taken to a hospital. We don't know initially which hospital it is, but we, through David's reports, we learn that it is in a hospital which is controlled by Ansar al-Sharia, the group that Twitter feeds had identified as leading the attack on the consulate. We're getting this information as the Tripoli response team arrives in Benghazi at the airport. Both our annex chief and the annex chief in Benghazi and our defense attache are on the phone during this period trying to get the Libyan Government to send vehicles and

military and/or security assets to the airport to assist our response team. At this point this response team looks like it may be a hostage rescue team, that they are going to—we are going to need to send them to try to save the Ambassador, who was in a hospital that is, as far as we know, under enemy control. Our contacts with the government in Tripoli are telling us that the Ambassador is in a safe place, but they imply that he is with us in the annex in Benghazi, and we keep telling them, No, he is not with us, we do not have his—we do not have him.

At about 12:30, at the same time that we see the Twitter feeds that are asserting that Ansar al-Sharia is responsible for the attack, we also see a call for an attack on the embassy in Tripoli, and so we begin to—we had always thought that we were under threat, but we now have to take care of ourselves, and we begin planning to evacuate our facility. When I say our facility, I mean the State Department residential compound in Tripoli and to consolidate all of our personnel in—at the annex in Tripoli. We have about 55 diplomatic personnel in the two annexes.

On that night, if I may go back, I would just like to point out that with Ambassador Stevens and Sean Smith in Benghazi there are five diplomatic security agents, assistant regional security officers. With us in, at our residential compound in Tripoli we have the RSO John Martinec, three assistant regional security officers protecting 28 diplomatic personnel. In addition, we also have four Special Forces personnel who are part of the training mission.

During the night I'm in touch with Washington, keeping them posted of what's happening in Tripoli and to the best of my knowledge what I'm being told in Benghazi. I think at about 2 p.m.—2 a.m., sorry, the Secretary, Secretary of State Clinton called me, along with her senior staff, we're all on the phone, and she asked me what was going on, and I briefed her on developments. Most of the conversation was about the search for Ambassador Stevens. It was also about what we were going to do with our personnel in Benghazi, and I told her that we would need to evacuate, and that was—she said that was the right thing to do.

At about 3 a.m. I received a call from the Prime Minister of Libya. I think it's the saddest phone call I've ever had in my life. He told me that Ambassador Stevens had passed away.

Mr. HICKS. I immediately telephoned Washington that news afterwards and began accelerating our efforts to withdraw from the villas compound and move to the annex.

Excuse me. I will take a glass of water.

Our team responded with amazing discipline and courage in Tripoli in organizing our withdrawal. I have vivid memories of that. I think the most telling, though, was of our communications staff dismantling our communications equipment to take with us to the annex and destroying the classified communications capability.

Our office manager, Amber Pickens, was everywhere that night, just throwing herself into some task that had to be done. First, she was taking a log of what we were doing. Then she was loading magazines, carrying ammunition to the—carrying our ammunition supply to our vehicles. Then she was smashing hard drives with an axe.

Allen Greenfield, our management officer, was a whirlwind of activity, organizing the vehicles, to lining them up, finding the drivers, making sure everybody was getting the things that they would need for the coming days.

John Martinec was a mountain of moral support, particularly to the guys who were in Benghazi. He was on the phone talking them through the whole ordeal. David McFarland on the phone constantly, all the time, talking to his contacts in Benghazi, urging them to help.

Lieutenant Colonel Phillips and Lieutenant Colonel Arndt, Lieutenant Colonel Gibson, mountains of strength. I am awed. I am still in awe of them.

They asked me in one of the phone calls, when were you going to move to the annex? And I said, "We will move at dawn," because none of our people had great experience driving the armored Suburbans that we were going to have to use. Our local staff drove for us as part of our security procedures. They, of course, were not there that night. And we would have to go through checkpoints, militia checkpoints, on the way to the annex to get there. And I didn't want our people to be going through those checkpoints because I didn't know what to expect from the militias.

And so we moved at dawn. And we arrived at the annex, at least my group, I think at about 4:45 perhaps, maybe 5:00 a.m. And a few minutes later came the word of the mortar attack.

If I could return to Benghazi a little bit—I talked through Tripoli—I am sorry if I bounce back and forth. The Tripoli team basically had to stay at the Benghazi airport because they had no transport and no escort from the Libyans. After the announcement of Chris's passing, military escort and vehicles arrived at the airport. So the decision was made for them to go to the annex.

Before I got the call from the Prime Minister, we had received several phone calls on the phone that had been with the Ambassador saying that we know where the Ambassador is, please, you can come get him. And our local staff engaged on those phone calls admirably, asking very, very good, outstanding even, open-ended questions about where was he, trying to discern whether he was alive, whether they even had the Ambassador, whether that person was with the Ambassador. Send a picture. Could we talk to the Ambassador?

Because we knew separately from David that the Ambassador was in a hospital that we believed was under Ansar al-Sharia's call, we suspected that we were being baited into a trap, and so we did not want to go send our people into an ambush. And we didn't. We sent them to the annex.

Shortly after they arrived at the annex, the mortars came in. First mortar round was long. It landed, actually, among the Libyans who escorted our people. They took casualties for us that night. And the next was short. The next three landed on the roof, killing Glen and Tyrone, severely wounding David.

They didn't know whether any more mortars were going to come in. The accuracy was terribly precise. The call was the next one is coming through the roof, maybe, if it hit. Two of the guys from Team Tripoli, they climbed up on the roof, and they carried Glen's body and Tyrone's body down. One guy about Mark's size, full of

combat gear, climbed up there, strapped David Ubben, who is a large man, to his back and carried him down the ladder, saved him.

In Tripoli, we had a defense attache that persuaded the Libyans to fly their C–130 to Benghazi. We wanted to airlift—since we had consolidated at the annex and the Libyan Government had now provided us with external security around our facilities, we wanted to send further reinforcements to Benghazi. We determined that Lieutenant Colonel Gibson and his team of Special Forces troops should go. The people in Benghazi had been fighting all night. They were tired, they were exhausted. We wanted to make sure the airport was secure for their withdrawal.

As Colonel Gibson and his three personnel were getting in the cars, he stopped and he called them off and said—told me that he had not been authorized to go. The vehicles had to go because the flight needed to go to Tripoli—I mean, to Benghazi. Lieutenant Colonel Gibson was furious. I had told him to go bring our people home. That's what he wanted to do. He paid me a very nice compliment, and I won't repeat it here. So the plane went. I think it landed in Benghazi around 7:30.

The other thing that we did was—and I want to mention Jackie Levesque's name in this hearing. She was our nurse. We had initially thought that she should go to Benghazi. One of the Special Forces with Lieutenant Colonel Gibson's team was our last military-trained medic available. He had a broken foot in a cast. I still remember him walking to go and get in the car with his machine gun, carrying a machine gun on his shoulder.

But Jackie, I refused to allow her to go to Benghazi because I knew we had wounded coming back. I knew David was severely wounded, and I knew others were wounded, as well. And Jackie had just made terrific contacts with a hospital in town. And so we sent her, I sent her to that hospital to start mobilizing their ER teams and their doctors to receive our wounded so that when the charter flight arrived in Tripoli we had ambulances at the airport waiting.

Their doctors were ready and waiting for our wounded to come in, to be brought into the operating room. And they certainly saved David Ubben's leg, and they may very well have saved his life. And they treated our other wounded, as well, as if they were their own.

Chairman ISSA. Mr. Hicks, I know you have the days that followed, but I think we all need to digest a little of what you just told us. So if we could pause there.

And Mr. Cummings is recognized.

Mr. CUMMINGS. Thank you very much.

Again, to all of you, we appreciate your being here.

To you, Mr. Hicks, as you described what happened that night, it just reminded me of the high cost—the high cost that is paid by so many of our folk in the diplomatic corps. It also reminded me of their bravery and the fact that you all go around the world in foreign places trying to make a difference.

And as I listened to your testimony, I could not help but think about something that I said very recently, well, 2 years ago now, in a eulogy for a relative. I said that death is a part of life, but so often we have to find a way to make life a part of death.

And I guess the reason why I am saying that, I want to go back to something Mr. Nordstrom said when he said that he wanted to make sure that—and all of you said it, pretty much—he wanted to make sure we learned from this so that your comrades and our four members of the diplomatic corps who sadly passed away—so that this never happens again. And I appreciate it. I know this is difficult. I know it is. We all feel your pain.

And so I just want to, going back to what Mr. Nordstrom said, trying to make sure we have a complete picture. Because there is another piece to this, too, and that is that we have some balancing here to do today. We have to listen to you all. And this is really, really difficult because we have some statements that have been made, not necessarily by you, but interpreted. While we have to protect you, we also have to protect your fellow employees. "Protect" is maybe not the right word, but make sure that they are treated fairly. So, you understand what I am saying? That balance. And I am just trying to make sure I get, in your words, Mr. Nordstrom, a complete picture. That's all.

Mr. Hicks, in the interview with the committee staff, you stated, "In my personal opinion, a fast-mover flying over Benghazi at some point, you know, as soon as possible might very well have prevented some of the bad things that happened that night." Is that right? Did you say that?

Mr. HICKS. Yes, sir, I did.

Mr. CUMMINGS. And you further stated, "I believe if we had been able to scramble a fighter or aircraft or two over Benghazi as quickly as possible after the attack commenced, I believe there would not have been a mortar attack on the annex in the morning because I believe the Libyans would have split." Is that right?

Mr. HICKS. Yes, sir.

Mr. CUMMINGS. At a hearing in February before the Senate Armed Services Committee, General Dempsey, Chairman of the Joint Chiefs of Staff, was asked whether we could have deployed F–16s from Aviano Air Base in Italy, and he explained why we could not. And these are his words. And we are just trying to make sure we get the complete picture here.

"For a couple reasons." this is a quote. "For a couple reasons. One is that in order to deploy them it requires the—this is the middle of the night now—these are not aircraft on strict alert. They are there as a part of our commitment to NATO and Europe. And so, as we looked at the timeline, it was pretty clear that it would take up to 20 hours or so to get them there."

Mr. Hicks, I understand that you wanted planes to get to Benghazi faster. If I were in your shoes, I would have wanted them to get there yesterday. And that is completely understandable. But the Chairman of the Joint Chiefs of Staff said they simply could not get there quickly. Mr. Hicks, do you have any reason to question General Dempsey's testimony before the Senate?

Mr. HICKS. Again, I was speaking from my perspective——

Mr. CUMMINGS. I understand.

Mr. HICKS. —on the ground in Tripoli based on what the defense attache told me. And he said 2 to 3 hours.

Mr. CUMMINGS. Okay.

Mr. HICKS. But there were no tankers.

Mr. CUMMINGS. All right.

Mr. HICKS. And I also was speaking with reference to conversations I had had with veteran Libyan revolutionaries and other personnel who had experienced the Libyan revolution and who had told me that the Libyan people were very well aware of—sorry—that American and NATO airpower had been decisive in their victory. And I was also speaking to their view, again, that Libyans would not stand if they were aware that American aircraft were in the vicinity.

Mr. CUMMINGS. I understand.

So former Secretary of Defense Leon Panetta also testified in February, and he said this, He said, "Soon after the initial reports about the attack, the President ordered all available DOD assets to respond to the attack in Libya and to protect U.S. personnel and interests in the region. Some have asked why other types of armed aircraft were not dispatched to Benghazi. The reason is because armed UAVs, AC–130 gunships, or fixed-wing fighters with associated tanking, armaments, targeting, and support capabilities were not in the vicinity of Libya and because of the distance. It would have taken at least 9 to 12 hours, if not more, to deploy. This was, pure and simple, a problem of distance and time," end of quote.

Do you question his testimony?

Mr. HICKS. Sir, again, the defense attache said to me that fighter aircraft in Aviano might be able to—would not be able to be over Benghazi for 2 to 3 hours.

Chairman ISSA. Mr. Cummings——

Mr. HICKS. That is what I am going on, what the defense attache told me.

Chairman ISSA. Thank you.

And I assure you that in regards to your earlier statement, we will bring in people where we can have that discussion, hopefully with knowledgeable people chosen on both sides of could they or couldn't they. I think it is a good line of questioning, perhaps not for the Ambassador.

Mr. CUMMINGS. Mr. Chairman——

Chairman ISSA. You certainly can have another minute.

Mr. CUMMINGS. Thank you very much, Mr. Chairman.

But it is extremely important that I ask these questions because a lot has been put out there in the air. And all these folks aren't here for no reason. And I know we will get those questions answered, but all we have is you today. And I am glad to have you.

But, in other words, I am just trying—again, remember what I said to you all earlier. And everybody on this committee should know this. I try to do everything in my power to protect witnesses, I don't care if they are called by Republicans or Democrats, because your integrity and your reputation is all you got. But I also have some other people whose reputations are being questioned. So I have to, you know, take what you say, but then I also have to consider them, too, because I have a duty to both of them. Do you follow me?

I just have one last thing, Mr. Chairman, and then I will finish up. And I will just close by noting that even the partisan report issued by our five Republican chairmen in April, including our good Chairman Issa, cleared the Defense Department and said this. It

says, "No evidence has been provided to suggest that these officials refused to deploy resources because they thought the situation had been sufficiently resolved."

I will end there out of courtesy to all our colleagues. And, again, I don't know whether we will get to a second round, but, again, I promise you, I promise every one of you, I will do every single thing in my power to make sure—I don't—I hope there is no retaliation—but to protect you, because you are so very, very important. And it is your bravery that has brought you here today, and we really appreciate it.

Thank you.

Chairman ISSA. Thank you.

We now go to the gentleman from South Carolina, Mr. Gowdy.

Mr. GOWDY. Thank you, Mr. Chairman.

To the families of the victims, it has been 8 months. And I know that there are those who have said that's a long time ago. But the good news is there is no statute of limitations when it comes to finding out the truth, particularly for those who have served and sacrificed and died under our flags.

So, Mr. Hicks, let's find out the truth. The President of Libya responded to the attack and labeled it an attack by Islamic extremists possibly with terror links, correct?

Mr. HICKS. Yes, sir.

Mr. GOWDY. So hours after our Ambassador and three others are killed in Benghazi, the President of Libya says it was an attack with possible terror links, correct?

Mr. HICKS. Yes, sir, that's what I recall.

Mr. GOWDY. Did the President of Libya ever mention a spontaneous protest related to a video?

Mr. HICKS. No, sir.

Mr. GOWDY. When Ambassador Stevens talked to you perhaps minutes before he died, as a dying declaration, what precisely did he say to you?

Mr. HICKS. He said, "Greg, we're under attack."

Mr. GOWDY. Would a highly decorated career diplomat have told you or Washington had there been a demonstration outside his facility that day?

Mr. HICKS. Yes, sir, he would have.

Mr. GOWDY. Did he mention one word about a protest or a demonstration?

Mr. HICKS. No, sir, he did not.

Mr. GOWDY. So fast-forward, Mr. Hicks, to the Sunday talk shows and Ambassador Susan Rice. She blamed this attack on a video. In fact, she did it five different times. What was your reaction to that?

Mr. HICKS. I was stunned. My jaw dropped. And I was embarrassed.

Mr. GOWDY. Did she talk to you before she went on the five Sunday talk shows?

Mr. HICKS. No, sir.

Mr. GOWDY. You were the highest-ranking official in Libya at the time, correct?

Mr. HICKS. Yes, sir.

Mr. GOWDY. And she did not bother to have a conversation with you before she went on national television.

Mr. HICKS. No, sir.

Mr. GOWDY. So Ambassador Rice directly contradicts the evidence on the ground in Libya, she directly contradicts the President of Libya, she directly contradicts the last statement uttered by Ambassador Stevens.

Mr. Hicks, who is Beth Jones?

Mr. HICKS. Beth Jones is the Acting Assistant Secretary for Near Eastern Affairs at the State Department.

Mr. GOWDY. I want to read an excerpt from an email she sent. And you were copied on it.

And, by the way, Mr. Chairman, for our colleagues who like to trumpet bipartisanship, this would be a wonderful opportunity to demonstrate it. Some of these emails, even though they are not classified, have not been released, Mr. Chairman, including the one that I am going to read from. So for my colleagues who trumpet bipartisanship, this would be a wonderful time to prove it.

This is from Ms. Jones to you, to counsel for Hillary Clinton, to Victoria Nuland, to Mr. Kennedy, near as I can tell to almost everyone in the State Department. And I am going to read from it. "I spoke to the Libyan Ambassador and emphasized the importance of Libyan leaders continuing to make strong statements."

By the way, Mr. Hicks, this email was sent on September the 12th, the day after Benghazi and several days before Ambassador Rice's television appearance.

And I will continue. "When he said his government suspected that former Qadhafi regime elements carried out the attacks, I told him that the group that conducted the attacks, Ansar al-Sharia, is affiliated with Islamic terrorists."

Let me say that again, Mr. Hicks. She told him, the State Department, on September the 12th, days before our Ambassador went on national television, is telling the Ambassador to Libya the group that conducted the attacks, Ansar al-Sharia, is affiliated with Islamic terrorists.

Mr. Hicks, I want to know two things. Number one, why in the world would Susan Rice go on five Sunday talk shows and perpetuate a demonstrably false narrative? And, secondarily, what impact did it have on the ground in Benghazi, the fact that she contradicted the President of Libya?

Mr. HICKS. As to the first question, I cannot provide an answer, but perhaps you should ask Ambassador Rice.

Mr. GOWDY. I would love the opportunity to do just that.

Mr. HICKS. As to the second question, at the time, we were trying to get the FBI to Benghazi to begin its investigation, and that talk show actually provided an opportunity to make that happen.

Afterwards, we encountered bureaucratic resistance for a long period from the Libyans. The Libyan Government at this time is not very deep: president, prime minister, deputy prime ministers, ministers—all capable people—some vice ministers, as well. And it took us an additional—let's see, my math is not very fast these days—maybe 18 days to get the FBI team to Benghazi.

Mr. GOWDY. So the crime scene was unsecured for 18 days.

Mr. HICKS. Yes, sir.

Mr. GOWDY. Witnesses were not interviewed.

Chairman ISSA. If the gentleman would please finish up, we are going to try and move along.

Mr. GOWDY. Yes, I will move on.

We will finish this if there is a second round. Thank you, Mr. Hicks.

Chairman ISSA. Thank you.

For all individuals, to the extent that our witnesses can stay on, we will try to have a second round. But the ranking member and I both realize that we are a little behind schedule, and I take blame for it. But we are going to try to move within 5 minutes of questioning whenever possible.

The gentlelady from New York, Ms. Maloney.

Mrs. MALONEY. Okay. Thank you, Mr. Chairman.

I want to thank all the witnesses, and thank you for your public service. And my condolences to the families for your great loss.

And I want to thank the American military. My father served in World War II, my brother in Vietnam, my husband in the Navy. And I can say after close observation, there is no place or no time that the American military wouldn't be there to protect American lives if they possibly could get there.

And I find it truly disturbing and very unfortunate that when Americans come under attack, the first thing some did in this country was attack Americans—attack the military, attack the President, attack the State Department, attack the former Senator from the great State of New York, former Secretary of State Hillary Clinton. And I would like to ask some questions about these attacks to get at the real facts.

Last month, Chairman Issa went on national television and accused former Secretary of State Hillary Clinton, accused her of lying under oath when she testified before Congress that she did not personally approve of security reductions in Libya. As proof, he claimed that she personally signed a cable denying requests for additional security. And he stated, "The Secretary of State was just wrong. She said she did not participate in this, and yet only a few months before the attack she outright denied security and her signature in a cable in April 2012." The fact is that the Secretary did not sign this cable in 2012. Her name was typed at the bottom of the page, which is just the general procedure for thousands of cables that come out of the State Department every single year.

So I would like to ask the panelists and our witnesses just one question, and it concerns the State Department correspondence manual, which is posted on the Department's Web site. And this manual says, "The communications center will place the name of the Secretary on all telegrams to posts."

Now, I would like to ask the panelists in a yes-or-no question, do you agree that this is the proper procedure or the procedure that's followed by the State Department, that thousands and thousands of cables leave the Department headquarters every single year with the Secretary's name at the bottom of the page or on the page?

And I would like to know, Mr. Nordstrom, yes or no, do you agree with the manual? Is that the procedure of the State Department?

Mr. NORDSTROM. That is my understanding of the prevailing practice.

Mrs. MALONEY. Mr. Hicks, yes or no?

Mr. HICKS. Yes, ma'am.

Mrs. MALONEY. Mr. Thompson, yes or no, is that the procedure?

Mr. THOMPSON. Yes.

Mrs. MALONEY. Well, 2 days after Chairman Issa made these accusations, The Washington Post ran a Fact Checker article called "The Whopper." And I would like to ask unanimous consent to place this in the record.

Chairman ISSA. Without objection, so ordered.

Mrs. MALONEY. Thank you.

Mrs. MALONEY. Well, what The Fact Checker said was this: "There was no basis or evidence to show that Clinton had anything to do with this cable any more than she personally approved a cable on proper email etiquette. The odds are extremely long that Secretary Clinton ever saw or approved this memo, giving us confidence that this inflammatory and reckless language qualifies as a whopper and four Pinocchios."

So anyone who actually knows how the State Department operates knows that she was speaking the truth. She was talking about the procedure that was in the manual. There is no way in the world that she could sign every cable coming out. And when she said she didn't sign it, she did not sign it. So——

Chairman ISSA. The gentlelady's time has expired, but if anyone wants to respond, they may.

Hearing none, we will go to the gentleman from Utah, Mr. Chaffetz.

Mr. CHAFFETZ. Thank you, Chairman.

And thank you, all three, for you being here. And thank you to the families whose loved ones passed away.

Mr. Hicks, I want to go back to that first plane from Tripoli. It went from Tripoli, as noted in the ARB report, included seven rescue team members, including two U.S. military personnel. That plane then returns to Tripoli. And the first rescue team that is there is now really engaged in the attack. You have no idea, is my understanding, as to when the attack is going to end, so the second rescue team is preparing to go.

And you mentioned it in your opening statement, but if you could please go back to what the second team—now, the second team included four U.S. military. These are highly trained Special Forces personnel, one of which is a medic. And yet these military personnel do not operate under your authority, and your permission is not enough for them to go. Explain to me again exactly what happened.

Mr. HICKS. Again, we determined that we needed to send a second team from Tripoli to secure the airport for the withdrawal of our personnel from Benghazi after the mortar attack.

Mr. CHAFFETZ. But were any of these U.S. military personnel not permitted to travel on a rescue mission or relief mission to Benghazi?

Mr. HICKS. They were not authorized to travel.

Mr. CHAFFETZ. What happened with those personnel?

Mr. HICKS. They remained in Tripoli with us. The medic went with the nurse to the hospital to lend his skills to the treatment and care of our wounded.

Mr. CHAFFETZ. How did the personnel react to being told to stand down?

Mr. HICKS. They were furious. I can only say—well, I will quote Lieutenant Colonel Gibson. He said, "This is the first time in my career that a diplomat has more balls than somebody in the military."

Mr. CHAFFETZ. So the military is told to stand down, not engage in the fight. These are the kind of people willing to engage. Where did that message come down, where did the stand-down order come from?

Mr. HICKS. I believe it came from either AFRICOM or SOCAFRICA.

Mr. CHAFFETZ. Now, my understanding is that General Ham was actually not in Stuttgart, where AFRICOM is headquartered, but he was in Washington, D.C. Is that correct?

Mr. HICKS. I don't know the whereabouts of General Ham on that night.

Mr. CHAFFETZ. Mr. Chairman, this is something that we are going to have to continue to explore.

I need to move quickly now to Mr. Thompson, if I could.

You were the leader there at the what is called the F.E.S.T. within the State Department. According to the State Department Web site, the F.E.S.T. is the Foreign Emergency Support Team, the U.S. Government's only interagency, on-call, short-notice team poised to respond to terrorist attacks worldwide.

I want to read to you an excerpt of an email sent by you to Kathleen Austin-Ferguson on Tuesday, September 11th, 2012, at 9:58 p.m. Could you help me understand, who is Kathleen Austin-Ferguson?

Mr. THOMPSON. She is Under Secretary Kennedy's deputy.

Mr. CHAFFETZ. You wrote, "I am told that Pat Kennedy participated in a very senior conference call with the White House and discouraged the F.E.S.T option. To remind, F.E.S.T. has dedicated aircraft able to respond in 4 hours, is Department of State-led, and provides the below skills. When FBI was contacted, they responded that this situation would be better addressed via a F.E.S.T. response. Thus, there are others who are thinking the same way. Ready to discuss further as needed. Mark."

Two questions——

Chairman ISSA. Can the gentleman suspend for a moment?

Earlier, there was one document that had not been placed in the record because it hadn't been provided through official channels. And I would ask that we get that. I think it came from Mr. Gowdy.

And then, Mr. Chaffetz, if you could make your document available so we could make copies.

And then for any other Members on either side of the dais, if you plan to use a document that is not currently committee record—and I realize, since we have gotten very little, there is very little committee records—please do us the favor of having copies so they can be distributed at or prior to the beginning of the questioning.

I am sorry to interrupt.

Mr. CUMMINGS. Mr. Chairman?

Chairman ISSA. Yes.

Mr. CUMMINGS. One thing. Mr. Chairman, as you will recall, yesterday I reminded you that we had never—with regard to Mr. Thompson, this is the first time we have gotten a syllable from him.

Chairman ISSA. And we have no transcript either.

Mr. CUMMINGS. Right, but let me go on. One of the things I said in our conversation is that if there were any documents that were going to be used, we would like to have had them yesterday.

But with regard to this document, and it sounds like it is a very crucial document, and in fairness to everybody, to all of us, and to Mr. Nordstrom, who said he wanted a complete hearing, we would just like to have that document, even if we have to suspend. We would like to see the document that he is talking about.

Chairman ISSA. Okay. In the case of this particular document Mr. Chaffetz is—my understanding is you do have the document. So I will let staff work on that and provide additional time if needed if that turns out not to be true.

For our witnesses, if you have any documents you are going to refer to that we don't have, if you would have your counsels allow copies to be made. Again, I want to make sure everyone has it as soon as possible.

Obviously, if the State Department had made the documents they show us so-called in camera, if they had allowed us to have copies, we would all have a lot more documents. But——

Mr. CUMMINGS. Thank you, Mr. Chairman.

Chairman ISSA. —that is for a different argument.

Mr. Chaffetz, I am sorry. We will give you back a couple of seconds. And the gentleman may continue.

Mr. CHAFFETZ. Mr. Thompson, do you recall that email?

Mr. THOMPSON. I do.

Mr. CHAFFETZ. Two questions. Were you ever given a detailed explanation as to why the F.E.S.T. was not considered for deployment? And, number two, did you attend or attempt to attend any senior meetings to plead your case for a F.E.S.T. deployment? And if so, what happened?

Mr. THOMPSON. The reason I was given was that this was not the time for the F.E.S.T. It might be too unsafe for the F.E.S.T. And I got that through Ms. Austin-Ferguson.

I readdressed that with her. I readdressed it with her staff 2 days later.

Mr. CHAFFETZ. Did you attempt to attend any meetings?

Mr. THOMPSON. The next morning, there were VTCs. I presumed I would be part of that. I was told not to attend those. Although CT was represented there, the F.E.S.T. portion and the response portion of the Counterterrorism Bureau was not represented there.

Mr. CHAFFETZ. So why were you not called into action? This is what you trained for, it is what tabletops are for, it is what you are prepared to do. Why was F.E.S.T. not called into action?

Mr. THOMPSON. I do not know.

Mr. CHAFFETZ. Mr. Chairman, this is one of the great mysteries. Here we have this expertise. We have invested heavily in it. They tabletop it, they understand it. This is exactly what they train for.

And they were never asked to go into action. We had no idea how long or when this was going to end.

I yield back.

Chairman ISSA. I thank the gentleman. The gentleman is correct.

We now recognize the gentlelady from the District of Columbia, Ms. Norton, for 5 minutes.

Ms. NORTON. Thank you, Mr. Chairman.

First, I want to say to the families that we continue to feel deeply about your loss.

I have some questions for Mr. Thompson concerning the role of the Counterterrorism Bureau.

Now, Mr. Thompson, your lawyer said you were unwilling to talk with any Democratic member of this committee, so I have had to rely on statements that were made to the press. Your own statement is mostly biographical, about the work you have done in Yemen and Latin America and the rest.

Now, one report I found indicated that you believed that Secretary Clinton and Ambassador Patrick Kennedy, and here I am quoting from this report, "tried to cut the Counterterrorism Bureau out of the loop as they and other Obama administration officials weighed how to respond to and characterize the Benghazi attack." Now, that's the end of that quote.

Mr. Thompson, I am asking you, is that quote accurate, that you believe that the Counterterrorism Bureau was intentionally kept out of the loop for political reasons?

Mr. THOMPSON. It is not. I indicated that the portion of the Counterterrorism Bureau that responds to crises, i.e. my part of the office, was pushed out of that discussion. The Counterterrorism Bureau was represented in subsequent meetings after the night of 9/11.

Ms. NORTON. But do you believe you were kept out for political reasons? This quote——

Mr. THOMPSON. I do not politicize my job, Madam. I have served under three Presidents, starting with President Clinton up to the present. I have served six Secretaries of State——

Ms. NORTON. I have to continue. Mr. Thompson, I was just quoting the quote. So the quote isn't entirely accurate, then?

Mr. THOMPSON. Correct.

Ms. NORTON. All right.

That is very important for the record, that Mr. Thompson is not saying that they were kept out of the loop for political reasons.

This week, this quote apparently caused your former boss in the Counterterrorism Bureau at the State Department—I am speaking now of Ambassador Daniel Benjamin—to issue a public statement disagreeing with this allegation in particular, which was in quotes. And he said, and I am now quoting him, "It has been alleged that the State Department's Counterterrorism Bureau was cut out of the discussion and decision-making in the aftermath of the Benghazi attack. I ran the bureau then, and I can say with certainty as the former coordinator for counterterrorism that this charge is simply untrue."

Do you agree with Ambassador Benjamin?

Mr. THOMPSON. I agree that the Counterterrorism Bureau was included. But there is a distinction with a difference with respect

to the portion of the Counterterrorism Bureau that would be most effective in the aftermath of an attack on a diplomatic compound.

Ms. NORTON. Now, all of this was under Ambassador Benjamin. He didn't say one portion or the other. You are yourself saying, although the bureau was represented, somehow some portions of the bureau were not represented? And how is that?

Mr. THOMPSON. That's what happened, ma'am.

Ms. NORTON. It says "the bureau." "The bureau," he says, going on, "was a central participant in the interagency discussion about the longer-term response to Benghazi. At no time was the bureau sidelined or otherwise kept from carrying out its tasks."

Now, this seems to me to directly contradict your testimony here today. He says——

Mr. THOMPSON. Well, I respectfully disagree.

Ms. NORTON. —we were all in. You say, well, yeah, you were in, but somehow or the other, some part of it was not in.

Mr. THOMPSON. No other part of the Counterterrorism Bureau is responsible for responding to a crisis. This was a crisis. My office was not involved in those subsequent meetings. Other members of the office were, very professional people, and I am sure they did their best at those meetings.

Ms. NORTON. Well, we certainly don't want to get involved in, you know, who down the chain of line gets consulted. But the Ambassador says, "After the attack, the first question to arise that involved the Counterterrorism Bureau was whether or not the Foreign Emergency Support Team should be deployed. The question of deployment was posed early, and the Department decided against such a deployment. In my view, it was appropriate to pose the question, and the decision was a correct one."

Now, were you aware that your superiors were consulted about the decision not to employ the Foreign Emergency Support Team?

Mr. THOMPSON. As earlier——

Chairman ISSA. You can go ahead and answer that, although the gentlelady's time has expired.

Mr. THOMPSON. As earlier indicated, ma'am, I was told that by the Under Secretary of Management's office. The normal process for deploying the team is that at the assistant-secretary level at a Counterterrorism Security Group at the White House, those options are discussed. At that convening of that CSG, that decision is recommended or not recommended to the deputies committee. It is not solely a State Department function or authority to launch the Foreign Emergency Support Team, even though we are one part of it.

Chairman ISSA. I thank the gentleman.

We now go to the gentleman from Oklahoma, Mr. Lankford.

Mr. LANKFORD. Thank you, Mr. Chairman.

Mr. Hicks, when you arrived in July, did the facilities in Benghazi meet the minimum OSPB security standards set by the State Department?

Mr. HICKS. According to the Regional Security Officer at the time in Tripoli, John Martinec, they did not.

Mr. LANKFORD. What about the facilities in Tripoli? The Benghazi facilities did not meet the minimum standards. Did the facilities in Tripoli?

Mr. HICKS. Again, according to the Regional Security Officer in Tripoli, John Martinec, they were very weak, yes. They did not meet.

Mr. LANKFORD. They did not meet. Do you think they were close to meeting the standards?

Mr. HICKS. No, sir.

Mr. LANKFORD. Mr. Nordstrom, before you left as the RSO, did the facilities have the number of security personnel that you had requested?

Mr. NORDSTROM. No, they did not.

Mr. LANKFORD. Mr. Nordstrom, there are a very, very small number of facilities worldwide that are considered by GAO critical or high-threat level for personnel serving in our different embassies and consulates. Tripoli and Benghazi, were they listed as critical or high-threat level?

Mr. NORDSTROM. They were. That was something that I had put in my written testimony, as well.

Mr. LANKFORD. By statute, Mr. Nordstrom, who has the authority to place personnel in a facility that does not meet the minimum OSPB standards?

Mr. NORDSTROM. As I had noted in there, the OSPB standards go in tandem with SECCA, which is Secure Embassy Construction, both of which derived out of the East Africa bombings or were strengthened after that. It is my understanding that since we were the sole occupants of both of those facilities, Benghazi and Tripoli, the only person who could grant waivers or exceptions to those was the Secretary of State.

Mr. LANKFORD. Mr. Hicks, why was Ambassador Stevens headed to Benghazi? There were a lot of concerns about him. There were a lot of security issues that Mr. Nordstrom had listed in numerous reports leading up to his trip there. Why was the Ambassador headed there?

Mr. HICKS. According to Chris, Secretary Clinton wanted Benghazi converted into a permanent constituent post. Timing for this decision was important. Chris needed to report before September 30th, the end of the fiscal year, on the physical and the political and security environment in Benghazi to support an action memo to convert Benghazi from a temporary facility to a permanent facility.

In addition, Chris wanted to make a symbolic gesture to the people of Benghazi that the United States stood behind their dream of establishing a new democracy.

Mr. LANKFORD. Why was this timing important? Was it significant that he went right now? Was there some hesitation about him going at that moment for that length of time? Could he have waited a couple more months to be able to go?

Mr. HICKS. He had originally planned to go to Benghazi in October, but we had a 2-week gap in the principal officer position. Eric Gaudiosi was departed on August 31st, and his replacement was not due in the country until September 15th. We covered the initial 10-day period with David McFarland, and then the Ambassador chose to go. And, again, he chose to go for those reasons.

Mr. LANKFORD. What was the timeline on trying to make this a permanent facility? Or was there anything pending that had to be accomplished by a certain deadline?

Mr. HICKS. We had funds available that could be transferred from an account set aside for Iraq and could be dedicated to this purpose. They had to be obligated by September 30th.

Mr. LANKFORD. Okay. And where did those instructions come from?

Mr. HICKS. This came from the executive office of the Bureau of Near Eastern Affairs.

Mr. LANKFORD. So they were told to go ahead and check everything out, get the process going in Benghazi because we had do it and we had do it right now. He had planned to go in October but said, we have to get there earlier and get this started. And, plus, there was an opening, as well, the principal officer.

Mr. HICKS. That's right.

Mr. LANKFORD. Mr. Nordstrom, on March the 28th, there is a cable that you sent to Washington requesting to keep the Diplomatic Security that you already had on the ground, that level of security, and not have that level of security decreased. Did you draft that cable?

Mr. NORDSTROM. I did.

Mr. LANKFORD. Who was the intended recipient of that cable?

Mr. NORDSTROM. Generally, those types of requests would go to our Diplomatic Security personnel, certainly DAS Charlene Lamb, who was with me before in October, testified, and, certainly, to the Under Secretary of Management and Near Eastern Affairs would typically be the distribution for that.

Mr. LANKFORD. Okay. Thank you.

My time has expired.

Mr. MICA. [presiding.] I thank the gentleman.

The gentleman from Massachusetts, Mr. Tierney, you are recognized.

Mr. TIERNEY. Thank you, Mr. Chairman.

Mr. Hicks, let me start by acknowledging how riveting your testimony was of the events of that day and evening and thanking you for your service and your activity, for sharing with us all the brave acts that occurred that night. I don't think we have heard enough of that. And I think it is important for the American people to know how many individuals, both in Tripoli and in Libya, responded so very well and bravely on that. So thank you for sharing that and for your service, as well.

You know, we have an important responsibility here, and that is to ensure that whatever happened that night and whatever we learn from what could have been done better actually gets fixed. And I think that's a legitimate process for this committee to do. I hope we move on on that basis.

I know that, you know, we had an Accountability Review Board set up immediately in the wake of all of this, and they were rather harsh in their determination on that. And, in fact, they made some 29 different recommendations on that. And we should be finding out whether or not the Secretary of State and the Department are implementing those recommendations and how expeditiously. And

I hope that at some point we can get to that, which I think would be the appropriate role for the government.

And I know that two of the three witnesses here this morning actually spoke with the Accountability Review Board, and the third certainly knew of his right to speak and chose not to contact them for whatever reason on that.

But earlier this week, I think disturbingly, you know, the chairman went on to national television and actually accused the administration of deliberately misleading the American people about the attacks in Benghazi. For, you know, somebody that's earned the term of being a whopper, making a statement of a whopper and four Pinocchios, it is a little bit shocking to think that that kind of a statement would be made without any apparent backup.

The basis for the extreme charge were apparently statements made by Ambassador Rice on news shows the Sunday after the attacks. And the comments were allegedly that the talking points that were provided by the intelligence community were supposedly manipulated for political purposes.

What was quoted by the chairman at that TV show was, "Clearly, the American public was deliberately misled," said the whopper, "and it was a political decision."

Mr. Hicks, you told our investigators that you weren't involved with the drafting of those talking points. Is that right?

Mr. HICKS. Yes, sir.

Mr. TIERNEY. And, Mr. Nordstrom, you weren't involved either. Is that correct?

Mr. NORDSTROM. No, I was not.

Mr. TIERNEY. And, Mr. Thompson, you also were not involved. Is that right?

Mr. THOMPSON. Yes, Congressman. But, however, I offered my services to the ARB, and I did not try to keep myself out of that process, just for the record.

Mr. TIERNEY. Thank you.

And we know that there were conflicting reports about what happened, including a statement by a Libyan official that there had been a demonstration and some eyewitness accounts of that protest.

But, Mr. Hicks, we know that you didn't believe that there was a protest. You believed that it was otherwise. And we know that the President of Libya also contradicted with that statement on that.

But the intelligence community insisted it received initial reporting suggesting there was a demonstration. We know that the reporting was wrong; now we know that. But the mention of a demonstration was put into talking points by the intelligence community, not the White House or the State Department.

So I want to play a little video here, if we can, of General Clapper, where he specifically addresses the attacks on Ambassador Rice. We have that cued up.

[Video shown.]

Mr. TIERNEY. So General Clapper says that he thinks the attacks on Ambassador Rice were unfair. She was using exactly what the intelligence community gave her.

Mr. Hicks, do you have an argument with his veracity when he made those statements?

Mr. HICKS. There was no report from the U.S. mission in Libya of a demonstration on——

Mr. TIERNEY. The difficult question I have for you because you were good enough to come forward is, do you contest General Clapper's veracity? Is he lying or is he telling the truth of what information he gave to Ambassador Rice?

Mr. HICKS. I don't know anything about the development of those talking points.

Mr. TIERNEY. So, look, we haven't investigated this issue yet. You know, it would be interesting to know. But the House Intelligence Committee has. They got all of the draft talking points. They got the briefings and testimony from CIA officials. According to Adam Schiff, one of the Representatives that is on and part of that investigation, he said, "General Petraeus, the former head of the CIA, made it clear that the change was made to protect classified sources of information, not to spin it, not to politicize it. And it wasn't done at the direction of the White House."

And, as an aside, we might be interested in protecting classified information, because we have had situations where people in the majority have gone to Libya and come back and had a real flare-up about what they disclosed concerning classified information.

But, in addition, there was a bipartisan report issued by Senator Lieberman and Senator Collins that similarly stated, "No changes were made for political reasons, and there was no attempt to mislead the American people about what happened in Benghazi."

So people who have actually seen the documents, who have actually conducted a real investigation completely reject the allegation that they were made for political purposes or to deliberately mislead the American people.

With that, I yield back.

Mr. MICA. Thank you, Mr. Tierney.

Let me yield now to the gentleman from Ohio, Mr. Jordan.

Mr. JORDAN. Thank you, Mr. Chairman.

Mr. Hicks, in your 22 years of service to our country, you have always received good reviews, strong evaluations. Is that accurate?

Mr. HICKS. Yes, sir.

Mr. JORDAN. And as I look, I mean, I am just a country boy from Ohio, but as I look at your resume and bio, other than the degrees from Michigan, it is impressive. It is amazing, the things you have done.

In fact, immediately after the attacks, everybody said you did a great job, right? I mean, you look at the addendum here, Wendy Sherman said you did an outstanding job. Bill Burns, Deputy Secretary of State, "great work, heroic efforts."

Isn't it true, Mr. Hicks—I think you cited this in your opening statement—that Secretary Clinton gave you a call immediately after the attacks and said you did an outstanding job under extreme circumstances?

Mr. HICKS. Yes, sir. We had the first call at 2:00 a.m. and then again a video conference with our staff.

Mr. JORDAN. And isn't it also true the President of the United States called you up and said, you know what, Mr. Hicks, did you an outstanding job, again, under severe circumstances?

Mr. HICKS. He did call me, sir.

Mr. JORDAN. And all that seems to change. You are getting all this praise and support, but all that seems to change. And it seems to change in the phone call you were on that Mr. Gowdy referenced in his questioning, the phone call you got from Beth Jones. Is that accurate?

Mr. HICKS. Yes, in a phone call after the interview, I asked——

Mr. JORDAN. This is after Secretary Rice went on television and misled the American people. You are on a phone call with Beth Jones. And it all seems to change then because you asked Beth Jones what?

Mr. HICKS. I asked her why the Ambassador had said there was a demonstration when the embassy had reported only an attack.

Mr. JORDAN. And, again, what kind of response did you get from Beth Jones when you asked that question?

Mr. HICKS. She said, "I don't know."

Mr. JORDAN. Was it like you shouldn't be asking that question, you should be quiet, we don't want to talk about that? What was the sense you got?

Mr. HICKS. The sense I got was that I needed to stop the line of questioning.

Mr. JORDAN. And did things continue to deteriorate between you and your superiors? After they have given you all this praise, you have had this outstanding service record, 22 years serving our country, things began to deteriorate even more.

And as I read the transcript, it seems to me that it came to a head in phone calls you were on with lawyers from the Department of State prior to Congressman Chaffetz coming to visit in Libya. Is that accurate?

Mr. HICKS. Yes, sir.

Mr. JORDAN. And tell me about those conversations, what those lawyers instructed you to do on Mr. Chaffetz' visit to Libya.

Mr. HICKS. I was instructed not to allow the RSO, the Acting Deputy Chief of Mission and myself to be personally interviewed by Congressman Chaffetz.

Mr. JORDAN. So the people at State told you, don't talk to the guy who is coming to investigate?

Mr. HICKS. Yes, sir.

Mr. JORDAN. So don't talk to the Congressman?

Now you have had several congressional delegations come to various places you have been around the world. Has that ever happened, where lawyers get on the phone to you prior to a congressional delegation coming to investigate a time where we have had four Americans lose their lives, have you ever had anyone tell you, don't talk with the people from Congress coming to find out what took place?

Mr. HICKS. Never.

Mr. JORDAN. Never. And you have had dozens and dozens of congressional delegations that you've been a part of?

Mr. HICKS. Yes, sir.

Mr. JORDAN. First time it's ever happened?

Mr. HICKS. Yes, sir.

Mr. JORDAN. And isn't it true that one of those lawyers on the phone call accompanied the folks from the delegation and tried to be in every single meeting you had with Mr. Chaffetz and that delegation from this committee?

Mr. HICKS. Yes, sir. That's true.

Mr. JORDAN. Tell me what happened when you got a classified briefing with Mr. Chaffetz, what happened in the phone call that happened after that?

Mr. HICKS. The lawyer was excluded from the meeting because his clearance was not high enough. And the delegation has insisted that the briefing not be limited by any——

Mr. JORDAN. Did the lawyer try to get in that briefing?

Mr. HICKS. He tried, yes. But the annex chief would not allow it because the briefing needed to be at the appropriate level of clearance.

Mr. JORDAN. You had a subsequent conversation after this classified briefing that the lawyer was not allowed to be in, you and Mr. Chaffetz and others on that delegation, you had another conversation on the phone with Cheryl Mills. Tell me who is Cheryl Mills?

Mr. HICKS. She is a Counselor for the Department of State and the Chief of Staff to Secretary Clinton.

Mr. JORDAN. That's a pretty important position?

Mr. HICKS. Yes, sir.

Mr. JORDAN. When she calls, you take the phone call?

Mr. HICKS. Immediately.

Mr. JORDAN. Yes. She is the fixture for the Secretary of State. She is as close as you can get to Secretary Clinton; is that accurate?

Mr. HICKS. Yes, sir.

Mr. JORDAN. And tell me about that phone call you had with Cheryl Mills.

Mr. HICKS. A phone call from that senior person is generally speaking not considered to be good news.

Mr. JORDAN. And what did she have to say to you?

Mr. HICKS. She demanded a report on the visit.

Mr. JORDAN. Was she upset by the fact that this lawyer was——

Mr. HICKS. She was upset.

Mr. JORDAN. This baby sitter, this spy, whatever you want to call them, was not allowed to be in that. The first time it's ever happened. All the congressional delegations you've ever entertained was not allowed to be in that classified briefing. Was she upset about that fact?

Mr. HICKS. She was very upset.

Mr. JORDAN. So this goes right to the person next to Secretary Clinton; is that accurate?

Mr. HICKS. Yes, sir.

Mr. JORDAN. Mr. Chairman, here is a guy with 22 years of outstanding service to our country, 22 years, outstanding service, praised by everybody who counts—the President, the Secretary, everyone above him. And yet now they're obstructing—because he won't help them cover this up. He is an honorable man here telling the truth. Now he's getting this kind of treatment from the very

people who praised him before. This is why this hearing is so important.

I yield back.

Mr. MICA. I thank the gentleman. I am pleased to yield now to the gentleman from Missouri, Mr. Clay.

Mr. CLAY. Thank you, Mr. Chairman, for yielding. I want to thank the witnesses for being here today.

You know the Accountability Review Board made a number of recommendations to better strengthen overseas embassies and missions like the one in Benghazi.

Mr. Nordstrom, you told our staff that you read the ARB's unclassified report and recommendations. Do you think that implementing these recommendations is important to ensure the safety and security of our foreign service?

Mr. NORDSTROM. Absolutely. I had an opportunity to review that along with the other two committee reports. I think taken altogether, they are fairly comprehensive and reasonable.

Mr. CLAY. And I guess a diplomat like you probably feels very disheartened when you read in the paper—let's say you are overseas and Congress has cut this budget for embassy security and Congress has been on the cheap of providing protection to our personnel. You know, in order to make security possible at our missions and our embassies throughout the world, it's one recommendation in this report that attempts to grapple with these issues and err on the side of increased attention to prioritization and the fullest support for people and facilities engaged in working in high-risk, high-threat area. 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. But it's exactly what we in Congress have failed to do in the past.

Let's look at our record. House Republicans voted to cut the administration's request for embassy security funding by $128 million. And that was in fiscal year 2011. In fiscal year 2012, they cut the request by even more, providing $331 million less than requested. You know, our Republican counterparts have just said that these cuts are based on their priorities and choices. And when asked whether he voted to cut diplomatic security by over $300 million on CNN, Representative Chaffetz responded, "Absolutely. Look, we have to make priorities and choices in this country." But these cuts have serious impacts. I want to you know that my priorities, including funding these recommendations, which will save lives.

You know, the ARB—Mr. Nordstrom, just to be clear, you provided information to the ARB; is that correct?

Mr. NORDSTROM. That's correct. Yes.

Mr. CLAY. And Mr. Hicks, is it true that you also provided information to the ARB?

Mr. HICKS. Yes, sir.

Mr. CLAY. You know it was led by Ambassador Pickering and Admiral Mullen, who happens to be the former Chairman of the Joint Chiefs of Staff. In its investigation, the review board interviewed more than 100 people, reviewed thousands of pages of documents, and viewed hours of videotapes. The board made 29 recommenda-

tions to improve security systems and proceeded to prevent future deadly attacks. And a key finding made by the board related to availability of funding. It is specifically for temporary facilities in high-risk, high-threat environments. And the board stated, "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 and Operations sources of funding so that they can be rapidly made available for security upgrades at such facility. And it is important to note that the facility in Benghazi was designated as a temporary facility."

Mr. Nordstrom, do you agree with the board's review?

Mr. NORDSTROM. That was actually one of the specific things that I talked with the board. My concern is there is no such thing when we look at the FAM or the OSPB standards for a temporary facility. So by its very nature——

Mr. CLAY. So they developed a recommendation?

Mr. NORDSTROM. After the fact, yes.

Mr. CLAY. How about you, Mr. Hicks? Do you agree with the recommendation?

Mr. HICKS. I am not a security expert. I am a diplomat. I am an economic officer. But I support every improvement that can possibly be made to improve our security overseas, including increasing the training of our personnel.

Mr. CLAY. Thank you.

Chairman ISSA. [Presiding.] I thank the gentleman. I would also thank the gentleman from Missouri but would ask, were you here on October 10 when the person who had those requests for additional security said money was not a factor; Charlene Lamb. Do you remember her?

Mr. CLAY. I can't remember if I was at that——

Chairman ISSA. Mr. Nordstrom, you were on that panel. Do you remember what she said.

Mr. NORDSTROM. Yes. She said that resources was not an issue. And I think I would also point to the ARB report if I'm not mistaken that they talked to our chief financial officer with DS who also said that resources were not an issue.

Mr. CLAY. But Mr. Chairman, the ARB says resources were an issue.

Mr. NORDSTROM. Well, I guess the question that I have about the ARB—and again, it's not what the ARB has. It's what it doesn't have and that it stops short of the very people that need to be asked those questions. And that's the Under Secretary of Management and above. Those are perfect questions that he needs to answer.

Mr. CLAY. I'm sure that if we implement some of the recommendations, it will help us prevent a future attack.

Chairman ISSA. And I appreciate that. And what I would say is that in the earlier hearing on October 10, the one thing we did discover is, yes, this facility was not able to take the blows even of a small bomb that had gone off earlier—Mr. Nordstrom testified to the fact that this consulate, temporary consulate had been attacked twice and they breached the wall. So there was an awful lot of recognition that it was an insufficient facility. And I think that is—

ARB no ARB, that is something that is well in the committee's record. But I thank you for bringing it up. Mr. Clay. T

We now go to the gentleman from Florida, Mr. Mica.

Mr. MICA. Thank you, Mr. Chairman. First of all, I have to again tell the families that we will continue to pursue this. And all the facts need to be known about what took place and hold people accountable. And then next, to the witnesses, thank you for your service. Thank you for your bravery and actually coming forward, and again, some of the commendable acts of the State Department employees you described.

As everybody may know, and I follow, really, my colleague Mr. Clay's question about the report there, the Accountability Review Board report. And I've got—this is the unclassified version. There's a classified version also. This is available online.

And we have a responsibility under law to review these situations and to go to people who actually had firsthand knowledge. Now Mr. Thompson, you have a very important position. The title is Bureau of Counterterrorism Leader, Foreign Emergency Support Team, U.S. Department of State; right?

Mr. THOMPSON. Correct.

Mr. MICA. Okay. And did you participate? Were you interviewed by the ARB?

Mr. THOMPSON. I was not.

Mr. MICA. You were not interviewed, okay. You were on the job during this period?

Mr. THOMPSON. I was at my desk that night until 2:00 in the morning.

Mr. MICA. And you were not allowed to convey information to the board?

Mr. THOMPSON. On the 17th, I conveyed my request to be interviewed before the board.

Mr. MICA. So they did interview you after that?

Mr. THOMPSON. No.

Mr. MICA. Have you ever been interviewed?

Mr. THOMPSON. I have not.

Mr. MICA. You have not. So you are one of the primary players, but yet the board failed to interview you. Would you say that's correct?

Mr. THOMPSON. That is a correct statement.

Mr. MICA. Mr. Hicks, is Mr. Thompson an important player in this? Mr. Nordstrom?

Mr. NORDSTROM. I would say yes. Certainly in the aftermath of the attack.

Mr. MICA. Okay. Let me go to Chargé Hicks. Were you interviewed by the board?

Mr. HICKS. I was interviewed by the board.

Mr. MICA. Were you able to convey all the information that you felt was necessary regarding this to the board?

Mr. HICKS. The interview took about 2 hours. And it was in my mind incomplete and a few days later I had a separate meeting briefly with the executive secretary.

Mr. MICA. So you did have a follow-up meeting and it was——

Mr. HICKS. With the board's executive secretary to amplify on some issues that had been discussed at the meeting, at the initial interview.

Mr. MICA. And Mr. Nordstrom, did you participate?

Mr. NORDSTROM. I did on two occasions. I also shared with them a voluminous amount of——

Mr. MICA. Did you share how the process worked that we heard from Mr. Hicks?

Mr. NORDSTROM. Sure.

Mr. MICA. Was it thorough?

Mr. NORDSTROM. I felt it was thorough and professional. As I said, their report—and as I have held, the report is fairly thorough and comprehensive. My issue is that they stopped short of interviewing people that I personally know were involved in key decisions that led to how those events unfolded, specifically how those buildings were staffed and constructed and in variance with existing standards. Those were all critical to the——

Mr. MICA. They fell short. Well, in the unclassified version, they said that security in Benghazi was now recognized and implemented as a shared responsibility by the bureaus in Washington charged with supporting the post, resulting in stovepipe decisions on policy and security.

Now the next part is interesting. That being said, Embassy Tripoli did not demonstrate strong and sustained advocacy with Washington for increased security for Special Mission Benghazi.

Would you both agree with that?

Mr. NORDSTROM. If I could speak to that, I would disagree that it was a collaborative process. I'm not sure exactly the term they used. On a number of occasions—I testified in October as well—I raised issues; others raised issues; the Ambassador raised issues; the DCM raised issues to the point where reports and decisions on both the Tripoli compound and the Benghazi compound were decided in Washington. And those decisions were not either cleared with us or shared with us. So that doesn't seem as a collaborative process.

Mr. MICA. I want to have time for Mr. Hicks to tell us about his——

Mr. HICKS. Yes, sir. I monitored the discussions that Eric has testified about from my Arabic language student status. When I arrived in Tripoli, I had the understanding that these decisions had been settled and that we were not to relitigate them in terms of the number of personnel, security personnel at post. I began a process to attempt to relitigate them in mid-August and we held an EAC meeting to discuss the matter. And we were unfortunately unable to return to that issue before 9/11 occurred.

Mr. MICA. Thank you.

Chairman ISSA. We now recognize the gentleman from Massachusetts, Mr. Lynch, for 5 minutes.

Mr. LYNCH. Thank you, Mr. Chairman. I also want to thank the witnesses for their courageous service and their willingness to come before the committee here today. I also want to offer my condolence again to Ambassador Stevens and his family, Tyrone Woods and his family, Glen Doherty of Massachusetts and his family, and Sean Smith. These were American heroes and they were our very

best. I don't want that part to be overlooked. These individuals were regarded as our very best, including Ambassador Stevens. Without question, I think his opinion and the respect that his experience and authority in all matters in Libya and not only in Tripoli but also in Benghazi was unquestioned I think. And it showed in the deference that others gave him to those decisions.

I thought the ARB report especially did single out some areas where I thought they were trying to identify where the decisions that were made may have been deficient. And they do identify on page 30, they talk about the Bureau of Diplomatic Security and NEA, the Near Eastern Affairs, and at post, there appeared to be a very real confusion over who ultimately was responsible and in power to make decisions based on policy and security considerations. They go on further to say the DS bureau showed a lack of proactive leadership with respect to Benghazi, failing to ensure that the priority security needs of a high-risk, high-threat post were met. And at the same time, with attention in late 2011 shifting to a growing crisis in Egypt and Syria, the NEA's bureau's front office showed a lack of ownership of Benghazi security issues and intended to rely totally on diplomatic security 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 of Benghazi.

Now what they point to in the next couple of paragraphs is, they thought that the Special Mission Benghazi extension—that this was a temporary residential facility not officially notified to the host government even though it was also a full-time office facility resulted in a special mission compound being accepted from office facility standards and accountability under the Secure Embassy Construction and Counterterrorism Act of 1999. Mr. Nordstrom, your point exactly. And the Overseas Security Policy Board, OSPB. So what they are saying is because there was an extension made that there was a lowering in expectation there, that the resources for physical security and also the personnel assignments needed at that was not given an adequate priority and that it was left to Diplomatic Security in some cases to make those repairs.

Is that something that you see as being a weak point in this whole process that allowed Benghazi to be ill-prepared for the attacks on September 11?

Mr. NORDSTROM. I do. As I said, I think that what still remains unseen is who made that decision to go ahead and assume that this is going to be a temporary facility. At one point, in fact, I was told by the colleagues in OBO and DS that the recommendations that we wanted to make, the upgrades both in Tripoli and Benghazi would not be made. They forwarded up the way forward documents that we discussed in October. And they said, and I quote, "it's my understanding that M, Under Secretary for Management, agreed to the current compounds being set up and occupied condition as is." The ARB in particular found it interesting at my reply, which was in February of 2013. I requested, is anything in writing? If so, I'd like a copy for post so we have it handy for the ARB. That's 8 months before the attack. I got no confirmation as to who made those decisions, nor did I get a copy of that.

Mr. LYNCH. Wow. And so the status was still in limbo at that point? I know there were some discussions with Mr. Lankford earlier, the gentleman from Oklahoma, that——

Mr. NORDSTROM. My understanding was the facility again—the types of facilities are whether or not you are sole occupancy of the building or are you a partial occupancy of, say, a commercial building or if you are in a building which is owned by the host nation. Well, clearly we were the sole occupant. And that's the standard. It's very clear. And it's based on our threat and those standards. We did not meet any of those standards with the exception of perhaps the height of the wall.

Mr. LYNCH. Thank you. My time has expired.

Chairman ISSA. Thank you. Just one thing. You used the term "M" for the Under Secretary of Management. Who was that?

Mr. NORDSTROM. At the time and throughout all of this was Patrick Kennedy, who was up here in October as well.

Chairman ISSA. That's who would have been the person who said, No, or, This is good enough, presumably.

Mr. NORDSTROM. Presumably. Again I don't know what the decisions—the factors were in his decision. I am sure he had reason for those decisions. I am not going to criticize those. My only concern is that nobody has looked at those, whether it be ARB or anybody else.

Chairman ISSA. Thank you.

Mr. Turner.

Mr. TURNER. Mr. Chairman, thank you very much.

Gentlemen, I want to thank you for being here today. Without your statements, there is a tremendous amount of information that we just wouldn't know. And certainly it's important that you are giving us this information, as we all have deep condolences for the families.

As we look at the information we have gotten today, we basically have two stand-down decisions that we've been able to discuss. One, the foreign emergency support team that Mr. Thompson has told us about. And Mr. Hicks you told us of Colonel Gibson. Mr. Hicks, I am a member of the House Armed Services Committee and I am very fascinated with this stand-down order to Colonel Gibson. As we pursue that, we want to know who gave Colonel Gibson the order and why. And so I would like to review that stand-down order with you and what you experienced that night since you were with him as he was receiving that stand-down order. You told us that there was a C–130 Libyan transport that had been provided and that you had indicated to Colonel Gibson that he should go to reinforce Benghazi and help to withdraw personnel. Colonel Gibson was told to stand down and that plane left without him, landing at about 7:30 in Benghazi without Colonel Gibson's team.

Let's start first with the review of what is Colonel Gibson's team. Who were those personnel on Colonel Gibson's team? What were they doing in Libya?

Mr. HICKS. They are the remaining members of the special security team, group of 14 Special Forces personnel assigned to protect Embassy Tripoli after the return and re-establishment of the embassy in September of 2011. And on the 1st of August, the Secretary of Defense signed an order changing their status from being

a security team to a training team and transferring the authority—their authority from the Chief of Mission, the Ambassador, to General Ham. And on August 6, two members of that team were in a carjacking incident as they were driving early in the morning outside the compound, and they had to use their weapons in order to escape that armed attack on their vehicle. In light of that incident, General Ham decided to draw down the team from 14 personnel to four personnel. And Lieutenant Colonel Wood and nine others—Lieutenant Colonel Wood testified before this committee last October—left Tripoli in the middle of the month. So Lieutenant Colonel Gibson and the other three members of that team are the remainder of that group.

Mr. TURNER. So their chain of command had been changed and they had been reduced. But as you were just describing, these are highly trained individuals with specialized skills that would have been useful in the certain situation in Benghazi.

Mr. HICKS. Yes. Absolutely. And particularly given the fact—again, that the personnel in Benghazi were exhausted from a night of fighting against very capable opponents.

Mr. TURNER. Now do you know why they were told to stand down? Did Colonel Gibson give you any information or understanding?

Mr. HICKS. I actually don't know why.

Mr. TURNER. Is there any reason to believe that the situation in Benghazi was over? I mean, there were a number of serious attacks as you've described it to us. Is there any reason to believe that there was no longer any danger in Benghazi?

Mr. HICKS. No. There was every reason to continue to believe that our personnel were in danger.

Mr. TURNER. Mr. Hicks, Mr. Chaffetz has given me an article that appeared in USA Today just this week. And just as early as last Monday, Major Robert Furman, a Pentagon spokesman, said that the military's account that was just first issued weeks after the attack hasn't changed. There was never any kind of stand-down order to anybody. And that's a pretty broad statement, anybody. What's your reaction to the quote by Mr. Furman?

Mr. HICKS. I can only, again, repeat that Lieutenant Colonel Gibson said, he was not to proceed to board the airplane.

Mr. TURNER. So your firsthand experience being on the site, standing next to Colonel Gibson who was on his way on that C–130 transport and being told not to go contradicts what Mr. Furman is saying on behalf of the Pentagon?

Mr. HICKS. Yes, sir.

Mr. TURNER. Mr. Hicks, did the embassy have a defense attache on staff whose role it was to interface with the Defense Department? And did you ask him that evening, were there any resources coming from the U.S. military? And what was your reaction to his responses as the evening unfolded?

Mr. HICKS. My reaction was that, okay, we're on our own. We're going to have to try to pull this off with the resources that we have available.

Mr. TURNER. Were the Libyans surprised?

Mr. HICKS. I don't know but I think they were.

Mr. TURNER. Thank you, Mr. Chairman.

Chairman ISSA. Thank you. Before we go to Mr. Connolly, just because most people in the audience, including on the dais, don't understand "chief of mission authority," would you, as Chief of Mission, run us through who was under your chief of mission authority and who wasn't? In other words, who did you have command and control of? And we are talking about military assets. Because I think a lot of folks up here are hearing two chains of command. And it would be helpful for you to explain it as a career State Department person quickly.

Mr. HICKS. All civilian personnel in civilian USG personnel in Libya were under chief of mission authority which was Chris Stevens——

Chairman ISSA. Which was yours.

Mr. HICKS. —until we knew that he was dead and then that passed to me. The four members of the Special Forces team were under General Ham's authority. We had two other military Special Forces personnel in country. And I was at that time unclear as to whether they were under my authority or not.

Chairman ISSA. So anyone you had under your authority, you gave orders to; they responded; they went downrange if you asked them to. The others were not allowed to?

Mr. HICKS. Yes, sir.

Chairman ISSA. Thank you.

Mr. Connolly, thank you very much. You will have your full time.

Mr. CONNOLLY. Thank you, Mr. Chairman. By the way, there have been some statements that Under Secretary Kennedy was not interviewed by the ARB, by Ambassador Pickering and Admiral Mullen. That is a mistaken fact. He most certainly was. You can look it up. It is documented. He was interviewed and he provided evidence and that evidence was evaluated. So it is simply not true that Under Secretary Kennedy was not part of that process. He most certainly was. And I would ask, Mr. Chairman, that the record so reflect.

Chairman ISSA. Who said that he wasn't? I'm not sure.

Mr. CONNOLLY. I think we've heard it from the table.

Mr. Thompson, statements have been attributed to you that your bureau, the Counterterrorism Bureau, was actually deliberately kept out of post-Benghazi developments, decision making, and so forth. Are those statements attributed to you accurately?

Mr. THOMPSON. It's true that my portion of the office was not participatory——

Mr. CONNOLLY. Your portion. To whom do you report?

Mr. THOMPSON. I reported to Dan Benjamin at the time.

Mr. CONNOLLY. And did Mr. Benjamin, was he included?

Mr. THOMPSON. He was overseas at the time.

Mr. CONNOLLY. He was overseas. But was he kept informed and involved?

Mr. THOMPSON. I kept him informed in the early stages.

Mr. CONNOLLY. Was he kept informed and involved by the Secretary's Office?

Mr. THOMPSON. I have no idea.

Mr. CONNOLLY. Would it surprise you to learn that he has stated emphatically that he most certainly was?

Mr. THOMPSON. It wouldn't be a surprise. I have read it.

Mr. CONNOLLY. And would it surprise you that he contradicts your statements or statements attributed to you? And I read to you: This charge that we were kept out of the loop in the aftermath is simply untrue. "Though I was out of the country on official travel at the time of the attack, I was in frequent contact with the Department. At no time did I feel the bureau was in any way being left out of deliberations that it should have been part of."

Mr. THOMPSON. I would disagree. He is true factually. His view of how much of——

Mr. CONNOLLY. Okay.

Mr. THOMPSON. So for the record, if I may, sir, if he thinks that he was adequately informed and given counsel on that, then that is his professional opinion.

Mr. CONNOLLY. Well, he is the head of the bureau and he is or was your supervisor. And that's his testimony. So it contradicts yours.

Mr. THOMPSON. I don't think it's his testimony, sir.

Mr. CONNOLLY. Well, I am entering it into the record. So it is now in the evidentiary record.

Chairman ISSA. Would the gentleman yield? I will hold the time.

Mr. CONNOLLY. Certainly.

Chairman ISSA. Mr. Cummings—perhaps you were here, perhaps not—has said among the lot of people we want to bring before this committee, he is now an anticipated future witness so he can give testimony.

Mr. CONNOLLY. But the chairman anticipated exactly the point I was going to make. So we can clear that up by having Mr. Benjamin here. Thank you.

Mr. Hicks, I don't think anyone who could have listened to your account, the minute-by-minute account of what happened, could be anything but moved. The trauma of what you and your colleagues must have gone through, especially being in Tripoli, not being able physically to sort of reach out and do something about Benghazi, I think all of us can relate to that. Terrible.

I was in Libya, in Tripoli in May of last year before the tragedy. And I don't remember whether we had a chance to meet or not. But David Dreier led our CODEL. We were not allowed to stay in Libya overnight.

What struck me when I arrived in Tripoli was that the airport security was provided by a militia. And I have traveled a lot over my years in foreign policy and what goes through the mind is, what could go wrong with this? It is a volatile, violent, unstable—or was—situation.

Do you want to talk just a little bit about the domestic situation in Libya as we found it because I think sometimes we have forgotten in the telling that we are facing instability in Libya still in a post-Qadhafi revolutionary situation and likewise in Benghazi. Could you just share with us some insights into what you found in terms of that inherent instability?

Mr. HICKS. Thank you, Mr. Connolly. And thank you for being my Representative.

First of all, I just want to say that I don't recall saying that anyone other than myself testified to the ARB or was a witness before the ARB. So I wanted to be clear about that.

The second thing is, the political and security climate in Libya at the time, it was highly unstable although after the elections, we thought that political trajectory—the elections in July was the political trajectory was heading in the right direction. President Magariaf had been selected. They were trying to appoint the new Prime Minister and move towards a democratic government. The security scene, however, was very unstable and has been I think well documented. We had assassinations and car bombings in Benghazi but the assessment was that this was Libyan-on-Libyan and not necessarily a threat directed at foreigners. At the same time that we are in the process of building towards making our post in Benghazi a permanent post, the British are contemplating returning there to Benghazi. They left after their ambassador survived an assassination attempt in June. In Tripoli we also have instability. We have car bombings, carjackings, we have Islamic extremist militias who began to attack Sufi shrines and a government that is struggling to maintain security and improve security in the country.

Mr. CONNOLLY. Thank you. And Mr. Chairman, if I could just say to my constituent, we're proud of you. And I would add my voice to that of Mr. Cummings I am a member of not only this committee but the House Foreign Affairs Committee and you have my personal pledge that were there ever to be any hint retaliation or retribution for your willingness to come forth and tell your version of what happened, this Member of Congress will intervene on your behalf forcefully.

Chairman ISSA. I thank the gentleman.

The gentleman from Tennessee, Mr. Duncan.

Mr. DUNCAN. Thank you very much, Mr. Chairman. First of all, thank you for calling this hearing. There is obviously great interest in and concern about what happened with that tragic incident. Mr. Nordstrom, we've already heard Mr. Thompson say that he was never interviewed even though he requested to be interviewed. Did I understand you correctly to say a few minutes ago that you know of other witnesses that had firsthand knowledge who were not interviewed by the board?

Mr. NORDSTROM. No. I don't believe I said that.

Mr. DUNCAN. I guess I misunderstood about that. I will tell you though I was a criminal court judge for 7 ½ years trying felony criminal cases, and I can tell you that it's surprising that anybody with firsthand knowledge wouldn't be interviewed about this unless somebody did not want to have a complete report.

Mr. Thompson, what were you told was the reason you were not interviewed?

Mr. THOMPSON. I was not given a reason, sir.

Mr. DUNCAN. You were not given a reason.

Mr. Hicks, do you feel the report lets any individual or bureaucracy off the hook?

Mr. HICKS. Yes, sir. I think that in our system of government the decision-making authority is at the level of presidentially appointed, Senate confirmed individuals. It's at the level of Assistant Secretary or higher. Now the reporting coming out of Embassy Tripoli on conditions there, particularly the fact that we had to provide a daily report of who was in country to Under Secretary Ken-

nedy and the fact that he made the decision as to who came to Tripoli and Benghazi or who didn't, that budgets came to his table and that security threat environment reports also came to his table would suggest that there was some responsibility there.

Mr. DUNCAN. Mr. Thompson, let me ask you this. Another thing I find surprising is that—do the security people not consider that the date of 9/11—I have already heard somebody say that this mission was considered to be a high threat or a high risk mission. Do they not realize that 9/11 is a high security type date and we should be prepared for terrorist activities on that date in particular?

Mr. THOMPSON. Certainly. When I hear "security" I think of Greg Nordstrom. So I won't go down the security trail too far here. But certainly on the anniversary of 9/11, since 9/11/2001 we have all had our antenna up so to speak and been forward leaning if not physically, mentally on that particular day, yes.

Mr. DUNCAN. The report basically puts the primary blame for this situation on the Bureau of Diplomatic Security. I would like to ask if any of you have a comment about that. Do you think that's fair?

Mr. NORDSTROM. If I could, Congressman, I think this might also address Congressman Connolly's question. My concern with the report is not that Under Secretary Kennedy was or was not interviewed. I don't know who was interviewed. Again that's part of the confidentiality of it, but there's been a lot of discussion of how many people were supposed to be there or not supposed to be there. Those things are not driven by regulations in law. That's a subjective opinion. Obviously that was quite a bit of my testimony in October. I go back to who authorized embassy employees, U.S. Government employees to go into facilities that did not meet legal requirements. I don't know who made that decision. And the reason why is because, as Ambassador Pickering said, he has decided to fix responsibility on the Assistant Secretary level and below. How I see that is, that's fine. It's an accountability of mid-level officer review board and the message to my colleagues is that if you are above a certain level, no matter what your decision is, no one is going to question it. And that is my concern with the ARB.

Mr. DUNCAN. Mr. Hicks, did you find other shortcomings in the report?

Mr. HICKS. Well, I find shortcomings in the process. Although I was interviewed for 2 hours, I was never allowed to review the recording of my testimony to the board. I was never given an opportunity to read the unclassified report before it was published to see if my testimony had been incorporated at all or properly. And I have never been given an opportunity to read the classified report.

Mr. DUNCAN. All right. Thank you very much.

Chairman ISSA. I thank you. I must admit, one of the rules of this committee is that interviews and depositions, the witness actually gets a copy of and is allowed to make corrections in most cases to make sure that they didn't misstate something. So that is a little surprising to me.

The gentlelady from California, Ms. Speier.

Ms. SPEIER. Mr. Chairman, you know it's ironic that you say that, Mr. Chairman, since Mr. Thompson was not even engaged

with the Democratic side of the aisle in terms of answering any series of questions.

But let me first of all say to the family members, we lost extraordinary servants to this country. You lost loved ones. And there's nothing that we can say that will ever heal your huge loss but know that we will do everything in our power to make sure that other families do not go through what you are going through.

To you, Mr. Hicks, thank you for your extraordinary service. You know, as you were retelling the events—and they were harrowing—it reminded me of an experience that I had similar in a foreign country, ambushed, and a sense that we were woefully under protected. And I think as part of what we're going to glean from this today is that we have got to do a much better job of providing protection in high risk, high threat embassies and counsel offices around the world. It was inadequate and I am troubled by the fact that General Ham withdrew additional support because they had been engaged in a carjacking. If anything, that would heighten our concern and we would create more support.

Let me, though, ask you a question. You said earlier today that the lawyers at State told you not to talk to Mr. Chaffetz when he came. That's what I wrote down. Would you just verify that that's what you said?

Mr. HICKS. We were not to be personally interviewed by Congressman Chaffetz.

Ms. SPEIER. Now in your interview with the committee, you were asked the question, did you receive any direction about information that Congressman Chaffetz shouldn't be given from Washington? And your answer was, no, I did not. Is that still your testimony today?

Mr. HICKS. I don't recall that phrase. I thought that I said—and I'd have to review again—that I did receive instructions exactly as I said them but I did not know who gave them to me because I did not at that time have access to my email from my time as the DCM in Tripoli.

Chairman ISSA. If the gentlelady could just tell us what page of the transcript that's on.

Ms. SPEIER. Maybe the staff can get it for me. I am reading from a separate document.

You did say that you were told to make sure other State Department officials were present for meetings with Representative Chaffetz. As you stated, they told me not to be isolated with Congressman Chaffetz. Is that correct?

Mr. HICKS. Yes. That's what I mean by not to have a personal interview with Congressman Chaffetz.

Ms. SPEIER. Okay, so it was more about not being in a situation where you did not have other people with you. Is that correct? As opposed to not being interviewed.

Mr. HICKS. Again, that's what I said, not to be personally interviewed by Congressman Chaffetz.

Ms. SPEIER. Well, you said they told me not to be isolated with Congressman Chaffetz.

Mr. HICKS. That's the meaning of isolated, not to be personally interviewed.

Ms. SPEIER. There was a classified briefing for Mr. Chaffetz that no other State Department official was able to attend and you testified earlier. So as a result no other State Department officials can confirm what was said, if there was a mischaracterization after the fact. So when Representative Chaffetz returned to Washington and attended this committee's hearing in October there was a great deal of controversy about his description of that classified briefing.

Did you by chance watch the hearing?

Mr. HICKS. Actually I didn't but I don't think I said that no State Department official was allowed in that annex briefing. In fact, I was in that briefing. David McFarland was in that briefing, and John Martinec was.

Ms. SPEIER. The attorney was not.

Mr. HICKS. The attorney was excluded by the annex chief for clearance purposes.

Ms. SPEIER. You received a call from Cheryl Mills—actually let me ask a different question.

Chairman ISSA. The gentlelady's time has expired but go ahead and ask your last question quickly.

Ms. SPEIER. Thank you, Mr. Chairman. I think you deserve to have a post in a location that you desire. So I would like to ask you, where would you like to be posted?

Chairman ISSA. The court of King James is out of the question.

Mr. HICKS. The country I would most like to go to, is that the question, and be assigned to?

Ms. SPEIER. Yes.

Mr. HICKS. You know, I would really want to talk to my chief decision maker, my family who is sitting right over here, my wife because I think her opinion is more important than mine on that point.

Ms. SPEIER. Just to conclude, Mr. Chairman.

Chairman ISSA. He really is a diplomat.

Ms. SPEIER. Well, most of you should be diplomats on issues like that.

Ms. Ziba had said to you that she would help you get a good onward assignment. And I think this committee will help you get a good onward assignment. So we await for the responsible person for that decision informing us.

Chairman ISSA. I thank the gentlelady and I am actually shocked that Mr. Connolly didn't make that promise to a constituent who could vote.

With that we go to the representative from North Carolina, Mr. McHenry.

Mr. MCHENRY. Not to bring this subject matter of this hearing back to the subject matter of this hearing, but I'm sorry, Mr. Hicks, the Senate is in charge of those types of movements of our ambassadors in the confirmation process. But I hear you know there's a wide variety of islands just to the south of Florida that are lovely.

But the subject matter of today's hearing is to get at the root cause and the root facts of an awful tragedy that occurred. The mismanagement and the political coverup that resulted from that mismanagement and a rush to judgment by some very ambitious political operatives within Washington. At least that's near as what I can tell, having gotten into the facts as we have today and know-

ing what we know today. So I want to thank all three of you gentlemen for your service to the American people and to our government. And I want to say to you that the tough treatment you have gotten as a result not only on that day in September but since then is a horrible tragedy.

I want to go back to Mr. Gowdy's line of questions here. Mr. Hicks was there a protocol within the consulate in the event of a protest?

Mr. HICKS. Yes, there was.

Mr. MCHENRY. Was there any evidence when you were there in Libya on that day that this was a protest?

Mr. HICKS. No, there was none. And I am confident that Ambassador Stevens would have reported a protest immediately if one appeared on his door. The protocol of course was for us to evacuate immediately from the consulate and move to the annex.

Mr. MCHENRY. Okay. Was there anything in connection to a YouTube video, was there any awareness that the events occurred because of a YouTube video?

Mr. HICKS. The YouTube video was a non-event in Libya.

Mr. MCHENRY. Okay. And did you know about that within a couple of days or the day of?

Mr. HICKS. Yes.

Mr. MCHENRY. Okay. And so did you report to anyone in Washington within the first couple of days that there was anything in connection—a protest in connection to a YouTube video?

Mr. HICKS. No. The only report that our mission made through every channel was that there had been an attack on a consulate.

Mr. MCHENRY. Not a protest?

Mr. HICKS. No protest.

Mr. MCHENRY. You can leave your microphone off. I'm going to come back to you a few times.

Mr. Gowdy mentioned this earlier, but on September 16th Ambassador Susan Rice went on the Sunday shows, recited a whole group of talking points. Were you a part of those talking points.

Mr. HICKS. No, I had no role in that preparation.

Mr. MCHENRY. Okay. So one month later we had an Under Secretary Kennedy. Let's play his statement:

"Always made clear from the very beginning that we are giving out the best information we have at the time we are giving it out. That information has evolved over time. For example, if any administration official, including any career official, had been on television on Sunday, September 16, they would have said the same thing that Ambassador Rice said. She had information at that point from the intelligence community, and that is the same information I had and I would have made exactly the same point. Clearly we know more today, but we knew what we knew when we knew it."

By September 16th, did you know what you know what you know, which is apparently what Susan Rice said? Let me rephrase that actually. Let me actually make that a question, if you will.

Ambassador Rice recited a set of facts. A month later they defended—the State Department defends that. You are a career State Department official. Would you have said the things that Ambassador Rice said?

Mr. HICKS. Not after hearing what President Magariaf said, especially considering the fact that he had gone to Benghazi himself at great personal and political risk and for him to appear on world television and say, this was a planned attack by terrorists is phenomenal. I was jumping up and down when he said that. It was a gift for us from a policy perspective, from my perspective sitting in Tripoli.

Mr. MCHENRY. And did that occur before September 16th?

Mr. HICKS. He said that on the same talks shows with Ambassador Rice.

Mr. MCHENRY. And did you report that—was there knowledge that he was going to say that?

Mr. HICKS. No, there was not.

Mr. MCHENRY. Mr. Chairman, I know we have a lot more questions about this, including what that did in country, Ambassador Rice's rhetoric, what that did and the impact it had in country for the work that you were doing and the delay that resulted because of that of the FBI investigation on the ground. If you could speak to that. And Mr. Chairman, if you will indulge me and let him answer, please.

Chairman ISSA. Briefly.

Mr. HICKS. Yes, sorry. Again, it took 17, 18 days for us from that interview to get the FBI to Benghazi and we dealt with people at the low level and we got them to Benghazi by stringing together a series of basically low level commitments to help us get them to Benghazi.

Chairman ISSA. Thank you. The gentleman from Wisconsin.

Mr. POCAN. Thank you, Mr. Chairman. And to the families, again to those who lost their lives in Benghazi, you have our condolences and I think the best tribute we can give to those who lost their lives is to make sure this doesn't happen again and I think that's really the goal of the committee.

Gentlemen, thank you for being here today. Mr. Hicks, especially thank you for your extensive conversation about what happened during the confusion of those first hours, whether the Ambassador was at the hospital or the annex and all that happened. I can tell you about 16 years ago I was backpacking through the Darien Gap in Colombia and woke up to machine gun fire and hand grenades. At the time we didn't know what happened. We had paramilitaries on the river, we had guerrillas behind us, and we were caught in between. So I can fully understand the full confusion that happened at the time you were recanting that and I think we saw that in the report.

What I can tell you though, Mr. Chairman, is I don't think there's a smoking gun today. I don't even think there is a lukewarm slingshot. What we have is some strong opinions from people who—all at least I know Mr. Nordstrom Mr. Hicks both participated in the study and Mr. Thompson while he didn't, no one stopped him—no one said he shouldn't be in the study—but we've had a chance to take a look at this. I think what is really imperative is that we make sure that these recommendations are done, that something concrete comes out of this so that no one else is in that situation. And I think one of the real things that we can do as a committee, as individuals on this committee, is to make sure

that we provide adequate funding for security and training to all of our embassies. And I think you know I am one of the new folks around here, so when I look at some of the past budgets where we've been asked for literally hundreds of millions of dollars that haven't been approved in a post-9/11 world, I look at that as rather risky. And both Mr. Nordstrom Mr. Hicks, you both had extensive experience around the world in various places you have been. So looking at this proactively, I think this is probably the ninth or so hearing that the House has had on this issue so maybe it's time we start looking at how we make sure we protect our embassies the very best way we can rather then going through and rehashing the same old stories.

My questions specifically, both Mr. Hicks and Mr. Nordstrom, are when it comes to extra training or extra security do you feel that we need more in some of the embassies across the world so that we make sure those who are working in there indeed have the very best protections because we have that responsibility to them as they serve the country?

Mr. Hicks.

Mr. HICKS. Thank you. There are two things. And I appreciate the question. We in the State Department need more training for our people who are going to these critical type places not only for our diplomatic security agents but also for our everyday security agents. We need to be able—in my opening statement I talked about my experience in Bahrain of developing contacts who helped us get through some very difficult times in 2002 when our embassy was attacked twice and we were experiencing very severe anti-American demonstrations. We have to be able to engage. Our diplomats have to be out on the street. One of the reasons why we were perhaps caught off guard in Benghazi is because for security purposes, because we had so few personnel there, the consulate was basically on lockdown. And so it was very difficult for our principal officer to get out and mingle with the people and learn what was going on. This was magnified when I talked with a correspondent after the event who had been in Benghazi after 9/11 and the correspondent told me that the people of Benghazi were terrified by these Islamic extremist militias. We didn't have that sense prior to 9/11. And the only way we could have that sense is if we're out on the street. I think Under Secretary of State for Public Diplomacy Sonenshine said it beautifully at the tribute for Anne Smedinghoff last week when she quoted Correspondent Edward R. Murrow about going the last three feet. That's what we as diplomats do. So if we are going to be going outside the embassies to meet with people and learn what's going on, we have to have the training to be able to respond rapidly and effectively to that desperate situation.

So that's one thing. The other thing I believe that we need to do—and I put this forth as part of my platform for—in running for office in my speech to the Foreign Service, we need to develop a robust paradigm for analyzing and mitigating risk, and one that is comprehensible to every member of the emergency action committee. And this would be a powerful tool for our regional security officers to be able to develop the kinds of programs and the kinds

of activities that we need to mitigate risks that they identify through the use of this paradigm.

Chairman ISSA. Thank you.

We now go to the gentleman from Michigan, Mr. Walberg.

Mr. WALBERG. Thank you, Mr. Chairman, and thank you for holding this hearing. And I, too, agree with both sides of the aisle that this ought to continue with other hearings.

And it was shocking to just hear a statement about this is rehashing same old stories. These aren't old stories. These aren't same old stories. This is a situation that is atrocious in that it happened. And it's about time we heard the stories for the first time that we're hearing today. And I thank the witnesses for being here to do that for us and appreciate your valor and appreciate the families and their sacrifice.

Mr. Thompson, on several occasions already, it's been insinuated that not only did you not ask to be interviewed by ARB but that you refused. You've indicated on a couple of occasions, no, you asked to be involved.

Let me give you further opportunity and ask you, why were you concerned about the ARB's failure to interview you? And did you raise any concerns with the Department about the Review Board's unwillingness to interview you?

Mr. THOMPSON. The reason I was concerned about it was that it was a terrorist event, and we did not respond to a terrorist event with the team, or we weren't considered to. And there wasn't a normal process by which that goes through. That process that I have already stated is not one that is bureaucratic. It's one that can go from a cold start to wheels-up, so to speak, within hours.

Mr. WALBERG. On-the-ground experience, understanding of what you were tasked to do.

Mr. THOMPSON. Yes. With respect to places like Nairobi, Kenya, on August 7th, 1998, in which we had 12 murdered Americans, 240 murdered Kenyans, and thousands injured, a very ambiguous situation and a situation in which we responded to and collaborated with our DOD and our FBI colleagues. Even OFDA was there because we had to get—Office of Foreign Disaster Assistance. We even had to get them in there to help with the medical resupply because the hospitals were overrun by this event. We had to set up a new embassy because we had one that was destroyed. We had to set up all the communications for the Ambassador. So it was a fairly comprehensive response.

Such was not the case in Tripoli with Mr. Hicks. However, we did have a need to get people pushed forward early, and even if they did not end up in Tripoli, they would be closer. Again, going back to the tyranny of distance, whether we would have landed in Frankfurt or Sigonella or Crete or somewhere in the area.

Those are the things I would have brought out to the Board had I been interviewed.

Mr. WALBERG. Any of those findings included in the ARB report?

Mr. THOMPSON. Not to my knowledge, but I also have not seen a classified version. They may be in there.

Mr. WALBERG. Mr. Hicks, in a little deference to my colleague from Ohio, I would say, on top of all of your distinguished records

of achievement and accolades, your two earned degrees from University of Michigan are your best. And I appreciate that.

Let me ask you this: Do you know if anyone interviewed by the ARB was provided an opportunity to read the full classified report?

Mr. HICKS. I've talked to several witnesses who were interviewed by the ARB, and none of them have been allowed to read the classified report.

Mr. WALBERG. As far as you know, none that were interviewed have read the classified report.

Mr. HICKS. So far as I know.

Mr. WALBERG. So you mentioned that there was a 2:00 a.m. phone call with the Secretary of State. During that short phone call, conversations you rehearsed for us, was there any mention of a demonstration during that conversation?

Mr. HICKS. No.

Mr. WALBERG. It would be interesting to know if that was included in the report. But you've not read it.

Mr. HICKS. Correct.

Mr. WALBERG. In fact, it wasn't.

Do you think the ARB report lets any individual or bureaucracy off the hook?

Mr. HICKS. Again, as I mentioned earlier, given the decision-making that Under Secretary Pat Kennedy was making with respect to Embassy Tripoli and Consulate Benghazi operations, he has to bear some responsibility.

Mr. WALBERG. What, in your view, were the shortcomings of the ARB process, besides not interviewing some people and allowing the classified report to be read?

Mr. HICKS. Well, again, there was no stenographer in the room when we were interviewed.

Mr. WALBERG. No stenographer?

Mr. HICKS. No, sir. And——

Mr. WALBERG. So we're talking about editorial commentary, potentially, as opposed to clear truth, accuracy?

Mr. HICKS. That's correct. There were note-takers. I had counsel in the room with me taking notes. But other witnesses did not have counsel or may not have had counsel.

Mr. WALBERG. Thank you.

Mr. Chairman, I don't have that benefit on the campaign trail, to not have accurate reporting.

Thank you.

Chairman ISSA. Well, Congress created the ARB in 1986, so we have the ability to professionalize it by congressional action. Perhaps that will be something we will recommend.

We now go to the gentlelady from Illinois, Ms. Duckworth.

Ms. DUCKWORTH. Thank you, Mr. Chairman.

Gentlemen, thank you for your bravery in being here today and for your service to our Nation.

I really believe that the best way to honor the sacrifice of Ambassador Stevens and the three other Americans who gave their lives in the line of duty in a final act of devotion to this Nation, the best thing that we can do is to put aside politics and take a hard look at the facts of what went wrong and what we need to do as we move forward to make sure this never, ever happens again.

And I share the frustration that many of my colleagues have expressed about the fact that we did not have the opportunity to properly prepare for your testimony today or to participate in a bipartisan investigation.

You know, I want to take a look particularly at what we can do to strengthen our missions, particularly in parts of the world where we cannot rely on host governments to provide adequate security, what we need to do to strengthen our ability to protect our posts. As you've mentioned already, this includes better security measures and more U.S. security personnel.

Mr. Hicks, you had said that, regarding the ARB's recommendations, that you thought it was incomplete, that the recommendations were unbalanced in favor of, I think you said, building higher walls, pouring more concrete, and that it was insufficiently strong in recommending that the State Department personnel needed to have more and better training, which is what you started to respond to my colleague from Wisconsin, Mr. Pocan.

Could you elaborate further on what you believe needs to be done with improvements in training?

Mr. HICKS. Again, the point I made is that those of us whose job it is to engage the local population, to represent America to local populations, we have to be able to go outside. We have to be able to meet them in their own places, especially in a part of the world where hospitality is a major part of the culture and where, also, the demonstration of personal courage is an important part of the culture.

So that means that we have to, as individuals, those of us who go outside, have to be able to be cognizant of the situations that we're going into. We have to be situationally aware, I think, as Eric would say, in order to recognize in advance that we may be getting into a difficult situation and we need to be able to respond appropriately.

And if we are put in a situation of extremis, then we have to also have the ability to be able to protect ourselves in that situation.

Ms. DUCKWORTH. Uh-huh. Thank you.

Mr. Nordstrom, I know you did not have a chance to answer or elaborate on my colleague's question. What is your opinion? Because I really want to make sure that we get the lessons learned from this.

You know, is there a balance that could be struck between focusing on improvements to physical security and also focusing on improvements to training, as Mr. Hicks suggested, or maybe dynamic communications? Do you have any specific recommendations?

Mr. NORDSTROM. Your point is actually a good one, is a perfect one. You know, my concern is that in the wake of an attack we're going to go through the same cycle that we've gone through all the time.

Ms. DUCKWORTH. Right.

Mr. NORDSTROM. More money is not always the solution. More is not always the solution. Better is the solution.

During the process, I had somebody ask me as part of the ARB why had I not requested machine guns, 50-caliber machine guns, for the consulate in Benghazi. I was awestruck. I said, if we are to the point where we have to have machine gun nests at a diplo-

matic institution, isn't the larger question, what are we doing? Why do we have staff there?

You know, one of the recommendations that I've looked at is, again, it's decision-making processes. That doesn't cost money. One of the things that we saw, again, is, what is the role of DS? Is DS, Diplomatic Security, elevated high enough within the Department of State's organizational structure whereby recommendations that are within that organization are heard by the Secretary of State? I mean, I think she has a very reasonable assertion that some of these issues weren't brought to her attention. Well, how do we fix that so that they are brought to the attention of the Secretary of State?

It's not lost on me that, as the unheeded messenger this time around, I look at where those messages seem to stop: the Under Secretary for Management. I look back, and I see the last time we had a major attack was East Africa. Mr. Thompson has talked about it. Who was in that same position when the unheeded messengers of the Ambassador in Nairobi and the RSO in Nairobi were raising those concerns? It just so happens it's the same person. The Under Secretary for Management was in that same role before. So if anybody should understand this, I would hope that he would.

That's why I'm going to the point of, there's something apparently wrong with the process of how those security recommendations are raised to the Secretary.

Ms. DUCKWORTH. I agree. And I think that you've given us a great way forward.

Thank you, Mr. Chairman.

Chairman ISSA. Thank you. I thank the gentlelady.

We now go to the gentleman from Michigan, Mr. Amash.

Mr. AMASH. Thank you, Mr. Chairman.

And thank you for the witnesses for testifying today. Thank you for your service.

Mr. Hicks, from a Michigan alum, go Blue.

Mr. Hicks, you testified that you haven't read the final classified ARB report. Is that correct?

Mr. HICKS. That's correct.

Mr. AMASH. If you haven't been allowed to read the report, how do you know whether your testimony was used appropriately?

Mr. HICKS. I have no idea.

Mr. AMASH. The Department employees who were singled out for disciplinary action, were they allowed to read the final classified ARB report to examine the evidence that was used against them?

Mr. HICKS. Two of those individuals have told me that they were not allowed to read the classified report.

Mr. AMASH. Do you believe that the ARB report does enough to ensure that a similar tragedy doesn't take place in the future?

Mr. HICKS. Again, I haven't read the complete report, so I can't make a judgment at this point in time.

Mr. AMASH. Did you have an opportunity to provide input with respect to the report?

Mr. HICKS. Yes, I had a 2-hour conversation with the Board.

Mr. AMASH. All right.

I'm going to yield some time to the gentleman from Utah, Mr. Chaffetz.

Mr. CHAFFETZ. Thank you.

Mr. Hicks, do we typically need permission of a host-nation government to fly military aircraft over their territory?

Mr. HICKS. Yes, we do.

Mr. CHAFFETZ. And, to your knowledge, did we ever ask the Libyans for permission to fly over their country?

Mr. HICKS. Frequently.

Mr. CHAFFETZ. But did we the night of the attack?

Mr. HICKS. The night of the attack?

Mr. CHAFFETZ. The night of—once this incident started, did we seek permission from the Libyan Government to do a flyover?

Mr. HICKS. I think in the record there is—a UAV was flying over Libya that night, and it had permission to be there.

Mr. CHAFFETZ. Did we ever ask for permission to fly anything other than an unarmed drone over Libya during the attack?

Mr. HICKS. No.

Mr. CHAFFETZ. Would you have known that?

Mr. HICKS. Yes.

Mr. CHAFFETZ. Based on your extensive experience as a diplomat in dealing with the Libyan Government, do you believe the Libyans would have granted overflight rights if we had requested it?

Mr. HICKS. I believe they would have.

Mr. CHAFFETZ. Mr. Nordstrom, do you believe that would also be true?

Mr. NORDSTROM. I think certainly in this situation. They were fairly—yeah.

Mr. CHAFFETZ. Mr. Chairman, I think one of the unanswered questions here is, if it's a possibility, if there's any chance that we could get military overflight, if we could get a military flight there, then we would ask permission in advance. My concern is there was never an intention, there was never an attempt to actually get these military aircraft over there.

I think one of the hard questions we have to ask is not only about the tankers, but what was the NATO response? We flew for months over Libya. For months, we conducted an air campaign. And we have assets. We have NATO partners. We worked, for instance, with the Italians. It is stunning that our government, the power of the United States of America, couldn't get a tanker in the air.

Mr. Hicks, when did you think that this was actually over, it was done, we were safe?

Mr. HICKS. Not until our personnel landed in Tripoli on the C–130.

Mr. CHAFFETZ. And then, even then, we were—Ansar al-Sharia had posted that, that we were potentially—I mean, there was a reason why you had to leave the facility in Tripoli.

Mr. HICKS. That's correct.

Mr. CHAFFETZ. When did you actually return to the embassy in Tripoli?

Mr. HICKS. We returned, I believe, on the 14th.

Mr. CHAFFETZ. When did the FES Team arrive to help secure the embassy?

Mr. HICKS. They arrived on the night of September 12th at about 8:30 or so.

Mr. CHAFFETZ. And there still, there still was a potential thought. And the government never asked for permission. This is one of the deep concerns.

In the last minute here, I want to ask Mr. Thompson here—I want to read to you another excerpt of an email sent by you to Timothy Walsh and James Webster on Wednesday, September 12th. This is at 11:10 in the morning. "Spoke to DB"—who is DB?

Mr. THOMPSON. Daniel Benjamin.

Mr. CHAFFETZ. —"Daniel Benjamin on the phone this morning. He understands my FEST points, concurs, but expressed his pessimism regarding our deployment and, by extension, does not intend to lobby for our inclusion,".

To remind everybody here, didn't Daniel Benjamin recently state that any claim that key elements of the Counterterrorism Bureau, such as F.E.S.T., were cut out of the response planning was simply, "untrue"? Is that your understanding?

Mr. THOMPSON. Correct.

Mr. CHAFFETZ. How do you react to that? He goes out and publicly says that's not true, but based on the email, it sounds like you had a discussion with him. What happened in that discussion?

Mr. THOMPSON. He was on the phone from Germany. Another member of our front office had been talking to him. She asked if he wanted to talk to me. I gave him a quick rundown of what had happened the night before.

I kept him informed via BlackBerry on the unclass level about the concerns. And, obviously, when we finally understood how many people had been murdered that night, he was shocked and appalled, wanted to know anything he could do. And I told him about the dismissal and how it was dismissed in terms of getting our people out, or getting our people out of town.

And I would just add that it's more than process and it's more than some of the other things that have been stated. My biography's in the record. We live by a code. That code says you go after people when they're in peril when they're in the service of their country. We did not have the benefit of hindsight in the early hours. And those people who are in peril in the future need to know that we will go get them and we will do everything we can to get them out of harm's way.

That night unfolded in ways that no one could have predicted when it first started. And it is my strong belief then, as it is now, that we needed to demonstrate that resolve even if we still had the same outcome.

Chairman ISSA. I thank the gentleman.

Mr. CONNOLLY. Mr. Chairman?

Chairman ISSA. For what purpose does the gentleman seek——

Mr. CONNOLLY. I just wanted to reiterate, Mr. Chairman, that your point to me, that rather than speculate what Mr. Benjamin and Mr. Kennedy and others may think or may have said, we'll have the opportunity——

Mr. CHAFFETZ. Will the gentleman—will the gentleman yield?

Chairman ISSA. We look forward to it.

Mr. CHAFFETZ. Will the gentleman yield?

Chairman ISSA. Actually, all time has expired.

We now go to the gentlelady from Illinois, who has been patiently waiting, Ms. Kelly.

Ms. KELLY. Thank you, Mr. Chairman.

And I, too, would like to thank you for your service and thank you for your patience and endurance, sitting here almost 3 hours. And my condolences to the family.

Mr. Hicks, I would like to ask you about your testimony involving the flight from Tripoli to Benghazi. First, in your interview with the committee, you explained that the first plane from Tripoli to Benghazi left on the night of the attack around 1:15 a.m. Is that correct?

Mr. HICKS. No, it arrived in Benghazi about 1:15.

Ms. KELLY. It arrived, okay. The ARB report said that the first plane had a seven-person security team which included two military personnel. Is that correct?

Mr. HICKS. Yes, it did.

Ms. KELLY. Now, you also told the committee that a second flight left Tripoli the next morning, September 12th, between 6:00 and 6:30 a.m. Is that correct?

Mr. HICKS. I think the flight actually left a little later, but, again, the timelines are still not—have merged, to a great extent, given time.

Ms. KELLY. Okay. You said that four military personnel were told not to board that plane and that this call came from Special Operations Command Africa. Is that right?

Mr. HICKS. That's what I understand.

Ms. KELLY. Okay. During the interview, you were asked if you knew what was the rationale that you were given that they couldn't go ultimately, and you explained, I guess they just didn't have the right authority from the right level. Is that correct?

Mr. HICKS. I think that's correct.

Ms. KELLY. Okay. So you basically don't know why they were told not to get on the plane, right?

Mr. HICKS. I have no idea why they were told not to get—why they were not allowed to go get on that airplane.

Ms. KELLY. Thank you.

Just this morning, the Department of Defense released a press release, if I can read it.

"The team leader called Special Operations Command Africa to update them that the movement of U.S. personnel to the Tripoli annex was complete. He then reported his intention to move his team to Benghazi aboard the Libyan C–130. As the mission in Benghazi at that point had shifted to evacuation, the Special Operations Command Africa operations center directed him to continue providing support to the embassy in Tripoli.

"We continue to believe that there was nothing this group could have done had they arrived in Benghazi, and they performed superbly in Tripoli. In fact, when the first aircraft arrived back in Tripoli, these four played a key role in receiving, treating, and moving the wounded."

I would like to yield the rest of my time to Mr. Connolly.

Mr. CONNOLLY. I thank my colleague.

Chairman ISSA. Does the gentlelady want that in the record?

Ms. KELLY. Yes, please.

Chairman ISSA. Without objection, it will be placed in the record.

Mr. CONNOLLY. Mr. Hicks, you said rather emphatically that the video had no material impact in Libya?

Mr. HICKS. That's correct.

Mr. CONNOLLY. And you talked several times about conversations, phone conversations, with the Prime Minister, who referred to it as a terrorist act, not as a protest. Is that correct?

Mr. HICKS. That's——

Chairman ISSA. The President.

Mr. CONNOLLY. Oh, the President. But we don't want to leave a misimpression here. I mean, the Libyan Government is somewhat inchoate at this time.

Mr. HICKS. That's correct.

Mr. CONNOLLY. I mean, it's hardly a unified government.

Mr. HICKS. That's correct.

Mr. CONNOLLY. And, for example, you were busy on the day, but on September 12th, the New York Times published a story quoting Libya's Deputy Interior Minister, Wanis al-Sharif, who said that his initial instinct was to avoid inflaming the situation by risking a confrontation with people angry about the video in Libya. He said he also criticized the Americans at the mission for failing to heed what he said was the Libyan Government's advice to pull its personnel or beef up its security, especially in light of recent violence in the city and the likelihood that the video would provoke protest.

That same article interviewed people engaged in the assault in Benghazi who cited, according to The New York Times, the 14-minute video, that this was due to their anger.

Now, my only point is the Libyan Government doesn't speak with just one voice; there were disparate voices. Some, in fact, did see the video, apparently, at the time, as an influence. And it's a little—I don't want to mislead the public that there was one unified perspective, and that was—that narrative is entirely false and was at the time.

Would you care to comment?

Mr. HICKS. Sure.

Our assessment in the embassy was that the video was not an instigator of anything that was going on in Libya.

Now, I understand that these people were quoted. In fact, on September 20th, Prime Minister El-Keib raised the video in front of the press when Deputy Secretary Burns was there. But we saw no demonstrations related to the video anywhere in Libya. The only event that transpired was the attack on our consulate on the night of September 11th.

Mr. CONNOLLY. Thank you very much.

I thank my colleague.

And, Mr. Chairman, if there is no objection, I would like to enter into the record the full New York Times article dated September 12th, "Libya Attack Brings Challenges for U.S."

Chairman ISSA. I certainly think, under the circumstances, it would be appropriate to put into the record something that says that we were stupid to still have a consulate in Benghazi, that it was an unreasonable risk and it should have been closed down in light of the danger, and, in fact, there may have been a video reaction. I think that's a good balance.

Mr. CONNOLLY. Well, I thank the chairman for that, the unanimous consent comment.

Chairman ISSA. With that, we go to the gentleman from Arizona, Mr. Gosar.

Mr. GOSAR. Thank you, Mr. Chairman.

First, to the families, thank you for the heroism that your sons exhibited. I would tell you that.

To the three of you at the stand, thank you for your bravery, particularly in light of how we treated whistleblowers today and in the past.

Mr. Hicks, did you ever question officials in Washington about what Secretary Rice said on the Sunday talk shows?

Mr. HICKS. Yes. Again, when Assistant Secretary Jones called me after the talk show event, I asked her why she had said there was a demonstration when we had reported that there was an attack.

Mr. GOSAR. Was she the only one that you talked to?

Mr. HICKS. Yes.

Mr. GOSAR. Okay. And her reaction was?

Mr. HICKS. Her reaction, again, was, "I don't know." And it was very clear from the tone that I should not proceed with any further——

Mr. GOSAR. So she was very curt?

Mr. HICKS. Yes.

Mr. GOSAR. Okay. Did you receive any negative feedback based on this conversation?

Mr. HICKS. Over the next month, I began to receive counseling from Assistant Secretary Jones about my management style, things that I basically was already doing on the ground. But, nevertheless, I implemented everything that she asked me to do.

Mr. GOSAR. Something that you were highly recommended and highly accommodated for, they're questioning it all of a sudden.

Can I have the video to be played on the screen, please?

[video shown.]

Mr. GOSAR. Well, I'm really mad. But, Mr. Hicks, would you—could I give you the opportunity to respond to that question, what difference does it make?

Mr. HICKS. I think the question is, what difference did it make?

Mr. GOSAR. Yep.

Mr. HICKS. President Magarief was insulted in front of his own people, in front of the world. His credibility was reduced. His ability to lead his own country was damaged. He was angry. A friend of mine who ate dinner with him in New York during the U.N. season told me that he was still steamed about the talk shows two weeks later. And I definitely believe that it negatively affected our ability to get the FBI team quickly to Benghazi.

Mr. GOSAR. So that definitely impacted getting the FBI to look at the crime scene, did it not?

Mr. HICKS. Absolutely.

Mr. GOSAR. So when you talked to the Libyan Government, were they responsive when you asked about access for the FBI?

Mr. HICKS. It was a long slog of 17 days to get the FBI team to Benghazi, working with various ministries to get, ultimately, agreement to support that visit, to get them to Benghazi. But we

accomplished that mission. But, again, at the highest levels of the government, there was never really a positive approval.

Mr. GOSAR. So this false—? thing to a spontaneous reaction to a video was a direct contravention of the explanation offered by this President, the President of Libya. And the facts on the ground impact our ability to investigate the crime scene afterward.

How long was it, as you said, before the FBI was allowed access into Benghazi to examine that crime scene?

Mr. HICKS. Seventeen days.

Mr. GOSAR. Seventeen days. Was the crime scene secure during that time?

Mr. HICKS. No, it was not. We repeatedly asked the Government of Libya to secure the crime scene and prevent interlopers, but they were unable to do so.

Mr. GOSAR. So let me get the timeline finalized here. So the FBI is sitting in Tripoli for weeks, waiting for the approval of the Libyan Government to travel to Benghazi. Is that appropriate?

Mr. HICKS. Well, they were attempting to do their job from Tripoli as best they could.

Mr. GOSAR. But they were denied access into Benghazi, right?

Mr. HICKS. Correct.

Mr. GOSAR. So what were they doing with their time?

Mr. HICKS. They were interviewing witnesses that they could find in Tripoli and could meet with in Tripoli. And they were also engaging with the government in order to develop a cooperative investigation with the Libyans, who had sent an investigative team—an investigator to Benghazi.

Mr. GOSAR. Were you interviewed by the FBI?

Mr. HICKS. No, I was never interviewed by the FBI.

Mr. GOSAR. Never? Hmm. Nice story.

I yield back my time.

Chairman ISSA. I thank the gentleman.

We now go to the gentleman from Nevada, Mr. Horsford.

Mr. HORSFORD. Thank you, Mr. Chairman.

Thank you to our witnesses for being here.

And, you know, it's my understanding that we've had nine oversight hearings on Benghazi since the horrific attacks on our consulate on September 11th, 2012. And like many of my colleagues have expressed to the family, I believe that we need to continue to do everything within our power as Congress to get to the solutions and the recommendations that will prevent this from happening again. And I think that, in addition to our condolences, the things that we need to do most is our job, to come up with the recommendations to prevent this.

One of the overall conclusions of the Accountability Review Board was just that, 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." That was a direct statement out of the Review Board recommendation.

And I think each of you agree that Congress must do its part. Am I correct, yes or no? Real quick.

Mr. THOMPSON. Yes.

Mr. HORSFORD. So, you know, Mr. Chairman, I just would hope that, after this hearing, after nine oversight hearings, that we will

begin to work on some specific recommendations that we can bring forward and that all of us working together can do our job to protect our embassies. I think that's what the public wants. I believe and hope that that's what the families want in the memory and the legacy of those who lost their lives.

And I would say that it does cost money. Mr. Nordstrom, I know you say it's not just about money, but it also is about properly prioritizing budget considerations. And, you know, in the past, you know, my colleagues on the other side have not been willing to make the kinds of serious and sustained commitment to funding that are necessary for large-scale and long-term security projects like building facility improvements, for example.

Chairman ISSA. Would the gentleman yield briefly?

Mr. HORSFORD. May I?

Chairman ISSA. Of course.

Mr. HORSFORD. Thank you.

And so, in both the 2011 and 2012 budget cycles, the budgets gave the State Department hundreds of millions of dollars less than what was requested. The fiscal year 2013 budget as proposed by the other side proposed even more cuts. They want to reduce the international affairs budget by more than $5 billion less than it was in fiscal year 2012. That is a 9.8 percent cut to Diplomatic Security when extrapolated across the whole foreign affairs budget.

By the fiscal year 2016, the proposed budget by the other side further cuts funding to international affairs by another $5 billion. This represents a 20 percent cut to Diplomatic Security when extrapolated over the entire foreign affairs budget.

So these are serious and significant cuts, and we cannot pretend that they don't have consequences.

And so I know that my colleagues have talked several times about holding people accountable. Well, I hope that one of those groups that we will hold accountable are ourselves, as Members of Congress, to do our job to properly fund the safety of our embassies so that this never happens again.

I urge my Republican counterparts to work with us in a bipartisan effort to actually fund these improvements to our embassy security and to follow through on the 29 ARB recommendations that have already been made and those that we believe should also be supported from this hearing.

Thank you, Mr. Chairman.

Chairman ISSA. We now go to the gentleman from Pennsylvania, Mr. Meehan.

Mr. MEEHAN. Thank you, Mr. Chairman.

I note for the record that Charlene Lamb, who testified before this committee at a previous time, was asked specifically the question as to whether or not funding issues impacted the actions that took place, and she said no.

And I'm really intrigued at this point in time by some of the commentary, because one of the things—I would like to follow up on the questioning, Mr. Nordstrom, that came to you from Mr. Lankford with regards to some of the decisions that were made. Because being in Benghazi, having the Secretary—because I'm going to tell you, I am struggling to find out how we had a United States Ambassador in a marginally safe American compound in an in-

creasingly hostile area on an iconic day like September 11th with limited security.

And I think that there are some issues that you were talking about first, decisions that were made about allowing occupancy in the first place. Could you tell me quickly about how that was enabled to be approved?

Mr. NORDSTROM. That's the same question I still have to this day.

Mr. MEEHAN. You do not know. But you do know, according to the law, it appears that it must be signed off by the Secretary of State, and there is no delegation.

Mr. NORDSTROM. Certainly, for parts of it, yes, for the second portion of it.

Mr. MEEHAN. Following up, on July 31st, it's a fact that there were—I go back on the record—there were 16 SSTs, Special Forces, in Libya, 14 Department of State security personnel. On August 31st, just shortly before, that had been reduced to six regulation individuals in Tripoli, three in Benghazi.

Why the cutback on security?

Mr. NORDSTROM. Again, that's one of the questions that I had. I've never seen it addressed in the ARB or anything else, is, why were these decisions that we made turned down?

In fact, there was a proposal that went back all the way to a month after we had arrived asking for $2.1 million for staffing to have 19 DS agents maintained throughout that time period. I still don't have any understanding as to what happened to that proposal. That went to the Under Secretary of Management as part of the——

Mr. MEEHAN. Did you have confidence in the ability of the locals in the country who were purportedly designed to provide security for you, did you have confidence in their ability to provide that?

Mr. NORDSTROM. I think, to put it succinctly, it was the best bad plan. It was the only thing we had.

Mr. MEEHAN. It was the only thing—but I didn't ask if—I said, did you have confidence in that?

Mr. NORDSTROM. No.

Mr. MEEHAN. Did you report that at any point in time to officials in Washington, D.C.?

Mr. NORDSTROM. We did. We did note the training deficiencies, in particular. That was something that was always there.

Certainly, we had also raised the issue of doing some sort of counterintelligence vetting of the people that worked for us. Ultimately, that was turned down, even though we wanted it, because the Department of State wanted post to pay the funds for it, which we didn't have. It had always been our understanding that that was going to be paid for by Washington.

Mr. MEEHAN. Mr. Thompson, I know that you have background in counterterrorism. I'm going back on—this is testimony that was provided by Lieutenant Colonel Wood, who was an SST person doing service in Tripoli and ultimately wanted to be in Benghazi. He talked about Facebook threats that were made about Western influences in Benghazi.

I also note then a series of issues: an RPG attack on the Red Cross in early May; a Red Cross second attack in June; an IED at-

tack against the U.N. mission on April 6th; an IED attack against a U.N. convoy on April 10th; an assassination attempt on the British Ambassador on June 11th with RPGs; an attempted carjacking on August 6th of two SST officers of the United States.

In your mind, in your professional opinion, would this suggest to you that the facility in Benghazi by a reasonable person with your experience or a reasonable person in the State Department would be likely to be considered a possible or even likely target of a terrorist incident?

Mr. THOMPSON. It certainly had all the indicators of that, based on that history, yes, Congressman.

Mr. MEEHAN. And in light of that and in light of your experience and Mr. Nordstrom's testimony, would you have been happy with the idea that it was allowed to be maintained under less than the staffing that had existed only a month before or 2 months before and under standards which were only two in the entire country, according to the testimony of Mr. Nordstrom, that were not meeting the requirements, the minimal requirements of safety?

Mr. THOMPSON. No, sir.

Mr. MEEHAN. Mr. Nordstrom or Mr. Hicks, what is normalization? And why were we doing this?

Mr. NORDSTROM. That's been a question even that the ARB raised and others have raised. I'm not sure. I mean, sarcastically, we saw it as "do more with less."

But I first saw that term, "normalization," in that budget proposal, resource proposal, a month after we had arrived. There was already talk about normalizing our footprint. It was then picked up again in February when Greg's predecessor had met with DAS Lamb, same thing.

It struck me as being part of some sort of script, just like the reason we didn't close the facility in Benghazi despite the risks. There was already a political decision that said, we're going to keep that open. That's fine, but no one's ever come out and said that, that we made that risk and we made that decision, and then take responsibility for it.

Chairman ISSA. I thank the gentleman.

Mr. MEEHAN. My time has expired, but, Mr. Hicks, did you have a response to that, as well?

Mr. HICKS. Normalization, to us, was moving toward being like a normal embassy instead of being, in a sense, under siege or in a hostile environment where we're surrounded by potential threats. And we wanted to move toward normal life. And it also meant a withdrawal of extra DS personnel and then a movement toward our Diplomatic Security personnel managing more of a program that included the recruitment of Libyans to provide the security that we needed.

Chairman ISSA. Thank you.

Mr. Hicks, you mentioned earlier your wife being such an important part of your decision process. Were you planning on bringing her to Libya since it was normalized?

Mr. HICKS. Mr. Chairman, thanks. Just to correct, I was actually selected to be DCM by Assistant Secretary for Near Eastern Affairs Jeff Feltman in Tripoli.

Chairman ISSA. Jeff and I spent a lot of time in the 2006 war in Lebanon together. He's a good man.

Mr. HICKS. Yeah.

Chairman ISSA. But as to family returning to Libya, I mean, normalization means you bring back dependents and so on.

Mr. HICKS. Right.

Chairman ISSA. Was that part of what was going on?

Mr. HICKS. That's what we were pointing toward, in fact. And Chris and I had a long talk on the night of September 9th before he left for Benghazi, and we talked about this, that we felt optimistic about the trajectory. Even though all of these security problems were going on, we felt that the Libyans were getting their political act together. They were going to pull together a government. They were going to get a constitution. Their economy was going to pick up. They were going to stabilize.

And my next project was, in fact, to reach out to the board members of the American school and start working with them about the possibility of opening the school in September. And that would, of course, have allowed me to bring my family to join me in Tripoli. And that was actually a condition that my wife made for my going to my second unaccompanied assignment.

Chairman ISSA. I'm sure she's glad to have you home now, though.

Mr. HICKS. Yes, she's very glad to have me home.

Chairman ISSA. With that, we go to the gentleman from New Mexico, who has been patiently waiting.

Oh, I'm sorry. Who is next?

Mr. Cardenas next.

Mr. CARDENAS. Thank you very much, Mr. Chairman.

My condolences to all the families and everybody who suffered from this tragedy. And, also, I hope that you pray for us that we do the right thing as policymakers and not as politicians.

Mr. Nordstrom, you have stated here that you felt the security situation in Benghazi was unsafe. As a matter of fact, you've been very clear on placing blame with a number of people.

So, given everything that was going on at the time and everything you have said today and what you said on October 10th, at any point did you suggest to Ambassador Stevens that he should not travel to Benghazi on September 11th, the anniversary, and that the situation was volatile and that the facility, per your own assessment, was not secure?

Mr. NORDSTROM. I had departed post on 26th of July, so I didn't have the opportunity to do that. I would defer that to the RSO that was there at the time, John Martinec. It's my understanding that he also had raised some concerns and discussed that.

Mr. CARDENAS. So you have your opinions today, but you did not have those same opinions back then?

Mr. NORDSTROM. I wasn't at post for September 11th. I departed 6 weeks prior, so——

Chairman ISSA. If the gentleman would indulge, I think he's asking, what was your opinion on the day you left relative to Benghazi?

Mr. NORDSTROM. Oh, okay. I understand.

I had actually met with the Ambassador prior to that as part of an out briefing, and he and I talked about kind of the way forward. And the threats in the east were something that we talked about. I had mentioned that in October, as well. It was very concerning to us, the increasing in the targeting. It was something that I had mentioned back to our headquarters in reporting.

It was something that the Ministry of Interior brought up when the Ambassador went and met with the Minister in July to talk about requesting static security. They highlighted, number one, growing extremism in the east, particularly in Benghazi and Derna and Sirte.

So, absolutely, that was something that we discussed. And we were concerned, in particular, that we were not getting the resources.

Mr. CARDENAS. So you stressed that you did stress concerns, but not to the point where you said, "I wouldn't go if I were you," or, "You shouldn't go"?

Mr. NORDSTROM. We never had that discussion, in part because the Ambassador had not indicated any sort of desire to travel to Benghazi. My hope would have been that they would have had resources there to augment any such travel.

Mr. CARDENAS. And resources require other kinds of resources. I mean, if you have resources on the ground, they require actual funding, et cetera. There's a balance to creating the kind of atmosphere and security that would be required to meet any concerns, correct?

Mr. NORDSTROM. Sure. And what we were looking at is that you were going to have a downsizing of personnel in Tripoli. So anytime the Ambassador would have traveled, that would have impacted security in both locations because you would have been splitting up resources, which is what I think ultimately happened.

Mr. CARDENAS. Mr. Hicks, can you shed some light on this discussion that we're having?

Mr. HICKS. In the two planning meetings that we had for Ambassador Stevens' trip to Benghazi, Regional Security Officer John Martinec raised serious concerns about his travel. Because of those concerns, the Ambassador adjusted his plans for that trip.

First, he agreed that he would go in a low-profile way, that his trip would not be announced in advance, we would not do any planning of meetings until right before he went.

And, second, he eventually decided also to shorten his trip. He initially had planned to go on the 8th. He went on the 10th instead to narrow the time frame that he would be in Tripoli.

The third step that he took was the one public event that he planned would take place at the very end of his trip just before he left.

Mr. CARDENAS. So, basically, you're describing what I feel to be consistent. What I've known of the Ambassador is that he was very, very committed. He did listen to advice, et cetera, but he was very determined, and he continued to do his job.

Mr. HICKS. Exactly. He went there to do his job. He felt that he had a political imperative to go to Benghazi and represent the United States there in order to move the project forward to make the Benghazi consulate a permanent constituent post.

Mr. CARDENAS. Okay. I'm so proud of his commitment, and that is very consistent with everybody who has come across him. I just hope that we can have that commitment up here as elected officials to do the right thing so this never happens again.

Thank you so much.

Chairman ISSA. Thank you.

We now go to the gentleman from Tennessee, Mr. DesJarlais.

Mr. DESJARLAIS. Thank you, Mr. Chairman.

Today's hearing is about one thing, one simple thing: It's finding the truth. And I know these families here want the truth, and I know the American people want the truth. But yet I listen to this questioning today, and there seems to be a real partisan feel to finding the truth, and I don't understand that.

I mean, if you listen to the other side, you would think it's time just to move on from this. They would agree with Secretary Clinton, right, that they would just say, what difference does it make? Well, some of the family members I talked to before this hearing, I guarantee this hearing makes a difference today. We want to know who made some of these decisions and why they made some of these decisions.

The only encouraging part that I heard from the other side is that they feel that you all should be protected, your ability to testify here and your desire to testify here should be protected, so that's good.

And I want you to know I really appreciate you all being here. It does matter. It matters to a lot of people.

Mr. Hicks, after your visit with Congressman Chaffetz—or Congressman Chaffetz' visit, did you feel any kind of shift in the way you were treated?

Mr. HICKS. Yes, again, I did. When Assistant Secretary Jones visited shortly after—prior to the visit, Assistant Secretary Jones had visited, and she pulled me aside and again said I needed to improve my management style and indicated that people were upset. I had had no indication that my staff was upset at all, other than with the conditions that we were facing.

Following my return to the United States, I attended Chris' funeral in San Francisco, and then I came back to Washington. Assistant Secretary Jones summoned me to her office, and she delivered a blistering critique of my management style. And she even said, exclaimed, "I don't know why Larry Pope would want you to come back." And she said she didn't even understand why anyone at Tripoli would want me to come back.

Mr. DESJARLAIS. Okay. But yet, right after the attack and before the attack, you had all kinds of praise for your leadership. You got a call from Secretary Clinton, you got a call from the President praising you for your service and how you handled things.

Was there a seminal moment in your mind to when all this praise and appreciation turned into something else?

Mr. HICKS. In hindsight, I think it began after I asked the question about Ambassador Rice's statement on the TV shows.

Mr. DESJARLAIS. Uh-huh. And, you know, anyone listening to this hearing today, if they don't have questions—I think there was some comment made about, well, there was a few people in Libya that had a problem with this YouTube video, but the overwhelming

evidence is that this was a terrorist attack. Everybody knew it, but yet someone higher up decided to run with this story, this facade, and they kept it for a long time. And I would think that everyone sitting here wants to know the answer, why that was done.

So what other impediments have you had, or how have you felt since deciding to come forward? Do you feel like they've treated you any differently from that point on?

Mr. HICKS. Well, after—I was angry with the way I had been criticized. I thought it was unfounded. I felt like I had been tried and convicted in absentia. But I decided I was going to try to—I was going to go back and try to redeem myself in Tripoli.

Mr. DESJARLAIS. What is your job right now?

Mr. HICKS. What is my job? I am a foreign affairs officer in the Office of Global Intergovernmental Affairs.

Mr. DESJARLAIS. Okay. A far cry from where you were in your level of capabilities?

Mr. HICKS. Yes, sir.

Mr. DESJARLAIS. Yeah. So when you came back to the United States, were you planning on going back to Libya?

Mr. HICKS. I was. I fully intended to do so.

Mr. DESJARLAIS. And what do you think happened?

Mr. HICKS. Based on the criticism that I received, I felt that if I went back, I would never be comfortable working there. And, in addition, my family really didn't want me to go back. We had endured a year of separation when I was in Afghanistan in 2006 and 2007. And that was the overriding factor.

So I voluntarily curtailed. I accepted an offer of what's called a no-fault curtailment. That means that there would be no criticism of my departure of post, no negative repercussions. And, in fact, Ambassador Pope, when he made the offer to everyone in Tripoli when he arrived—I mean Chargé Pope—when he arrived, he indicated that people could expect that they would get a good onward assignment out of that.

Mr. DESJARLAIS. All right. Well, thank you.

I would just close with the fact that, you know, we have a President that's made it his policy since he took office not to knee-jerk or jump to conclusions when it comes to some tragedy or event, but yet, why did he do it in this case? Why was he quick to jump to the conclusion that this was a protest due to a YouTube video? I think we all know that's not true, and I think we all need to find the answer to that.

Chairman ISSA. Thank you.

Mr. HICKS. Could I——

Chairman ISSA. Of course.

Mr. HICKS. Could I just clarify? The job that I have right now—between my curtailment and my finding of this job that I have now, I had no meaningful employment. I was in a status called Near Eastern Affairs overcomplement. And the job now is a significant—it's a demotion. "Foreign affairs officer" is a designation that is given to our civil service colleagues who are desk officers. So I've been effectively demoted from deputy chief of mission to desk officer.

Chairman ISSA. Let me just interject one thing at this time. In your opening statement, I note—and it's already in the record, but

I want to make sure that it's separately placed in at this moment—you included an unclassified document purported to be from the President of the United States to the President of Libya. Is that correct?

Mr. HICKS. Yes.

Chairman ISSA. I want to be very careful. It doesn't have a signature. It looks like it was electronically transmitted.

Mr. HICKS. It's a cable.

Chairman ISSA. This cable, was it, as far as you know, from the President of the United States directly?

Mr. HICKS. Yes.

Chairman ISSA. And was it delivered to the President of Libya directly?

Mr. HICKS. It was.

Chairman ISSA. And does it mention "terrorist attack" anywhere else? And I would note that this is September 17th, which would be that Monday afterwards.

Does this, in your opinion, in any way, shape, or form describe the unfortunate circumstances as terrorism to the President of Libya?

Mr. HICKS. I believe it does.

Mr. CUMMINGS. Mr. Chairman?

Chairman ISSA. Yes?

Mr. CUMMINGS. We—I don't even know——

Chairman ISSA. It's in his opening statement. It was delivered to everybody.

Mr. CUMMINGS. Okay.

Chairman ISSA. These are inclusions. But it says, "Thank you for responding quickly to the tragic attack" in Benghazi. And I'm reading through this thing, you know, and—well, it's in the record.

But, as far as I can tell, it speaks of it as a tragic attack. It doesn't speak to it, even after Ambassador Rice spoke, it doesn't speak to it as a terrorist attack or our war on terror or fighting terrorism. Is that correct?

Mr. HICKS. Yeah, I don't have it before me at this moment.

Chairman ISSA. Okay, we'll deliver it back to you just to make sure. Someone may want to follow up. Oh, your counsel has it for you.

Mr. HICKS. Oh, sorry. Yeah, it says "outrageous attack."

Chairman ISSA. Okay. So it's an outrageous attack, but it doesn't talk about us working together to fight terrorism, does it?

Mr. HICKS. No.

Chairman ISSA. Okay. Thank you for including that in the record.

We now go to the gentleman from Texas, Mr. Farenthold.

Mr. FARENTHOLD. Thank you very much, Mr. Chairman. And I would also like to join my colleagues on both sides of the aisle in expressing our condolences to the families of Ambassador Stevens, Sean Smith, Tyrone Woods, and Glen Doherty, and all of those others injured. I want to quickly clear up just a couple of loose ends from earlier testimony, and then I want to ask a couple of questions about the February 17th Martyrs Brigade.

But first off, Mr. Hicks, you have testified on numerous occasions that you never got a chance to read the classified ARB report. You

do have a security clearance that you sat in the meeting with Mr. Chaffetz that your minder couldn't attend. So you do have a security clearance.

Mr. HICKS. Yes, sir.

Mr. FARENTHOLD. All right. Then Mr. Thompson, you testified in answer to the question as to why the F.E.S.T. team, your response team was not deployed, that one of the things you heard was it might not be to a safe location. Do you guys train to deploy to Canada or the Caribbean islands or other safe locations, or are you trained to respond to hot spots?

Mr. THOMPSON. Hot spots.

Mr. FARENTHOLD. And would there have been any reluctance on the part of you or any of the men or women in your organization to go to Libya or anywhere in the world that you were needed to protect Americans?

Mr. THOMPSON. I hang out with a very noble and brave crowd. The answer is no.

Mr. FARENTHOLD. I didn't think so.

And Mr. Hicks, I want to talk a little bit about what was going on in Libya at the time. There had just been a revolution. We had a newly-elected President, democratically-elected. We were involved through our NATO partners in that. This was probably a win for the United States. We had a friendly government, relatively friendly government going in. And then we all but make the new President out—we throw him under the bus on the Sunday shows. And you testified that that may have been one of the reasons the FBI was slow getting in. Do you think it overall damaged our relationship beyond that with Libya?

Mr. HICKS. It complicated things for that period of time, I think particularly with respect to the FBI mission. But the Libyan people, as a poll released by Gallup before 9/11 attests, valued our relationship highly, in fact higher than almost any other Arab country. It was over 50 percent of the population.

Mr. FARENTHOLD. And isn't that one of the reasons Ambassador Stevens went to Benghazi on that fateful day, is to continue to show our support for what was going on in Libya at the time?

Mr. HICKS. Absolutely. Especially to the people of Benghazi.

Mr. FARENTHOLD. All right. Now I want to go on, there have been some reports floating around. Mr. Nordstrom, can you tell me what the role of the February 17 Martyrs Brigade was in protecting the consulate in Benghazi?

Mr. NORDSTROM. Certainly. That was the unit, for lack of a better term, that was provided to us by the Libyan Government.

Mr. FARENTHOLD. Now, were you aware of any ties of that militia to Islamic extremists?

Mr. NORDSTROM. Absolutely. Yeah. We had that discussion on a number of occasions, the last of which was when there was a Facebook posting of a threat that named Ambassador Stevens and Senator McCain, who was coming out for the elections. That was in the July time frame. I had met with some of my agents and then also with some annex personnel. We discussed that.

Mr. FARENTHOLD. And Mr. Hicks, you were in Libya on the night of the attack. Do you believe the February 17th militia played a role in those attacks, was complacent in those attacks?

Mr. HICKS. Certainly elements of that militia were complicit in the attacks. The attackers had to make a long approach march through multiple checkpoints that were manned by February 17 militia.

Mr. FARENTHOLD. All right. Okay. Mr. Hicks, Mr. Nordstrom, I am going to ask you both this question. I am stunned that the State Department was relying on a militia with extremist ties to protect American diplomats. That doesn't make any sense. How does that happen?

Mr. NORDSTROM. You mean like in Afghanistan, where Afghanis that are working with our military that are embedded and turn on them and shoot them? Or Yemen, where our embassy was attacked in 2008 by attackers wearing police uniforms? Or in Saudi Arabia in Jeddah, we had an attack in 2004, the Saudi National Guard that was protecting our facility reportedly ran from the scene, and then it took 90 minutes before we could get help.

Mr. FARENTHOLD. Pretty high unemployment in the United States. I would imagine there are some people who would be willing to take—Americans that would be willing to take jobs overseas.

Mr. NORDSTROM. We couldn't agree with you more. But unfortunately as I said earlier, one of the things that we ran into, that was the best bad plan. That was the unit that the Libyan Government had initially designated for VIP protection. It is very difficult to extract ourselves from that.

Mr. FARENTHOLD. I certainly hope that these hearings will result in us not having to rely on the best of bad plans, and we can use folks like Mr. Thompson and his group for what they were intended and secure our personnel.

I see I am out of time, Mr. Chairman.

Chairman ISSA. Only by a little. We now go to the distinguished gentleman from the great State of Washington, the chairman of the Resources Committee, Mr. Hastings.

Mr. HASTINGS. Thank you very much, Mr. Chairman. And let me add my voice to all of my colleagues' that thank you for your service. I think while we all say it, it probably should go without saying, but nevertheless we really do appreciate that.

Mr. Hicks, I want to follow up. You may have answered this, so I just want to get a clarification, because Mr. Jordan was entering into questions regarding the lawyer that came in and was not allowed to go to the meeting because he wasn't qualified to go to that meeting. My question specifically is to back up. The State Department sent this lawyer. Were you told why the lawyer was sent?

Mr. HICKS. He was sent to participate in all the meetings and all events associated with Congressman Chaffetz's visit.

Mr. HASTINGS. Did you find that unusual?

Mr. HICKS. It never had occurred before in my career.

Mr. HASTINGS. Okay. But the State Department did say that this lawyer was going to come and participate in all of the meetings?

Mr. HICKS. Yes.

Mr. HASTINGS. You were told that. And then of course he couldn't because of the protocol. You mentioned that the tone of the State Department as it related to you changed probably after the Rice interview.

Mr. HICKS. It began to change, yes.

Mr. HASTINGS. Yeah. Explain, just give us some examples of how things changed.

Mr. HICKS. Again, I began to have my management style counseled by Assistant Secretary Jones. When she visited, she again counseled me on my management style and said staff was upset. I had had no indication of staff being upset. And then again when I returned to Washington, she delivered a very blistering critique of my style, and again said—exclaimed, "I don't know why Larry Pope would want you back."

Mr. HASTINGS. That leads to a very obvious question then. Prior to September 10th, 2012, had you received any negative feedback from your superiors?

Mr. HICKS. No. Chris and I had developed a very positive relationship. He trusted me, I trusted him. And we were working together very, very well. And morale was high.

Mr. HASTINGS. Well, I suppose in a career as long as yours you might have some disagreement with your superiors. Was it to the extent that you have felt that you were treated after this event last September, compared to prior maybe disagreements you may have had with your superiors? I guess on a scale of 1 to 10, 10 being the worst, you were——

Mr. HICKS. Ten. Ten.

Mr. HASTINGS. After. Okay. I guess that's what I would like to—wanted to follow up on. You mentioned that you feel in the job you have it is really a demotion from the qualifications that you have had in your career in the service. Have you talked to any of your colleagues or any senior leaders within the State Department regarding this? And if so, what was those conversations all about?

Mr. HICKS. I spoke with—well, after a couple of friends who are outside the Department intervened with senior officials about my situation, the Deputy Secretary Burns and the Director General said that I would be taken care of. Same thing that Larry Pope had indicated. And so I met with the Principal Deputy Assistant Secretary for Human Resources, Hans Klemm, and I talked to him about what options might be available to me. And basically, the answer was I would have to go through the formal normal bidding process for assignments and persuade someone that I should be hired. And then the conversation with Deputy Secretary Burns was centered around discussions I had had with the leadership of our embassy in Mexico City about the head of the political section job there, which would be a very good job. And he said that he would support that, but I had to go through the process. And it is a very long process, since the position—that position is at a higher grade.

Mr. HASTINGS. Let me ask you this. Going through the process, and I understand there is protocols, but would that strike you as unusual for somebody with your background and the position that you had in Libya and other areas?

Mr. HICKS. I was surprised that I was having to go through the process, the normal process. And especially when the Ambassador in Mexico City had talked to Deputy Secretary Burns about bringing me on as his political counselor.

Mr. HASTINGS. Well, I heard my colleagues on the other side of the aisle say that if there is any retribution—that's my words, not your words—any retribution on this that you will have the full sup-

port of your colleagues. Let me lend my support, and I think the support of everybody here. I think a bipartisan support on somebody that comes forth that has a difference of agreement on a policy issue, or a decision that killed four Americans deserve to have whatever we can give to you. So thank you very much. And I see my time has expired.

Chairman ISSA. Well, and the time that we can ask witnesses to stay seated without a break has also expired. So for those of us who were able to get up and come back and forth, we are going to take about 10 minutes. I would ask the witnesses, you can either go through that door or this door, to use facilities that are available there without going out into the public. And then we will reconvene in about 10 minutes. Thank you.

[recess.]

Chairman ISSA. The committee will come to order again. I have been advised that we expect to have votes on the House floor at approximately 5 o'clock. We can work until about 5 minutes into those votes. After that, we will adjourn. The expectation is we will not come back. So for our three witnesses, for the families, and for the attorneys, let me assure you the end is in sight.

With that, we go to the gentlelady from Wyoming, Mrs. Lummis.

Mrs. LUMMIS. Thank you, Mr. Chairman. I too want to thank you gentlemen for this long day. And for the families, I offer my most sincere condolences from my constituents. They think about you all the time. First question, Mr. Nordstrom. Now, do I understand you had responsibility for security in Libya while you were there?

Mr. NORDSTROM. That's correct.

Mrs. LUMMIS. And then you left in July. Is that correct?

Mr. NORDSTROM. That's correct.

Mrs. LUMMIS. Now, before you left did you make security recommendations to Washington, D.C.?

Mr. NORDSTROM. No. Well, we do an out—internal report, but that's not really a place where we put recommendations. It's more laying out the situation, the crime, the political situation. And a lot of that reporting I had done previously with Washington.

Mrs. LUMMIS. And so they had recommendations from you? Or not?

Mr. NORDSTROM. It is my understanding, yes, they had wanted a transition plan specifically on how we were going to transition from the SST and the DS agents to our local bodyguards. That was submitted to them February 15th.

Mrs. LUMMIS. And do you know were those—was that implementation plan accepted? Was it implemented?

Mr. NORDSTROM. I never really got any feedback from Washington. That was one of the things that surprised me even when I left post. I was never contacted by DS leadership or management from the date I left on the 26th to this date. The only time I had any interaction was preparing before the October hearings. But they have never contacted me to ask me on thoughts about Libya, suggestions, anything like that.

Mrs. LUMMIS. Mr. Hicks, do you know whether security recommendations were implemented? Were there security recommendations that were implemented?

Mr. HICKS. John Martinec, our RSO, came on board, and he was following up on many of the things that Eric was working on before to strengthen our security posture in Libya. After the attack—attacks, John and I worked on a list of physical security improvements that had to be made in Tripoli in order for us to remain there. And I cabled that in, that list in to the Department after Congressman Chaffetz's visit. And I learned later that that cable was not well received by Washington leadership. To the ARB's credit, when they saw that cable they sent it to Under Secretary Kennedy and insisted that every recommendation in that cable be implemented.

Mrs. LUMMIS. Thank you. I want to switch gears a little bit. Mr. Hicks, are you aware of any efforts by department officials to limit department witnesses' access to information about the attack prior to their testimony before Congress?

Mr. HICKS. I have never seen the classified ARB report. So the answer is in my respect, yes.

Mrs. LUMMIS. Mr. Nordstrom, do you know whether the State Department consciously sought to limit your awareness of certain information prior to your testimony before this committee?

Mr. NORDSTROM. I am not aware of that.

Mrs. LUMMIS. Let me ask you this. Mr. Nordstrom, I want to read you an excerpt from an email Ambassador Stevens sent to you and a colleague on July 5th, 2012. The email concerned a draft cable intended to request an extension of security personnel for the embassy, which was ultimately sent on July 9th. Now, the Ambassador wrote, "gentlemen I have taken a close look at the cable and edited it down and rearranged some paragraphs. My intention was to give more focus to what we are doing to end our reliance on TDY support and to let the Department figure out how to staff our needs. If it looks okay, please run it by DS and see if they want it front channel."

Then Mr. Nordstrom, can you briefly explain what Ambassador Stevens meant when he asked you to run it by DS and see if they wanted it front channel?

Mr. NORDSTROM. What he is referring to is the process by which we would send an official State Department cable. I had done that for prior requests, and it was my advice to the Ambassador—I do remember that dialogue—that we do in fact send that front channel. Within the Department of State, that is considered to be the official record. If I sent something by email or informally discussed it by telephone, it is still valuable, but unless it is on that cable it is not official. My experience in the past was that as soon as we put those recommendations, just as Greg just alluded to, as soon as we put that onto an official cable, somehow we were seen as embarrassing the Department of State because we are requiring them to live up to their end of the bargain.

Chairman ISSA. I thank the gentlelady. We now go to the gentleman from Georgia, Mr. Woodall.

Mr. WOODALL. Thank you, Mr. Chairman. I will add my thanks to the gentlemen on the panel. I know you have heard that over and over and over again from members here, but only because of folks believe it. And we are grateful to you not just for being here today, but for your decade upon decade of service. I will tell you,

Mr. Thompson, I am comforted, and I know folks at U.S. posts across the world are comforted that there are men and women who do what you do, who live by a code that says if you are in harm's way we are going to come for you. Just hang on. And I thank you very much for that commitment.

Mr. THOMPSON. Thank you.

Mr. WOODALL. Mr. Nordstrom, my questions are following up on my colleague from Wyoming, thinking back to early July, 2012. Do you recall your back and forth with Charlene Lamb particularly?

Mr. NORDSTROM. Vividly.

Mr. WOODALL. What did you think of that decision-making process? Were those decisions that Ms. Lamb was making or were those decisions being kicked up to a higher level?

Mr. NORDSTROM. It was unclear. I think largely DAS Lamb. But one thing that struck me throughout the entire time that I was in Libya was a strange decision-making process. Specifically, again, the Under Secretary for Management in many ways was dealing directly with DAS Lamb. As her supervisor two levels ahead, obviously he has that ability to do that. He is well within his right. But it was strange that there was that direct relationship. And I never really saw interaction from Assistant Secretary of DS Eric Boswell or our Director, Scott Bultrowicz. It was even more clear in October when we were all sitting up here. There was two levels, if you will, that were not reflected. And it was quite a jump between DAS Lamb and Under Secretary Kennedy. So certainly I felt that anything that DAS Lamb was deciding certainly had been run by Under Secretary Kennedy.

Mr. WOODALL. Given the seriousness of that conversation, thinking about extending SST and MSD as the security support, did you receive an explanation for why that request was denied that satisfied you?

Mr. NORDSTROM. I didn't. As I testified before, you know, what I perceived that it was some sort of—explained to me that it would be somehow embarrassing or politically difficult for State Department to continue to rely on DOD, and that there was an element of that. That was never fully verbalized. But that was certainly the feeling that I got going away from those conversations.

Mr. WOODALL. Okay. And then following up on moving these discussions from back channel to front channel, what was the nature of your conversation with the Ambassador that this was such a serious issue that rather than leaving it with a no on back channels he wanted to elevate that?

Mr. NORDSTROM. That's exactly what it is. In fact, I recall all the way back to our first meeting with Congressman Chaffetz and the chairman, that was the question that I think they posed to me is if you knew she was going to keep saying no, why did you keep asking? Well, because it was the right thing to do. And it was the resources that were needed. And if people also on the other side felt that that was the right thing to do, to say no to that, they could at least have the courtesy to put that in the official record.

Mr. WOODALL. And did you receive any feedback back from Washington, whether a direct response to that cable or a back channel response to the fact that you elevated it to this front channel process?

Mr. NORDSTROM. By the time that we sent the one in July, no, I did not receive a response. In fact, that cable, as I understand, was never responded to, which is something that is relatively unheard of in the State Department. When you send a request cable for anything, whether it is copiers or manpower, they get back to you. Prior discussions, back channel ones, yes, I had a number of conversations with my regional director and also DAS Lamb where it was discouraging, to put it mildly. That why do you keep raising these issues? Why do you keep putting this forward?

Mr. WOODALL. And if you could characterize it then between a nonresponse or a disagreement when it comes to these issues of security for American personnel on the ground in Libya, were you receiving a nonresponse from Washington or was there disagreement in Washington with your assessment of levels of need on the ground?

Mr. NORDSTROM. I largely got a nonresponse. The responses that I did get were you don't have specific targeting, you don't have specific threats against you. The long and short of it is you are not dealing with suicide bombers, incoming artillery, and vehicle bombs like they are in Iraq and Afghanistan, so basically stop complaining.

Chairman ISSA. The gentleman's time has expired.

Mr. WOODALL. Thank you, Mr. Chairman.

Chairman ISSA. Anyone else can answer. Okay. Thank you.

We now go to the gentleman from Illinois, Mr. Davis.

Mr. DAVIS. Thank you very much, Mr. Chairman. I know that it has been a long day, and lots of questions and answers have been shared. But let me ask the gentlemen this. Last week an unidentified individual, who was described as a military Special Ops member, appeared on national television to give an interview on the military's response to the attacks in Benghazi. The man appeared behind a black screen in order to conceal his identity. He suggested that military assets in Europe could have prevented the second attack in Benghazi. Specifically, he said this. "I know for a fact that C–110, the EUCOM, European Command, CIF, Commander's In-Extremis Force, was doing a training exercise not in the region of North Africa, but in Europe, and they had the ability to react and respond." He further stated, "We have the ability to load out, get on birds, that is aircraft, and fly there at a minimum stage. C–110 had the ability to be there, in my opinion, in four to six hours." He then went on to conclude that they would have been there before the second attack. Let me ask if any of you gentlemen are familiar with this claim.

Mr. NORDSTROM. Yeah. I have seen it.

Mr. HICKS. I saw it on television.

Mr. THOMPSON. Yes.

Mr. DAVIS. All right. In order to investigate the claim, last week Ranking Member Cummings wrote a letter to Secretary Hagel asking for the Defense Department's response. We've now received that written response from the Department, and I would like to enter that letter into the record, Mr. Chairman.

Chairman ISSA. When we have it we will take it under advisement. I haven't seen it yet.

Mr. DAVIS. "In regards to the anonymous allegation that the CIF could have arrived in Benghazi prior to the initiation of the second attack on the annex, the time needed from alerting the CIF to landing at the Benghazi airport is greater than the approximately 7.5 hours between the initiation of the first attack and that of the second one." The letter also states this. "The time requirements for notification, load, and transit alone prevented the CIF from being at the annex in time enough to change events."

Does anyone disagree with that statement?

Mr. NORDSTROM. I think the only thing I would add to that, not being privy to the decisions on the ground on that day, what's valuable is none of us, including the committee, had those details but for that person coming forward and making that allegation. I think that's the point that the majority—minority, Mr. Cummings made, is that it is important to get these questions raised in this format. Otherwise we are going to continue to see those same kinds of allegations. Because people do not feel that the answers have been provided or that those answers have been provided in a credible way. So I think it is much more important to get it done in this manner.

Mr. DAVIS. Thank you very much. The Defense Department's letter appears to be consistent with the ARB report, which said this, and I "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 12 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." So I don't know who that unidentified individual was on Fox News, but according to the Defense Department his claim is incorrect. And so Mr. Chairman, I simply wanted to get that into the record. And I thank you very much.

Mr. CHAFFETZ. Will the gentleman yield?

Mr. DAVIS. Yes.

Mr. CHAFFETZ. Will the gentleman yield?

Mr. DAVIS. Yes.

Mr. CHAFFETZ. Thank you. I believe he yielded to me.

Mr. DAVIS. I am yielding to Mrs. Maloney.

Mrs. MALONEY. Well, thank you. Thank you very much. By all accounts, Ambassador Stevens was a remarkable man. And I wonder was he aware how dangerous it was in Benghazi? And Mr. Hicks, were you aware how dangerous it was, yet he still made the decision to go there? Is that correct?

Chairman ISSA. The gentleman's time has expired, but you may answer.

Mr. HICKS. Yes, the Ambassador was very well aware of the security situation in Benghazi. Before he went, we had the chance to outbrief Eric Gaudiosi, the departing principal officer.

Chairman ISSA. Thank you. We now go to the gentleman from Kentucky, Mr. Massie.

Mr. MASSIE. Mr. Chairman, thank you for holding these hearings. Mr. Chairman, it's been said that all that's necessary for evil to triumph is for good men to do nothing. But I submit to you we have three very good men here who are going beyond the call of

duty to come here and testify today. They have my commitment to protect them from any retribution that may come from this. And I get the sense that there may be other people listening to the testimony today that have answers that we don't have yet. And I would encourage them to come forward as well. We've got a lot of good answers today thanks to these witnesses.

I would like to start with Mr. Thompson. I am struck by your long and distinguished career of hostage rescue missions. And some of these missions are still classified, but were successful. Can you remind us where you were when these events began to unfold?

Mr. THOMPSON. At my desk in the State Department.

Mr. MASSIE. So you were at your desk at the State Department. And you were asked to marshal the resources and the team to help with the rescue effort, defense effort, did you not?

Mr. THOMPSON. Yes. My first call was to the National Security Council, our CT contacts there.

Mr. MASSIE. And in your testimony you stated that you were told this was not the right time. Is that correct?

Mr. THOMPSON. When I referred that question to the Under Secretary for Management's office, yes.

Mr. MASSIE. Okay. If this wasn't the right time, when would be the right time? Because this is the source of frustration that the American public has, that I have. We are the greatest country in the world, and we left people there, Mr. Hicks and Mr. Stevens, to essentially fend for themselves, and when we had these resources. When would be the right time if this weren't the right time?

Mr. THOMPSON. There is no answer to that, sir.

Mr. MASSIE. Staying on that topic of time, would it have been a reasonable thing in an uncertain situation such as this crisis, where we don't know how it is going to unfold, to go ahead and assemble that team and put them on a plane? Were there sufficient communications on the plane that you could have pulled back a mission that was ready to deploy?

Mr. THOMPSON. We practice this at least twice a year, as in a complete deployment to an overseas location to work with our interagency partners. And the team obviously, again, is staffed with interagency CT professionals. The answer to your question is yes, that plane, which is funded by DOD, has a robust communications suite. The senior communicator on there works for me. And he is very competent at his job.

Mr. MASSIE. Are you convinced—I know you haven't been allowed to review or even contribute to the Accountability Review Board's report. But are you convinced that the changes have been made so that this won't happen again for another embassy?

Mr. THOMPSON. No.

Mr. MASSIE. Okay. That's troubling to me. And I appreciate your candor. Mr. Hicks, you mentioned that at 2 a.m. you had a phone conversation with Secretary Clinton. Is that correct?

Mr. HICKS. Yes.

Mr. MASSIE. At any time during that conversation did she ask what resources you might be able to use or might need?

Mr. HICKS. Yes, she did. I asked for security reinforcements and transport aircraft to move our medical—our wounded out of the country to a medical facility.

Mr. MASSIE. Was there any indication that you would receive air support?

Mr. HICKS. She indicated that the Marine FAST team was being deployed to bolster our security posture in Tripoli, and that a C–17 would be coming from—coming down to take people back.

Mr. MASSIE. But no immediate military response?

Mr. HICKS. The Marines were on their way, and they would be arriving on the—later on the 12th.

Mr. MASSIE. Okay. Did you tell the Accountability Review Board about Secretary Clinton's interest in establishing a permanent presence in Benghazi? Because ostensibly wasn't that the reason that the Ambassador was going to Benghazi?

Mr. HICKS. Yes, I did tell the Accountability Review Board that Secretary Clinton wanted the post made permanent. Ambassador Pickering was surprised. He looked both ways to the members of the board, saying does the seventh floor know about this? And another factor in Chris' decision was our understanding that Secretary Clinton intended to visit Tripoli in December.

Mr. MASSIE. Pickering was surprised that this was—his mission was to establish a permanent facility there?

Mr. HICKS. Yes.

Mr. MASSIE. That's your impression?

Mr. HICKS. Yes.

Mr. MASSIE. Okay. I thank you for your time. I thank the witnesses——

Chairman ISSA. Would the gentleman yield?

Mr. MASSIE. Yes, I yield.

Chairman ISSA. I just want you to say it unambiguously, if that's the correct way to say it without a flaw, one more time, the reason the Ambassador was in Benghazi, at least one of the reasons was X?

Mr. HICKS. At least one of the reasons he was in Benghazi was to further the Secretary's wish that that post become a permanent constituent post. And also there because we understood that the Secretary intended to visit Tripoli later in the year. We hoped that she would be able to announce to the Libyan people our establishment of a permanent constituent post in Benghazi at that time.

Chairman ISSA. Thank you.

Mrs. MALONEY. Will the gentleman yield?

Chairman ISSA. I thank the gentleman for yielding. We now go to the gentleman from Georgia.

Mr. COLLINS. Thank you, Mr. Chairman. I appreciate it. Thanks for being here today. And it has been a long day. And I think there has been some interesting things said and there has been a lot of questions. One of the things that was said earlier today that sort of concerns me a little bit, it says that these hearings have not found a smoking gun, I believe even a warm slingshot. Well, I for one and the folks of the Ninth District of Georgia where I represent are not looking for those things, they are looking for the truth. They are looking for what happened that night. Because the one thing we have found, it may not be a smoking gun or a warm slingshot, but we have four dead Americans. And that's what this is about. That's about finding what happened in the past so we can move forward in the future. And I appreciate your willingness to

be here, and these families that are willing to do this, because truth is important. Even in this town it is important.

I want to ask a follow-up question. Mr. Nordstrom, I want to follow up on a question from Mr. Lankford earlier about a March 28th cable asking for more security. He asked you about your intended recipients of that cable. Now, did you expect Secretary Clinton to either have read or to be briefed about that cable?

Mr. NORDSTROM. Absolutely. I certainly expected, given the fact that she had an involvement in the security process. If I could take a step back, by virtue of having the SST teams there, because they were a Department of Defense asset, the process required for that is something called an Exec Sec. That Exec Sec is literally a request from one Cabinet head to another, in this case State to DOD. That request must be signed by the Cabinet head, Secretary Clinton. She would have done the initial deployment request, plus an extension in the fall, and a second extension in February. She also came out to post, toured our facilities, toured the facilities and saw the lack of security there. That was something that her country team, or she was briefed by the country team as she visited the site. We also saw later there was the attacks against the facilities. Certainly, there is a reasonable expectation that her staff would have briefed her on those points.

Mr. COLLINS. I think it was you that said earlier could this be a concern about a DOD presence and an embarrassment with State on an embassy? And a real short answer there.

Mr. NORDSTROM. That was how I took away from——

Mr. COLLINS. That's the way you took it.

Mr. NORDSTROM. Right. From DAS Lamb.

Mr. COLLINS. Thank you. Mr. Hicks, I have a question, we are going back, it has been asked here a little bit before, in discussions about a permanent presence in Benghazi, give me a sort of a quick flavor of what were those discussions like? Was it said you do this? How was it going out?

Mr. HICKS. Chris told me that in his exit interview with the Secretary after he was sworn in, the Secretary said we need to make Benghazi a permanent post. And Chris said I will make it happen.

Mr. COLLINS. Okay. Was Washington informed of the Ambassador's plan to travel to Benghazi?

Mr. HICKS. Yes. Washington was fully informed that the Ambassador was going to Benghazi. And we advised them August 22nd or thereabouts.

Mr. COLLINS. Were there any concerns raised from that?

Mr. HICKS. No.

Mr. COLLINS. Given the timing and everything?

Mr. HICKS. None.

Mr. COLLINS. Mr. Hicks again, based on your experiences in Libya, do you believe that Foreign Service officers remain in avoidable danger in such high threat countries as Libya?

Mr. HICKS. Thanks. I believe that Foreign Service officers are serving their country where they need to be serving their country. And in some places the risk that they are taking is very high.

Mr. COLLINS. But could we, in light of what we are seeing now, be avoidable in the sense of from our lessons learned, if you would?

Mr. HICKS. Thanks. From a lessons learned standpoint, the security—we need to be increasing our security strength and practices and training. And so, again, I may not be quite understanding the question.

Mr. COLLINS. I think what I am asking is if you had that situation, what needs to be done to prevent something like this from happening again? Is that being taken advantage of? Or is there still sort of a denial process going on here?

Mr. HICKS. I think that we have more to do than what has been put forth by the ARB in its recommendations.

Mr. COLLINS. Okay. So as we move along, and I want to maybe ask you this question that I asked earlier, especially from a security standpoint, because it is something I think that we can flesh out over time, and maybe, Mr. Thompson, if you want to jump in on this, is that DOD sort of influence that has been mentioned by Mr. Nordstrom a couple of times, from wanting to be permanent in the area, was that an embarrassment for you? Did you get that sense as well that we are trying to do this on our own?

And Mr. Hicks, I would like you to answer that as well.

Mr. HICKS. I never got that sense.

Mr. COLLINS. Okay. That was more Mr. Nordstrom. You did have that sense, though.

Mr. NORDSTROM. Again, that was specifically conveyed by DAS Lamb to both me and to the prior DCM.

Mr. COLLINS. Mr. Thompson, anything to add there?

Mr. THOMPSON. Nothing in the context text of——

Mr. COLLINS. I do appreciate it. And again, like I said, this is in the interests of truth. You have been providing that. I appreciate it. Mr. Chairman, I yield back.

Chairman ISSA. Thank you. Mr. Meadows, as I yield to you, would you mind giving me about 10 seconds back?

Mr. MEADOWS. I will yield to the chairman.

Chairman ISSA. Thank you. I will be very brief. Mr. Hicks, Colonel Wood in the previous hearing with Mr. Nordstrom testified about trips back and forth of these people, these military people like the four that were told not to get on the plane, himself included. During your time as Deputy Chief of Mission, did those four men doing training ever go to Benghazi?

Mr. HICKS. No.

Chairman ISSA. Okay. Thank you.

Mr. HICKS. No.

Chairman ISSA. Thank you.

Mr. MEADOWS. Thank you, Mr. Chairman. And thank each of you for being here all day today. And certainly as Mr. Nordstrom started out this, you let us know clearly that this is not about politics, it is about people. And I just say thank you for that, because that's what it is. And to the families, I want to let you know that the people back home are standing with you. We had unbelievable questions that I will submit to you that we won't cover today in terms of asking them that we'll submit to you for you to answer. But they're standing with you to get to the truth of this. And they will not sit down until those questions have been answered. And I thank the chairman for this informative hearing.

Mr. Thompson, let me go to you. You had talked earlier about the deployment of the F.E.S.T. team, and you said that you thought it was important to do that. Were there any other agencies that thought, other than you, that thought that that was important?

Mr. THOMPSON. Yes, the Federal Bureau of Investigation and DOD, specifically our SOCOM friends.

Mr. MEADOWS. So you are saying that it wasn't just you, but the DOD—so outside the State Department, the DOD and the FBI both felt like that that was the appropriate response to make sure that we provide that kind of forces?

Mr. THOMPSON. People who are a part of the team, a normal part of that team that deploy with us were shocked and amazed that they were not being called on their cell phones, beepers, et cetera, to go. Whether or not that view was shared by very senior people in those institutions I do not know.

Mr. MEADOWS. All right. But the DOD and FBI had a contradictory response to what the State Department's ultimate decision was to deploy?

Mr. THOMPSON. Well, again, the State Department doesn't make that decision. The National Security Council Deputies Committee authorizes the deployment. So I think what transpired was a strong enough conversation from our department reps that they were convinced that was not the thing to do.

Mr. MEADOWS. All right. Mr. Nordstrom, let me go back to the ARB, because everybody talks about how wonderful this process was. What I see it as narrow in scope, incomplete in its nature. And I don't want to put words in your mouth, but earlier you talked about the ARB fixed blame I think you said on mid-level, or those career employees, not those at a senior level or the political appointments. Is that correct?

Mr. NORDSTROM. That's correct.

Mr. MEADOWS. And did you not say that that's where the decisions are made, at that senior level?

Mr. NORDSTROM. That's correct. Ambassador Pickering asserted that it was made at the Assistant Secretary level and below. That's at variance with what I had personally seen.

Mr. MEADOWS. So you personally believe that the decisions are made at a much higher level. And I see, Mr. Hicks, you are nodding your head "yes." Is that correct?

Mr. HICKS. Yes, I believe so.

Mr. MEADOWS. So the ARB, in looking to place blame on those career employees, ignored a whole lot of the what you would say the decision makers in terms of assigning blame?

Mr. NORDSTROM. Absolutely.

Mr. MEADOWS. Is that correct?

Mr. NORDSTROM. Absolutely.

Mr. MEADOWS. So both of you agree with that. All right. Let me go on a little bit further, Mr. Nordstrom. One last question, and then I am going to yield to the gentleman from Utah. As we look at this, is it fair that all the blame got assigned to the Diplomatic Security component? Aren't they just one component underneath the management bureau? Is that correct?

Mr. NORDSTROM. That's absolutely correct. I don't believe it is fair. As I said, I think that certainly those resource determinations are made by the Under Secretary for Management.

Mr. MEADOWS. So as we look at that, when we start assigning blame, the ARB was incomplete in their analysis in terms of who was to blame for that with regards to an agency. Is that correct?

Mr. NORDSTROM. That's correct. I mean you affix blame for the three people underneath the Under Secretary for Management, but nothing to him. So that either means he didn't know what was going on with his subordinates or he did and didn't care.

Mr. MEADOWS. All right. And there is some critical questions.

Mr. CHAFFETZ. Would the gentleman yield to the gentleman from South Carolina?

Mr. MEADOWS. I will be glad to yield to the gentleman from South Carolina, Mr. Gowdy.

Mr. GOWDY. I thank the gentleman from North Carolina. I know I don't have much time, but Mr. Hicks, I want to set the table for the next round. On September the 12th, 2012, did you receive an email from Beth Jones that also copied Victoria Nuland, William Burns, Patrick Kennedy, and Cheryl Mills? You are also on the distribution list. Do you recall receiving that email?

Mr. HICKS. Sorry, which email? At that time I was receiving a couple hundred a day.

Mr. GOWDY. And that's fair. And you had other things on your mind on September the 12th. This one said, "When he said his government suspected that former Qadhafi regime elements carried out the attacks, I told him that the group that conducted the attacks, Ansar al-Sharia, is affiliated with Islamic extremists." Do you recall that email?

Mr. HICKS. I do believe I recall that email, yes.

Chairman ISSA. Okay. We will now go to the gentleman from Michigan, who may want to yield more time to the gentleman from South Carolina.

Mr. BENTIVOLIO. Thank you very much, Mr. Chairman. As a veteran of Vietnam and Iraq, I understand that the boots on the ground are the closest to the truth in these situations. You know more about what happened in Benghazi than any bureaucrat or politician can. The fog of battle is easily blamed when mistakes are made at the highest level. Being caught between the political dictates of superiors and the chain of command and doing what is necessary to protect our citizens abroad is difficult. I understand the risks you have taken by showing up here today as well. Thank you for having the courage to testify before us. We are counting on you to reveal the truth about the failures of this government, and to protect the men and women who served in Libya, and how we can do a better job in the future.

Mr. Thompson, earlier you mentioned that you hang out with some brave and honorable group. Are they Navy, Army, Air Force, Marines, or shallow water sailors?

Mr. THOMPSON. All the above.

Mr. BENTIVOLIO. All the above. Can you tell me, according to——

Mr. THOMPSON. I might add, sir, from other agencies of government, too, the Federal Bureau of Investigation, intelligence community, Department of Energy. Diplomatic Security is on the team.

Mr. BENTIVOLIO. And this is part of your special security force or team?

Mr. THOMPSON. No, this is the interagency component of the Foreign Emergency Support Team.

Mr. BENTIVOLIO. Are they all highly trained?

Mr. THOMPSON. Very much so.

Mr. BENTIVOLIO. SWAT?

Mr. THOMPSON. We are not the operators, we are the facilitators and the people that bring the operation and coordinate all aspects of a response. So we are not the door kickers, as the—some term of art these days. We are not door kickers.

Mr. BENTIVOLIO. Okay. So but you share a common ethos, if I am not mistaken.

Mr. THOMPSON. Absolutely.

Mr. BENTIVOLIO. Never leave anyone behind. Always watch your buddy's 6 o'clock. And lead by example. Would that be a safe thing to say?

Mr. THOMPSON. That would be a great summary.

Mr. BENTIVOLIO. Great. So according to recent media reports, at least 15 special operators and highly skilled State Department security staff were available in Tripoli but were not dispatched to aid Americans under attack in Benghazi. Why were these personnel not deployed to rescue the Americans in Benghazi?

Mr. THOMPSON. I cannot answer that. I was not on the ground.

Mr. BENTIVOLIO. Mr. Hicks?

Mr. THOMPSON. Yes.

Mr. HICKS. I am not sure that number is accurate. We did deploy people to Benghazi. The first team went with seven members at midnight. The second team left at about 6:30 or 7 a.m. that morning. We could not deploy all of our security personnel because we still had about 55 diplomatic personnel in Tripoli that were under threat for attack.

Mr. BENTIVOLIO. Thank you very much. And I yield the rest of my time to the gentleman, Mr. Gowdy.

Mr. GOWDY. I thank the gentleman. Mr. Hicks, all right, we are going back to that email. You are on the distribution. And just so it is clear, Mr. Chairman, nothing would thrill me more than to release this email. And it is certainly not classified. We all had access to it. All you had to do was go downstairs in the basement and look through it. So I hope that my colleagues on the other side of the aisle will be as full throated in calling for the State Department to release this evidence as they are when they are unhappy with us.

So against that backdrop, this email was sent on September the 12th. And I want to read you a little quote from Ambassador Rice. "Well, Jake, first of all, it is important to know that there is an FBI investigation that has begun." This is on September 16th. That has begun. It has not begun in Benghazi, has it?

Mr. HICKS. No, it has not.

Mr. GOWDY. All right. "And it will take some time to be completed." I was an average prosecutor, but I did it for a long time. So let me ask you this. Are you aware of any crime scene that is improved with time?

Mr. HICKS. I am not a criminal investigator, but——

Mr. GOWDY. All right. Trust me when I tell you crime scenes do not get better with time. They are unsecured, which means people have access to them. They can walk through them, they can compromise the evidence.

Would you agree with me that you would want to talk to witnesses as close to the event as you possibly can?

Mr. HICKS. That seems reasonable.

Mr. GOWDY. Right. And you would want to search incidents as close to the time as you possibly can?

Mr. HICKS. Again, seems reasonable.

Mr. GOWDY. Right. So Ambassador Rice is telling the media that the FBI investigation has begun, when she is also talking about a video. And the reality is—and this is the point I want to drive home—the reality is it was a direct result of what she said that the Bureau did not get to Benghazi in a timely fashion. Is that true or is that not true?

Mr. HICKS. That is my belief.

Mr. GOWDY. All right. You used the word immeasurable, that what she said was immeasurable in its damage. I want you to try to measure immeasurable. Tell me what you meant by that.

Mr. HICKS. The FBI team was delayed. The Libyan Government could not secure the compound. It was visited by numerous people. One of the items that was taken from the compound was Chris's diary, which through the extraordinary efforts of David McFarland we were able to retrieve and return back to the Department. There were other documents that were published that another journalist managed to acquire while visiting the compound. So it made achieving the objective of getting the FBI to Benghazi very, very difficult, and the ability of them to achieve their mission more difficult.

Chairman ISSA. I thank the gentleman.

We now go to the gentleman from Florida, Mr. DeSantis.

Mr. DESANTIS. Thank you, Mr. Chairman. I think this is an important hearing. It really does make all the difference to me to know whether we did all we could to aid our brethren who are in harm's way. I think it is part of our military ethos. I think it is part of our national character.

Mr. Hicks, just to go back and get this, you know, even though you believed help was needed, there was a SOF unit, Special Operations unit, ordered to stand down. Correct?

Mr. HICKS. Yes.

Mr. DESANTIS. And even though you thought air support was needed, there was no air support sent?

Mr. HICKS. No air support was sent.

Mr. DESANTIS. So no AC–130 gunships, no fighter planes, right?

Mr. HICKS. AC–130 gunships were never mentioned to me, only fighter planes out of Aviano.

Mr. DESANTIS. And in fact there was no request for airspace other than the UAV request to the Libyan Government, right?

Mr. HICKS. Yes, and that preceded the attack, if I am not mistaken.

Mr. DESANTIS. So when the order to stand down was given, who issued that order? Were you told? Did Lieutenant Colonel Gibson tell you who was ultimately responsible for issuing that order?

Mr. HICKS. He did not identify the person.

Mr. DESANTIS. Okay. So you don't know if it was the combatant commander?

Mr. HICKS. I do not know.

Mr. DESANTIS. Or whether it was the Secretary of Defense or the President, correct?

Mr. HICKS. I have no idea.

Mr. DESANTIS. And have you, since this incident has happened and you have been interviewed, have you been enlightened as to who was ultimately responsible for issuing the stand down order?

Mr. HICKS. I think that the right person to pose that question to is Lieutenant Colonel Gibson.

Mr. DESANTIS. When you spoke with Secretary Clinton at 2 a.m., did she express support for giving military assistance to those folks in Benghazi? I.e., did she say that she would request such support from either the Secretary of Defense or the President of the United States?

Mr. HICKS. We actually didn't discuss that issue. At the time, we were focused on trying to find and hopefully rescue Ambassador Stevens. That was the primary purpose of our discussion. The secondary purpose was to talk about what we were going to do in Tripoli in order to enhance our security there.

Mr. DESANTIS. So as part of that discussion, though, you informed her that you guys in Benghazi were in fact under attack. Correct?

Mr. HICKS. The attack in Benghazi—she was aware of the attacks. But we were in phase three. The attacks had already—the first two attacks had been completed. And there was a lull in Benghazi at the time. So—and again, the focus was on finding Ambassador Stevens and what the second—or the Tripoli response team was going to do. We had at that time no expectation that there would be subsequent attacks at our annex in Benghazi.

Mr. DESANTIS. So it was your—you viewed it as secured at that point?

Mr. HICKS. No, we knew the situation was in flux.

Mr. DESANTIS. Okay. When you spoke to the President following the attack on the phone, did he say anything about deploying assets, why assets were not deployed?

Mr. HICKS. I believe I spoke to him on September 17th or September 18th.

Mr. DESANTIS. Right, after the attack. I know this was several days later. Did he say anything, or was it just to commend you about your service?

Mr. HICKS. It was just a call to thank me for service.

Mr. DESANTIS. Okay.

Mr. HICKS. And praise the whole team.

Mr. DESANTIS. I appreciate that. I think that this has been a good hearing. I think that there are still questions remaining. I think we need to know who actually gave the order to stand down. I would like to know why you have been demoted, why the Secretary's Chief of Staff called you and spoke with you the way she did. And so with that, I will yield——

Chairman ISSA. Would the gentleman yield to——

Mr. DESANTIS. Yield to the chairman?

Chairman ISSA. Thank you.

Mr. DESANTIS. Committee chairman.

Chairman ISSA. Always the right answer. Thank you. Mr. Hicks, 2:00 in the morning Secretary of State calls you personally. Not a common call.

Mr. HICKS. No, sir.

Chairman ISSA. Did she ask you about the cause of the attack? Did she ask about videos? Did she ask about anything at all that would have allowed you to answer the question of how Benghazi came to be attacked as far as you knew?

Mr. HICKS. I don't recall that being part of the conversation.

Chairman ISSA. So she wasn't interested in the cause of the attack. And this was the only time you talked directly to the Secretary where you could have told her or not told her about the cause of the attack.

Mr. HICKS. Yes. That was the only time when I could have. But again, I had already reported that the attack was—had commenced, and that Twitter feeds were asserting that Ansar al-Sharia was responsible for the attack.

Chairman ISSA. You didn't have that discussion with her only because it was assumed, since you had already reported, that the cause of the attack was essentially Islamic extremists, some of them linked to Al Qaeda.

Mr. HICKS. Yes.

Chairman ISSA. Thank you. I thank the gentleman. Okay. Does the gentleman yield back?

Mr. DESANTIS. Yield back the balance of my time.

Chairman ISSA. The gentleman yields back. We now proudly go to a second round, starting with Mr. Jordan.

Mr. JORDAN. Thank you, Mr. Chairman. Mr. Hicks, in my first round I asked you about Cheryl Mills. And you indicated in your response that this is a call that you always take, but frankly don't want to get. Cheryl Mills is the counselor to the Secretary. She is Chief of Staff to Hillary Clinton. And is it a common—is it common knowledge that of anyone in the State Department, when the Chief of Staff to the Secretary calls that—is the perception that she is speaking on behalf of the Secretary herself?

Mr. HICKS. No. Not necessarily.

Mr. JORDAN. Not necessarily? But is the perception that it is pretty darn important, based upon your response earlier?

Mr. HICKS. Absolutely.

Mr. JORDAN. Yes. So when you when you got this call—I want to go back to the Chaffetz—to Congressman Chaffetz's visit there. You were instructed that there was going to be an attorney accompanying Mr. Chaffetz. And this attorney was to be next to you at all times. I mean here is what I am trying to get at. The Secretary has said nobody—in front of the Senate—nobody is more committed to getting this right.

If the intent is to get it right and get to the truth, then why this concerted effort to shield the interaction of Congressman Chaffetz from you? That's what I am not figuring out. If we want to get to the truth, shouldn't you and Mr. Chaffetz be able to have a dialogue and conversation without some baby-sitter from the State Department, some lawyer there monitoring, taking notes, calling

back, doing all the things that this individual did on that congressional visit?

Mr. HICKS. I should be able to have a conversation with the Congressman if he wants to have one.

Mr. JORDAN. Excuse me, Mr. Hicks. Didn't you say, Mr. Hicks, in my first round that this was the first and only time this had ever happened where someone from the State Department accompanied a congressional visit? And you were instructed specifically by the State Department do not talk to Congressman Chaffetz or anyone on the committee's delegation who is there without this lawyer being present.

Mr. HICKS. That's correct.

Mr. JORDAN. And shortly after the one time when you did have a chance to interact with Mr. Chaffetz and the lawyer was not present, you got a phone call from Cheryl Mills.

Mr. HICKS. That's correct.

Mr. JORDAN. And on that phone call, what did she say?

Mr. HICKS. She asked for a report on the visit, which I provided. The tone of the report—the tone of her voice was unhappy, as I recall it. But I faithfully reported exactly how the visit transpired. I described the content of the briefing that——

Mr. JORDAN. Can I interrupt you right there, Mr. Hicks?

Mr. HICKS. Yes.

Mr. JORDAN. Were you in a classified briefing at the time and were pulled out of that briefing to talk to Ms. Mills?

Mr. HICKS. I recall the phone call afterwards.

Mr. JORDAN. Okay.

Mr. HICKS. I was pulled out of the briefing, but I don't recall that that was the time when I talked to Counselor Mills.

Mr. JORDAN. What were you pulled out of the briefing for?

Mr. HICKS. I actually can't remember, to be honest with you.

Mr. JORDAN. Okay. But in close proximity to the time you had the briefing, the one time you were apart from the minder from State Department, you received a call from Ms. Mills?

Mr. HICKS. Yes.

Mr. JORDAN. Okay.

I guess, Mr. Chairman, I just want to stress—I mean, this is the equivalent of Rahm Emanuel when he was Chief of Staff. When he calls—for my colleagues on the other side, when he calls, you take the call. You understand that's important, and you understand that he is representing the White House. When Cheryl Mills calls, you understand, everyone at the State Department understands, this is the person right next to Secretary Clinton.

And the fact that we had, for the first time in Mr. Hicks' 22-year history of serving this country, someone accompany a Congressman on a visit after we lost four American lives, and that individual has to be in every single meeting, there can't be personal interaction between these two discussing what took place, is completely unprecedented.

With that, I would be happy to——

Chairman ISSA. Would the gentleman yield?

Mr. JORDAN. I would be happy to yield to the chairman.

Chairman ISSA. Mr. Hicks, you and I have known each other throughout the Middle East for a number of years. But in all my

years of traveling in the Middle East, anytime I was head of a congressional delegation, I had a one-on-one with the Ambassador, often in an automobile going to see a head of State or something else.

Over the years that you've watched great Ambassadors, have you ever failed to see the head of a delegation come and get a one-on-one? Isn't that part sort of the ceremony of that relationship and how you treat the head of a congressional delegation? Not just this is an exception, but isn't it always a one-on-one meeting at some point during a leadership meeting?

Mr. HICKS. In every CODEL that I have been involved in, that has been standard.

Chairman ISSA. So they were telling you, a non-Senate-confirmed, a political appointee of the Secretary of State, her right-hand person was telling you to breach protocol?

Mr. HICKS. Well, the two lawyers did. The conversation with Counselor Mills occurred after.

Chairman ISSA. Okay. So it was, in fact, people sent by the State Department told to you breach protocol and not to provide anything, even if requested by my personal emissary, Mr. Chaffetz, on that CODEL, told you not to talk to him privately even if he asked?

Mr. HICKS. That's correct.

Chairman ISSA. Thank you.

I thank the gentleman for yielding.

We now go to the ranking member, Mr. Cummings.

Mr. CUMMINGS. Mr. Hicks, I was just listening to your testimony, and I—during your interview with the committee, you were asked point-blank—and that certainly was closer to the time that this happened—whether anyone at the Department instructed you to withhold information from Representative Chaffetz at any time during that trip. You were asked, and I quote, "Did you receive any direction about information that Congressman Chaffetz shouldn't be given from Washington?" And you replied, "No, I did not."

Is that still your testimony? This is your sworn testimony. I am just looking at the testimony. You don't remember that?

Mr. HICKS. I recall saying that I was instructed not to allow personal interviews with the——

Mr. CUMMINGS. I'm not trying to twist you up. I am just going on what you——

Mr. HICKS. I understand. But I recall also stating that I was not to allow personal interviews between Congressman Chaffetz, the RSO, the Acting DCM, or me.

Mr. CUMMINGS. Okay. So, in other words, you did say that you were told to make sure that other State Department officials were present. Is that right? Is that what——

Mr. HICKS. That's correct.

Mr. CUMMINGS. Present for the meetings with Representative Chaffetz and——

Mr. HICKS. That's correct.

Mr. CUMMINGS. —as you stated, they told me not to be isolated with Congressman Chaffetz. Is that correct? They didn't tell you not to say anything, but they said, don't be isolated.

Mr. HICKS. They said not to have a personal interview with him.

Mr. CUMMINGS. By yourself. I'm just trying to make—I'm not trying to——

Mr. HICKS. I understand.

Mr. CUMMINGS. I'm just trying to be clear, that's all.

Mr. HICKS. I understand.

Mr. CUMMINGS. Okay. Now, Mr. Hicks, you said that four military personnel were told not to board that plane and that this call—you don't know where it came from. That's what you said a few minutes ago. And so you did not know that it came from Special Operations Command Africa?

Mr. HICKS. I knew it came from Special Operations Command Africa. I do not know who——

Mr. CUMMINGS. You don't know the individual.

Mr. HICKS. I did not know who.

Mr. CUMMINGS. I gotcha. I just wanted to clear that up because it wasn't clear.

Mr. HICKS. That's okay. Thank you.

Mr. CUMMINGS. On October 1st, 2012, the Secretary of State convened an Accountability Review Board led by Thomas Pickering, Ambassador, and Admiral Michael Mullen to investigate the attacks in Benghazi. After interviewing more than 100 people, viewing hours of videotape, and reviewing thousands of pages of documents, the ARB issued a very thorough report in December of 2012 setting forth the results of its review.

Mr. Hicks, did you meet with the ARB as part of that investigation?

Mr. HICKS. I had an interview with them for about 2 hours.

Mr. CUMMINGS. Okay.

And, Mr. Nordstrom, did you meet with the ARB as a part of the investigation?

Mr. NORDSTROM. Yes, on multiple occasions, sir.

Mr. CUMMINGS. It is my understanding that a cable went out to every employee at the State Department informing them of how to contact the ARB if they wanted to bring information forward.

Mr. Thompson, did you receive that notice?

Mr. THOMPSON. I did.

Mr. CUMMINGS. All right. And did you contact the ARB and request to meet with them?

Mr. THOMPSON. I did.

Mr. CUMMINGS. And so, did you end up meeting with the ARB as part of their review?

Mr. THOMPSON. I did not.

Mr. CUMMINGS. Did anyone try to stop you from meeting with the ARB?

Mr. THOMPSON. No.

Mr. CUMMINGS. Earlier this week, Congressman Chaffetz claimed that the ARB report was incomplete because they never even interviewed Secretary Clinton. According to Ambassador Pickering, the ARB met with Secretary Clinton near the end of their investigation. And, during that time, they had the opportunity to discuss the report with her and could have asked her any questions they wanted.

Ambassador Pickering and Admiral Mullen have put out a joint statement——

Chairman ISSA. I was just saying, I think that very clearly says they didn't interview her. They just talked about the report and could have but didn't ask her. Is that right?

Mr. CUMMINGS. They——

Chairman ISSA. I think it makes his case.

Mr. CUMMINGS. Well, that's why we need to have—no, I'm not trying to make any case. I am just trying to get all the facts. But that's even more reason why we need to have Pickering in here, and I am glad you have agreed to do that.

And I want to finish these questions because I want to stay within the time limits.

Ambassador Pickering and Admiral Mullen have put out a joint statement that, based on their thorough independent investigation, they assigned responsibility based on where they thought the responsibility lay. And that was not on Secretary Clinton. And this is what they said, "From the beginning of the ARB process, we had unfettered access to everyone and everything, including all the documentation we needed. Our marching orders were to get to the bottom of what happened, and that's what we did."

I just wanted to—and, again, we will—as you said, Mr. Nordstrom, we want to get a complete picture. And we'll hopefully be getting that complete picture very soon so that we can get to the point that we want to, and that is the reform so that these kinds of things are prevented from happening again.

Thank you.

Chairman ISSA. I thank the gentleman.

We now go to the gentleman from Utah, Mr. Chaffetz.

Mr. CHAFFETZ. And thank you, Chairman.

I would say to the ranking member, Mr. Cummings, who I have the utmost respect for in every way, shape, or form, I totally concur with you. We, too, just like the ARB, should have unfettered access to all the information, all the witnesses, and all the documents. We, as a committee, should stand up for ourselves and demand that all the unclassified documents be released so we all can look at them the same time.

Mr. CUMMINGS. Would the gentleman yield for 5 seconds?

Mr. CHAFFETZ. Sure.

Mr. CUMMINGS. I agree.

I yield back.

Mr. CHAFFETZ. Thank you.

Mr. Nordstrom, it's pretty clear to me from the October hearing that there were a number of security recommendations that you wanted to see done on the ground. At any time during your service there, did you ever get everything that you wanted? Were the recommendations that you were making forward, were you actually able to implement those security recommendations?

Mr. NORDSTROM. Very few of them.

Mr. CHAFFETZ. Very few of them.

Mr. Hicks, is it fair to say that the people on the ground trying to make the security decisions, that they were not able to get the resources, they weren't able to fortify the facility, they didn't have the personnel that they requested? Is that fair to say?

Mr. HICKS. Yes, it's fair to say.

Mr. CHAFFETZ. When I saw Secretary Clinton 4–1/2 months after the attack in Benghazi testify before the United States Congress that she didn't make the security decisions, you made the security decisions, Mr. Nordstrom, you are the regional security officer on the ground, you were the chief security person, you are the ones that made the security decisions. True or false?

Mr. NORDSTROM. The response I got from the regional director when I raised the issues that we were short of our standards for physical security was that my "tone was not helpful."

Mr. CHAFFETZ. So, true or false, the security decisions on the ground in Libya were made by you?

Mr. NORDSTROM. I would have liked to have thought, but apparently no.

Mr. CHAFFETZ. Mr. Hicks, when you heard and saw that, did you have a reaction to it? What's your personal opinion?

Mr. HICKS. When I was there, I was very frustrated by the situation, at times even frightened by the threat scenario that we were looking at relative to the resources we had to try to mitigate that threat scenario.

Mr. CHAFFETZ. And to the leadership of this committee on both sides of the aisle, I find it stunning that 4–1/2 months after the attack Secretary Clinton still has the gall to say, "It wasn't us, it was them. I take full responsibility, but I'm not going to hold anybody accountable. But it was them that made the decisions." That was not the case.

I yield to the gentleman from Ohio.

Mr. JORDAN. I thank the gentleman.

Mr. Nordstrom, you testified in October there were 200-and-some security incidents in Libya in the 13 months prior to the attack. Is that correct?

Mr. NORDSTROM. That's correct.

Mr. JORDAN. Repeated attempts to breach the facility there. You have repeatedly asked for additional security personnel, and it was denied, correct?

Mr. NORDSTROM. That's correct.

Mr. JORDAN. Not only denied, but it was reduced, correct?

Mr. NORDSTROM. That's correct.

Mr. JORDAN. And then 4–1/2 months after it all happens, the Secretary of State says you were responsible for the security situation in Libya. That's what we have. That is exactly what we have.

You have repeatedly asked, "Send us some more of the good guys." They said, "We can't do it. In fact, we're going to take some of them away. You guys are on your own." They made that decision in Washington.

In fact, Mr. Nordstrom, the hearing ended in October. The hearing, the only hearing we had last fall before an election, ended with you referring to the folks in Washington, your superiors, who wouldn't give you what you needed, you referring to them as the Taliban. Is that correct?

Mr. NORDSTROM. Yes.

Mr. JORDAN. Do you remember that statement you made?

Mr. NORDSTROM. Yeah. I have had a lot of questions about that metaphor.

Mr. JORDAN. I understand. But for them to say now you are responsible for the security situation flies in the face of fact.

I yield back to the gentleman.

Mr. CHAFFETZ. I thank the gentleman.

Mr. Chairman, one of the things I see in the Accountability Review Board, page 37, that I just find—first of all, I want to highlight: "Embassy Tripoli staff showed absolute dedication and teamwork in mobilizing to respond to the crisis with the DCM"—and then it goes on there, naming you specifically for your heroism and for your work. That's what I saw. I could see it in your eyes, and I could see it in the others. God bless you for the great work that you did.

But the next paragraph, Mr. Chairman, I have a real problem with. It says in the third sentence, "The Board found no evidence of any undue delays or decision-making or denial of support from Washington or from the military combatant commanders." And as we've heard here today, that is not true.

And the next sentence is the most troubling. Quite the contrary: "The safe evacuation of all U.S. Government personnel from Benghazi 12 hours after the initial attack." That's not true. There are four people that were not safely evacuated.

And at the very beginning of the ARB, it says: "Those who cannot remember the past are condemned to repeat it." I think that's true. We always have to remember them. And we can't allow this ARB to say that everybody was safely evacuated, because they weren't. But there was an awful lot of heroism.

Chairman ISSA. I thank the gentleman. That is so true.

We now go to the gentlelady from New York, Ms. Maloney.

Mrs. MALONEY. Thank you.

And I agree with Mr. Chaffetz completely that there should be equal exchange of information, that we should have access to all information. But the Democratic minority was denied access to a witness. The only way we knew anything about what Mr. Thompson was going to say was what we read in the press. Now, there should be equal access to witnesses, and there should be equal access to information.

Chairman ISSA. Would the gentlelady yield?

Mrs. MALONEY. On your time.

Chairman ISSA. Well, hold the clock.

Mrs. MALONEY. Okay.

Chairman ISSA. Because you made an allegation I don't understand.

We didn't have a transcribed interview with two out of the three witnesses. Mr. Thompson was not made available to either. Mr. Nordstrom was, in fact, a previous witness, and we felt that there was sufficient information about what he felt. And Mr. Hicks, I think he went through 5 hours on a bipartisan basis. We forwarded their statements, not ours, their statements—we participated not at all in preparation—we forwarded them to the minority as we got them, period.

So I am a little bit concerned only in that—there's nothing fair about partisan politics, but I believe we've fully complied deliberately with the spirit of the rules all along. So I would hope the

gentlelady, when better informed, would appreciate that, that we tried to be very forthcoming.

Now, remember, these are whistleblowers.

Mrs. MALONEY. But, Mr. Chairman, I am all for equality, and we did get the copies of Mr. Hicks' statements and Mr. Nordstrom's. But your staff met with Mr. Thompson. Our staff was not allowed to meet with Mr. Thompson.

Chairman ISSA. But he's represented—it's just not true.

Mr. CUMMINGS. You didn't meet with him?

Chairman ISSA. It's true that we have had some meetings with him. But we haven't prohibited in any way—he's not our witness.

Mr. CUMMINGS. Would the gentlelady yield?

Mrs. MALONEY. Absolutely.

Chairman ISSA. He is a whistleblower that came forward.

Mr. CUMMINGS. Yeah, let me—I am so glad we are stopping the clock. We need to clear this up.

Chairman ISSA. Well, I don't think there is anything to clear up. He's just a whistleblower.

Mr. CUMMINGS. And we want to protect whistleblowers. That is very, very important to us.

The first thing—we have not gotten a syllable from—you have had conversations with Mr. Thompson. We have never had a conversation with Mr. Thompson.

I see you looking over here, Mr. Gowdy, and you know that's not fair.

And so all I'm saying to you is that we have a witness that came in here today that you had an opportunity to interview——

Chairman ISSA. Well, I appreciate that, but——

Mr. CUMMINGS. —and we never had that opportunity.

Chairman ISSA. You know what? Stop the clock for 1 second.

One quick question, I am asking the witnesses.

Mr. Thompson, is it your decision who you talk to? And did any of my people ever tell you not to talk to the Democratic minority?

Mr. CUMMINGS. And I'm not accusing you of that.

Mr. THOMPSON. No.

Chairman ISSA. Okay.

Mr. Hicks, have we ever suggested that you not talk to the minority or any of their people?

Mr. HICKS. No.

Chairman ISSA. Mr. Nordstrom, has anyone on my staff or any of my members ever asked you not to speak with them?

Mr. NORDSTROM. No. In fact, I spoke with both.

Chairman ISSA. Thank you. That is resolved.

The gentlelady may continue.

Mrs. MALONEY. Well, we did request to meet with Mr. Thompson, and through his lawyer, he said no. But he did speak to the Republican staff.

I would like to go back to Mr. Chaffetz' or other people's questioning about Cheryl Mills' phone call.

And in reading the transcripts of it, Mr. Hicks, you told our investigators that she did not seem happy when she heard that no other State Department official was in the classified briefing. Is that true?

Mr. HICKS. She was unhappy that her minder, the lawyer that came with Congressman Chaffetz, was not included in that meeting.

Mrs. MALONEY. Was she unhappy that no other State Department official was included? Just that State Department official.

Mr. HICKS. That State Department official.

Mrs. MALONEY. Okay. And you also said that she never criticized you, and, according to your interview transcript, you said she never gave you any direct criticism. Do you stand by that statement today?

Mr. HICKS. The statement was clearly no direct criticism, but the tone of the conversation—and, again, this is part of the Department of State culture. The fact that she called me and the tone of her voice—and we're trained to gauge tone and nuance in language—indicated to me very strongly that she was unhappy.

And just, if I may——

Mrs. MALONEY. My time is limited.

Mr. HICKS. Okay.

Mrs. MALONEY. Going to the diplomatic post in Benghazi, as I understand it, the British Ambassador's convoy was attacked, a gentleman was killed, and they decided to pull out of Benghazi. Is that correct?

Mr. HICKS. I don't believe anyone was killed. I believe we saved the life of one of those people.

Mrs. MALONEY. Okay. He was shot.

Mr. HICKS. And I would like to refer to Eric because he was actually our RSO there.

Mrs. MALONEY. No, no, the point—my question is, did the British Ambassador close the post in Benghazi and leave?

Mr. HICKS. He did.

Mrs. MALONEY. He did. Do you think it was wise——

VOICE. I would like to clarify that, though. They——

Mrs. MALONEY. Excuse me. Reclaiming my time. I will yield if somebody wants me to yield, but I wanted to ask, when we continued to stay there, do you think that was a wise decision, for us to continue to stay in Benghazi after the English had closed their post and left?

Mr. HICKS. Absolutely.

Mrs. MALONEY. Why was it important for us to stay in Benghazi?

Mr. HICKS. We needed to stay there as a symbolic gesture to a people that we saved from Qadhafi during the revolution. As we know, Qadhafi's forces were on the doorstep of Benghazi right before the NATO bombing commenced. And as a gesture—again, as I said before, Chris went there as a symbolic gesture to support the dream of the people of Benghazi to have a democracy.

Mrs. MALONEY. And so he shared your position that staying there was incredibly important.

Mr. HICKS. And he also understood from the Secretary herself that Benghazi was important to us and that we needed to make it to be a permanent constituent post.

Mrs. MALONEY. Uh-huh.

Now, I agree with my good friend on the other side of the aisle, Trey, that it was a long time before the FBI got on the ground. And as I understand it from a report that they gave us, they got the

visas right away. The day of Ambassador Rice's appearance on the Sunday shows, September 16th, the Libyan Government granted the FBI the visas so that the team could travel to Libya. Their flight clearance was granted the following day, on September 17th, and the FBI arrived in Tripoli on September 18th.

And, according to this report, the team could not travel to Benghazi for some time due to the security situation on the ground. Is that true? Were all of our people out of Benghazi? And were we not letting anyone into Benghazi? What exactly was happening then, Mr. Hicks?

Mr. HICKS. Yes, the Libyan Government did not want any of our personnel to go to Benghazi because of the security situation there.

Mrs. MALONEY. Uh-huh. So when the FBI went to Benghazi, it was when the Libyan Government felt that it was secure enough for them to go there. Is that a fair statement?

Mr. HICKS. We strung together a series of approvals at the mid to upper levels from the government and organized a military escort to go with the FBI and Special Forces troops that escorted them, as well.

Chairman ISSA. Thank you. The gentlelady's time has expired.

We now go to her friend, Mr. Trey Gowdy.

Mr. GOWDY. Thank you, Mr. Chairman.

I am trying to reconcile how Benghazi was not safe enough for the Federal Bureau of Investigations to go, but it was safe enough to leave a below-spec facility for our diplomats to stay in. I am just trying to reconcile those two points. It's too dangerous for the Bureau, who are trained law enforcement officials, but it's just fine for diplomats. At some point, I will reconcile that.

Let me do this, Mr. Hicks. I am going to dust off something called the best evidence rule. The best evidence of what you said when you were asked about Mr. Chaffetz' visit is actually what you said. So here it is: "Those instructions were to arrange the visit in such a way that Representative Chaffetz and his staff would not have the opportunity to interview myself, John Martinec, and David McFarland alone." That's what you said in the deposition. So there shouldn't be any ambiguity about who said what when. That's your testimony.

Now, I'd like to try to weave this tapestry together because this will be the last opportunity I have, certainly today, to talk to you. If I understand your testimony correctly, Mr. Hicks—and I want to be fair about it, so if I am mischaracterizing anything, you need to correct me.

If I understand your testimony, in part, the Ambassador was interested in going to Benghazi because of interest Secretary Clinton had in Benghazi. Is that fair?

Mr. HICKS. That's fair.

Mr. GOWDY. All right.

Now, Mr. Nordstrom, the same thing to you. And if I'm unfair in my characterization, you need to correct me. I thought I understood your testimony to be that Secretary Clinton alone was able to approve facilities that were below specs.

Mr. NORDSTROM. That's correct, part of the specs. There's two categories, second and OSPB. She is the only one that can author-

ize waivers for SECCA. In this case, both apply because we didn't meet either.

Mr. GOWDY. So we are able to show that, in part, he went to Benghazi because of Secretary Clinton. In part, Benghazi was still open, despite the fact it was below specs, because of Secretary Clinton.

And now to my third point, to complete the circle, who is Cheryl Mills?

Mr. HICKS. Counselor and Chief of Staff to the Secretary.

Mr. GOWDY. And she was copied on that email that I know my colleagues on the other side of the aisle are going to have a press conference on as soon as we get out of here, calling on the State Department to release this email. I know it. Because I have heard all afternoon about denying access to documents, and they do not want to deny the public or the media access to this document. So I know they are going to call on the State Department to release this nonclassified email which Cheryl Mills was copied on which demonstrably undercuts Susan Rice's talking points. And Cheryl Mills was copied on that email.

Mr. NORDSTROM. Mr. Gowdy, if I could add, Cheryl Mills was also the person that led our preparation for our October testimony. I'd never met her before, but that was explained to me who she was afterwards.

Mr. GOWDY. And, apparently, she was also less than pleased with Mr. Chaffetz' visit to Libya, if I understood that testimony correctly, which I find stunning. He is the subcommittee chairman on Oversight, one of the more decent human beings I have ever met. I have never known him to inspire that strong of emotion in anyone, other than Ms. Mills.

Let me say this to you, Ambassador, in conclusion. You have made a compelling case today for why it is important to tell other countries the truth. You made a compelling case that the decision not to tell the truth on Sunday morning talk shows adversely impacted our ability to get to Benghazi. You made a compelling case.

All three of you have made a compelling case today on why it is important for government to tell the truth to its own citizens. So you made the case on why we have to tell the truth to other countries, and you made the case on why you have to tell the truth to your own citizens.

So if anyone wants to know what difference does it make, if anyone wants to ask what difference does it make, it always matters whether or not you can trust your government.

And to the families, we're going to find out what happened in Benghazi, and I don't give a damn whose career is impacted. We're going to find out what happened.

And, with that, I'll yield back.

Chairman ISSA. Would the gentleman yield?

Mr. GOWDY. I'll be happy to.

Chairman ISSA. We are going to be winding down. There is a vote called. But I want to ask each of you, you are whistleblowers; you are the kind of people who give us information we wouldn't otherwise have. Do you believe what you are doing today is what we need to keep doing? In other words, do we need other whistle-

blowers to come forward, other fact witnesses who know what we don't currently know?

And I'm not asking you if this was a great process or if you enjoyed it. But was it worthwhile, in your opinion as people who have now gone through this process?

Mr. Thompson?

Mr. THOMPSON. Yes, Mr. Chairman.

Chairman ISSA. Mr. Hicks?

Mr. HICKS. Yes, I do.

Chairman ISSA. Mr. Nordstrom?

Mr. NORDSTROM. Absolutely.

Chairman ISSA. Well, since we are going to Mr. Lankford next, I hope you continue to feel that way.

Mr. Lankford?

Mr. LANKFORD. Mr. Nordstrom, I just need to follow up on a conversation we had earlier dealing with the cable that you said, March 28, 2012. You had mentioned that you drafted that cable requesting additional personnel for both the embassy in Tripoli and in Benghazi because you were very much short. And as time was expiring and the SST team was leaving, you knew you were not going to have enough people. You mentioned you drafted the cable. Your intention was and your assumption was the executive leadership, including the Under Secretary all the way to Secretary, would see that cable or at least brief on that cable and the request for that security. There has been a lot of discussion about the official response that came back on April 19th.

Who do you think saw or the intention or at least reflected the opinion of when that cable came back to you? When that cable response came back to you who was the assumption that was actually responding to you?

Mr. NORDSTROM. Normally someone would tell me exactly who it is or they would indicate who the point of contact was. If I recall correctly that's still unknown to me. I assume that it's coming from DS but as I testified to you before, so many of these decisions seem to be at Ambassador Kennedy's level or higher. Clearly that was cleared by some of those other officials.

Mr. LANKFORD. So you are assuming this is the Under Secretary or on up somewhere that had personal knowledge of that cable that came back.

Mr. NORDSTROM. Certainly saw it ahead of time.

Mr. LANKFORD. It is an established fact that there is video of the attack, clear video of the attackers. The FBI has done an extensive investigation. We're now months past that time. But are any of you aware of anyone who has been held to account for the murders that happened in Libya? Anyone detained? Anyone arrested? Anyone captured? Are you aware of anything that has happened to any of the attackers to hold them to account?

Mr. NORDSTROM. Neither the perpetrators nor the persons that made decisions. Again, the four people that were named in the ARB were put on administrative leave. I understand one of them is trying to come back off of that leave and go to be the RSO in NATO, which is shocking to me.

Mr. LANKFORD. So at this point no one is aware of anyone who has been held to account in any way for the murder of four Americans?

Mr. NORDSTROM. Not that I am aware of.

Mr. LANKFORD. In 1998, as we have discussed frequently, there was a bombing at the embassy in Kenya and Tanzania. There was an ARB at the end of that as well. And let me just read you the three findings at the end of that ARB that was done in 1999. It said this: Number one, State Department Washington did not assess the threats or take notes of the clear warning signs and escalating threats. Number two, it noted the facility was inadequate for even the most modest of attack. And number three, there was a lack of preparations or warning systems at the facility.

That could have been written a month ago. We have discussed often on this the one thing we have to do is learn the lesson. In 1998, this same thing occurred and we have not learned the lesson. What we know of today and the realities that have come out and through all that you have attributed to this conversation and what you have contributed is invaluable is that we did not do the most basic minimum security that was required by the State Department's standards set after the bombings in Nairobi, Kenya and in Tanzania. We did not do the basics. We did not provide the level of security. There were in fact cameras that were in the box still in Benghazi because a technical person had never been sent to actually install those. So there could have been additional warning signs but they had not actually been installed and done. We know that the Tripoli facility was even at a greater risk than Benghazi. There were even more vulnerabilities in Tripoli than there were in Benghazi, both in physical security around the facility and in actual staffing, the people there, the gun toters, as you mentioned before, the door kickers and such, people that would actually be there to be able to provide that security. The minimum level was not provided. In fact, my understanding, Mr. Hicks, is that it reached such a point of vulnerability that you actually approached some of the Diplomatic Security and asked for the diplomats to be trained in how to handle a gun because there was such a fear of the people on the ground because you were so exposed; is that true?

Mr. HICKS. It's true.

Mr. LANKFORD. We have got to learn the lessons of the past. This happened in 1998. We allowed it to happen again. The State Department has to put into practice their own standards and put into place the things we know to be right. We cannot allow a place that is listed as critical and high risk to our personnel to be ignored. It did not have the support they need. If there's any one gain that we can do in any one way to be able to honor those that have fallen is that we actually do learn the lesson and we protect our diplomats with what is required.

With that, Mr. Chairman, I yield back.

Chairman ISSA. I thank the gentleman.

We now go to the gentleman from Florida, Mr. Mica. Mr. Hicks, did you have something you wanted to say?

Mr. HICKS. Yes. I would just like to make a clarification with a conversation with the ranking member. There's no inherent contradiction between denying or avoiding a private interview with

someone and making sure that he has information available. I just want to be clear on that.

Chairman ISSA. Mr. Mica.

Mr. MICA. Thank you.

Mr. Nordstrom, I don't think I have ever read so much testimony. But what you provided last night I thought was particularly informative. And on page 7 you talk about the rating level assigned for threat categories for our various posts. And there are four of them: Critical, high, medium and low. And we have 264 posts that—where we had security concerns, overseas diplomatic posts at the time of Benghazi. There were 14 posts rated as either high or critical. Not a huge number, but 14. Two of the posts were Benghazi and Tripoli.

Were you aware of that, Mr. Thompson? Mr. Nordstrom, you put it in there. So it's not like they had this incredible array of posts that were on this high alert; is that correct?

Mr. NORDSTROM. That's my understanding, a very small amount were high or critical.

Mr. MICA. And then finally—again, I have not read the classified. I read the unclassified version. Mr. Chaffetz pointed out later in the report where it looks like they tried to cook this—to put blame basically on the lower level—there's a certain plateau and then everybody below gets the blame.

Up on page 4 when I had my time before, I said, Embassy Tripoli—this is from a report—did not demonstrate strong and sustained advocacy with Washington for increased security for Special Mission Benghazi. And yet we've heard your predecessor, Mr. Hicks, pleaded for additional help. You pleaded for it. It's documented, and you didn't get it. You actually got a reduction, is that correct, as was pointed out?

Mr. HICKS. Yes. A drastic reduction.

Mr. MICA. So it wasn't like this was all over the place. Finally, for the ARB, you put in here to ignore the role of senior department leadership played before, during and after the September 11th attack sends a clear message to all State Department employees. It looks like they are whitewashing the folks at the higher pay grades and levels and you all are taking the blame; is that a fair assessment?

Mr. NORDSTROM. I think the basic message is that whether or not you are sitting out at the post requesting resources, preparing for testimony before this committee, or standing on a building surrounded by an armed mob attacking you, the message is the same: You are on your own.

Mr. MICA. Mr. Hicks?

Mr. HICKS. I share what Mr. Nordstrom had to say.

Mr. MICA. Mr. Thompson, and I still can't believe that you were never interviewed and you had one of the most strategic positions by the ARB. That is true?

Mr. THOMPSON. I will let you use "strategic," sir. It's a tool that should remain on the menu of options is probably my basic point. And it was early taken off the menu.

Mr. MICA. It's a very sad commentary.

I yield back. Thank you, Mr. Chairman.

Chairman ISSA. Would the gentleman yield?

Mr. MICA. Well, I have time.

Chairman ISSA. I think what we've heard here today clearly is that in the future, RSOs—Deputy Chief of Missions, Chief of Missions need to put everything in a cable. In the future when you know there's a security problem and you're being told your application would not be helpful, it would not be wanted or people say just be patient or they say don't put it in cable, the answer is the next ARB will probably whitewash the same as this one. On October 10th the ranking member and I and many others sat through a hearing in which it was made very clear that message after message after message, including the actual if you will open source information about the attacks that occurred on other diplomatic missions and our own, if that's not saying loudly they blew a hole in our wall, when are you going to give us the security we need, then I'm afraid the deafness at least Under Secretary Kennedy's level is not in any way curable by technology known to amplify sound.

So with that, this hearing is closed, but this investigation is not over.

[Whereupon, at 5:15 p.m., the committee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

The Washington Post

Issa's absurd claim that Clinton's 'signature' means she personally approved it

By Glenn Kessler, Published: April 25 | Updated: Friday, April 26, 6:00 AM

Mark Wilson/GETTY IMAGES

"The secretary of state was just wrong. She said she did not participate in this, and yet only a few months before the attack, she outright denied security in her signature in a cable, April 2012."

— Rep. Darrell Issa (R-Calif.), chairman of the House Oversight and Government Reform Committee, on "Fox and Friends," April 24, 2013

House Republicans issued a scathing report this week on the Obama administration's handling of the terror attack last year on a U.S. diplomatic facility in Benghazi, Libya, in which U.S. Ambassador Chris Stevens and three other Americans were killed. The report — endorsed by five committee chairmen — has some interesting information in it, particularly in raising questions about how the infamous talking points on the incident were crafted.

One of the headline items in the report was the claim that an April 19, 2012, State Department cable acknowledged a request from the embassy in Libya for additional security assets but ordered that a planned drawdown would proceed as scheduled. "The cable response to Tripoli bears Secretary Clinton's signature," the report said, referring to the message as "the April cable from Clinton."

Clinton told Congress that the security issues in Libya "did not come to my attention or above the assistant secretary level." The State Department's Accountability Review Board report on the incident backs her up, saying that failure to provide proper security was the result of decisions made at senior levels within two bureaus of the State Department.

But Fox host Brian Kilmeade all but accused Clinton of perjury when he interviewed Issa, saying the report "sharply contradicts her sworn testimony.... [It] is in direct contradiction of what she told everybody, told the country."

In response, Issa asserted that "she outright denied security in her signature in a cable."

The Fact Checker spent nine years covering the State Department, and so these claims about a "signature" seemed rather odd. Let's explore what this really means.

The Facts

Cable is a bit of an old-fashioned word, but then the State Department — the nation's first Cabinet department — is a tradition-bound organization. These days, State Department cables in effect are group e-mails, which are stored in a database and made available to people with the proper security clearances.

As part of that tradition, every cable from an embassy bears the "signature" of the ambassador — and every cable from Washington bears the "signature" of the secretary of state. The protocol is explained in the State Department's Foreign Affairs Manual:

Signature
a. The Communications Center (IRM/OPS/MSO/MSMC) will place the name of the Secretary on all telegrams to posts.
b. Domestic telegrams originated within the Washington metropolitan area and transmitted through the 5th Floor Communications Center will bear the signature name of the Secretary at the end of the telegram. If a "signed by" line is used, it must appear as part of the text before the "End of Message" symbol.

Note that not even the drafter of a cable gets to put the secretary's "signature" on the cable; it is done by the worker bees in the communications center. Moreover, every single cable from Washington gets the secretary's name at the bottom, even if the secretary happens to be on the other side of the world at the time.

Because of this protocol, "Secretary Clinton 'signed' hundreds of thousands of cables during her tenure as secretary," said State Department spokesman Patrick H. Ventrell. "As then-Secretary Clinton testified, the security cables related to Benghazi did not come to her attention. These cables were reviewed at the assistant secretary level."

This antiquated system means that a slew of routine messages in theory bear the imprimatur of the secretary. Using the WikiLeaks archive of State Department cables, we turned up the following cables that were sent to the embassy in Tripoli with the "signature"of either Condoleezza Rice or Clinton during the first two months in 2009.

Announcing the ratification of the U.S.-IAEA Additional Protocol, Jan. 3, 2009.

This detailed the talking points for diplomatic missions regarding the Bush administration's signing of a nuclear agreement. Signed RICE.

Travel Alert for Israel, West Bank and Gaza, Jan. 6, 2009

This was a routine travel alert issued during the Israeli operation in Gaza in 2009. Signed RICE.

Shortage of Hotel Rooms in Monrovia, Jan. 15, 2009

"Embassy Monrovia advises travelers that due to numerous events scheduled by the Government of Liberia, hotel rooms during March 1-10, 2009 will be extremely limited and only Mission essential country clearance requests will be approved." Signed RICE.

Executive Orders on Closing Guantanano, Jan. 24, 2009

This provided an explanation of the executive orders signed by President Obama ordering the (never-happened) closure of Guantanamo detention center. Signed CLINTON.

Talking Points on Chad-Sudan Relations for Embassy Tripoli, Feb. 3, 2009

"Department requests that Embassy Khartoum and Embassy N'Djamena urge the Governments of Chad and Sudan to cease support of opposing rebel groups and continue to work toward normalized relations." Signed CLINTON.

Managing the E-Mail System, Feb, 9, 2009

This cable provided tips on using the e-mail system, including:

— "Do not send electronic greetings (e-cards); multimedia files that are not business related; chain letters; letters or messages that offer a product or service based on the structure of a chain letter, including jokes, recipes, or other non-business related information; or conduct any other activity that causes congestion or disruption of an intranet or the Internet are prohibited."

— "Do not use 'Reply to All' unless the response is indeed applicable to all addressees."

— "AVOID USING ALL CAPITAL LETTERS - IT IS PERCEIVED AS SHOUTING!!! It can be seen as offensive to the receiver."

— "Unless confirmation of receipt is requested, avoid sending gratuitous 'Thanks' replies."

Signed CLINTON.

Brazzaville –New Key Office Telephone Numbers, Feb. 17, 2009

This short cable provided new phone numbers of key offices of the U.S. Embassy in Brazzaville. Signed CLINTON.

You get the picture.

We also checked with former senior State Department officials, who agreed it would have been highly unlikely for Clinton to have even viewed the cable in question, or even known it had been issued.

"A very small fraction would be seen by the secretary of state," said R. Nicholas Burns, a career diplomat who was undersecretary of state for political affairs under Rice.

Burns said he would only show a cable to Rice if it had very sensitive instructions for an ambassador and he wanted to be sure she agreed with his draft language. But generally he said the secretary is much too busy and would never see the cables. He added that sometimes even assistant secretaries would not view cables that are sent out under the secretary's "signature."

Burns noted that the confusion over "signature" is a common misunderstanding about State Department cables. He frequently has to correct historians from overseas who mistakenly believe the secretary's name at the bottom of the cable has much meaning.

"I can say that from being there with one secretary and reviewing the work of many other secretaries in my academic research, there are many, many cables the secretary never sees," said Larry Wilkerson, who was chief of staff to Colin L. Powell. "From time to time, the deputy may 'chop' [approve], the undersecretary may 'chop', or the assistant secretary or office director may 'chop' — and the cable goes."

Wilkerson added that there is a way to learn who saw a cable before it was issued.

"Were I in my old job, I could tell immediately by going to the administrative section on the 7th floor [where the secretary's office is] and asking to see the coordination and approval sheet," he said. "That reflects all who saw it, complete with their initials, indicating they saw it. It also includes who approved it. If it did not get to the secretary, that sheet should be in the originator's bureau/office. In short, there is a very specific record who saw and 'chopped' on any cable, whether it got to the 7th floor or not."

Frederick R. Hill, spokesman for the House Oversight and Government Reform Committee, defended Issa's claim that Clinton "outright denied security" because her "signature" was on the cable, in part because he says State has been uncooperative in explaining the circumstances of the cable. He noted that House Republicans have called on Obama to make the cable public:

This cable shows that resource denial decisions did not just occur informally — in phone conversations and e-mails amongst less senior officials — but were actually run up the chain of command and made through supervised Department processes sanctioned under the Secretary's authority.
Some of the names of those who participated in the process of clearing and approving the cable viewed by congressional investigators were inexplicably redacted by the State Department from the document. On multiple occasions, Congressional investigators objected to these type of redactions and requested unredacted documents, including this cable. State Department has still not complied with these requests.

The Pinocchio Test

In his interview, Issa presented this as a "gotcha" moment, but it relies on an absurd understanding of the word "signature." We concede that there might be some lingering questions — such as whether anyone in Clinton's office saw this cable before it was issued — but that does not excuse using language that comes close to suggesting Clinton lied under oath.

Issa would be on much stronger ground if he didn't claim that Clinton signed it, but that it was fishy and he was seeking more information on who had crafted and approved the cable. The House GOP report also veers close to the edge with its phrasing about Clinton's "signature."

In some ways, one could argue this is worth Three Pinocchios because, after all, it is technically correct to refer to a "signature." But that ignores the fact that the State Department is a vast organization and even office directors can send out a cable that ends up with the secretary's "signature."

At this point, Issa has no basis or evidence to show that Clinton had anything to do with this cable — any more than she personally approved a cable on proper e-mail etiquette. The odds are extremely long that Clinton ever saw or approved this memo, giving us confidence that his inflammatory and reckless language qualifies as a "whopper."

Four Pinocchios

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-----Original Message-----
From: [redacted]
Sent: Wednesday, May 08, 2013 11:24 AM
To: [redacted]
Subject: FW: DOD Benghazi Press Release

All, please see DOD press release that will occur shortly.

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The Department of Defense has cooperated fully with the Congress and the State Department Accountability Review Board to provide a full accounting of its actions before, during, and after the attacks in Benghazi on September 11, 2012. The fact remains, as we have repeatedly indicated, that U.S. military forces could not have arrived in time to mount a rescue of those Americans who were killed and injured that night. Based on an extensive review of information related to these latest claims, this is our best understanding of events at this time.

1. Of the six military personnel at Tripoli, why did only two travel to Benghazi on the contract airlift?

A: The initial two personnel were from a command co-located at the Tripoli Embassy Annex where the initial Quick Response Force was coordinated. The two personnel moved from the Annex in Tripoli with the QRF support personnel to Benghazi. The four personnel from a different team remaining behind in Tripoli assisted in the movement of all US personnel from various US Embassy facilities to the Tripoli Annex. While this effort was on going, a Libyan C-130 was being coordinated to evacuate Americans from Benghazi.

2. Did the remaining four special operations personnel in Tripoli attempt to travel to Benghazi? Were they told not to?

A: The team leader called Special Operations Command Africa (SOCAF) to update them that the movement of US personnel to the Tripoli Annex was complete. He then reported his intention to move his team to Benghazi aboard the Libyan C-130. As the mission in Benghazi at that point had shifted to evacuation, the SOCAF Operations Center directed him to continue providing support to the Embassy in Tripoli. We continue to believe that there was nothing this group could have done had they arrived in Benghazi, and they performed superbly in Tripoli. In fact, when the first aircraft arrived back in Tripoli, these four played a key role in receiving, treating and moving the wounded.

[redacted]

[redacted]

Work [redacted]
Cell [redacted]

The New York Times

September 12, 2012

Libya Attack Brings Challenges for U.S.

By DAVID D. KIRKPATRICK and STEVEN LEE MYERS

CAIRO — Islamist militants armed with antiaircraft weapons and rocket-propelled grenades stormed a lightly defended United States diplomatic mission in Benghazi, Libya, late Tuesday, killing the American ambassador and three members of his staff and raising questions about the radicalization of countries swept up in the Arab Spring.

The ambassador, J. Christopher Stevens, was missing almost immediately after the start of an intense, four-hour firefight for control of the mission, and his body was not located until Wednesday morning at dawn, when he was found dead at a Benghazi hospital, American and Libyan officials said. It was the first time since 1979 that an American ambassador had died in a violent assault.

American and European officials said that while many details about the attack remained unclear, the assailants seemed organized, well trained and heavily armed, and they appeared to have at least some level of advance planning. But the officials cautioned that it was too soon to tell whether the attack was related to the anniversary of the Sept. 11 attacks.

Fighters involved in the assault, which was spearheaded by an Islamist brigade formed during last year's uprising against Col. Muammar el-Qaddafi, said in interviews during the battle that they were moved to attack the mission by anger over a 14-minute, American-made video that depicted the Prophet Muhammad, Islam's founder, as a villainous, homosexual and child-molesting buffoon. Their attack followed by just a few hours the storming of the compound surrounding the United States Embassy in Cairo by an unarmed mob protesting the same video. On Wednesday, new crowds of protesters gathered outside the United States Embassies in Tunis and Cairo.

The wave of unrest set off by the video, posted online in the United States two months ago and dubbed into Arabic for the first time eight days ago, has further underscored the instability of the countries that cast off their longtime dictators in the Arab Spring revolts. It also cast doubt on the adequacy of security preparations at American diplomatic outposts in the volatile region.

Benghazi, awash in guns, has recently witnessed a string of assassinations as well as attacks on international missions, including a bomb said to be planted by another Islamist group that exploded near the United States mission there as recently as June. But a Libyan politician who had breakfast with Mr. Stevens at the mission the morning before he was killed described security, mainly four video cameras and as few as four Libyan guards, as sorely inadequate for an American ambassador in such a tumultuous environment. "This country is still in transition, and everybody knows the extremists are out there," said Fathi Baja, the Libyan politician.

Obama Vows Justice

President Obama condemned the killings, promised to bring the assailants to justice and ordered tighter security at all American diplomatic installations. The administration also sent 50 Marines to the Libyan capital, Tripoli, to help with security at the American Embassy there, ordered all nonemergency personnel

to leave Libya and warned Americans not to travel there. A senior defense official said that the Pentagon sent two warships toward the Libyan coast as a precaution.

"These four Americans stood up for freedom and human dignity," Mr. Obama said in a televised statement from the White House Rose Garden with Secretary of State Hillary Rodham Clinton. "Make no mistake, we will work with the Libyan government to bring to justice the killers who attacked our people."

In Tripoli, Libyan leaders also vowed to track down the attackers and stressed their unity with Washington.

Yussef Magariaf, president of the newly elected Libyan National Congress, offered "an apology to the United States and the Arab people, if not the whole world, for what happened." He pledged new measures to ensure the security of foreign diplomats and companies. "We together with the United States government are on the same side, standing in a united front in the face of these murderous outlaws."

Obama administration officials and regional officials scrambled to sort out conflicting reports about the attack and the motivation of the attackers. A senior Obama administration officials told reporters during a conference call that "it was clearly a complex attack," but offered no details.

Col. Wolfgang Pusztai, who until early August was Austria's defense attaché to Libya and visited the country every month, said in an e-mail that he believed the attack was "deliberately planned and executed" by about a core group of 30 to 40 assailants who were "well trained and organized." But he said the reports from some terrorism experts that the attack may be linked to the recent death in drone strikes of senior Qaeda leaders, including Abu Yahya al-Libi, were unsupported.

A translated version of the video that set off the uprising arrived first in Egypt before reaching the rest of the Islamic world. Its author, whose identity is now a mystery, devoted the video's prologue to caricatured depictions of Egyptian Muslims abusing Egyptian Coptic Christians while Egyptian police officers stood by. It was publicized last week by an American Coptic Christian activist, Morris Sadek, well known here for his scathing attacks on Islam.

Mr. Sadek promoted the video in tandem with a declaration by Terry Jones — a Florida pastor best known for burning the Koran and promoting what he called "International Judge Muhammad Day" on Sept. 11.

The video began attracting attention in the Egyptian news media, including the broadcast of offensive scenes on Egyptian television last week. At that point, American diplomats in Cairo informed the State Department of the festering outrage in the days before the Sept. 11 anniversary, said a person briefed on their concerns. But officials in Washington declined to address or disavow the video, this person said.

By late afternoon Tuesday, hundreds had gathered in mostly peaceful protest outside the United States Embassy here, overseen by a large contingent of Egyptian security forces. But around 6 p.m., after the end of the workday and television news coverage of the event, the crowd began to swell, including a group of rowdy young soccer fans.

Gaining Entrance

Then, around 6:30 p.m., a small group of protesters — one official briefed on the events put it around 20 — brought a ladder to the wall of the compound and quickly scaled it, gaining entrance to the ground. Embassy officials asked the Egyptian government to remove the infiltrators without using weapons or

force, to avoid inflaming the situation, this official said. (An embassy official said that contrary to reports on Tuesday, no one fired weapons in the air.) But it took the Egyptian security officers five hours to remove the intruders, leaving them ample time to run around the grounds, deface American flags, and hoist the black flag favored by Islamic ultraconservatives and labeled with Islam's most basic expression of faith, "There is no god but God, and Muhammad is his prophet."

It is unclear if television images of Islamist protesters may have inspired the attack in Benghazi, which had been a hotbed of opposition to Colonel Qaddafi and remains unruly since the Libyan uprising resulted in his death. But Tuesday night, a group of armed assailants mixed with unarmed demonstrators gathered at the small compound that housed a temporary American diplomatic mission there.

The ambassador, Mr. Stevens, was visiting the city Tuesday from the United States Embassy compound in Tripoli to attend the planned opening of an American cultural center, and was staying at the mission. It is not clear if the assailants knew that the ambassador was at the mission.

Interviewed at the scene on Tuesday night, many attackers and those who backed them said they were determined to defend their faith from the video's insults. Some recalled an earlier episode when protesters in Benghazi had burned down the Italian consulate after an Italian minister had worn a T-shirt emblazoned with cartoons mocking the Prophet Muhammad. Ten people were reportedly killed in clashes with Colonel Qaddafi's police force.

That assault was led by a brigade of Islamist fighters known as Ansar al-Sharia, or the Supporters of Islamic Law. Brigade members emphasized at the time that they were not acting alone. On Wednesday, perhaps apprehensive over Mr. Stevens's death, the brigade said in a statement that its supporters "were not officially involved or were not ordered to be involved" in the attack.

At the same time, the brigade praised those who protested as "the best of the best" of the Libyan people and supported their response to the video "in the strongest possible terms."

Conflicting Accounts

There were conflicting accounts of how Mr. Stevens had died. One witness to the mayhem around the compound on Tuesday said militants chased him to a safe house and lobbed grenades at the location, where he was later found unconscious, apparently from smoke inhalation, and could not be revived by rescuers who took him to a hospital.

An unidentified Libyan official in Benghazi told Reuters that Mr. Stevens and three staff members were killed in Benghazi "when gunmen fired rockets at them." The Libyan official said the ambassador was being driven from the mission building to a safer location when gunmen opened fire, Reuters said.

Five American ambassadors had been killed by terrorists before Tuesday's attack, according to the State Department. The most recent was Adolph Dubs, killed after being kidnapped in Afghanistan in 1979. The others were John Gordon Mein, in Guatemala in 1968; Cleo A. Noel Jr., in Sudan in 1973; Rodger P. Davies, in Cyprus in 1974; and Francis E. Meloy Jr., in Lebanon in 1976.

Witnesses and State Department officials said that the attack began almost immediately after the protesters and the brigade arrived around 10 p.m. Witnesses said the brigade started the attack by firing a rocket-propelled grenade at the gate of the mission's main building. American officials said that by 10:15 the attackers had gained entrance to the main building.

A second wave of assailants arrived soon after and swarmed into the compound, witnesses said.

"They expected that there would be more American commandos in there. They went in with guns blazing, with R.P.G.'s," said Mohamed Ali, a relative of the landlord who rents the building to the American mission and who watched the battle.

Libya's deputy interior minister, Wanis al-Sharif, made somewhat contradictory and defensive-sounding statements about the attack.

He acknowledged that he had ordered the withdrawal of security forces from the scene in the early stages of the protest on Wednesday night. He said his initial instinct was to avoid inflaming the situation by risking a confrontation with people angry about the video.

He also said he had underestimated the aggression of the protesters. But he criticized the small number of guards inside the mission for shooting back in self-defense, saying their response probably further provoked the attackers.

The small number of Libyans guarding the facility, estimated at only six, did not hold out long against the attackers, who had substantial firepower, the interior minister and State Department officials said. Defending the facility would have been a "suicide mission," Mr. Sharif said.

Mr. Sharif also faulted the Americans at the mission for failing to heed what he said was the Libyan government's advice to pull its personnel or beef up its security, especially in light of the recent violence in the city and the likelihood that the video would provoke protests. "What is weird is that they refrained from this procedure, depending instead on the simple protection that they had," he said. "What happened later is beyond our control, and they are responsible for part of what happened."

When the attack began, only Mr. Stevens, an aide named Sean Smith and a State Department security officer were inside the main building. As the building filled with smoke, security officers recovered Mr. Smith's body but were driven out again by the firefight, senior administration officials said. Mr. Stevens, however, could not be found and was lost for the rest of the night.

It took another hour — until 11:20 — before American and Libyan forces recaptured the main building and evacuated the entire staff to an annex nearly a mile away. The militants followed and the fighting continued there until 2:30 a.m. Wednesday, when Libyan security reinforcements arrived and managed to gain control of both compounds.

A freelance photographer took pictures of Libyans apparently carrying Mr. Stevens's ash-covered body out of the scene that were distributed worldwide by Agence France-Presse. A doctor who treated him at the Benghazi hospital told The Associated Press that Libyans had brought him in but were unaware of his identity. The doctor said that he tried for 90 minutes to revive Mr. Stevens but that he died of asphyxiation, The A.P. reported.

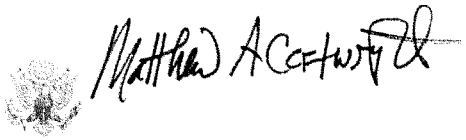
A senior administration official said it was not clear how or when Mr. Stevens was taken to the hospital — or by whom. "We frankly don't know how he got from where Americans last saw him," the official said.

On Wednesday night, residents of both Tripoli and Benghazi staged demonstrations to condemn the attack and express their sorrow at the loss of Mr. Stevens. Stationed in Benghazi during the uprising against Colonel Qaddafi, Mr. Stevens, who was fluent in Arabic and French, had become a local hero for his support to the Libyan rebels during their time of greatest need. Benghazi residents circulated photographs online of Mr. Stevens frequenting local restaurants, relishing local dishes, and strolling city streets, apparently without a security detail.

On Wednesday, some friends of Mr. Stevens suggested that his faith in his bond with the people of Benghazi may have blinded him to the dangers there. "Everybody liked him," said Mr. Baja, who ate breakfast with Mr. Stevens on Tuesday. "He is a good man, a friendly man, he knows lots of the sheiks in town and a lot of the intellectuals have spent some good times with him."

"The people in Benghazi, I think, are very sad right now."

David D. Kirkpatrick reported from Cairo, and Steven Lee Myers from Washington. Reporting was contributed by Osama Alfitory and Suliman Ali Zway from Benghazi, Libya; Mai Ayyad from Cairo; Eric Schmitt and Scott Shane from Washington; and Alan Cowell from London.



Congress of the United States
House of Representatives
Washington, DC 20515-0906

Matt Cartwright
House Oversight and Government Reform Committee
Hearing on: "Benghazi: Exposing Failure and Recognizing Courage"
Wednesday, 8 May, 2013 – 11.30 AM

Statement for the Record

Chairman Issa and Ranking Member Cummings:

Thank you for allowing me the opportunity to enter this statement. As we say on our committee's website, we are charged with two primary tasks: First, Americans have a right to know that the money Washington takes from them is well spent. And second, Americans deserve an efficient, effective government that works for them. Our duty on the Oversight and Government Reform Committee is to protect these rights.

To get to the heart of these truths, this committee relies on information that might be of a sensitive nature. We rely on whistleblowers; people who are willing to stand up to powerful people, or even the government itself, to do what is right for the citizens of this country. People who have the courage to do this should be celebrated. If any of the witnesses here came forward despite facing adversity, even if it was strictly personal, they are to be commended as an example for others.

However, this committee has failed to live up to the values and goals that we have laid forth in our actions leading up to this hearing investigating the attacks on our embassy. There are a number of ways that this committee could have sought to find a more complete picture of the truth. The majority could have encouraged all of the witnesses here today to be interviewed by the minority. That did not happen. They could have provided copies of the testimony that the witnesses would offer, yet they did not. They could have shared all the pertinent documents, and they did not.

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There is no need to speculate as to why these basic actions were not taken. What we should do instead is work together to ensure that Americans are being best served by their government, and we should work together when we approach the critical oversight role that this committee provides. Truth is the daughter of time. Sharing information and working together will only hasten the process of finding the truth. It will increase the confidence the American people have in the outcome of out investigations if we can demonstrate bipartisanship in the process. Instead the political bickering the process we have thus far seen will only polarize the country and lead to more questions than answers.

The mission of this committee is to hold accountable those responsible for shortcomings in our government. As we search for the truth on this matter, it's important to recognize this: it would be disingenuous for the position of this committee to be that no person has been held accountable for the actions of the terrible night in Benghazi. As we have seen, a number of State Department officials have been held accountable, are on forced leave, and might lose their employment. These actions are the direct result of the Accountability Review Board findings that will be criticized in this hearing.

Since we will find no new person accountable today, and since we will not make an honest attempt at finding the truth; let me state that it would be incredibly disheartening if the only reason that this hearing is being held is to level a partisan attack and try to grab headlines. The fact that four Americans died in this tragedy should preclude this line of action.

I hope that, in the future, we can work together to serve the best interests of the American people.

Thank you Mr. Chairman.

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